

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

Wednesday, November 14, 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 allowed 6' fence height to 7.34' along the east property line, property located at 219 E MARION ST, Portage Township. Zoned SF2 Single Family & Two Family District (South Bend).
- 2 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 2,592 sq. ft., property located at 22922 ADAMS RD, German Township. Zoned R: Single Family District (County).
- 3 The petition of MBP8, LLC seeking the following variance(s): 1) from the maximum allowed 36" fence height in the front yard to 6' and 2) from the required 10' minimum side yard to 4' along the east property line 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).
- 4 The petition of NEW LIFE FELLOWSHIP MINISTRY OF SOUTH BEND seeking the following variance(s): 1) from the 50' minimum side residential bufferyard to 30'; 2) from the 30' minimum front parking setback to 10' and 3) from the required Type C Residential Bufferyard Landscaping to Type B, property located at 1702 S OLIVE ST, Portage Township. Zoned LI Light Industrial District (South Bend).
- 5 The petition of RANDY L & JOANNA M RICHARD seeking the following variance(s): 1) from the maximum allowed 36" fence height in the front yard to 6', property located at 55151 WOODLAWN AV, Penn Township. Zoned R: Single Family District (County).
- 6 The petition of DIANA L D'ANGELO AND RANDALL R MARTZ seeking the following variance(s): 1) from the maximum 2,350 sq. ft. for a detached accessory building to 3,271 sq. ft., property located at 22919 IRELAND RD, Greene Township. Zoned R: Single Family District (County).
- 7 The petition of GUADALUPE ALVAREZ seeking the following variance(s): 1) to allow an accessory fence without a primary structure and 2) from the maximum allowed 36" fence height in the front yard to 6', property located at 813 S ARNOLD ST & 817 S ARNOLD ST, Portage Township. Zoned SF2 Single Family & Two Family District (South Bend).
- 8 The petition of IMAGINEERING ENTERPRISES INC seeking the following variance(s): 1) from the minimum 25' front setback for parking and interior access drives to 0', property located at 3722 FOUNDATION CT, German Township. Zoned LI Light Industrial District (South Bend).

- 9 The petition of ND 2019 LLC seeking the following variance(s): 1) from the required minimum front porch depth of 6' to 5'8"; 2) from having the porch cover a minimum of 50% of the primary house to 41%; 3) from the required 5' side yard building setback to 4' along the east line; 4) from the required 5' rear yard for accessory buildings to 2' and 5) from the required 5' side yard for accessory buildings to 3' along the west line, property located at 718 E CORBY BLVD, Portage Township. Zoned SF2 Single Family & Two Family District (South Bend).
- 10 The petition of ROBERT D SMITH seeking a Special Exception Use for a Bar, property located at 1320 MIAMI 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 - Approval of 2019 Meeting Dates and Submittal Deadlines
4. Adjournment



MEMORANDUM

DATE: October 31, 2018  
TO: Area Board of Zoning Appeals  
FROM: Jordan Wyatt, Planner  
SUBJECT: November 14, 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 November 14, 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.*

**5. Petition of Randy & Joanna Richard**

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. Other fences in this area are generally greater than 70% open or lower heights within the front setback.

**7. Petition of Guadalupe Alvarez**

The staff recommends denial of the height 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 Robert D. Smith**

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.*

Because this is located in a commercial area, the proposed bar 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.*

Adaptive reuse of a home located on a mixed-use corridor should not adversely affect the 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 is consistent with the mixed-use character of the Miami Street corridor which includes restaurants and bars.

*(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 LU 2.2: Pursue a mix of land uses along major corridors and other location identified on the Future Land Use Map.