

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

Wednesday, December 12, 2018
Fourth-Floor Council Chambers

1:30 p.m.
County-City Building

AGENDA

- 1 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 3,895 sq. ft., property located at 22919 IRELAND RD, Greene Township. Zoned R: Single Family District (County).
- 2 The petition of RIVER VALLEY COMMUNITY CHURCH INC seeking the following variance(s): 1) from the maximum 1 sign at 64 sq.ft. to 4 signs with a total of 130 sq.ft., property located at 55855 BITTERSWEET ROAD, Penn Township. Zoned R: Single Family District (County).
- 3 The petition of SCOTT MASTERSON seeking the following variance(s): 1) from the 30' minimum side yard setback to 8' for a detached accessory structure, property located at 30219 NEW RD, Greene Township. Zoned A: Agricultural District (County).
- 4 The petition of BRAD MILOVICH & SARAH WAY seeking the following variance(s): 1) from the maximum 3' decorative fence in the front yard to a 4' decorative fence, property located at 1031 N FOSTER ST, Portage Township. Zoned SF2 Single Family & Two Family District (South Bend).
- 5 The petition of JAI JAGDISH HOTELS, LLC seeking the following variance(s): 1) from the 40' maximum building height to 64'; 2) from the 17' minimum side yard setback to 8' on the South line; 3) from the 20' minimum rear yard setback to 5' for parking and 4) from the 40' minimum front yard setback to 30', property located at 52554 STATE ROAD 933, Clay Township. Zoned C: Commercial District (County).
- 6 The petition of KENNETH GLON 1/2 INT & LINDA RUNYAN 1/2 INT seeking the following variance(s): 1) from the 20 acre minimum lot area to 12.24 acres for lot 1 and 2) from the 600' minimum lot width and frontage to 435.30' for Outlot A, property located at 27611 INWOOD RD, Warren Township. Zoned A: Agricultural District (County).
- 7 The petition of ELNORA M FREEMAN seeking the following variance(s): 1) from the 20 acre minimum lot area to 4.59 acres, property located at 13703 NEW RD, Madison Township. Zoned A: Agricultural District (County).
- 8 The petition of GLENN KUHN & RICHARD A KUHN & JOHN KUHN AS TIC seeking the following variance(s): 1) from the 20 acre minimum lot area to 3.7 acres, property located at 18696 (18698) SHIVELY RD, Union Township. Zoned A: Agricultural District (County).

- 9 The petition of HARTSOUGH FAMILY TRUST seeking the following variance(s): 1) from the 20 acre minimum lot area to 4.59 acres proposed Lot 1 and 2) from the 600' minimum lot width and frontage to 547.40' for proposed Outlot A, property located at 24451 TYLER RD, Liberty Township. Zoned A: Agricultural District (County).
- 10 The petition of EDWARD J SHEETS 1/2 INTEREST AND OVERBY FAMILY REVOCABLE LIVING TRUST AND RUSSELL L OVERBY AND JOYCE A OVERBY AS TRUSTEES OF TRUST seeking the following variance(s): 1) from the 20 acre minimum lot area to 4.63 acres, property located at 15049 NEW RD, Madison Township. Zoned A: Agricultural District (County).
- 11 The petition of EDWARD JOHN SHEETS AND SHERRY MAY SHEETS seeking the following variance(s): 1) from the 20 acre minimum lot area to 4.68 acres, property located at 63550 MADISON TRL, Madison Township. Zoned A: Agricultural District (County).
- 12 The petition of IRISH RENTALS LLC seeking the following variance(s): 1) from the 70 minimum required off-street parking spaces to 18, property located at 50715 SR 933 HWY, Clay Township. Zoned C: Commercial District (County).
- 13 The petition of CONSOLIDATED RAIL CORPORATION C/O OUTFRONT MEDIA GROUP, LLC seeking the following variance(s): 1) from the 1000' linear spacing for off-premise signs on a limited access highway to 530', property located at THE NORTH SIDE OF ST. JOSEPH VALLEY PARKWAY WITHIN THE RAILROAD CORRIDOR EAST OF THE PROPERTY LOCATED AT 20625 IRELAND ROAD, Centre Township. Zoned M: Manufacturing Industrial District (County).
- 14 The petition of BELLPROP LLC seeking the following variance(s): 1) from the required 8 sq. ft. per sign face for a canopy sign to 24.3 sq. ft. on south face of canopy and to 30.8 sq. ft. on east and west face of canopy; 2) to allow projection beyond the top edge of canopy structure on east and west face of canopy and 3) from the 5' minimum setback for a free standing sign to 0', property located at 12495 MC KINLEY HWY, Penn Township. Zoned C: Commercial District (County).
- 15 The petition of HARVEST BIBLE CHAPEL OF GRANGER INC seeking the following variance(s): 1) from the 75' minimum front yard setback to 29' for parking; 2) from the 20' minimum side yard setback to 10' for parking and drives; 3) from the required hard surface parking area to gravel; 4) from the required painted lines and raised curbs for all parking and 5) from the required off-street parking area screening to none on the south, west, and north, property located at 52277 HICKORY RD, Clay Township. Zoned R: Single Family District (County).
- 16 The petition of BH INVESTMENTS LLC seeking a Special Exception Use to allow a two-family dwelling unit., and seeking the following variance(s): 1) from the 5' minimum side yard and building setback to 0', property located at 1718 S MARINE ST, Portage Township. Zoned SF2 Single Family & Two Family District (South Bend).
- 17 The petition of STEVE A AND JEAN A COOREMAN seeking a Special Use for tattoo and body scarifying establishment (microblading), property located at 24545 BRICK RD, German Township. Zoned C: Commercial District (County).

- 18 The petition of MICHAEL J JR & EDIE M SHEWCHUK seeking a Special Use for tattoo and body scarifying establishment (microblading and permanent make-up), property located at 54533 TERRACE LN SUITE C, Clay Township. Zoned C: Commercial District (County).
- 19 The petition of ROBERT E AND VALERIE M HISER seeking a Special Exception Use for a Child Care Home, property located at 117 WINTERGREEN DR, Olive Township. Zoned R1 Single Family District (New Carlisle).

ITEMS NOT REQUIRING A PUBLIC HEARING

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



MEMORANDUM

DATE: November 28, 2018
TO: Area Board of Zoning Appeals
FROM: Jordan Wyatt, Planner
SUBJECT: December 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 December 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.*

11. Petition of Edward John and Sherry May Sheets

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

13. Petition of Consolidated Rail Corporation c/o Outfront Media Group, LLC.

The Area Plan Commission is currently in the process of revising the sign regulations of the St. Joseph County Zoning Ordinance. This new sign, which is a conversion of an existing billboard to an electronic billboard, will need to comply with future lighting regulations outlined in the revised section.

15. Petition of Harvest Bible Chapel of Granger, Inc.

The staff recommends denial of the off-street parking area screening variance. The use, although permitted in the R: Single Family District, is intense with a significant amount of parking shown on the site plan. The off-street parking area screening will shield future residential development that could occur adjacent to the site from the parking and the headlights of the cars. If the board chooses to deny that variance, staff recommends the petitioner locate the off-street parking area screening on the south side of the property within the interior landscape islands.

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.*

16. Petition of BH Investments, 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 use is residential. It should 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.*

Because of the residential nature of the proposed two-family dwelling, it would not affect the use or value of 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 two-family dwelling is consistent with the character of the area and the SF2 Single Family & Two Family District. This area is in a medium density residential area with close proximity to a major commercial corridor.

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

The proposed use is consistent with the City Plan, South Bend Comprehensive Plan (November 2006): Objective H1: Ensure that an adequate supply of housing is available to meet the needs, preference, and financial capability of households now and in the future.

17. Petition of Steve A. and Jean A. Cooreman

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 use is an expansion of services already provided within an existing salon and 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.*

The proposed use is part of an existing salon and 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 is consistent with the C: Commercial District. The site is located on a major commercial corridor.

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

The proposed use is consistent with Comprehensive Plan for South Bend and St. Joseph County, Indiana (2002), Objective C: Develop quality business areas to meet the retail and service needs of the planning area.

18. Petition of Michael J. Jr. and Edie M. Shewchuk

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 use is an expansion of services already provided within an existing salon and 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.*

The proposed use is part of an existing salon and 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 is consistent with the C: Commercial District. The site is located in close proximity to a major commercial node.

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

The proposed use is consistent with Comprehensive Plan for South Bend and St. Joseph County, Indiana (2002), Objective C: Develop quality business areas to meet the retail and service needs of the planning area.

19. Petition of Robert E. and Valerie M. Hiser

Based on information available prior to the public hearing, the staff recommends the Special Exception Use be sent to the Town 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 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.*

The proposed use 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 requirement that the facilitator must reside in the home will maintain the residential character of the R1 Single Family District.

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

There is no specific mention of this use in the Town of New Carlisle, Indiana Comprehensive Plan (2007).