

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

Wednesday, September 12, 2018  
Fourth-Floor Council Chambers

1:30 p.m.  
County-City Building

**AGENDA**

- 1 The petition of AMY R GATCHELL seeking the following variance(s): 1) from the maximum allowed 6 ft. fence height to 9.5 ft., property located at 1804 E HILLSDALE RD, Portage Township. Zoned SF1 Single Family & Two Family District (South Bend).
- 2 The petition of DEV HT LLC & DEV IRONWOOD & IRELAND, LLC seeking the following variance(s): 1) from the required pole sign for an off-premise sign to a monument sign; 2) from the 30' minimum front yard setback to 5' for an off-premise sign; 3) from the 750' minimum linear spacing of off-premise signs oriented to the same street to 60'; 4) from the 300' minimum radial spacing of off-premise signs to 130' and 5) from the 200' minimum linear spacing from a residential district to 80', property located at 4340 S IRONWOOD DR, Penn Township. Zoned CB Community Business District (South Bend).
- 3 The petition of ROSANA L BALMER seeking the following variance(s): 1) from the minimum 20 acre lot area to 5.13 acres, property located at 23091 RILEY RD, Union Township. Zoned A: Agricultural District (County).
- 4 The petition of HACK PROPERTIES, LLC seeking the following variance(s): 1) from the maximum allowable 3,752 sq. ft. for detached accessory buildings to 6,467 sq. ft.; 2) from the maximum allowable 19' height for detached accessory buildings to 30.5'; and 3) from the 8' minimum side yard to 6.8', property located at 14196 BRICK RD, Harris Township. Zoned R: Single Family District (County).
- 5 The petition of TIMOTHY R & ADAM J KUHN W LIFE ESTATE FOR DIANA L KUHN seeking the following variance(s): 1) from the 20 acre minimum lot area to 4.60 acres, property located at 18945 SHIVELY RD., Union Township. Zoned A: Agricultural District (County).
- 6 The petition of ETHEL ANDERSON seeking the following variance(s): 1) from the 12' maximum setback to 18' for the primary building on Lincolnway West and 52' for the accessory building on College Street and Rupel Street, property located at 1636 LINCOLN WAY W, Portage Township. Zoned MU Mixed Use District (South Bend).
- 7 The petition of CENTURY BUILDER INC. seeking a Special Use to allow for a four-family dwelling in the R: Single Family District, and seeking the following variance(s): 1) from the 6,000 sq. ft. minimum lot area to 3,793 sq. ft.; 2) from the 35' minimum front yard and building setback to 17.8' for parcels B, C, G and F; 3) from the 75' minimum lot width to 36.3'; 4) from the required public or municipal water system to wells; 5) from the 20' combined side yard setback to 0' and 6) from the required frontage on an improved public road to no frontage for parcels B, C, G and F, property located at EAST SIDE OF CHERRY ROAD APPROXIMATELY 350' NORTH OF SR 23, Harris Township. Zoned R: Single Family District (County).

**ITEMS NOT REQUIRING A PUBLIC HEARING**

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



## MEMORANDUM

DATE: August 29, 2018  
TO: Area Board of Zoning Appeals  
FROM: Jordan Wyatt, Planner  
SUBJECT: September 12, 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 September 12, 2018. The absence of comments on any particular item should not be construed to mean that the staff agrees with the request.

### VariANCES

*A variance from any of the development standards of the Zoning Ordinance may only be approved upon the Board of Zoning Appeals making a written determination and adopting appropriate Findings of Fact, based upon the evidence presented at a public hearing, that:*

- (1) The approval will not be injurious to the public health, safety, morals and general welfare of the community;*
- (2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and,*
- (3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property.*

### **1. Petition of Amy R. Gatchell**

The staff recommends denial of the variance. The fence which was installed onto an existing 6' fence with supports that were not designed to hold a fence 9.5' in height could pose a safety risk. A fence of this height in a residential neighborhood may affect surrounding property values and is not consistent with the general character of residential neighborhoods.

### **2. Petition of Dev HT, LLC & Dev Ironwood & Ireland, LLC**

If the variances are granted, the staff recommends that the sign be limited to a maximum of 6' in height and 48 square feet, which is the sign size that is permitted for a monument sign on an outlot in an integrated center in the CB Community Business District.

### **3. Petition of Rosana L. Balmer**

If the variance is granted, the staff recommends it be subject to the remainder either being platted as an outlot on a recorded subdivision or combined with an adjacent parcel on a recorded deed.

## **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.*

### **7. Petition of Century Builders, Inc.**

Based on information available prior to the public hearing, the staff recommends the Special Use be sent to the County 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 four-family dwelling units 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.*

With proper screening and buffering to the residential properties to the north and west and the continued use of the site for residential purposes, the proposed use will not adversely affect the use or property values of 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 proposed use of a four-family dwelling is consistent with the character of a residential district.

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

The Future Land Use Plan of the Comprehensive Plan for South Bend and St. Joseph County, Indiana (2002), identifies this area for residential growth.