

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

Wednesday, May 08, 2019
Fourth-Floor Council Chambers

1:30 p.m.
County-City Building

The Title VI Coordinator has made available at this meeting/hearing a voluntary Public Involvement Survey to collect demographic data to monitor and demonstrate St. Joseph County's compliance with its non-discrimination obligations under Title VI and Federal Regulation 23CFR 200.9(b)(4), and more importantly, ensure that affected communities and interested persons are provided equal access to public involvement. Compliance is voluntary. However, in order to demonstrate compliance with the federal regulation, the information requested must be documented when provided. It will not be used for any other purpose, except to show that those who are affected or have an interest in proceedings or the proposed project have been given an opportunity to provide input throughout the process.

AGENDA

- 1 The petition of BRANAKO and LAUREN ALAVANJA seeking the following variance(s): 1) from the maximum allowed 3' decorative fence between the front building line and front lot line to 4.88' and 2) to place a fence in the Clear Sight Area, property located at 1135 North Notre Dame Ave, Portage Township. Zoned SF2 Single Family & Two-Family District (South Bend).
- 2 The petition of ST ADALBERTS PARISH seeking the following variance(s): 1) from the maximum allowed 32 sq. ft. for a freestanding identification sign to 65 sq. ft. and 2) from the maximum height of 4' for a monument sign to 10'-2", property located at 2400 W HURON ST, Portage Township. Zoned MF1 Urban Corridor Multifamily District (South Bend). TABLED
- 3 The petition of RK LONDON INCORPORATED seeking the following variance(s): 1) from the maximum allowed 10% of the façade area for a building identification sign to 60%, property located at 100 N MAIN ST, Liberty Township. Zoned TC Town Center (North Liberty).
- 4 The petition of KLAAS JAN MARTIJN CREMERS AND LIESBETH MISDORP-CREMERS seeking the following variance(s): 1) from the maximum allowed 3' decorative fence along a front property line to a 6' privacy fence and 2) from the maximum allowed 5' decorative fence along a side property line to a 6' privacy fence, property located at 914 N NOTRE DAME AVE, Portage Township. Zoned SF2 Single Family & Two-Family District (South Bend).
- 5 The petition of JOAN A & DEAN F WHITEHEAD seeking the following variance(s): 1) from the 25' minimum front yard and building setback to 21', property located at 2201 N HOLLYWOOD PL, Portage Township. Zoned SF2 Single Family & Two Family District (South Bend).
- 6 The petition of DEAN F WHITEHEAD seeking the following variance(s): 1) from the maximum 12" extension into a minimum side yard for laterally supported extensions to 24" for a roof eave and bay window, property located at 2117 N BERKLEY PL, Portage Township. Zoned SF2 Single Family & Two-Family District (South Bend).

- 7 The petition of AARON T POOLE seeking the following variance(s): 1) from the minimum front yard and building setback of 35' to 25', property located at 17282 WILSHIRE DR, Clay Township. Zoned R: Single Family District (County).
- 8 The petition of CERES FARMS seeking the following variance(s): 1) from the required foundation landscaping to none; 2) from the required perimeter landscaping to none on the west, south and east and 3) from the required 81 parking spaces to 50, property located at SOUTH SIDE OF CALVERT STREET, WEST OF NEW ENERGY DRIVE, Portage Township. Zoned LI Light Industrial District (South Bend) and GI General Industrial District (South Bend).
- 9 The petition of NORTHBRIDGE VALLEY LLC seeking the following variance(s): 1) from the minimum 40' rear yard and building setback to 30', property located at NORTHBRIDGE VALLEY, SECTION THREE LOTS 35, 40 AND 41, Penn Township. Zoned R: Single Family District (County).
- 10 The petition of VISION REALTY seeking the following variance(s): 1) from the 40' minimum lot frontage to 35' for Parcel A; 2) from the 4,000 square feet minimum lot area to 3,450 square feet for Parcel A; 3) from the 25' minimum front yard and building setback to 15' for Parcel A and 4) from the 25' minimum front yard and building setback to 13' for Parcel B, property located at 320 EAST HOWARD ST. AND 925 N. STANFIELD STREET, Portage Township. Zoned SF2 Single Family & Two Family District (South Bend).
- 11 The petition of AMERICAN ELECTRIC POWER seeking a Special Use to allow a utility substation, and seeking the following variance(s): 1) from the required perimeter landscaping to none along Elwood Avenue and 2) from the required hard surface for interior access drives to gravel, property located at 1423 W ELWOOD AVENUE, Portage Township. Zoned MU Mixed Use District (South Bend).

ITEMS NOT REQUIRING A PUBLIC HEARING

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

JOHN R. MCNAMARA, P.E., L.S.
County Surveyor
JESSICA J. CLARK, P.E.
County Engineer
WILLIAM S. SCHALLIOL, ESQ.
Executive Dir. of Economic Development
LAWRENCE P. MAGLIOZZI
Executive Dir. of Area Plan Commission



ST. JOSEPH COUNTY
ESTABLISHED 1830

DEPARTMENT OF INFRASTRUCTURE, PLANNING & GROWTH

BOARD OF COMMISSIONERS
ANDREW T. KOSTIELNEY
District 1
DAVE THOMAS
District 2
DEBORAH A. FLEMING, D.M.D.
District 3

Division of Planning and Zoning

MEMORANDUM

DATE: April 24th, 2019
TO: Area Board of Zoning Appeals
FROM: Jordan Wyatt, Planner
SUBJECT: May 8th, 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 May 8th, 2019. 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 American Electric Power

The staff recommends denial of the variances. To make this use appropriate for the urban environment, proper landscaping is needed to screen the use from the surrounding residential properties and users of Elwood Avenue. Both the City Engineer and the Department of Community investment believe a gravel drive is inappropriate for this site.

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.*

11. Petition of American Electric Power

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

This Special Exception Use is a relocation of the existing utility substation on the south side of Elwood Avenue which would allow them to expand and better serve the communities energy needs. 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.*

With proper screening and buffering, the proposed use will not injure or adversely affect the use and value 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.*

Providing the proper screening to help make the use Elwood Avenue for cars and pedestrians safer and aesthetically appealing and to protect the value of the residential properties will help the proposed use be consistent with the character of the MU Mixed Use 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 9.4: Support environmentally friendly forms of power generation.