

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

Wednesday, February 13, 2019
Fourth-Floor Council Chambers

1:30 p.m.
County-City Building

AGENDA

- 1 The petition of R&A COLFAX PROPERTY, LLC seeking the following variance(s): 1) from the 18' minimum front façade height to 10' and 2) from the 12' maximum front yard and building setback to 46' on Colfax Avenue and 70' on Notre Dame Avenue, property located at 829-831 E COLFAX AVE, Portage Township. Zoned MU Mixed Use District (South Bend).
- 2 The petition of VANDNA PATEL seeking the following variance(s): 1) from the 30' minimum front yard and building setback to 6'-7" for a drive-through and bailout lane, property located at 4836 WESTERN AVENUE, Portage Township. Zoned CB Community Business District (South Bend).
- 3 The petition of UNITY GARDENS INC seeking the following variance(s): 1) from the required architectural standards for external building finish, property located at 3701 (3611) PRAST BLVD, Portage Township. Zoned CB Community Business District (South Bend).
- 4 The petition of MBP8, LLC seeking the following variance(s): 1) from the required 40' minimum rear yard setback to 3' along the north property line for a playground and shade canopy, property located at VACANT LAND APPROXIMATELY 800' SOUTHWEST OF ELM ROAD ON THE NORTHERLY SIDE OF STATE ROAD 23, Harris Township. Zoned R: Single Family District (County).
- 5 The petition of GREATER LOWELL HOLDINGS LLC seeking the following variance(s): 1) from the 22' minimum front façade height to 7'6", property located at 504 E LASALLE AVE, Portage Township. Zoned CBD Central Business District (South Bend).
- 6 The petition of EL-AMMORI WADAD seeking a Special Exception Use for a car wash, property located at 1119 LINCOLN WAY W, Portage Township. Zoned LB Local Business District (South Bend).
- 7 The petition of BAUER LEGAL LLC seeking the following: Administrative appeal of the issuance of an Improvement Location Permit based on the following: 1) lack of an application; 2) inadequate parking under the zoning ordinance; and 3) unlawful reconstruction/expansion of a legal non-conforming building, property located at 806 E HOWARD ST, Portage Township. Zoned O Office District (South Bend).

ITEMS NOT REQUIRING A PUBLIC HEARING

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



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

227 W. JEFFERSON BLVD., ROOM 1140 COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 235-9571

MEMORANDUM

DATE: January 30, 2019
TO: Area Board of Zoning Appeals
FROM: Jordan Wyatt, Planner
SUBJECT: February 13, 2019 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 February 13, 2019. 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 MBP8, LLC.

Based on information available prior to the public hearing, the staff recommends denial of the variance. Locating a structure and use that close to the property line could adversely affect the value and use of the adjacent property. Playgrounds can produce large amounts of noise that could impose a negative effect on the neighboring property. Locating structures that close to the property line could affect how the adjacent property is developed.

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.*

6. Petition of El-Ammori Wadad

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 subject to the following written commitment: No vehicles may be stored onsite overnight unless located within the building.

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

Locating the proposed use along a major corridor and within an existing building 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.

Utilizing the existing building for the proposed use should not negatively 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 use is consistent with the character of the LB Local Business District.

(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 ED 1.2: Encourage reuse of abandoned and underutilized land and structures.

7. Petition of Bauer Legal

Staff comments will be available at the time of the public hearing.