

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

**MINUTES**

Wednesday, March 13, 2019  
1:30 p.m.

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

**MEMBERS PRESENT:**

Michael Urbanski  
Kathy Schuth  
Jack Young  
Brendan Crumlish

**MEMBERS ABSENT:**

Sidney Shafer  
Robert Hawley  
John Leszczynski

**ALSO PRESENT:**

Lawrence P. Magliozzi  
Angela Smith  
Jordan Wyatt  
Jennifer Parcell  
Brandie Ecker, Counsel

**PUBLIC HEARINGS:**

- 1 The petition of GREATER LOWELL HOLDINGS LLC seeking the following variance(s): 1) from the 22' minimum front façade height to 7'6", property located at 504 E LASALLE AVE, Portage Township. Zoned CBD Central Business District (South Bend), AS TABLED** *(Audio Position: 3:16)*

The petitioner has requested this be tabled until the April 10, 2019 meeting of the Area Board of Zoning Appeals.

- 2 The petition of STEVEN SCHUMANN seeking the following variance(s): 1) from the maximum allowed 1,055 sq. ft. for accessory structures to 1,512 sq. ft., property located at 20315 JEWELL AVE, Centre Township. Zoned R: Single Family District (County).** *(Audio Position: 5:33)*

The staff recommends denial of this variance. The Area Plan Commission is currently in the process of revising the accessory structure regulations. This structure would not meet the new regulations, which were created to be more flexible and based on variances granted by the Area Board of Zoning Appeals. This property is also located in the Voluntary Floodplain Home Buyout Program Area. Even though this is not a designated floodplain, this area has seen excessive flooding in recent years and we would discourage further investment in this area. If the variance is granted, we would suggest requiring the structure be built to the standards of locating a structure in a floodplain.

**PETITIONER**

STEVE SCHUMANN residing at 20315 Jewell Avenue 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:

A motion was made by Mike Urbanski, being seconded by Jack Young to deny the following variances 1) from the maximum allowed 1,055 sq. ft. for accessory structures to 1,512 sq. ft. failed due to a lack of votes.

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

Upon a motion by Kathy Schuth, being seconded by Michael Urbanski and unanimously carried, a petition by STEVEN SCHUMANN seeking the following variances: 1) from the maximum allowed 1,055 sq. ft. for accessory structures to 1,512 sq. ft. was tabled to the April 10, 2019 meeting of the Area Board of Zoning Appeals.

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

- 3 The petition of KLINE CUSTOM HOMES INC seeking the following variance(s): 1) from the 40' minimum rear yard setback to 30' 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: 20:53)

PETITIONER

MIKE HUBER of Abonmarche Consultants with offices located at 750 Lincolnway East, South Bend presented the petition on behalf of the petitioner.

IN FAVOR

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

REMONSTRANCE

There was no one person that spoke in remonstrance to this petition. They were:

ERIC MARKLE of 16085 Branchwood Drive, South Bend.

REBUTTAL

MIKE HUBER of Abonmarche Consultants with offices located at 750 Lincolnway East, South Bend and LARRY KLINE of Kline Custom Homes with offices located at 12200 State Road 23 presented the rebuttal.

After careful consideration, the following action was taken:

Upon a motion by Kathy Schuth, being seconded by Michael Urbanski and unanimously carried, a petition by KLINE CUSTOM HOMES INC seeking the following variances: 1) from the 40' minimum rear yard setback to 34' for Lots 3-5 was approved as presented; and 2) from the 40' minimum rear yard setback to 30' for Lots 2, 6-19 was denied, and will issue written Findings of Fact.

Brendan Crumlish - Yes  
Robert Hawley - Absent  
John Leszczynski - Absent  
Sidney Shafer - Absent

Kathy Schuth - Yes  
Michael Urbanski - Yes  
Jack Young - Yes

- 4 The petition of MARY F. RODTS seeking the following variance(s): 1) from the 9.08' minimum side yard setback to 6' along the west side line and 2) from the 25' minimum rear yard setback to 15', property located at 558 E ANGELA BLVD, Portage Township. Zoned SF1 Single Family & Two Family District (South Bend).**  
*(Audio Position: 41:22)*

PETITIONER

TERRY LANG of Lang, Feeney & Associates with offices located at 715 S. Michigan Street, South Bend. DENNIS MURPHY of Concept Creations with offices located at 510 West Jefferson, Mishawaka also presented the petition on behalf of the petitioner.

IN FAVOR

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

REMONSTRANCE

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

After careful consideration, the following action was taken:

Upon a motion by Kathy Schuth, being seconded by Jack Young and unanimously carried, a petition by MARY F. RODTS seeking the following variances: 1) from the 9.08' minimum side yard setback to 6' along the west and 2) from the 25' minimum rear yard setback to 15' was approved as presented, and will issue written Findings of Facts.

Brendan Crumlish - Yes  
Robert Hawley - Absent  
John Leszczynski - Absent  
Sidney Shafer - Absent

Kathy Schuth - Yes  
Michael Urbanski - Yes  
Jack Young - Yes

- 5 The petition of JUANITA E WEST seeking the following variance(s): 1) from the 20 acre minimum lot area to 7.21 acres and 2) from the 600' minimum lot frontage to 444 ', property located at 22100 MADISON RD, Greene Township. Zoned A: Agricultural District (County). (Audio Position: 47:54)**

The staff recommends denial of the variance. The A: Agricultural District was created to preserve farmland in the County. When splitting an existing homestead, the staff recommends the lot be designed to only encompass non-tilled areas in order to preserve as much viable farmland as possible.

PETITIONER

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

IN FAVOR

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

REMONSTRANCE

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

After careful consideration, the following action was taken:

Upon a motion by Michael Urbanski, being seconded by Kathy Schuth and unanimously carried, a petition by JUANITA E WEST seeking the following variances: 1) from the 20 acre minimum lot area to 7.21 acres and 2) from the 600' minimum lot frontage to 444' was approved as presented, and will issue written Findings of Facts.

Brendan Crumlish - Yes  
Robert Hawley - Absent  
John Leszczynski - Absent  
Sidney Shafer – Absent

Kathy Schuth - Yes  
Michael Urbanski - Yes  
Jack Young - Yes

- 6 The petition of LEROY J HAHN & GLADYS M HAHN TRUST & PAUL D HAHN AS TRUSTEE seeking the following variance(s): 1) from the 20 acres minimum lot area to 3.30 acres for Lot 1 and 12.20 acres for Outlot B and 2) from the 600' minimum lot frontage to 370' of frontage for Lot 1 and 57.13' of frontage for Outlot B, property located at 25813 LAY TRL, Greene Township. Zoned A: Argicultural District (County). (Audio Position: 48:27)**

PETITIONER

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

IN FAVOR

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

REMONSTRANCE

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

After careful consideration, the following action was taken:

Upon a motion by Jack Young, being seconded by Kathy Schuth and unanimously carried, a petition by LEROY J HAHN & GLADYS M HAHN TRUST & PAUL D HAHN AS TRUSTEE seeking the following variances: 1) from the 20 acres minimum lot area to 3.30 acres for Lot 1 and 12.20 acres for Outlot B and 2) from the 600' minimum lot frontage to 370' of frontage for Lot 1 and 57.13' of frontage for Outlot B was approved as presented, and will issue written Findings of Fact.

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

**7 The petition of ELIZABETH HOGAN seeking the following variance(s): 1) from the 25' mininum front yard setback to 15' and 2) from the 20' minimum rear yard setback to 18', property located at 723 N ST PETER ST, Portage Township. Zoned SF2 Single Family & Two Family District (South Bend).**

*(Audio Position: 1:03:54)*

PETITIONER

ADAM DEVON of Devon Custom Homes with offices located at 17871 State Road 23, South Bend, presented the petition on behalf of the petitioner.

IN FAVOR

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

REMONSTRANCE

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

After careful consideration, the following action was taken:

Upon a motion by Jack Young, being seconded by Kathy Schuth and unanimously carried, a petition by ELIZABETH HOGAN seeking the following variances: 1) from the 25' minimum front yard setback to 15' and 2) from the 20' minimum rear yard setback to 18' was approved as presented, and will issue written Findings of Fact.

Brendan Crumlish - Yes  
Robert Hawley - Absent  
John Leszczynski - Absent  
Sidney Shafer - Absent

Kathy Schuth - Yes  
Michael Urbanski - Yes  
Jack Young - Yes

- 8 The petition of ALEXANDER J ADAMSON seeking the following variance(s): 1) from the 25' minimum front setback to 18', property located at 1004 E ST VINCENT ST, Portage Township. Zoned SF2 Single Family & Two Family District (South Bend).** *(Audio Position: 1:07:39)*

PETITIONER

ABBY STOJKE of Peacock and Company with offices located at 1147 Mishawaka Avenue, South Bend, presented the petition on behalf of the petitioner.

IN FAVOR

There was one person that asked questions regarding this petition. They were:

RICH KETTLER who resides at 1015 N. Francis Street, South Bend.

REMONSTRANCE

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

REBUTTAL

ABBY STOJKE presented the rebuttal.

After careful consideration, the following action was taken:

Upon a motion by Kathy Schuth, being seconded by Michael Urbanski and unanimously carried, a petition by ALEXANDER J ADAMSON seeking the following variances: 1) from the 25' minimum front setback to 18' was tabled to the April 10, 2019 meeting of the Area Board of Zoning Appeals.

Brendan Crumlish - Yes  
Robert Hawley - Absent  
John Leszczynski - Absent  
Sidney Shafer - Absent

Kathy Schuth - Yes  
Michael Urbanski - Yes  
Jack Young - Yes

**AREA BOARD OF ZONING APPEALS**  
**of**  
**St. Joseph County, Indiana**

**AGENDA**

Wednesday, March 13, 2019  
Fourth-Floor Council Chambers

1:30 p.m.  
County-City Building

- 1 The petition of GREATER LOWELL HOLDINGS LLC seeking the following variance(s): 1) from the 22' minimum front façade height to 7'6", property located at 504 E LASALLE AVE, Portage Township. Zoned CBD Central Business District (South Bend).
- 2 The petition of STEVEN SCHUMANN seeking the following variance(s): 1) from the maximum allowed 1,055 sq. ft. for accessory structures to 1,512 sq. ft., property located at 20315 JEWELL AVE, Centre Township. Zoned R: Single Family District (County).
- 3 The petition of KLINE CUSTOM HOMES INC seeking the following variance(s): 1) from the 40' minimum rear yard setback to 30' for Lots 2-19, property located at COBBLESTONE SQUARE SUBDIVISION (GUMWOOD BETWEEN CLEVELAND AND BRICK, Clay Township. Zoned R: Single Family District (County).
- 4 The petition of MARY F. RODTS seeking the following variance(s): 1) from the 9.08' minimum side yard setback to 6' along the west side line and 2) from the 25' minimum rear yard setback to 15', property located at 558 E ANGELA BLVD, Portage Township. Zoned SF1 Single Family & Two Family District (South Bend).
- 5 The petition of JUANITA E WEST seeking the following variance(s): 1) from the 20 acre minimum lot area to 7.21 acres and 2) from the 600' minimum lot frontage to 444', property located at 22100 MADISON RD, Greene Township. Zoned A: Agricultural District (County).
- 6 The petition of LEROY J HAHN & GLADYS M HAHN TRUST & PAUL D HAHN AS TRUSTEE seeking the following variance(s): 1) from the 20 acres minimum lot area to 3.30 acres for Lot 1 and 12.20 acres for Outlot B and 2) from the 600' minimum lot frontage to 370' of frontage for Lot 1 and 57.13' of frontage for Outlot B, property located at 25813 LAY TRL, Greene Township. Zoned A: Agricultural District (County).
- 7 The petition of ELIZABETH HOGAN seeking the following variance(s): 1) from the 25' minimum front yard setback to 15' and 2) from the 20' minimum rear yard setback to 18', property located at 723 N ST PETER ST, Portage Township. Zoned SF2 Single Family & Two Family District (South Bend).
- 8 The petition of ALEXANDER J ADAMSON seeking the following variance(s): 1) from the 25' minimum front setback to 18', property located at 1004 E ST VINCENT ST, Portage Township. Zoned SF2 Single Family & Two Family District (South Bend).

**9 The petition of GARRON WARE seeking the following variance(s): 1) from the 6' minimum side yard setback to 0' for parking and 2) from the minimum 15' distance for parking from any building to 0', property located at 833 E SOUTH BEND AVE, Portage Township. Zoned MF1 Urban Corridor Multifamily District.**

*(Audio Position: 1:15:49)*

PETITIONER

SAM LIMA of Kil Architecture and Planning with offices located at 1126 Lincolnway Way East presented the petition on behalf of the petitioner.

IN FAVOR

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

REMONSTRANCE

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

After careful consideration, the following action was taken:

Upon a motion by Kathy Schuth, being seconded by Jack Young and unanimously carried, a petition by GARRON WARE seeking the following variances: 1) from the 6' minimum side yard setback to 0' for parking and 2) from the minimum 15' distance for parking from any building to 0', was tabled to the April 10, 2019 meeting of the Area Board of Zoning Appeals.

Brendan Crumlish - Yes

Kathy Schuth - Yes

Robert Hawley - Absent

Michael Urbanski - Yes

John Leszczynski - Absent

Jack Young - Yes

Sidney Shafer - Absent

**10 The petition of SOUTH BEND REDEVELOPMENT AUTHORITY seeking the following variance(s): 1) from the maximum allowed 40% of sign area for a changeable copy sign to 70%, property located at 120 S DR MARTIN LUTHER KING JR BLVD, Portage Township. Zoned CBD Central Business District (South Bend).**

*(Audio Position: 1:28:38)*

PETITIONER

CHRIS CHOCKLEY of Jones, Petrie and Rafinski with offices located at 325 S. LaFayette Boulevard, South Bend presented the petition on behalf of the petitioner.

STAFF COMMENTS: The staff recommends denial of the variance. Permitting an electronic message center of this size in close proximity to a roadway could cause unsafe use of the roadway. The primary intent of building identification signs is to act as identifiers for the



- 9 The petition of GARRON WARE seeking the following variance(s): 1) from the 6' minimum side yard setback to 0' for parking and 2) from the minimum 15' distance for parking from any building to 0', property located at 833 E SOUTH BEND AVE, Portage Township. Zoned MF1 Urban Corridor Multifamily District (South Bend).
  
- 10 The petition of SOUTH BEND REDEVELOPMENT AUTHORITY seeking the following variance(s): 1) from the maximum allowed 40% of sign area for a changeable copy sign to 70%, property located at 120 S DR MARTIN LUTHER KING JR BLVD, Portage Township. Zoned CBD Central Business District (South Bend).

#### ITEMS NOT REQUIRING A PUBLIC HEARING

1. Findings of Fact
2. Minutes
3. Other Business
4. Adjournment

business on the property, not to be used for advertising purposes, thus the requirement that limits the changeable copy portion of the sign to 40% of the total sign area.

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

CHRIS COCKLEY presented the 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 SOUTH BEND REDEVELOPMENT AUTHORITY seeking the following variances: 1) from the maximum allowed 40% of sign area for a changeable copy sign to 70% was approved as presented, and will issue written Findings of Fact.

Brendan Crumlish – Yes  
Robert Hawley - Absent  
John Leszczynski - Absent  
Sidney Shafer – Absent

Kathy Schuth - Yes  
Michael Urbanski - Yes  
Jack Young – Yes

ITEMS NOT REQUIRING A PUBLIC HEARING

1. Findings of Fact – None to approve at this time.
2. Minutes – None to approve at this time.
3. Other Business
4. Adjournment: 3:20 p.m.

*(Audio Position: 1:42:08)*

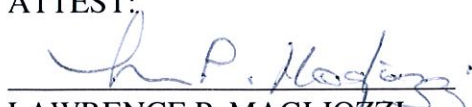
*(Audio Position: 1:51:00)*

RESPECTFULLY SUBMITTED,



BRENDAN CRUMLISH  
CHAIRMAN OF THE BOARD

ATTEST:



LAWRENCE P. MAGLIOZZI,  
SECRETARY OF THE BOARD