

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

Wednesday, October 10, 2018
Fourth-Floor Council Chambers

1:30 p.m.
County-City Building

AGENDA

- 1 The petition of SHAR SOSH seeking the following variance(s): 1) from the maximum 6' in height for a fence with less than 70% open space to 6' 6" on the east, property located at 219 E MARION ST, Portage Township. Zoned SF2 Single Family & Two Family District (South Bend).
- 2 The petition of DAVID J GROVES seeking the following variance(s): 1) from the maximum 36" in height for a fence with less than 70% percent open space in a front yard to 7' 4" and 2) from the maximum 6' in height for a fence with less than 70% percent open space in a side or rear yard to 7' 4", property located at 52569 N FRANCIS ST, Clay Township. Zoned R: Single Family District (County).
- 3 The petition of NEAR NORTHWEST NEIGHBORHOOD INC seeking the following variance(s): 1) from the minimum 25' front yard and building setback to 11' and 2) from the minimum 20' rear yard and building setback to 12', property located at 813 W VAN BUREN ST, Portage Township. Zoned SF2 Single Family & Two Family District (South Bend).
- 4 The petition of FRANK D & STACY L REEVES seeking the following variance(s): 1) from the maximum 1,424 sq. ft. for a detached accessory building to 1,696 sq. ft., property located at 57885 APPLE RD, Penn Township. Zoned R: Single Family District (County).
- 5 The petition of FRANCHISE REALTY CORPORATION seeking the following variance(s): 1) from the maximum allowed 1 drive through menu board for each drive through lane to 2 and 2) from the maximum 4' for an incidental sign to 7', property located at 3221 LINCOLN WAY W, Portage Township. Zoned CB Community Business District (South Bend).
- 6 The petition of FRANCHISE REALTY CORP seeking the following variance(s): 1) from the maximum allowed 1 drive through menu board for each drive through lane to 2 and 2) from the maximum 4' for an incidental sign to 7', property located at 5021 W WESTERN AV, Portage Township. Zoned CB Community Business District (South Bend).
- 7 The petition of FRANCHISE REALTY CORP seeking the following variance(s): 1) from the maximum allowed 1 incidental sign per critical turn to 2 to allow drive through menu boards; 2) from the maximum 4' for an incidental sign to 7'; 3) from the maximum 6 sq.ft. to 48 sq.ft.; 4) from the minimum 15' front setback for parking to 8' and 5) from the required parking area screening to none, property located at 416 N DR MARTIN LUTHER KING JR BLVD, Portage Township. Zoned CBD Central Business District (South Bend).

- 8 The petition of MICHAEL S LOCHMONDY seeking the following variance(s): 1) from the maximum allowed 1,924 sq. ft. for a detached accessory building to 2,292 sq. ft., property located at 22922 ADAMS RD, German Township. Zoned R: Single Family District (County).
- 9 The petition of WILLIAM F ALFORD CO INC seeking the following variance(s): 1) from the required off-street parking area screening on the North and East side to none, property located at 3924 PORTAGE RD, German Township. Zoned CB Community Business District (South Bend).
- 10 The petition of STANZ CHEESE CO., INC. seeking the following variance(s): 1) to allow off-street loading between the front lot line and the front façade of the building and 2) from the required foundation landscaping to none, property located at EASTSIDE OF SOUTH DYLAN DRIVE AT PARKLAND DRIVE, German Township. Zoned LI Light Industrial District (South Bend).
- 11 The petition of MBP8, LLC seeking the following variance(s): 1) from the maximum 36" fence height in the front yard for a fence with less than 70% open space to 60"; 2) from the required off-street parking area screening to none along the most westerly parking lot row and 3) from the required 20' minimum side yard to 4' on the east for parking, property located at VACANT LAND APPROXIMATELY 800' SOUTHWEST OF ELM ON THE NORTHERLY SIDE OF STATE ROAD 23, Harris Township. Zoned R: Single Family District (County).
- 12 The petition of KENNETH GLON 1/2 INT & LINDA RUNYAN 1/2 INT seeking the following variance(s): 1) from the minimum 20 acre lot area to 12.58 acres for Lot 1 and 2) from the required 600' of frontage to 425' for Outlot A, property located at 27611 INWOOD RD, Warren Township. Zoned A: Agricultural District (County).
- 13 The petition of BRIAN A. VANNONI seeking the following variance(s): 1) from the minimum 100' lot width and frontage to 0', property located at PETRO DRIVE, Penn Township. Zoned R: Single Family District (County).
- 14 The petition of 2010 INVESTMENT GROUP LLC seeking a Special Exception Use to allow a Two Family Dwelling, and seeking the following variance(s): 1) from the minimum 6,000 sq. ft. lot area for Two Family Dwellings to 5,540 sq. ft. and 2) from the minimum 25' front yard and building setback to 15', property located at 1715 S DALE AVE AND 1717 S. DALE AVE, Portage Township. Zoned SF2 Single Family & Two Family District (South Bend).
- 15 The petition of CITY OF SOUTH BEND seeking a Special Exception Use to allow a Private Hydro-dam Electric Utility Facility, and seeking the following variance(s): 1) from the 5 ft. minimum side yard and building setback to 2 ft on the north for Parcel A and 2) from the minimum front façade height - in elevation view from the street frontage, 22 ft. to a minimum of 10 ft. for both shown buildings, property located at 340 E COLFAX AV, 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



MEMORANDUM

DATE: September 27, 2018
TO: Area Board of Zoning Appeals
FROM: Jordan Wyatt, Planner
SUBJECT: October 10, 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 October 10, 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.*

2. Petition of David J. Groves

The staff recommends denial of the variance. 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

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.*

14. Petition of 2010 Investment Group, LLC.

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 two-family dwelling 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.*

Providing infill housing on currently vacant land should not adversely affect the adjacent property values, but rather increase the value of land in the neighborhood.

(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 two-family dwelling will be located on two lots. Each unit will have an individual lot keeping in character with the single-family homes on the surrounding properties.

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

The proposed use is consistent with City Plan, South Bend Comprehensive Plan (2006), Objective H 1: Ensure that an adequate supply of housing is available to meet the needs, preferences, and financial capabilities of households now and in the future; and Objective H 4: Ensure well-designed, infill housing on vacant land in the city's neighborhoods.

15. Petition of City of South Bend

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 hydro-dam electric utility facility 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 the facility being located completely underground, it should not adversely affect adjacent property values.

(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 for a hydro-dam electric utility facility is consistent with the mix of uses located in the Central Business District.

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

The proposed use is consistent with City Plan, South Bend Comprehensive Plan (2006), Objective EM 8.2: Encourage the use of renewable energy technology in all developments.