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ST. JOSEPH COUNTY
ESTABLISHED 1830

**DEPARTMENT OF INFRASTRUCTURE, PLANNING &
GROWTH**

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Division of Planning and Zoning

MEMORANDUM

DATE: September 27th, 2019
TO: Area Board of Zoning Appeals
FROM: Jordan Wyatt, Planner
SUBJECT: October 9th, 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 October 9th, 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.*

5. Petition of Kyle Patti

The staff recommends denial of the variance. This variance would allow accessory structures that exceed the maximum allowed size by 210%. Limiting the size of accessory structures to be proportional to the primary structure helps preserve the residential character of the R: Single Family District.

8. Petition of Five Corners, LLC.

The staff recommends approval of the variances. Multiple utility lines are present on the east side of the property that creates a hardship for locating the building in accordance with the MU Mixed Use development standards. We recommend approval of variance #4 subject to approval of the landscaping as shown on the site plan from the City Arborist. The variance for the reduction in building height to 16' is consistent with the new requirements in the 2020 City of South Bend Zoning Ordinance. See attached comments from the Department of Community Investment.

. **Petition of Five Corners, LLC.**

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, subject to the following written commitments: 1) Provide 8 evergreen trees in addition to the 4 shade trees shown on the site plan along the west property line; 2) brick or stone will be the primary building material; and 3) the drive-through will utilize the same building materials and feature the same roof style as the primary building.

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

The proposed drive-through 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.

Reutilization of this vacant property should not adversely affect adjacent property values. Adequate screening will protecting the use of the neighboring residential properties from the automotive use.

(3) The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein.

With adequate screening, by locating it behind the structure, and good design, a drive-through should not adversely affect the pedestrian-oriented intent 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 ED 1.2: Encourage reuse of abandoned and underutilized land and structures.

Jordan A. Wyatt

From: Michael Divita <mdivita@southbendin.gov>
Sent: Tuesday, September 24, 2019 3:02 PM
To: Jordan A. Wyatt
Cc: Tim Corcoran; Angela M. Smith; Joseph R. Molnar
Subject: FSB Comments/Recommendations
Attachments: 3214_001.pdf

Jordan,

In addition to the items we discussed at the APC staff meeting this morning, following are DCI recommendations related to the Five Corners/First State Bank of Middlebury special exception and variance requests for the property near Eddy & Corby (also see the attached mark-up prepared by Tim):

- Reduce the paved area in front of the building (east side) by setting up a one-way flow with angled parking.
 - The shrubs could be shifted west to remain along the parking edge.
 - The parking aisle to the north of the building could be one- or two-way.
 - The walk connecting the bank front door to the Eddy Street sidewalk can be as shown or shifted to near the northeast corner of the building. The petitioner may wish to consider a landscape treatment along this walk.
- Reduce the width of the Eddy Street curb cut (ideally, to the 24' City standard, understanding this is in INDOT jurisdiction).
- With the new building, we assume the existing billboard will be removed.

Additionally, we note that the scale bar is incorrectly depicted on the site plan.

Please let me know if you have any questions. Thanks!



Michael Divita, AICP
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CORBY STREET, EDDY STREET, AND SOUTH BEND AVE. FOR THE NEXT TWO (2) COURSES, NORTH 00°12'13" WEST, 16.78 FEET AND NORTH 66°33'35" EAST, 43.53 FEET; THENCE NORTH 89°13'44" EAST A DISTANCE OF 78.28 FEET TO THE WEST RIGHT-OF-WAY LINE OF STATE ROAD 23; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 235.01 FEET, WITH A RADIUS OF 1530.00 FEET, WITH A CHORD BEARING OF SOUTH 20°02'02" WEST, WITH A CHORD LENGTH OF 234.78 FEET; THENCE SOUTH 89°23'23" WEST A DISTANCE OF 155.06 FEET; THENCE NORTH 00°12'13" WEST A DISTANCE OF 72.00 FEET; THENCE NORTH 89°23'23" EAST A DISTANCE OF 15.42 FEET; THENCE NORTH 00°12'13" WEST A DISTANCE OF 96.16 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF SOUTH BEND AVE.; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE FOR THE NEXT TWO (2) COURSES NORTH 49°58'23" EAST A DISTANCE OF 27.45 FEET, AND NORTH 89°13'44" EAST A DISTANCE OF 81.50 FEET TO THE POINT OF BEGINNING, CONTAINING 0.83 ACRES MORE OR LESS. SUBJECT TO ALL LEGAL ALL LEGAL HIGHWAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

TABULATED SITE DATA:

- SITE ACREAGE..... 0.83± ACRES
- PROPOSED LAND USE: BANK WITH DRIVE-THRU
CURRENT USE: VACANT
- EXISTING LAND COVERAGE:

	SQ.FT.	% OF SITE
A). BUILDINGS.....	3,897	10.83
B). ASPHALT PAVEMENT.....	15,402	42.81
C). CONCRETE WALKS.....	1,136	3.16
D). OPEN SPACE.....	15,562	43.20
TOTAL	35,977	100.00
- PARKING RATIO REQUIRED BY ORDINANCE:
 - (2) SPACE PER 1,000 SF OF GROSS FLOOR AREA OF BUILDING
NUMBER OF SPACES REQUIRED FOR 3,897 SF.....8 SPACES
NUMBER OF SPACES PROVIDED.....21 SPACES
- ALL SURFACE DRAINAGE IS TO BE HANDLED BY ON-SITE DRAINAGE SYSTEM SIZED PER CITY OF SOUTH BEND, INDIANA, ENGINEERING STANDARDS.
- THE PROPERTY IS TO BE SERVED BY PUBLIC WATER & SEWER SYSTEM.

REQUESTED VARIANCES FOR PARCEL "A":

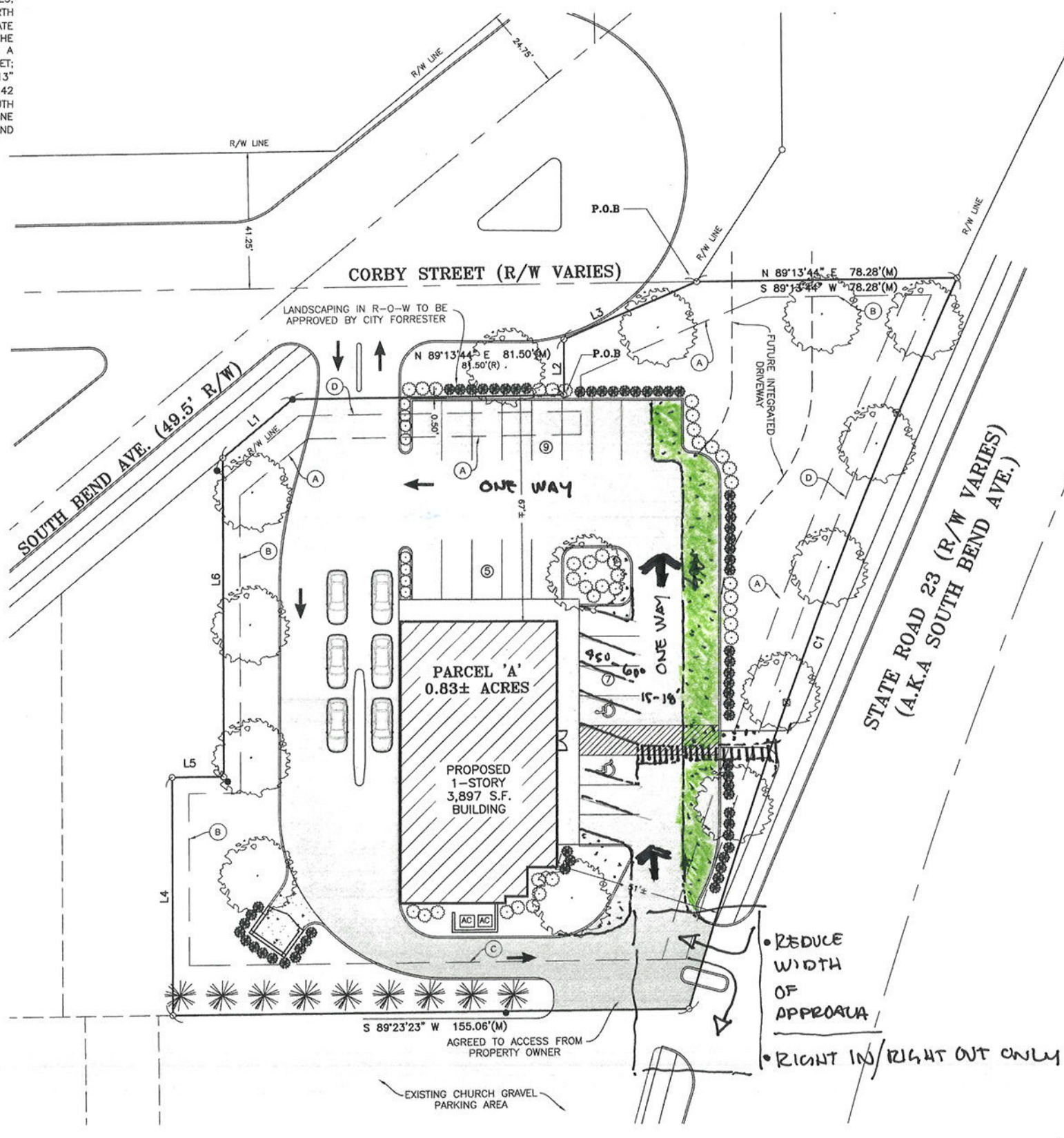
- FROM THE REQUIRED MAXIMUM BUILDING SETBACK OF 12 FEET FOR MIXED USE AND FROM THE MAXIMUM ALLOWED 5 FEET BUILDING SETBACK FOR THE NNZO DISTRICT TO 51 FOOT AS SHOWN FROM S.R. 23 (AKA SOUTH BEND AVE.) AND TO 67 FEET FROM CORBY STREET AS SHOWN;
- FROM THE REQUIREMENT OF PARKING SPACES AND DRIVEWAYS BEING LOCATED A MINIMUM OF 5 FEET BEHIND THE FRONT BUILDING LINE TO BEING ALLOWED TO HAVE PARKING AND DRIVES AS CLOSE AS 5.5 FEET TO S.R. 23 (AKA SOUTH BEND AVE.) AND TO 0.50 FEET TO CORBY STREET AS SHOWN;
- FROM THE NNZO STANDARD OF A MINIMUM 15 FOOT SETBACK FOR PARKING FROM BUILDING FAÇADE TO A MINIMUM OF 5 FOOT;
- FROM THE REQUIREMENT OF A 15 FOOT REAR RESIDENTIAL BUFFERYARD TO A MINIMUM OF 10 FOOT ALLOWING A PAVED DRIVEWAY AND SHOWN PROPOSED LANDSCAPING;
- FROM THE REQUIREMENT OF PROVIDING ON-SITE PARKING SCREENING ALONG CORBY STREET TO PROVIDING REQUIRED SCREENING WITHIN THE PUBLIC RIGHT-OF-WAY AS SHOWN WITH APPROVAL OF THE CITY.
- FROM THE NNZO STANDARD OF A MINIMUM FAÇADE HEIGHT OF 22 FEET TO A MINIMUM OF 16 FEET;

REQUESTED SPECIAL EXCEPTION FOR PARCEL "A":

- APPROVAL OF A SPECIAL EXCEPTION TO ALLOW FOR A FINANCIAL FACILITY WITH A DRIVE-THRU AS SHOWN.

LINE	BEARING	DISTANCE
L1	N 49°58'23" E	27.45'
L2	N 00°12'13" W	16.78'
L3	N 66°33'35" E	43.53'
L4	N 00°12'13" W	72.00'
L5	N 89°23'23" E	15.42'
L6	N 00°12'13" W	96.16'

CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	1530.00'	235.01'	S 20°02'02" W	234.78'

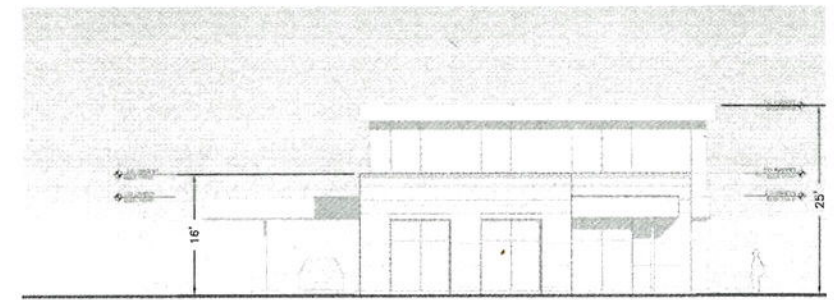
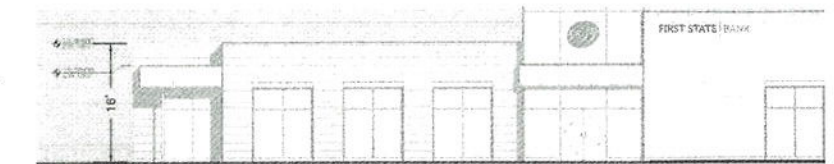


SETBACK KEY LEGEND

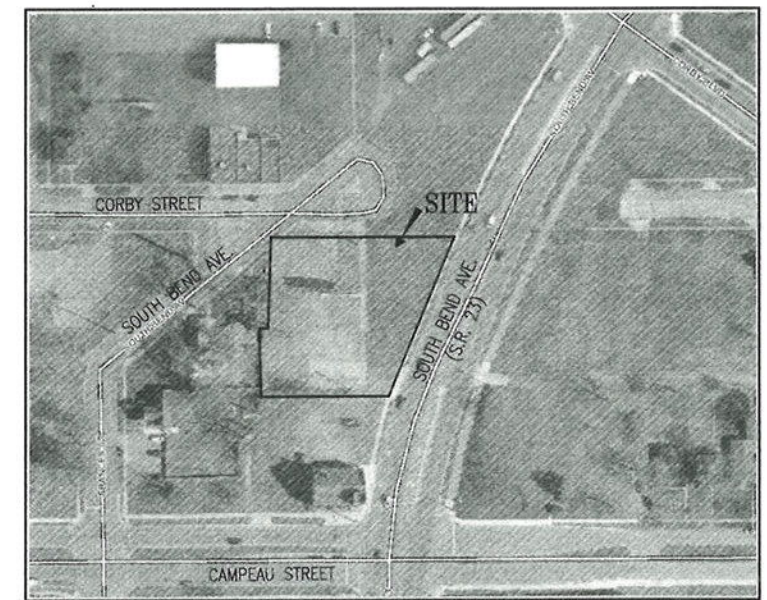
- (A) 12' MAXIMUM BUILDING SETBACK
- (B) 5' SIDE-YARD SETBACK
- (C) 5' RESIDENTIAL BUFFERYARD SETBACK
- (D) 5' MAXIMUM NNZO DISTRICT BUILDING SETBACK

PROPERTY ADDRESS:

- 1024 & 1026 CORBY STREET, SOUTH BEND, IN 46617
- 819 & 826 EDDY STREET, SOUTH BEND, IN 46617



BUILDING ELEVATIONS

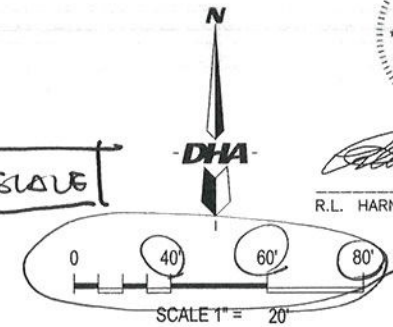


AERIAL PHOTOGRAPHY



R.L. HARNER #910032

CORRECT SLUG



SURVEYORS & ENGINEERS:
DANCH, HARNER & ASSOCIATES, INC.
1643 COMMERCE DRIVE
SOUTH BEND, IN. 46628
(574) 234-4003
ATTN: MICHAEL DANCH

DATE	DRAWN BY:	REVISIONS	
6/17/19	GGS		
SCALE	CHECKED BY:	DATE	BY
1" = 20'	MJD		
FILE #	PROJ. MANGR:		
190700	MJD		

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