

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

Wednesday, July 11, 2018  
Fourth-Floor Council Chambers

1:30 p.m.  
County-City Building

**AGENDA**

- 1 The petition of AARON M AND CAROLINA WARKENTIN seeking the following variance(s): 1) from the maximum allowed 2,584 sq. ft. for an accessory structure to 4,116 sq. ft. and 2) from the maximum allowed height of 19' for an accessory structure to 25.5', property located at 23335 ADAMS RD, German Township. Zoned R: Single Family District (County).
- 2 The petition of JOSEPH T. IAMS seeking the following variance(s): 1) from the 10' rear setback to 1.5' for the dumpster enclosure; 2) from the 30' front residential bufferyard to 16' for parking; 3) from the required 30' front setback to 13' for vacuum machines; 4) from the required 12' bailout lane to 10'; 5) from the required landscaping of required perimeter yards to none; 6) from the required foundation landscaping to none and 7) from the required dumpster enclosure screening to none, property located at 17253 DOUGLAS, Clay Township. Zoned CB Community Business District (South Bend).
- 3 The petition of CIVIL CITY OF SOUTH BEND seeking the following variance(s): 1) from the maximum 8' height for a monument sign to 9'5", property located at 209 S CHAPIN ST, Portage Township. Zoned O Office District (South Bend).
- 4 The petition of LEGACY LAND OPERATIONS LLC seeking the following variance(s): 1) from the minimum lot area of 20 acres to 2 acres for proposed Lots 1 - 4, property located at 52855 BEECH RD, Harris Township. Zoned A: Agricultural District (County).
- 5 The petition of ANGELA M BUTISTE seeking the following variance(s): 1) from the maximum allowed 19' for an accessory building to 23 ft., property located at 24285 GREENBRIER LN, Greene Township. Zoned R: Single Family District (County).
- 6 The petition of KEVIN D BERZAI seeking the following variance(s): 1) to allow a detached accessory structure between the front building line and front lot line, property located at 3439 S LOCUST RD, Portage Township. Zoned SF1 Single Family & Two Family District (South Bend).
- 7 The petition of LAKSHMANA LLC seeking the following variance(s): 1) from the required 30' front yard setback to 25' to align with existing building and 2) from the required 18 parking spaces to 17, property located at 3811 LINCOLN WAY W, Portage Township. Zoned LB Local Business District (South Bend).
- 8 The petition of CITY OF SOUTH BEND seeking the following variance(s): 1) from the allowed maximum 12' setback to a maximum of 26' along South St. Louis Blvd and 2) from the minimum 18' façade height to 14', property located at 219 S ST LOUIS BLVD, Portage Township. Zoned MU Mixed Use District (South Bend).

- 9 The petition of LESLIE A HAMBY seeking the following variance(s): 1) from the 35' front setback to 25' for a porch addition and 5' for a detached accessory structure, property located at 52241 FORESTBROOK AV, Clay Township. Zoned R: Single Family District (County).
- 10 The petition of IRISH RENTALS LLC seeking the following variance(s): 1) from the 4,000 sq. ft. lot minimum area to 3,550 sq. ft. for Parcels A and C; 2) from the 25' minimum front yard setback to 15'; 3) from the 5' minimum side yard setback to 3'; 4) from the 40' minimum lot width to 38.55'; 5) from the 20' minimum rear yard setback to 13' for Parcel D; 6) from the maximum 50% lot coverage to 51% for Parcel D and 7) from the 18' minimum driveway in the NNZO to 13' for Parcel D, property located at 1012 & 1015 N. STANFIELD ST. AND 309 & 319 E. HOWARD ST., Portage Township. Zoned SF2 Single Family & Two Family District (South Bend).
- 11 The petition of RICHARD G & ELIZABETH HARTE seeking the following variance(s): 1) from the maximum 3' decorative fence in the front yard and 5' in the rear yard to 4' in the front yard and 6' in the rear yard, property located at 804 N HILL ST, Portage Township. Zoned SF2 Single Family & Two Family District (South Bend).
- 12 The petition of ST JOSEPH COUNTY PUBLIC LIBRARY seeking the following variance(s): 1) from the maximum 3' fence height to 6', property located at 52655 IRONWOOD RD, Clay Township. Zoned R: Single Family District (County).
- 13 The petition of ZION UNITED CHURCH OF CHRIST seeking the following variance(s): 1) from the minimum 5' front yard setback to 0' on Wayne Street for a parking lot; 2) from the minimum 20' side yard setback for a non-residential use to 6' on the North property line for a parking lot and 3) from the required off-street parking area screening to none along Wayne Street, property located at THE NORTHEAST CORNER OF ST. LOUIS AND WAYNE, Portage Township. Zoned MF1 Urban Corridor Multifamily District (South Bend).
- 14 The petition of GERALD A REED seeking the following variance(s): 1) from the minimum 20 acre lot area to 18.84 acres for Proposed Lot 1 and 2) from the minimum 20 acre lot area to 1.81 acres for Proposed Lot 2, property located at 15401 NEW RD, Madison Township. Zoned A: Agricultural District (County).
- 15 The petition of RICHARD L AND LINDA L FORD seeking a Special Use to allow to allow an accessory parking lot, and seeking the following variance(s): 1) from the 12' maximum setback to 35' for 50% of the building elevation along Rex Street; 2) from the 12' minimum parking setback to 5'; 3) from a 24' parking maneuvering aisle to 14'; 4) from the required landscaping of required perimeter yards to landscaping as shown on Site Plan and 5) from the required off-street parking area screening to screening as shown on Site Plan, property located at 906, 908-910 PORTAGE AVE, 736 CALIFORNIA AVE, 808-838 PORTAGE AVE, 719 W. REX ST., Portage Township. Zoned MU Mixed Use District (South Bend).

#### ITEMS NOT REQUIRING A PUBLIC HEARING

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



## MEMORANDUM

DATE: June 28, 2018

TO: Area Board of Zoning Appeals

FROM: Angela M. Smith, Deputy Director

SUBJECT: July 11, 2018 Area Board of Zoning Appeals Hearing

The following comments are being made concerning items to be heard at the Area Board of Zoning Appeals meeting on July 11, 2018. The absence of comments on any particular item should not be construed to mean that the staff agrees with the request.

### Variations

*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.*

#### **4. Petition of Legacy Land Operations**

The staff recommends denial of the variance request. Agriculturally zoned properties require a minimum of 20 acres and 600' frontage for each lot. The application would create lots that are not consistent with the Agricultural District and would not be in accordance with the Comprehensive Plan. The Agricultural District is established to preserve prime agriculture land, to conserve the desirable characteristic of the land, and to protect areas from the encroachment of scatter urban-type uses and detrimental economic impacts of urban sprawl. The proposed request would create a lot that is significantly smaller than the minimum lot size and configuration from agricultural zoned lots and allows for higher density residential than allowed in this district.

#### **9. Petition of Leslie A Hamby**

If the variance is granted, the staff recommends the accessory structure be relocated to either meet or exceed the 25' setback of the front porch.

#### **13. Petition of Zion United Church of Christ**

The staff recommends denial of the parking area screening variance along Wayne Street. There has been a significant investment in the neighborhood. The required landscaping supports that investments and diminishes the impact of the parking area.

#### **14. Petition of Gerald A Reed**

The staff recommends denial of the proposed variances. The application would create lots that are not consistent with the Agricultural District of the St. Joseph County Zoning Ordinance and would not be in accordance with the Comprehensive Plan. The lots as they exist currently, have a combined area 20.62 acres. This is the minimum required for 1 buildable lot, so granted the variances to allow 2 buildable lots would be a direct conflict with the intent of the Agricultural District zoning. The Agricultural District is established to preserve prime agriculture land, to conserve the desirable characteristic of the land, and to protect areas from the encroachment of scatter urban-type uses and detrimental economic impacts of urban sprawl. The proposed request would create a lot that is significantly smaller than the minimum lot size and configuration for agricultural zoned lots and allows for higher density residential than allowed in this district.

#### **Special Exception / Special Use**

*A special exception use / special use may only be granted upon making a written determination and adopting appropriate Findings of Fact, based upon the evidence presented at a public hearing, that:*

- (1) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;*
- (2) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein;*
- (3) The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein;*
- (4) The proposed use is compatible with the recommendations of the Comprehensive Plan*

#### **15. Petition of Richard L and Linda L Ford**

Based on information available prior to the public hearing, the staff recommends the Special Exception Use be sent to the Common Council with a favorable recommendation.

- (1) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare.*

The proposed parking lot will not be injurious to the public health, safety, or general welfare of the community.

- (2) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein.*

With proper landscaping and buffering, the proposed use will not adversely affect the use or value of the adjacent properties.

- (3) The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein.*

The site is in close proximity to a major corridor. The Special Exception Use will allow the property to retain the underlying single-family zoning, which will allow it to be developed residentially if it is determined the parking is not needed.

- (4) The proposed use is compatible with the recommendations of the Comprehensive Plan.*

There is no specific reference to this particular use in the Comprehensive Plan.