

# City of South Bend

## BOARD OF ZONING APPEALS

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### AGENDA

Monday, May 1, 2023 - 4:00 p.m.  
County-City Building  
Seventh-Floor, Commissioner's Conference Room  
[www.tinyurl.com/sbbza](http://www.tinyurl.com/sbbza)

#### PUBLIC HEARING:

- Location:** 1910 LINCOLNWAY BZA#0148-23  
**Owner:** LAMAR ADVERTISING COMPANY  
**Requested Action:**  
Variance(s):  
1) From the 300 sq.ft. maximum sign surface area for an off-premise sign to 494.5 sq.ft.  
**Zoning:** C Commercial
- Location:** 1072 LINCOLNWAY BZA#0149-23  
**Owner:** LAMAR ADVERTISING COMPANY  
**Requested Action:**  
Variance(s):  
1) From the 300 sq.ft. maximum sign surface area for an off-premise sign to 494.5 sq.ft.;  
2) From the 750' minimum linear spacing between off-premise signs to 15';  
3) From the 300' minimum radial spacing between off-premise signs to 102';  
4) From the 100' minimum radial spacing to a residential use or U3 District to 75'  
**Zoning:** C Commercial
- Location:** 1704 LINCOLNWAY BZA#0150-23  
**Owner:** LAMAR ADVERTISING COMPANY  
**Requested Action:**  
Variance(s):  
1) From the 750' minimum linear spacing between off-premise signs to 450';  
2) From the 200' minimum linear spacing to a school to 0';  
3) From the 100' minimum radial spacing to a residential use or U2 District to 30'  
**Zoning:** C Commercial
- Location:** 208 SAMPLE ST BZA#0152-23  
**Owner:** LAMAR ADVERTISING COMPANY  
**Requested Action:**  
Variance(s):  
1) From the 750' minimum linear spacing between off-premise signs to 465'  
**Zoning:** C Commercial

City of South Bend **BOARD OF ZONING APPEALS**

5. **Location:** 2713 BENDIX DR BZA#0153-23  
**Owner:** LAMAR ADVERTISING COMPANY  
**Requested Action:**  
Variance(s):  
1) From the 300 sq.ft. maximum sign surface area for an off-premise sign to 494.5 sq.ft.;  
2) From the 200' minimum linear spacing to residential use or U1 District to 0'  
**Zoning:** I Industrial
6. **Location:** 259 N LOGAN ST BZA#0178-23  
**Owner:** LAMAR ADVERTISING COMPANY  
**Requested Action:**  
Variance(s):  
1) From the 200' minimum linear spacing to residential use or 21 District to 13';  
2) From the 100' minimum radial spacing to a residential use or S1 District to 13';  
3) From the 750' minimum linear spacing between off-premises signs to 0';  
4) From the 300' minimum radial spacing between off-premise signs to 65'  
**Zoning:** C Commercial
7. **Location:** 323 SHERIDAN ST BZA#0179-23  
**Owner:** LAMAR ADVERTISING COMPANY  
**Requested Action:**  
Variance(s):  
1) From the 10' minimum front setback to 0'  
**Zoning:** C Commercial
8. **Location:** 3535 MCKINLEY AVE BZA#0195-23  
**Owner:** LAMAR ADVERTISING COMPANY  
**Requested Action:**  
Variance(s):  
1) From the 300 sq.ft. maximum sign surface area for an off-premise sign to 494.5 sq.ft.  
**Zoning:** C Commercial
9. **Location:** 2528 WESTERN AVE BZA#0189-23  
**Owner:** CLAUDIA AND SAMUEL BAUTISTA  
**Requested Action:**  
Variance(s):  
1) to allow vinyl siding where prohibited  
**Zoning:** NC Neighborhood Center
10. **Location:** 510 IRONWOOD DR BZA#0193-23  
**Owner:** RALPH KOMASINSKI & KATHERINE HUMPHREYS  
**Requested Action:**  
Variance(s):  
1) from the required 4' stoop depth to 1'-6"  
**Zoning:** S1 Suburban Neighborhood 1

City of South Bend **BOARD OF ZONING APPEALS**

11. **Location:** 309 TAYLOR ST BZA#0194-23

**Owner:** ST PATRICK CHURCH DIOCESE OF FT WAYNE

**Requested Action:**

Variance(s):

- 1) From the maximum 4' fence height in an established corner yard to 6';
- 2) To allow chain link fencing where prohibited

**Zoning:** NC Neighborhood Center

12. **Location:** 751 COTTAGE GROVE AVE BZA#0190-23

**Owner:** SUNCHOKE FARMS LLC

**Requested Action:**

Variance(s):

- 1) Use variance for urban agriculture

**Zoning:** U1 Urban Neighborhood 1

13. **Location:** 630 HARRISON ST and 632 HARRISON ST BZA#0191-23

**Owner:** CIVIL CITY OF SOUTH BEND

**Requested Action:**

Variance(s):

- 1) use variance for urban agriculture

**Zoning:** U2 Urban Neighborhood 2

14. **Location:** 506 OLIVE ST BZA#0192-23

**Owner:** ALBERT AND ELLA WILLIAMS

**Requested Action:**

Variance(s):

- 1) to allow parking in the front yard

Special Exception: Minor Vehicle Service

**Zoning:** NC Neighborhood Center

**ITEMS NOT REQUIRING A PUBLIC HEARING:**

1. Findings of Fact – April 3, 2023
2. Minutes – April 3, 2023
3. Other Business
4. Adjournment

NOTICE FOR HEARING AND SIGN IMPAIRED PERSONS

Auxiliary Aid or other services may be available upon request at no charge. Please give reasonable advance request when possible.

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**Property Information**

Location: 1910 LINCOLNWAY  
Owner: LAMAR ADVERTISING COMPANY

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**Project Summary**

Alteration of an off-premise sign.

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**Requested Action**

Variance(s): 1) From the 300 sq.ft. maximum sign surface area for an off-premise sign to 494.5 sq.ft.

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**Site Location**



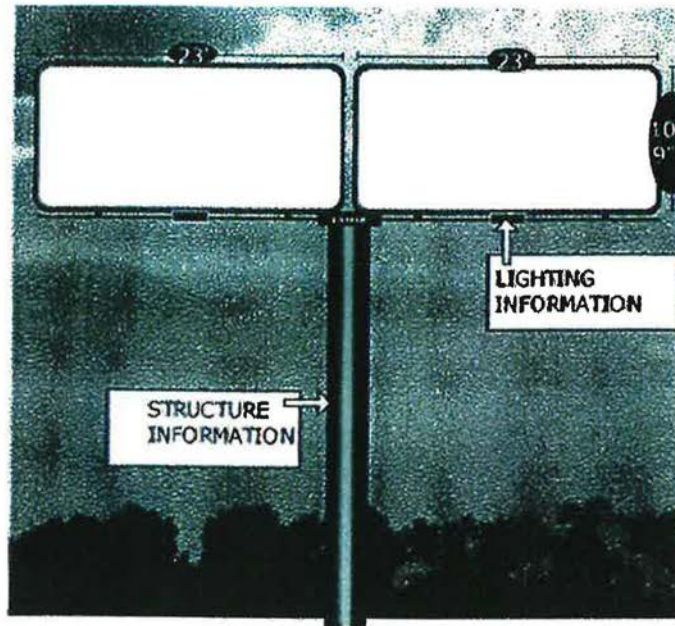
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**Staff Recommendation**

Based on the information available prior to the public hearing, the Staff recommends the Board deny the variance as requested.

Proposed Site Plan

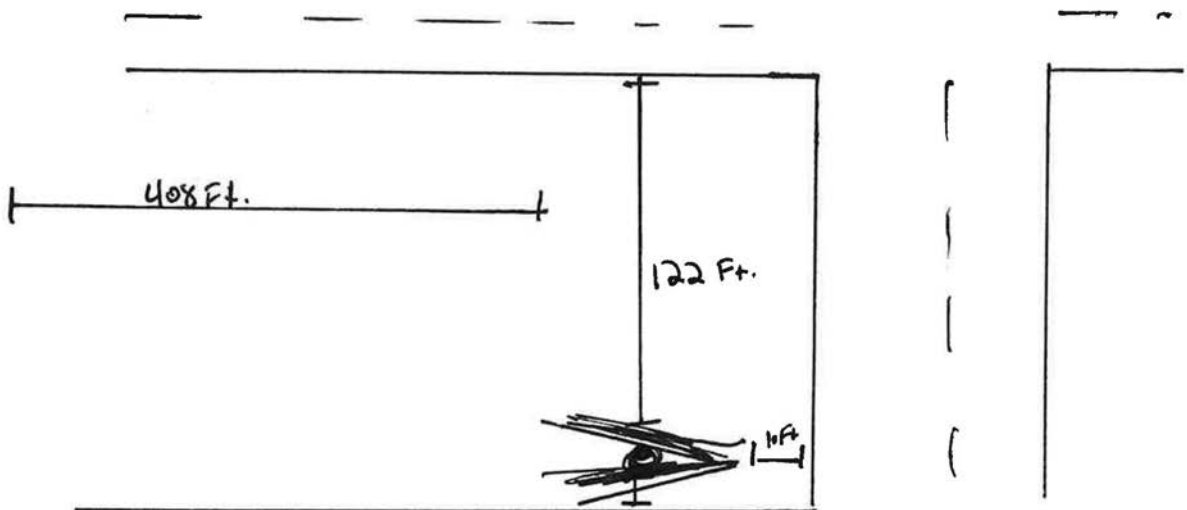
1910 Lincolnway South Bend IN



HAGL 18 Ft

OVERALL HEIGHT 32 Ft

ADDITIONAL COMMENTS: • Nearest Residential 400 Ft  
 SIDE BY SIDE POSTERS • No other off premise w/CI 1750 ft  
 CENTER MOUNT • 0 Feet to South Property Line  
 SINGLE POLE



**Criteria for Decision Making: Variance(s)**

**State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. The standards and their justifications are as follows:**

**(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community**

Approval of the variance could be injurious to the community because it would legalize a sign not otherwise permitted, and violate the intent of the Ordinance. The intent of the sign regulations include eliminating excessive and confusing sign displays, improving the appearance of the city, enhancing property values by minimizing the possible adverse effects of signs, protecting the public and private investment in building and open space, and eliminating potential hazards to motorist and pedestrians resulting from signs. The legal nonconforming provision of the Ordinance state that the intent it to allow legally established to remain, but not encourage their survival. Granting a variance will legalize the sign and allow it remain indefinitely, even allowing it to be completely replaced in the future. Granting a variance for a legal nonconforming sign that exceeds the maximum area allowed would be contrary to the intent of the Ordinance and could be injurious to the welfare of the community, and potentially the safety as well.

**(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**

The surrounding area is primarily commercial and industrial, so the value of surrounding properties at this location may not be impacted.

**(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property**

Strict application would not result in any practical difficulties in the use of the property for commercial purposes. The primary commercial use of the property can remain without the approval of a variances to allow for an off-premise sign. The off-premise sign is an accessory use not related to the use of the property. The petitioner could display an off-premise sign in this location at the maximum 300 sq.ft., which would still allow for one portion of the structure to remain.

**(4) The variance granted is the minimum necessary**

The variance granted is not the minimum necessary. There are no practical difficulties on the property that would result in the petitioners inability to abide by the Ordinance.

**(5) The variance does not correct a hardship cause by a former or current owner of the property**

Because the sign was changed as part of a rebranding and not as normal maintenance or repair, the hardship is created by the property owner. There are not other hardships or practical difficulties associated with the property.

## Analysis & Recommendation

**Analysis:** There are no practical difficulties that warrant the request for the variance. Allowing a variance for a sign that exceeds the maximum area allowed would be contrary to the intent of the Ordinance and could be injurious to the welfare of the community.

**Staff Recommendation:** Based on the information available prior to the public hearing, the Staff recommends the Board deny the variance as requested.

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**Property Information**

Location: 1072 LINCOLNWAY  
Owner: LAMAR ADVERTISING COMPANY, SLM MANAGEMENT LLC

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**Project Summary**

Alteration of an off-premise sign

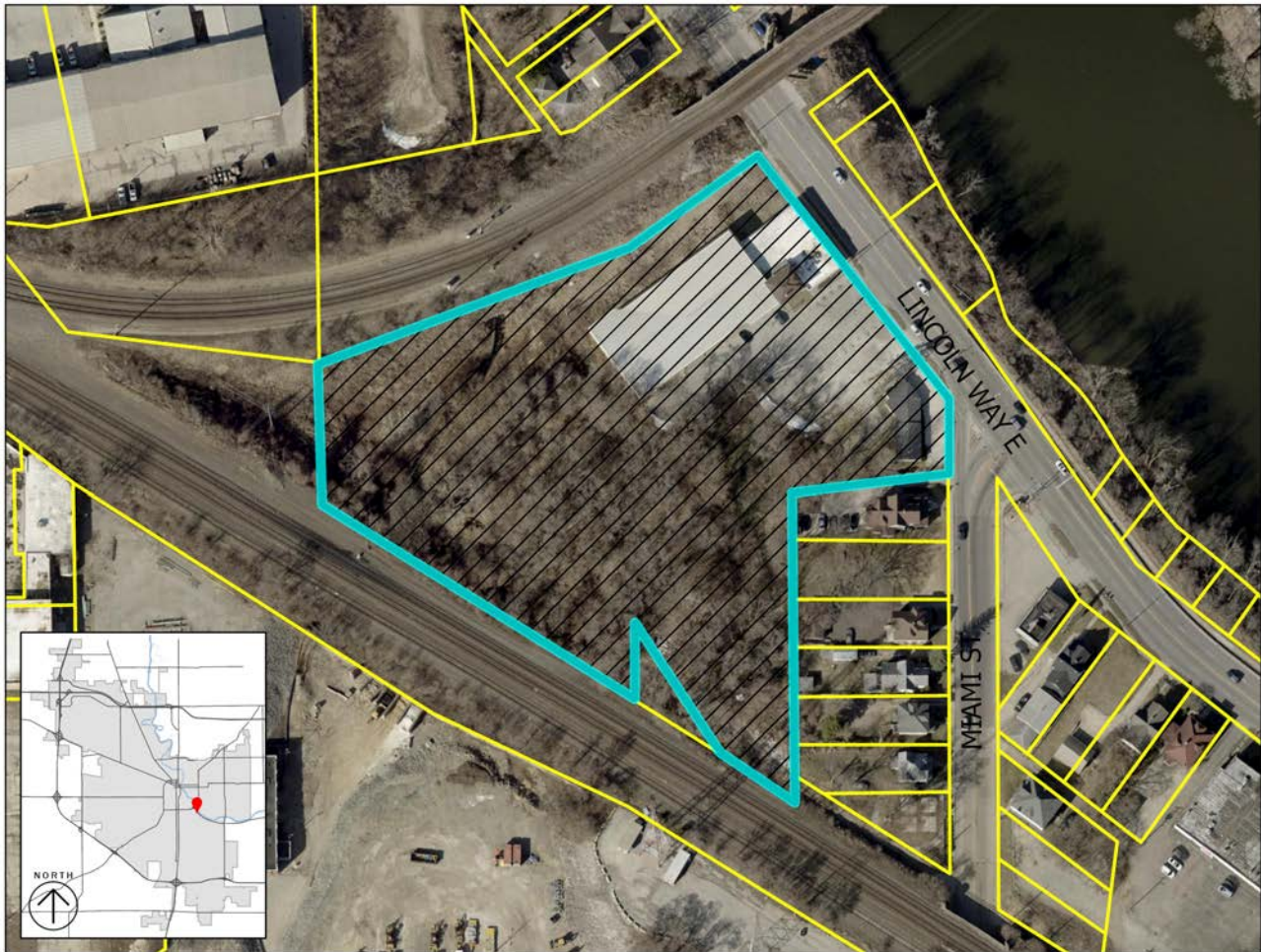
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**Requested Action**

Variance(s): 1) From the 300 sq.ft. maximum sign surface area for an off-premise sign to 494.5 sq.ft.; 2) From the 750' minimum linear spacing between off-premise signs to 15'; 3) From the 300' minimum radial spacing between off-premise signs to 102'; 4) From the 100' minimum radial spacing to a residential use or U3 District to 75'

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**Site Location**



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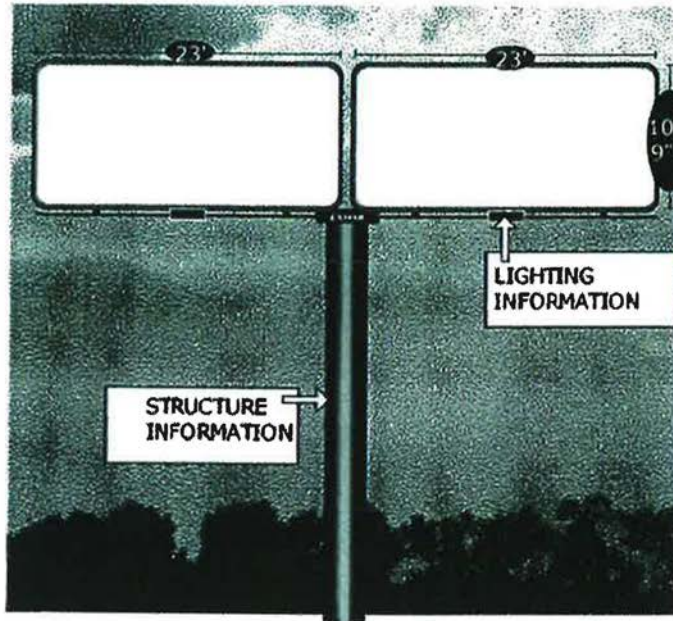
**Staff Recommendation**

Based on the information available prior to the public hearing, the Staff recommends the Board deny the variances as requested.



Proposed Site Plan

1072 Lincolnway East. South Bend



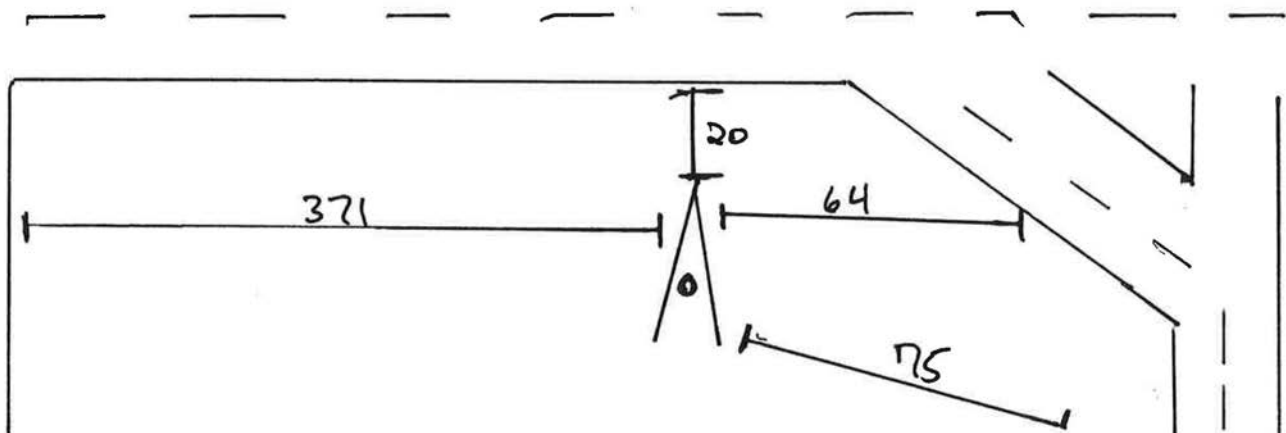
HAGL 21 Ft

OVERALL HEIGHT 31'9 Feet

- ADDITIONAL COMMENTS:
- 75 Ft to Residential
  - 102 Ft to nearest off Premise
  - 64 Ft to East Property line
  - 371 Ft to West Property Line

- 20 Feet set back from Lincolnway

SIDE BY SIDE POSTERS  
CENTER MOUNT  
SINGLE POLE



**Criteria for Decision Making: Variance(s)**

**State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. The standards and their justifications are as follows:**

**(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community**

Approval of the variances could be injurious to the community because it would legalize a sign not otherwise permitted, and violate the intent of the Ordinance. The intent of the sign regulations include eliminating excessive and confusing sign displays, improving the appearance of the city, enhancing property values by minimizing the possible adverse effects of signs, protecting the public and private investment in building and open space, and eliminating potential hazards to motorist and pedestrians resulting from signs. The legal nonconforming provision of the Ordinance state that the intent it to allow legally established to remain, but not encourage their survival. Granting variances will legalize the sign and allow it remain indefinitely, even allowing it to be completely replaced in the future. Granting variances for a legal nonconforming sign that exceeds the maximum area allowed and does not meet the spacing requirements would be contrary to the intent of the Ordinance and could be injurious to the welfare of the community, and potentially the safety as well.

**(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**

Separation requirements between off-premise signs, and from other districts or uses, are specifically designed to eliminate excess signs and improve the appearance of the City. Granting the variance could adversely impact the use and value of the property by impairing future development or limiting its ability to bring the site into conformance with current development standards, such as landscaping or building placement.

**(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property**

Strict application would not result in any practical difficulties in the use of the property for commercial purposes. The primary commercial use of the property can remain without the approval of a variances to allow for an off-premise sign. The spacing requirements are a critical element for off-premise signs, because they function as a second use on the property (i.e. they are not accessory to the primary use). In setting spacing requirements between other off-premise signs, specific districts, and specific uses, the City is stating they are not appropriate in locations that do not meet these criteria.

**(4) The variance granted is the minimum necessary**

The variances requested are not the minimum necessary. There is no justification for a sign that exceeds the maximum 300 sq.ft., which would still allow for one portion of the structure to remain. Likewise, the petitioner could remove other off-premise signs in the area to eliminate variances number 2 and 3. The spacing requirements are a critical element for off-premise signs. By the adoption of the Ordinance, the City has determined signs that do not meet these requirements should not be permitted.

**(5) The variance does not correct a hardship cause by a former or current owner of the property**

Because the sign was changed as part of a rebranding and not as normal maintenance or repair, the hardship is created by the petitioner. There are not other hardships or practical difficulties associated with the property.

## Analysis & Recommendation

**Analysis:** There are no practical difficulties that warrant the request for the variances. Allowing variances for a sign that exceeds the maximum area allowed and does not meet the minimum separation requirements established would be contrary to the intent of the Ordinance and could be injurious to the welfare of the community.

**Staff Recommendation:** Based on the information available prior to the public hearing, the Staff recommends the Board deny the variances as requested.

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**Property Information**

Location: 1704 LINCOLNWAY  
Owner: LAMAR ADVERTISING COMPANY

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**Project Summary**

Alteration of an off-premise sign.

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**Requested Action**

- Variance(s): 1) From the 750' minimum linear spacing between off-premise signs to 450'  
2) From the 200' minimum linear spacing to a school to 0'  
3) From the 100' minimum radial spacing to a residential use or U2 District to 30'

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**Site Location**



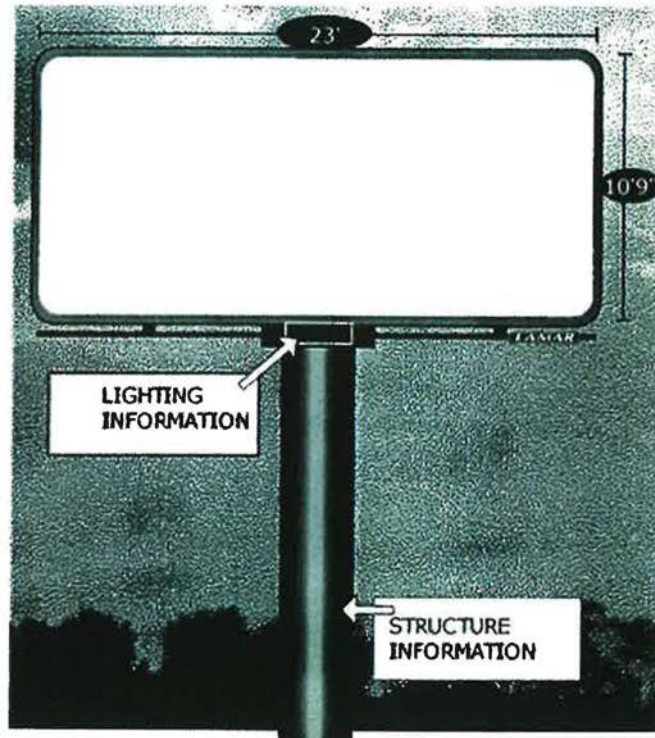
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**Staff Recommendation**

Based on the information available prior to the public hearing, the Staff recommends the Board deny the variances as requested.

Proposed Site Plan

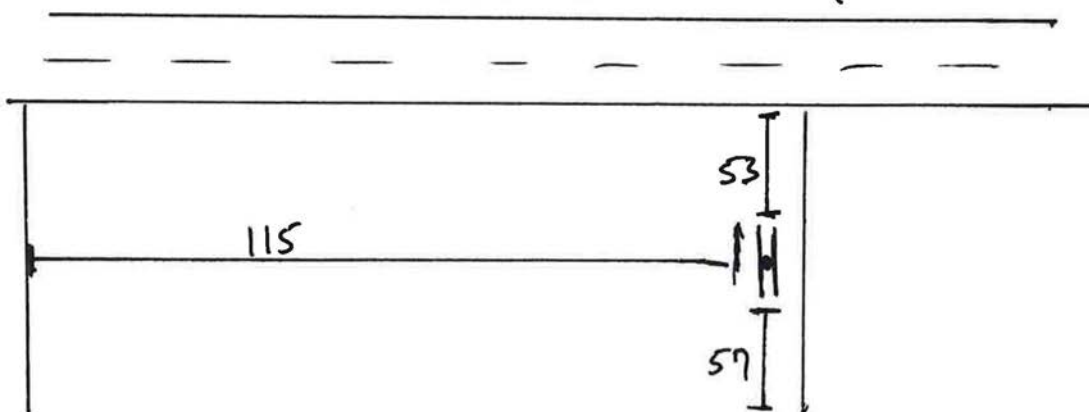
1704 Lincolnway East South Bend



HAGL 21

OVERALL HEIGHT 32'9"

- ADDITIONAL COMMENTS:
- 57 Ft to Residential
  - 450 Ft to nearest off Premise
  - 3 Ft to East Property line
  - 53 Ft to Lincolnway
  - 115 Ft to west Property line
- POSTER  
CENTER MOUNT  
SINGLE POLE



**Criteria for Decision Making: Variance(s)**

**State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. The standards and their justifications are as follows:**

**(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community**

Approval of the variances could be injurious to the community because it would legalize a sign not otherwise permitted, and violate the intent of the Ordinance. The intent of the sign regulations include eliminating excessive and confusing sign displays, improving the appearance of the city, enhancing property values by minimizing the possible adverse effects of signs, protecting the public and private investment in building and open space, and eliminating potential hazards to motorist and pedestrians resulting from signs. The legal nonconforming provision of the Ordinance state that the intent it to allow legally established to remain, but not encourage their survival. Granting variances will legalize the sign and allow it remain indefinitely, even allowing it to be completely replaced in the future. Granting variances for a legal nonconforming sign that does not meet the minimum spacing requirements would be contrary to the intent of the Ordinance and could be injurious to the welfare of the community, and potentially the safety as well.

**(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**

Separation requirements between off-premise signs, and from other districts or uses, are specifically designed to eliminate excess signs and improve the appearance of the City. Granting the variance could adversely impact the use and value of the property by impairing future development or limiting its ability to bring the site into conformance with current development standards, such as landscaping or building placement. The spacing requirements are a critical element for off-premise signs. By the adoption of the Ordinance, the City has determined off-premise signs that do not meet these requirements should not be permitted. The sign being located without meeting the minimum spacing requirements could affect the use and value of the residential property to the south.

**(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property**

Strict application would not result in any practical difficulties in the use of the property for commercial purposes. The primary commercial use of the property can remain without the approval of a variances to allow for an off-premise sign. The off-premise sign is an accessory use not related to the use of the property.

**(4) The variance granted is the minimum necessary**

Strict application would not result in any practical difficulties in the use of the property for commercial purposes. The primary commercial use of the property can remain without the approval of a variances to allow for an off-premise sign. The off-premise sign is an accessory use not related to the use of the property. There are other properties zoned C Commercial where the sign could be placed without violating the spacing requirements.

**(5) The variance does not correct a hardship cause by a former or current owner of the property**

Because the sign was changed as part of a rebranding and not as normal maintenance or repair, the hardship is created by the petitioner. There are not other hardships or practical difficulties associated with the property.

## Analysis & Recommendation

**Analysis:** There are no practical difficulties that warrant the request for a variances. Allowing variances for a sign that does not meet the minimum separation requirements established would be contrary to the intent of the Ordinance and could be injurious to the welfare of the community.

**Staff Recommendation:** Based on the information available prior to the public hearing, the Staff recommends the Board deny the variances as requested.

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**Property Information**

Location: 208 SAMPLE ST  
Owner: LAMAR ADVERTISING COMPANY

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**Project Summary**

Alteration of off-premise sign.

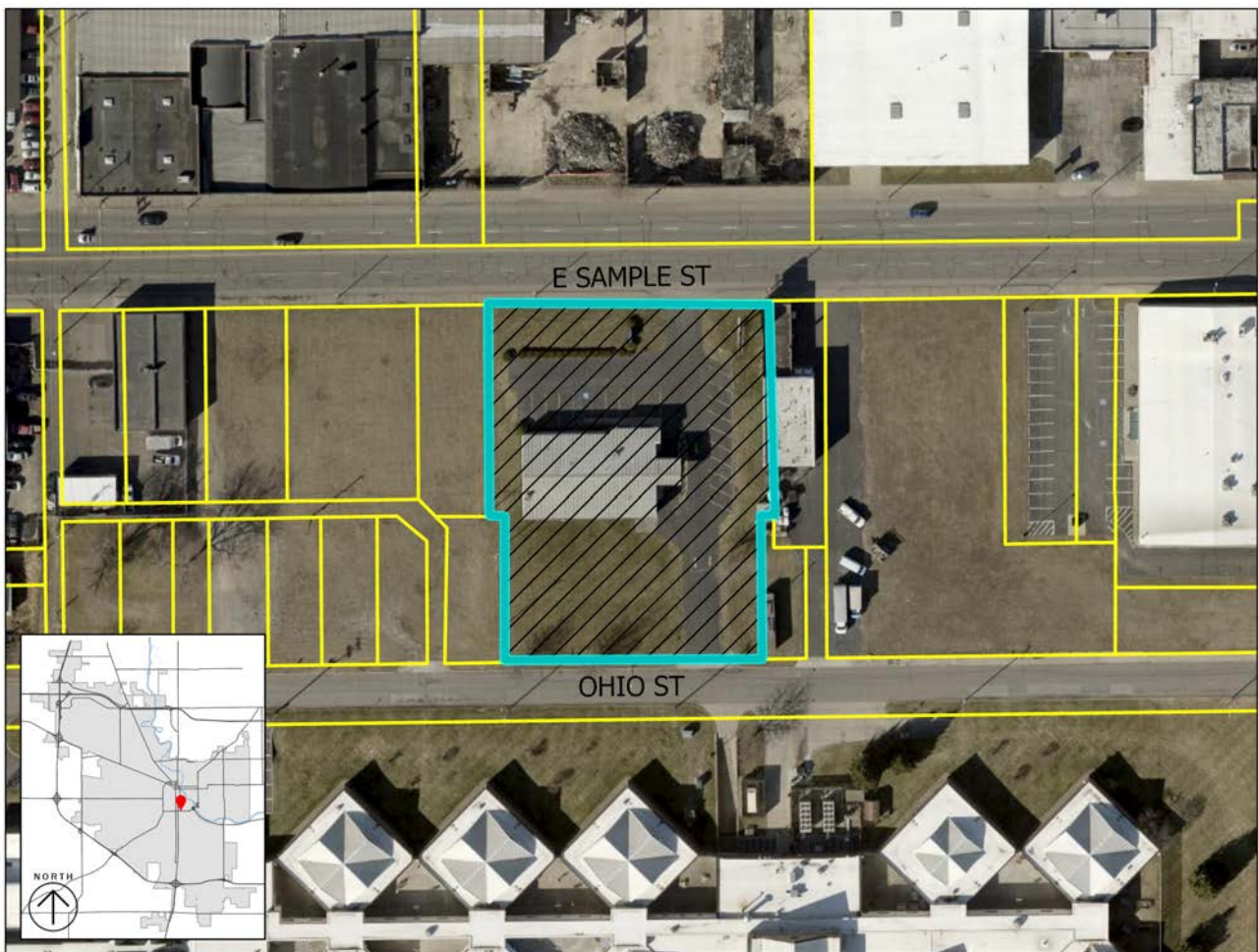
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**Requested Action**

Variance(s): 1) From the 750' minimum linear spacing between off-premise signs to 465'

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**Site Location**



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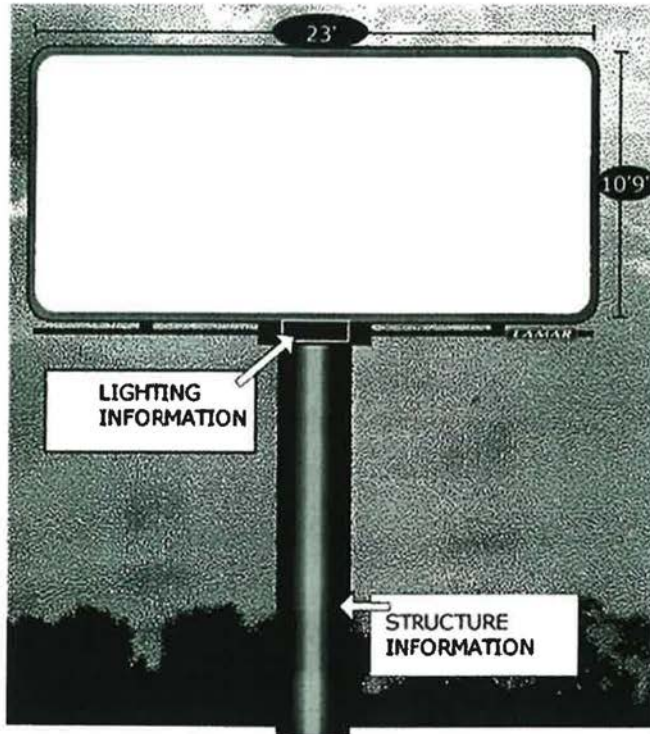
**Staff Recommendation**

Based on the information available prior to the public hearing, the Staff recommends the Board deny the variance as requested.



Proposed Site Plan

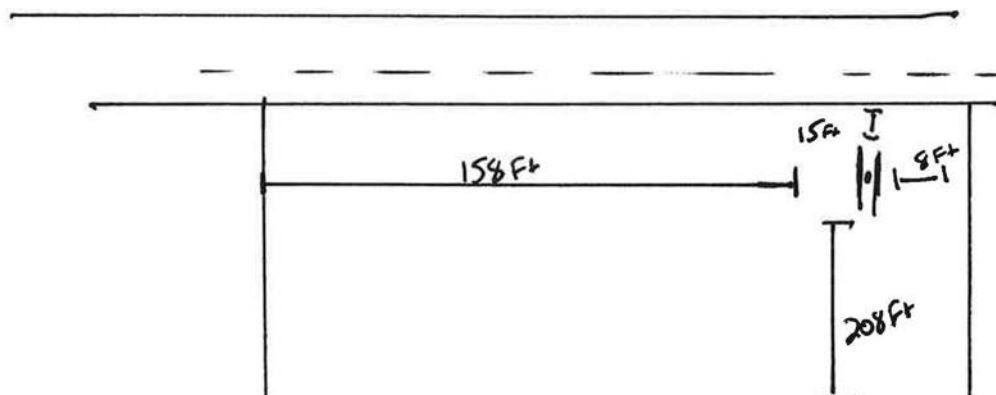
208 Sample St  
South Bend



HAGL 21

OVERALL HEIGHT 31'9"

- ADDITIONAL COMMENTS:
- 468 TO NEAREST OFF PREMISE
  - 15 Feet from Sample
  - 8 Feet from East property line
  - 208 Feet from South property line
  - 158 Feet from West property line
- POSTER  
CENTER MOUNT  
SINGLE POLE



**Criteria for Decision Making: Variance(s)**

**State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. The standards and their justifications are as follows:**

**(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community**

Approval of the variance could be injurious to the community because it would legalize a sign not otherwise permitted, and violate the intent of the Ordinance. The intent of the sign regulations include eliminating excessive and confusing sign displays, improving the appearance of the city, enhancing property values by minimizing the possible adverse effects of signs, protecting the public and private investment in building and open space, and eliminating potential hazards to motorist and pedestrians resulting from signs. The legal nonconforming provision of the Ordinance state that the intent it to allow legally established to remain, but not encourage their survival. Granting a variance will legalize the sign and allow it remain indefinitely, even allowing it to be completely replaced in the future. Granting a variance for a legal nonconforming sign that does not meet the minimum separation requirements would be contrary to the intent of the Ordinance and could be injurious to the welfare of the community, and potentially the safety as well.

**(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**

The surrounding area is primarily commercial and industrial, so the value of surrounding properties at this location may not be impacted. However, the sign may adversely impact any future development and use of the site.

**(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property**

Strict application would not result in any practical difficulties in the use of the property for commercial purposes. The primary commercial use of the property can remain without the approval of a variances to allow for an off-premise sign. The off-premise sign is an accessory use not related to the use of the property.

**(4) The variance granted is the minimum necessary**

The variance requested is not the minimum necessary. The petitioner could remove a nearby off-premise signs in the area in order to meet the minimum spacing requirements. The spacing requirements are a critical element for off-premise signs. By the adoption of the Ordinance, the City has determined off-premise signs that do not meet these requirements should not be permitted.

**(5) The variance does not correct a hardship cause by a former or current owner of the property**

Because the sign was changed as part of a rebranding and not as normal maintenance or repair, the hardship is created by the petitioner. There are not other hardships or practical difficulties associated with the property.

## Analysis & Recommendation

**Analysis:** There are no practical difficulties that warrant the request for the variance. Allowing a variance for a sign that exceeds the minimum spacing requirements would be contrary to the intent of the Ordinance and Could be injurious to the welfare of the community.

**Staff Recommendation:** Based on the information available prior to the public hearing, the Staff recommends the Board deny the variance as requested.

**Property Information**

Location: 2713 BENDIX DR  
Owner: LAMAR ADVERTISING COMPANY

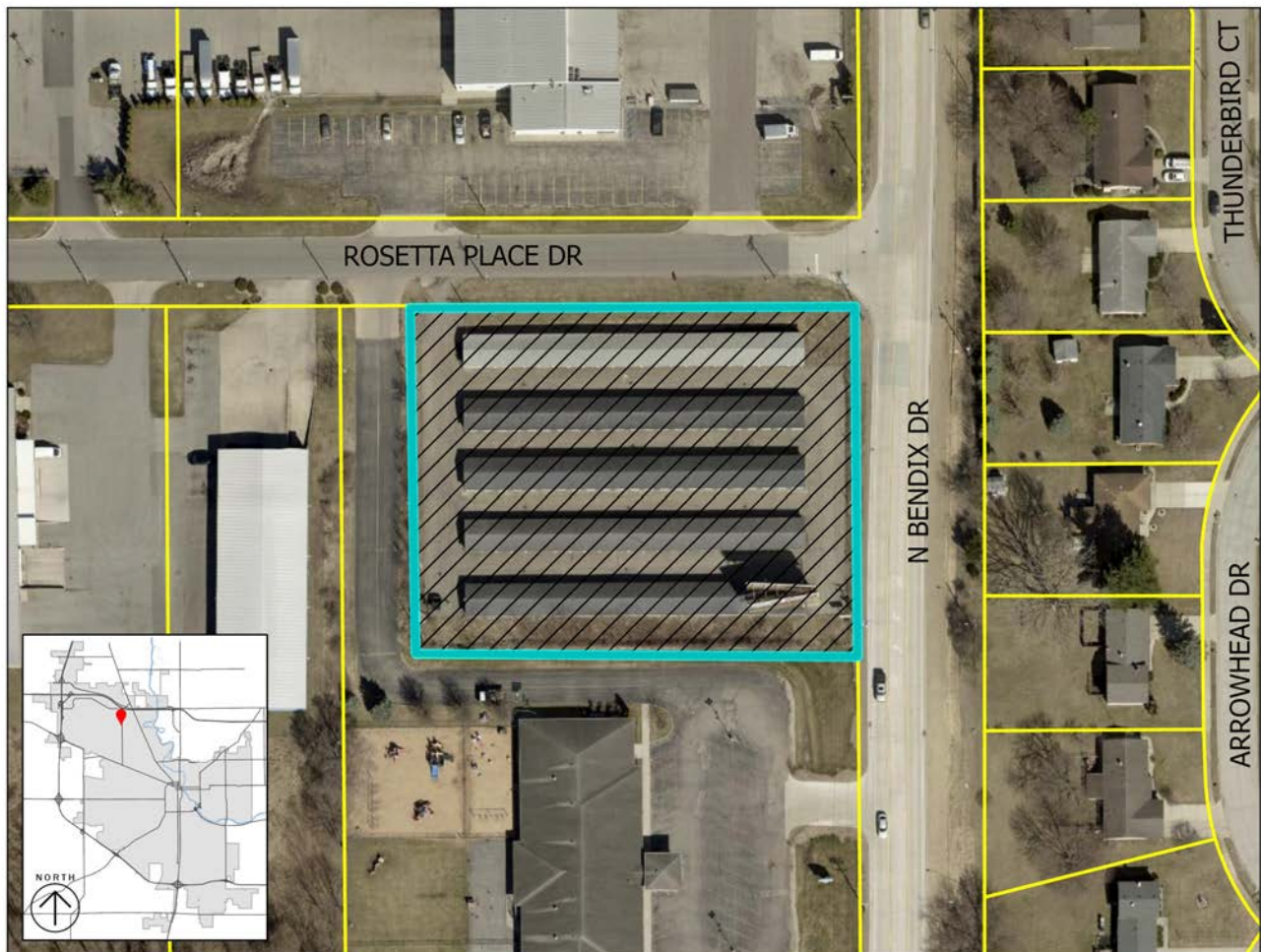
**Project Summary**

Alteration of an off-premise sign

**Requested Action**

Variance(s): 1) From the 300 sq.ft. maximum sign surface area for an off-premise sign to 494.5 sq.ft.  
2) From the 200' minimum linear spacing to residential use or U1 District to 0'

**Site Location**

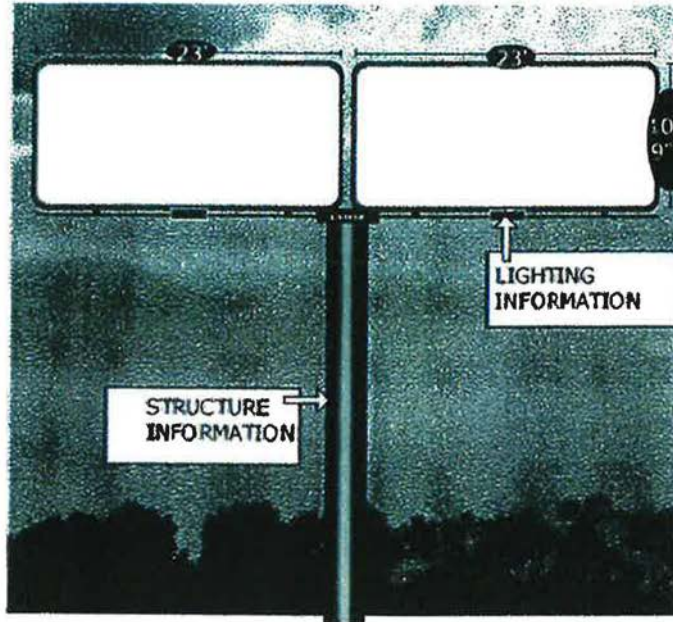


**Staff Recommendation**

Based on the information available prior to the public hearing, the Staff recommends the Board deny the variances as requested.

Proposed Site Plan

2713 BENDIX South Bend IN



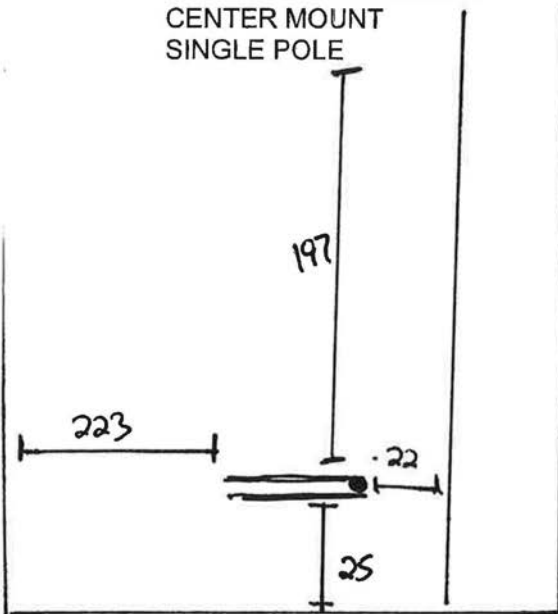
HAGL 24 Ft

OVERALL HEIGHT 34.9

ADDITIONAL COMMENTS:

SIDE BY SIDE POSTERS  
CENTER MOUNT  
SINGLE POLE

- 113 Ft to Residential
  - Nearest off Premise N/A
  - 25 Ft to South Property Line
  - 197 Ft to North Property Line
  - 223 Ft. to west Property line
- 22 Feet to Bendix



**Criteria for Decision Making: Variance(s)**

**State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. The standards and their justifications are as follows:**

**(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community**

Approval of the variances could be injurious to the community because it would legalize a sign not otherwise permitted, and violate the intent of the Ordinance. The intent of the sign regulations include eliminating excessive and confusing sign displays, improving the appearance of the city, enhancing property values by minimizing the possible adverse effects of signs, protecting the public and private investment in building and open space, and eliminating potential hazards to motorist and pedestrians resulting from signs. The legal nonconforming provision of the Ordinance state that the intent it to allow legally established to remain, but not encourage their survival. Granting variances will legalize the sign and allow it remain indefinitely, even allowing it to be completely replaced in the future. Granting variances for a legal nonconforming sign that exceeds the maximum area allowed and does not meet the separation requirements would be contrary to the intent of the Ordinance and could be injurious to the welfare of the community, and potentially the safety as well.

**(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**

While the west side of Bendix is primarily commercial and industrial, the east side of Bendix in this area is single family residential. The City has recently made an effort to minimize the impact of Bendix on the use and value of the adjacent properties by reducing the number of travel lanes and adding sidewalk. Legalizing a sign in a location without meeting the spacing requirement adopted in the South Bend Zoning Ordinance would be detrimental to the efforts being made by the City to improve the use and value of the adjacent properties.

**(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property**

Strict application would not result in any practical difficulties in the use of the property for commercial purposes. The primary commercial use of the property can remain without the approval of variances to allow for an off-premise sign. The off-premise sign is an accessory use not related to the use of the property.

**(4) The variance granted is the minimum necessary**

The variances requested are not the minimum necessary. There is no justification for a sign that exceeds the maximum 300 sq.ft Also, the spacing requirements are a critical element for off-premise signs. By the adoption of the Ordinance, the City has determined off-premise signs that do not meet these requirements should not be permitted. There are other industrial or commercial zoned properties where the sign could be placed without violating the spacing requirements.

**(5) The variance does not correct a hardship cause by a former or current owner of the property**

Because the sign was changed as part of a rebranding and not as normal maintenance or repair, the hardship is created by the petitioner. There are not other hardships or practical difficulties associated with the property.

## Analysis & Recommendation

**Analysis:** There are no practical difficulties that warrant the request for the variances.

**Staff Recommendation:** Based on the information available prior to the public hearing, the Staff recommends the Board deny the variances as requested.

**Property Information**

Location: 259 N LOGAN ST  
Owner: LAMAR ADVERTISING COMPANY

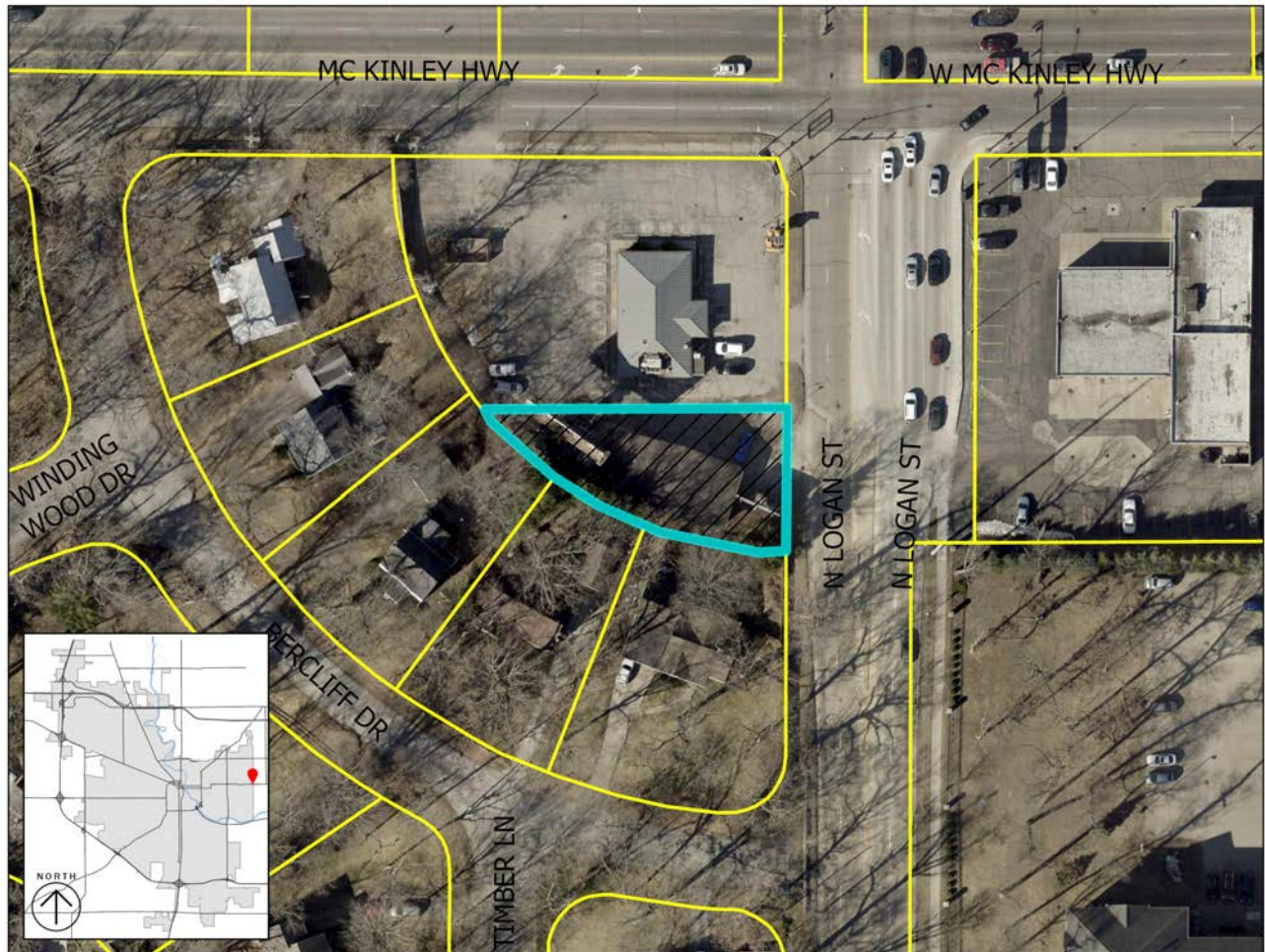
**Project Summary**

Alteration of an off-premise sign.

**Requested Action**

Variance(s): 1) From the 200' minimum linear spacing to residential use or 21 District to 13'; 2) From the 100' minimum radial spacing to a residential use or S1 District to 13'; 3) From the 750' minimum linear spacing between off-premises signs to 0'; 4) From the 300' minimum radial spacing between off-premise signs to 65'

**Site Location**



**Staff Recommendation**

Based on the information available prior to the public hearing, the Staff recommends the Board deny the variances as requested.

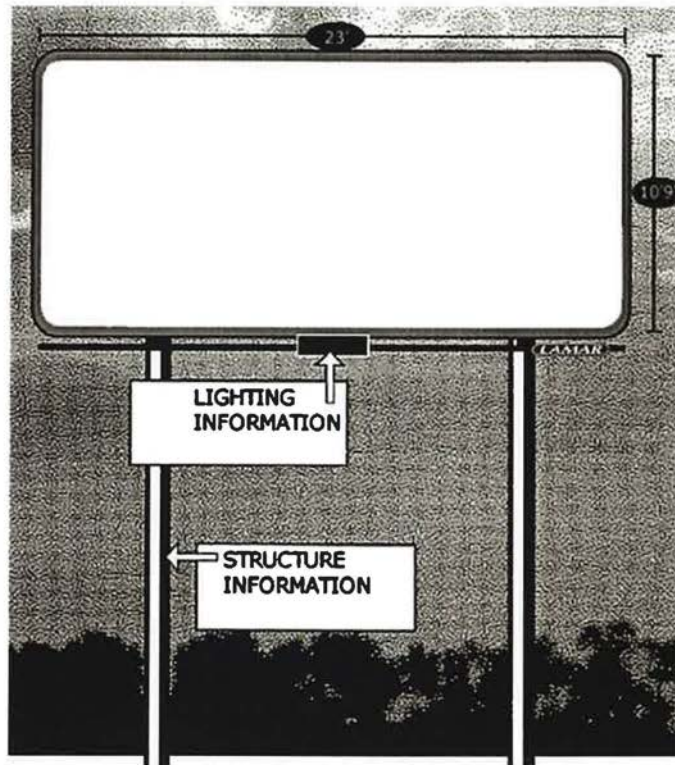


Proposed Site Plan

259 N. Logan



RECEIVED FEB 09 2023



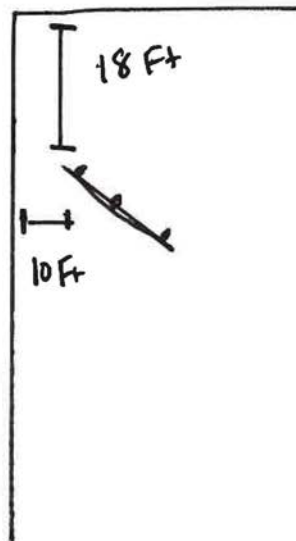
HAGL 5 Ft

OVERALL HEIGHT 15'9

ADDITIONAL

POSTER  
I-BEAM

10 Ft From Logan  
18 Ft From Res to  
the south - Not  
Reading that way



## Criteria for Decision Making: Variance(s)

**State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. The standards and their justifications are as follows:**

**(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community**

Approval of the variances could be injurious to the community because it would legalize a sign not otherwise permitted, and violate the intent of the Ordinance. The intent of the sign regulations include eliminating excessive and confusing sign displays, improving the appearance of the city, enhancing property values by minimizing the possible adverse effects of signs, protecting the public and private investment in building and open space, and eliminating potential hazards to motorist and pedestrians resulting from signs. The legal nonconforming provision of the Ordinance state that the intent it to allow legally established to remain, but not encourage their survival. Granting variances will legalize the sign and allow it remain indefinitely, even allowing it to be completely replaced in the future. Granting variances for a legal nonconforming sign that does not meet the minimum spacing requirements would be contrary to the intent of the Ordinance and could be injurious to the welfare of the community, and potentially the safety as well.

**(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**

This property is located at a commercial node with residential just to the north. The proposed variances could negatively impact the value of the property to the north. In addition, the sign may adversely impact any future development and use of the site.

**(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property**

Strict application would not result in any practical difficulties in the use of the property for commercial purposes. The primary commercial use of the property can remain without the approval of a variances to allow for an off-premise sign. The off-premise sign is an accessory use not related to the use of the property. With the other off-premise sign at the same quadrant of the intersection, the petitioner would still have the ability to advertise at this location even if the sign in question was removed.

**(4) The variance granted is the minimum necessary**

The variance requested is not the minimum necessary. The spacing requirements are a critical element for off-premise signs. By the adoption of the Ordinance, the City has determined off-premise signs that do not meet these requirements should not be permitted. There is no practical difficulty that warrants the requested variances.

**(5) The variance does not correct a hardship cause by a former or current owner of the property**

Because the sign was changed as part of a rebranding and not as normal maintenance or repair, the hardship is created by the property owner. There are not other hardships or practical difficulties associated with the property.

## Analysis & Recommendation

**Analysis:** There are no practical difficulties that warrant the request for the variances. Allowing variances for a sign that does not meet the minimum spacing requirements would be contrary to the intent of the Ordinance and could be injurious to the welfare of the community.

**Staff Recommendation:** Based on the information available prior to the public hearing, the Staff recommends the Board deny the variances as requested.

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**Property Information**

Location: 323 SHERIDAN ST  
Owner: LAMAR ADVERTISING COMPANY

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**Project Summary**

Alteration of an off-premise sign.

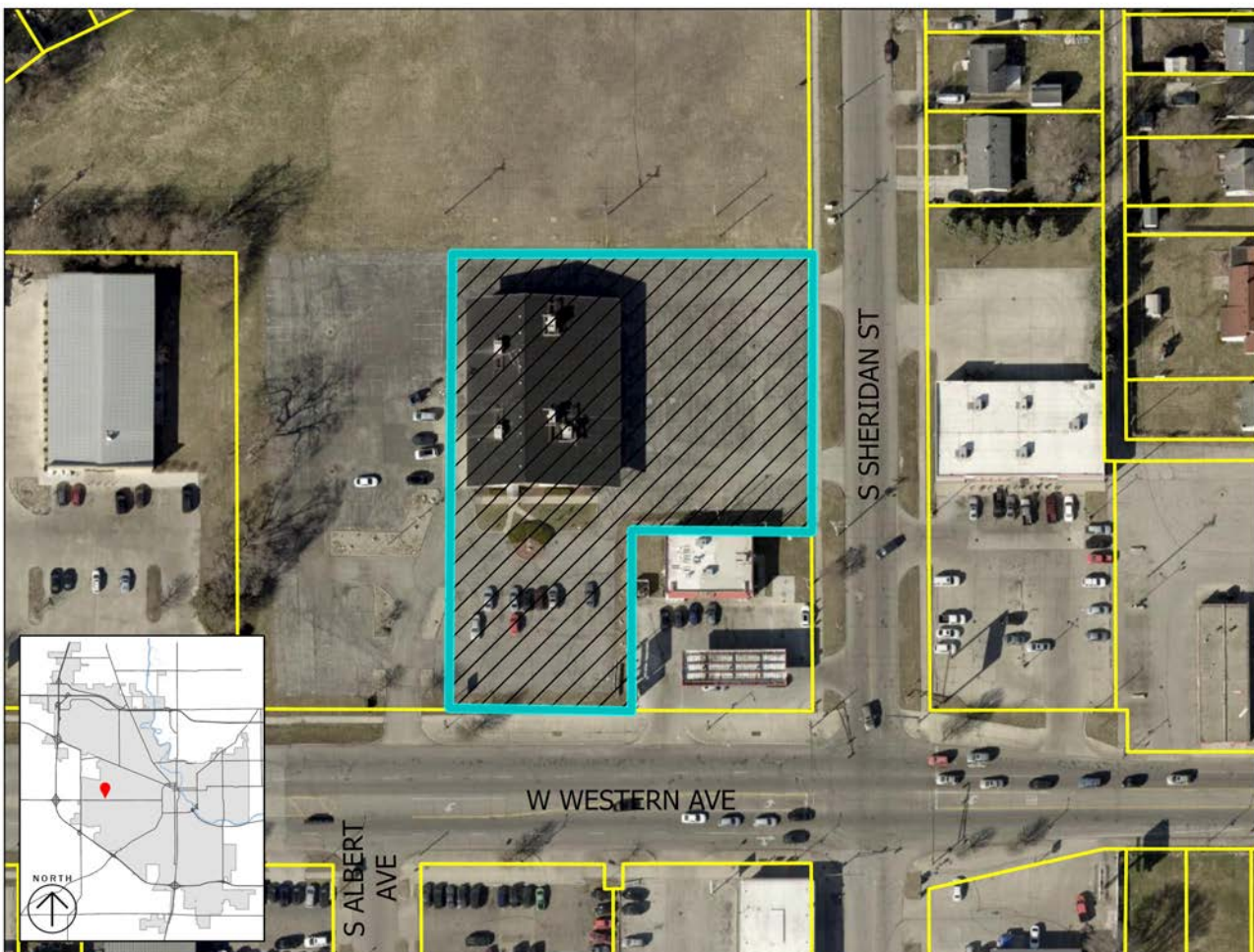
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**Requested Action**

Variance(s): 1) From the 10' minimum front setback to 0'

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**Site Location**



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**Staff Recommendation**

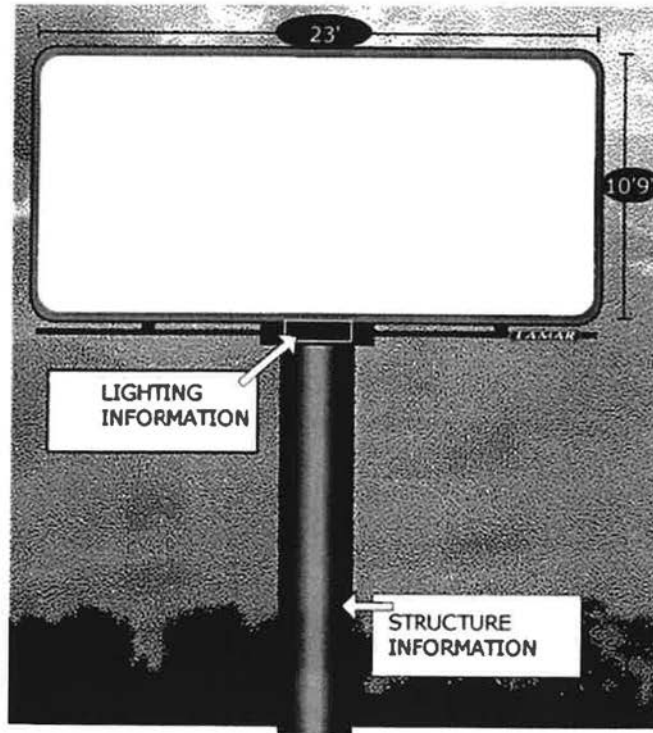
Based on the information available prior to the public hearing, the Staff recommends the Board deny the variance as requested.

Proposed Site Plan

323 Sheridan  
South Bend

RECEIVED FEB 09 2023

**LAMAR**  
OUTDOOR ADVERTISING

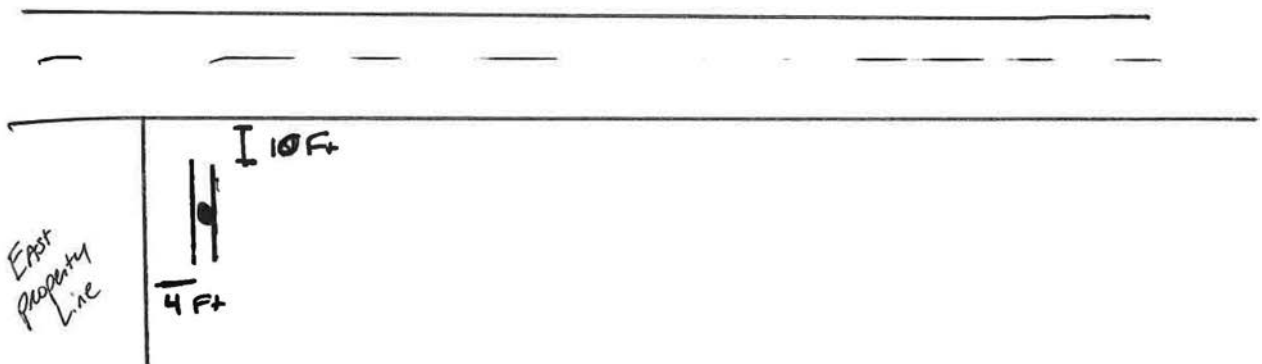


HAGL 20F

OVERALL HEIGHT 30'9

ADDITIONAL COMMENTS:

POSTER  
CENTER MOUNT  
SINGLE POLE



**Criteria for Decision Making: Variance(s)**

**State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. The standards and their justifications are as follows:**

**(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community**

Approval of the variance could be injurious to the community because it would legalize a sign not otherwise permitted, and violate the intent of the Ordinance. The intent of the sign regulations include eliminating excessive and confusing sign displays, improving the appearance of the city, enhancing property values by minimizing the possible adverse effects of signs, protecting the public and private investment in building and open space, and eliminating potential hazards to motorist and pedestrians resulting from signs. The legal nonconforming provision of the Ordinance state that the intent it to allow legally established to remain, but not encourage their survival. Granting a variance will legalize the sign and allow it remain indefinitely, even allowing it to be completely replaced in the future. Granting a variance for a legal nonconforming sign that does not meet the minimum setbacks would be contrary to the intent of the Ordinance and could be injurious to the welfare of the community, and potentially the safety as well.

**(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**

The surrounding area is primarily commercial and industrial, so the value of surrounding properties at this location may not be impacted.

**(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property**

Strict application of the terms of the Ordinance would not result in practical difficulties. The primary commercial use of the property can remain without the approval of a variances to allow for an off-premise sign. The off-premise sign is an accessory use not related to the use of the property. There appears to be adequate room on the property to install the sign at a code compliant location.

**(4) The variance granted is the minimum necessary**

The variance requested is not the minimum necessary. There is no justification for a sign that does not meet the setback requirements of the Ordinance. If a survey is conducted that shows the leading edge of the sign meets the 10' setback, no variance is needed. The sign may be able to be modified to meet the setback, or installed at a code compliant location.

**(5) The variance does not correct a hardship cause by a former or current owner of the property**

Because the sign was changed as part of a rebranding and not as normal maintenance or repair, the hardship is created by the petitioner. There are not other hardships or practical difficulties associated with the property.

## Analysis & Recommendation

**Analysis:** There are no practical difficulties that warrant the request for the variance. Allowing a variance for a sign that does not meet the minimum setback would be contrary to the intent of the Ordinance and could be injurious to the welfare of the community.

**Staff Recommendation:** Based on the information available prior to the public hearing, the Staff recommends the Board deny the variance as requested.

**Property Information**

Location: 3535 MCKINLEY AVE  
Owner: LAMAR ADVERTISING COMPANY

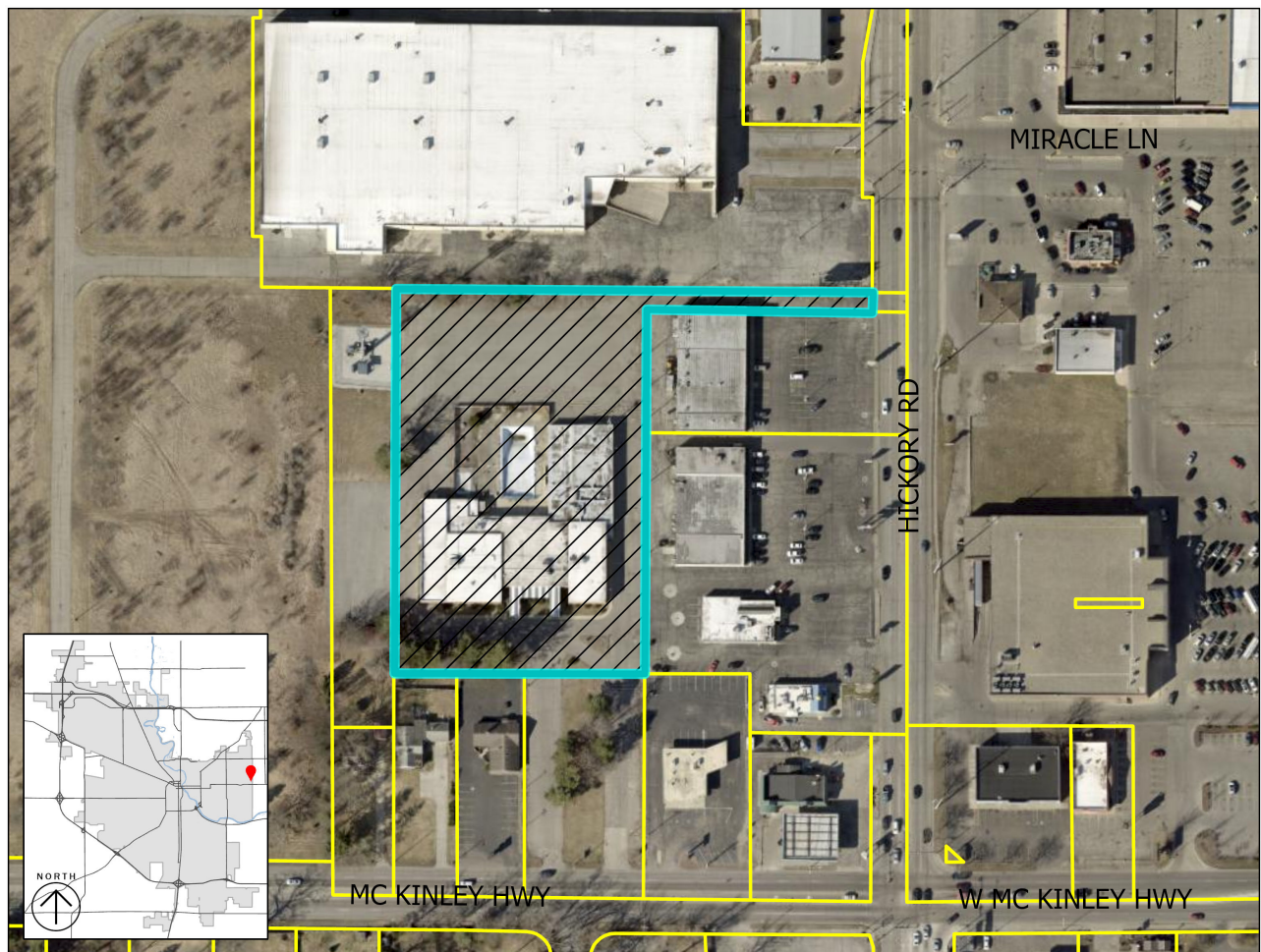
**Project Summary**

Alteration of an off-premise sign.

**Requested Action**

Variance(s): 1) From the 300 sq.ft. maximum sign surface area for an off-premise sign to 494.5 sq.ft.

**Site Location**



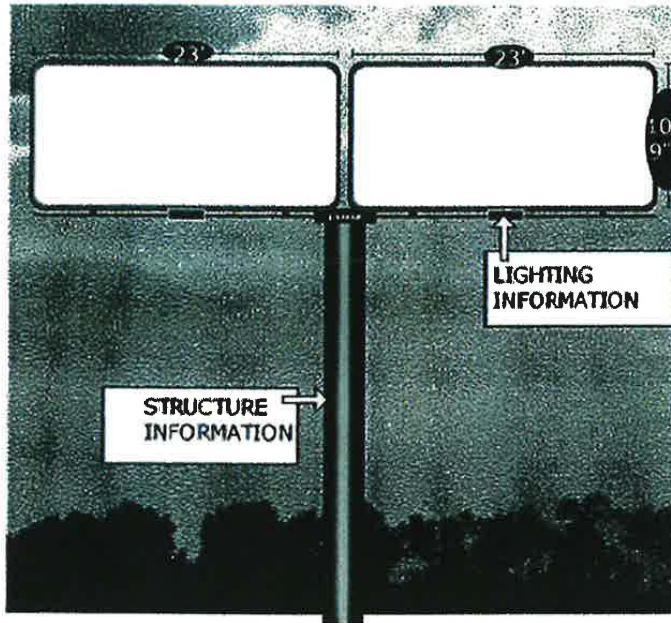
**Staff Recommendation**

Based on the information available prior to the public hearing, the Staff recommends the Board deny the variance as requested.



Proposed Site Plan

*Hickory Mo Mckenney*

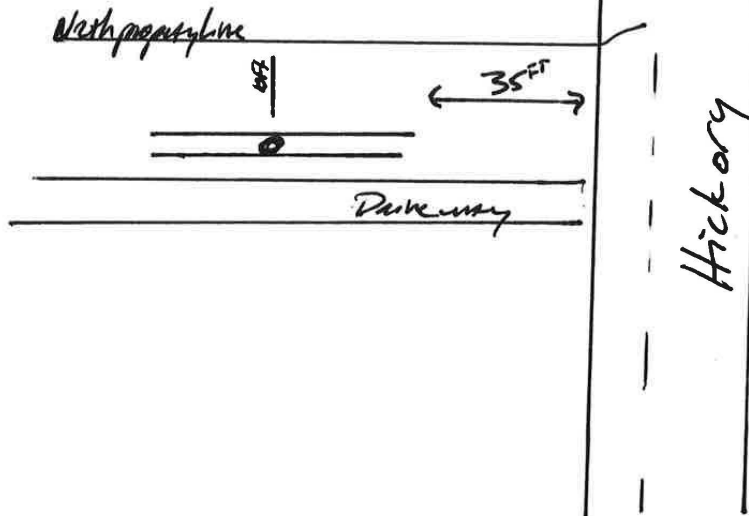


HAGL 21

OVERALL HEIGHT 35

ADDITIONAL COMMENTS: *35 Ft From Edge of Rd.  
10 Ft from north property line*

SIDE BY SIDE POSTERS  
CENTER MOUNT  
SINGLE POLE



**Criteria for Decision Making: Variance(s)**

**State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. The standards and their justifications are as follows:**

**(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community**

Approval of the variance could be injurious to the community because it would legalize a sign not otherwise permitted, and violate the intent of the Ordinance. The intent of the sign regulations include eliminating excessive and confusing sign displays, improving the appearance of the city, enhancing property values by minimizing the possible adverse effects of signs, protecting the public and private investment in building and open space, and eliminating potential hazards to motorist and pedestrians resulting from signs. The legal nonconforming provision of the Ordinance state that the intent it to allow legally established to remain, but not encourage their survival. Granting a variance will legalize the sign and allow it remain indefinitely, even allowing it to be completely replaced in the future. Granting a variance for a legal nonconforming sign that exceeds the maximum area allowed would be contrary to the intent of the Ordinance and could be injurious to the welfare of the community, and potentially the safety as well.

**(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**

The surrounding area is primarily commercial and industrial, so the value of surrounding properties at this location may not be impacted.

**(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property**

Strict application would not result in any practical difficulties in the use of the property for commercial purposes. The primary commercial use of the property can remain without the approval of a variances to allow for an off-premise sign. The off-premise sign is an accessory use not related to the use of the property. The petitioner could display an off-premise sign in this location at the maximum 300 sq.ft., which would still allow for one portion of the structure to remain.

**(4) The variance granted is the minimum necessary**

The variance granted is not the minimum necessary. There are no practical difficulties on the property that would result in the petitioners inability to abide by the Ordinance.

**(5) The variance does not correct a hardship cause by a former or current owner of the property**

Because the sign was changed as part of a rebranding and not as normal maintenance or repair, the hardship is created by the property owner. There are not other hardships or practical difficulties associated with the property.

## Analysis & Recommendation

**Analysis:** There are no practical difficulties that warrant the request for the variance. Allowing a variance for a sign that exceeds the maximum area allowed would be contrary to the intent of the Ordinance and could be injurious to the welfare of the community.

**Staff Recommendation:** Based on the information available prior to the public hearing, the Staff recommends the Board deny the variance as requested.

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**Property Information**

Location: 2528 WESTERN AVE  
Owner: CLAUDIA AND SAMUEL BAUTISTA

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**Project Summary**

To allow for an exterior remodel using vinyl siding.

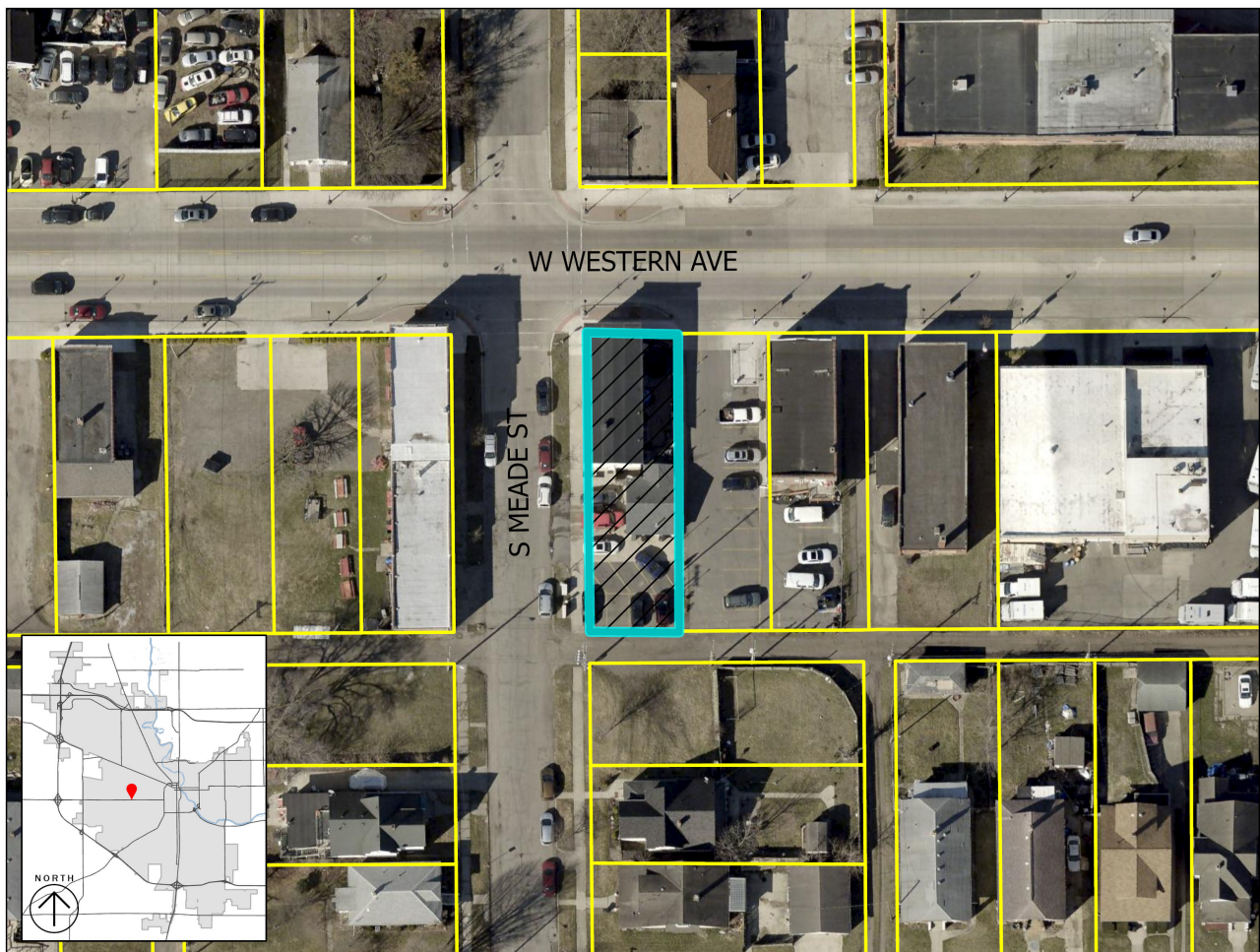
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**Requested Action**

Variance(s): 1) to allow vinyl siding where prohibited

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**Site Location**

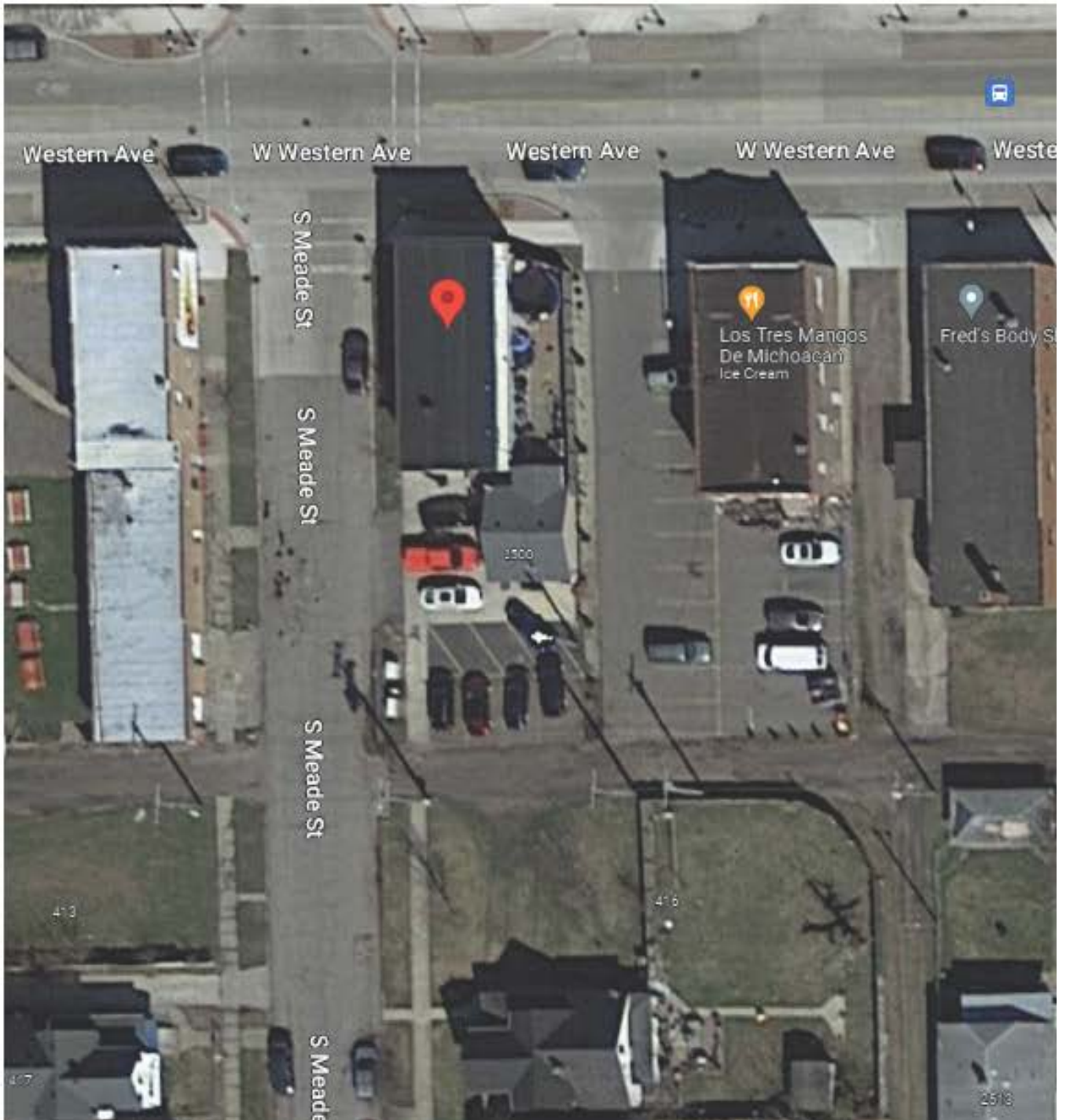


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**Staff Recommendation**

Based on the information provided prior to the public hearing, the Staff recommends the Board deny the variance as presented.

Proposed Site Plan



### Criteria for Decision Making: Variance(s)

State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. The standards and their justifications are as follows:

**(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community**

Because the requested variance is not consistent with the Ordinance, approve may be injurious to the general welfare.

**(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**

Approval of the variance will establish a precedent of the use of inferior materials weakening the effectiveness of the ordinance, and ultimately impacting surrounding properties in an adverse manner.

**(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property**

There is nothing unique on this property that would not apply to other properties in the NC Neighborhood Center zoning district.

**(4) The variance granted is the minimum necessary**

Since there is no practical difficulty to overcome, the variance requested is not the minimum necessary. The petitioner could have utilized the required building materials.

**(5) The variance does not correct a hardship cause by a former or current owner of the property**

The owner installed the vinyl siding without a building permit and with materials not allowed per the ordinance. Due to this, approving the variance would correct a hardship caused by the current owner. If a permit was requested before the siding was installed, they would have been made aware of the issue.

### Analysis & Recommendation

**Analysis:** There are no practical difficulties or unique characteristics that support the requested variance. Vinyl siding is not appropriate for the NC Neighborhood Center district. Additional items of non-compliance were identified that will need to be addressed.

**Staff Recommendation:** Based on the information provided prior to the public hearing, the Staff recommends the Board deny the variance as presented.

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**Property Information**

Location: 510 IRONWOOD DR  
Owner: RALPH KOMASINSKI & KATHERINE HUMPHREYS

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**Project Summary**

Create an enclosed front entry.

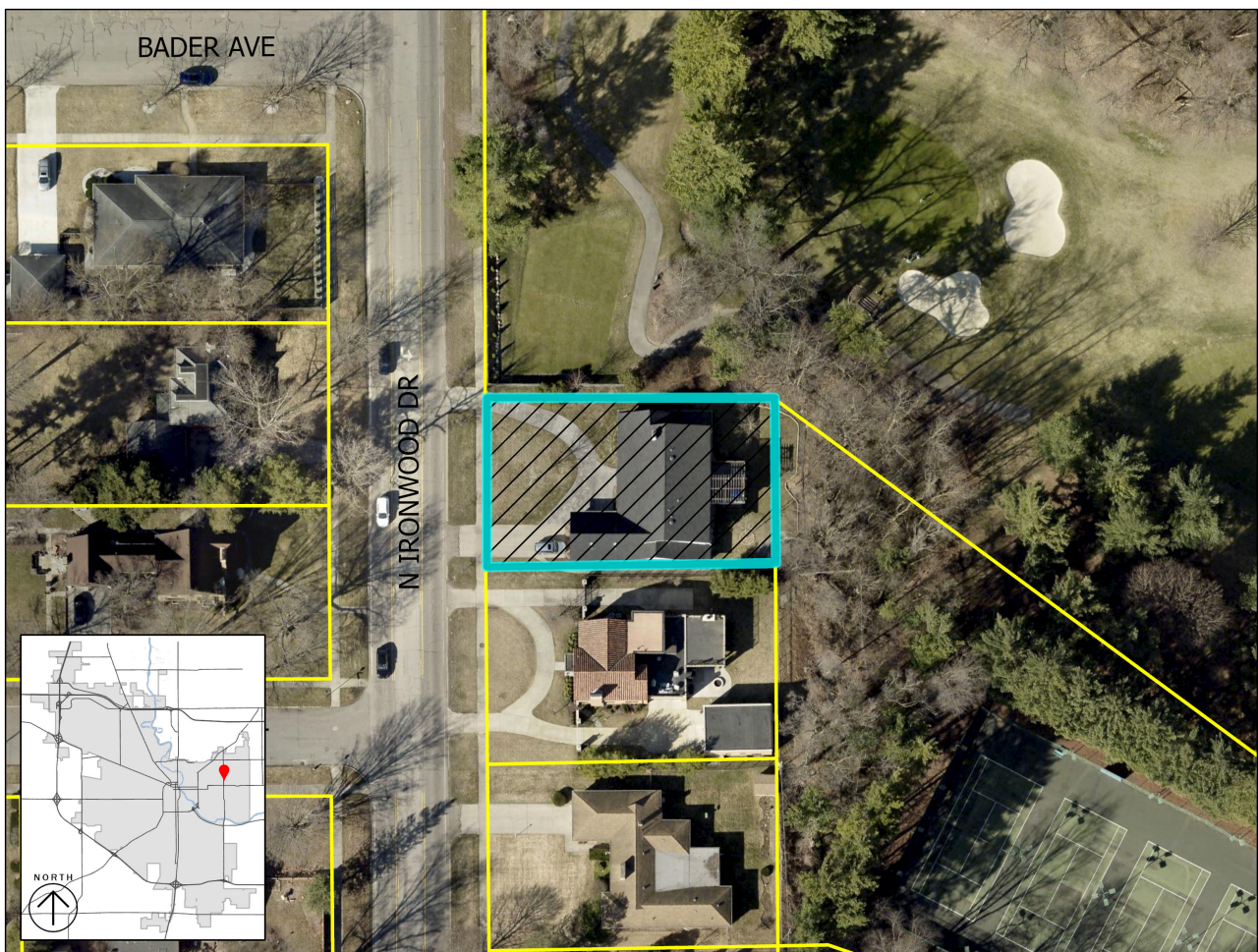
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**Requested Action**

Variance(s): 1) from the required 4' stoop depth to 1'-6"

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**Site Location**

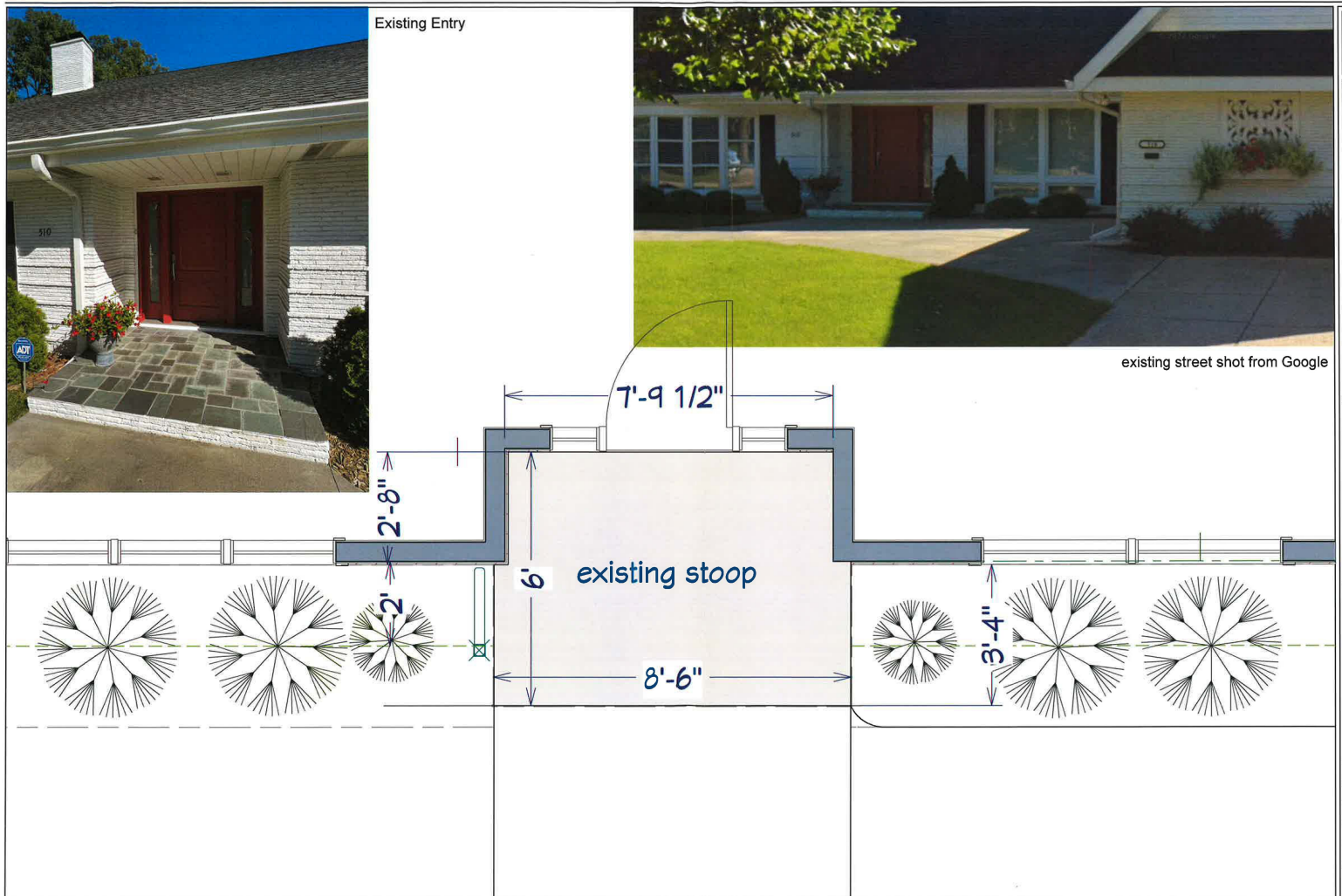


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**Staff Recommendation**

Based on the information provided prior to the public hearing, the Staff recommends the Board approve the variance as presented.

Proposed Site Plan



PROJECT: Komarsinski Front Porch  
Rajni Komarsinski  
310 N. Kenosha  
South Bend, IN 46615

SHEET TITLE: Existing Front Porch

DATE: 3/27/2023

SCALE: 1/4"=1'-0"

SHEET: A-1

PEACOCK & COMPANY

ARCHITECT: Ryan Brown  
Bachelorsville, IN  
r.brown@peacockinc.com  
573-343-4142



### Criteria for Decision Making: Variance(s)

State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. The standards and their justifications are as follows:

**(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community**

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**

The use and value of the area adjacent to the property will not be affected in a substantially adverse manner as the reduced stoop size will have no impact on the adjacent properties. The front stoop is located approximately 85' from the roadway.

**(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property**

The strict application of the terms of this Chapter could result in a practical difficulty for the property. Increasing the stoop to the required 4' would encroach 2'- 6" into the driveway making maneuverability of the cars in and out of the garage difficult.

**(4) The variance granted is the minimum necessary**

The variance requested is the minimum necessary to address the physical constraints of the current entryway. The existing driveway makes extending the stoop impractical.

**(5) The variance does not correct a hardship cause by a former or current owner of the property**

The house was built in 1957 prior to the requirement of a front stoop.

### Analysis & Recommendation

**Analysis:** The variance requested will allow the petitioner to enclose a portion of the porch, leaving a stoop smaller than required by the Ordinance. The property has a side-load garage with a circular driveway with no room to extend or construct a new stoop.

**Staff Recommendation:** Based on the information provided prior to the public hearing, the Staff recommends the Board approve the variance as presented.

**Property Information**

Location: 309 TAYLOR ST  
Owner: ST PATRICK CHURCH DIOCESE OF FT WAYNE

**Project Summary**

To construct a 6' chain link fence around the property.

**Requested Action**

Variance(s): 1) From the maximum 4' fence height in an established corner yard to 6'  
2) To allow chain link fencing where prohibited

**Site Location**



**Staff Recommendation**

Based on the information available prior to the public hearing, the Staff recommends the Board deny the variance from the 4' maximum in a corner or front yard to 6'. The staff recommends the board approve the variance to allow a chain link fence, subject to the chain link being black vinyl coated.

Proposed Site Plan



*Zoomed in with dimensions on Next Page.*

## Criteria for Decision Making: Variance(s)

**State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. The standards and their justifications are as follows:**

**(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community**

Since the variance is not consistent with the intent of the Ordinance, the approval of the variance could be injurious to the public health, safety or 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**

Fences above the 4' maximum height in the established front yard or corner yard create a character and atmosphere that is not consistent with the intent of the Neighborhood Center District. If this variance is granted at this location it will establish a precedent of larger fences of inferior material, weakening the effectiveness of the Ordinance, and ultimately impacting surrounding residential properties in an adverse manner.

**(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property**

The strict application of the Ordinance would not result in practical difficulties in the use of the property. Nothing on the property necessitates an increased fence height or a substandard material.

**(4) The variance granted is the minimum necessary**

There is no hardship on the property and a 4' fence, as allowed by the Ordinance, would achieve the same purpose as stated in the petitioner's request. Granting a variance to allow a 6' fence would not be minimum request necessary for the property. While another fence material would be more consistent with the Ordinance, this particular location would be suitable for a higher quality chain line fence.

**(5) The variance does not correct a hardship cause by a former or current owner of the property**

The current owner installed the fence without a building permit at a height and material that is not allowed per the ordinance. Due to this, approving this variance would correct a hardship that was caused by the current owner or occupant of the property

## Analysis & Recommendation

**Analysis:** There are no practical difficulties or unique characteristics that support the requested variances. A 6' chain link fence is not appropriate for either the zoning district or being placed in the front/corner yards of the property. A variance was granted in November, 2021, for the temporary fence with the understanding it would be removed or replaced with a code compliant fence by June 1, 2023.

The intersection of Wayne and Scott is not a heavily trafficked intersection. A 4' fence could be used to secure the property and meet the stated intent by the petitioner. A 4' fence is not uncommon for playgrounds or schools in urban areas.

**Staff Recommendation:** Based on the information available prior to the public hearing, the Staff recommends the Board deny the variance from the 4' maximum in a corner or front yard to 6'. The staff recommends the board approve the variance to allow a chain link fence, subject to the chain link being black vinyl coated.

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**Property Information**

Location: 751 COTTAGE GROVE AVE  
Owner: SUNCHOKE FARMS LLC

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**Project Summary**

Growing fruits and/or vegetables for human consumption.

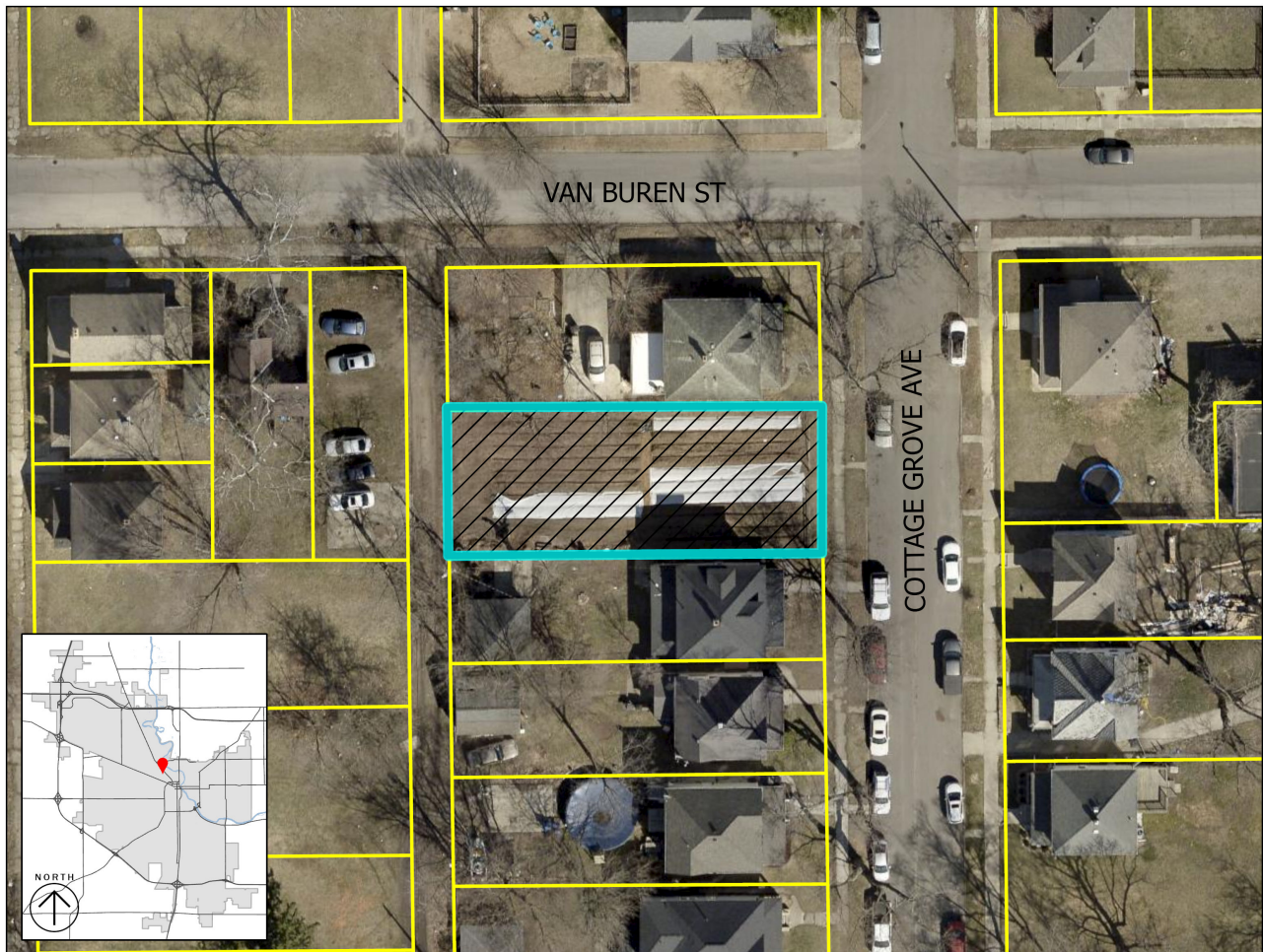
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**Requested Action**

Use Varaince:Urban Agriculture

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**Site Location**



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**Staff Recommendation**

Based on the information provided prior to public hearing, the Staff recommends the Board send the Use Variance to the Common Council with a favorable recommendation subject to the following conditions: 1) adhere to the required U1 Urban Neighborhood 1 building setbacks.

Proposed Site Plan



## Criteria for Decision Making: Special Exception

**A Use Variance may only be granted upon making a written determination, 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;**

The property is currently vacant. The use would put the property back to a productive use. Provided the lot is properly maintained, 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;**

Ideally the lot would be developed for a residential dwelling that could contribute to the stabilization of the neighborhood. However, use of the lot for agricultural uses in the meantime should not impact the use of the 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;**

The strict application of the terms of the zoning ordinance would not allow for the use to take place in any district except as a Special Exception in C Commercial and I Industrial. Neither zoning would be appropriate for the proposed property.

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

The approval of the desired Use Variance does not substantially interfere with the Comprehensive Plan. The use would help achieve Objective ED7 "Support neighborhood-based economic development" by allowing for the creative use of vacant lots within the neighborhood.

## Analysis & Recommendation

**Analysis:** Granting the Use Variance for Urban Agriculture will allow for the adaptive reuse of the vacant lot at this location.

**Staff Recommendation:** Based on the information provided prior to public hearing, the Staff recommends the Board send the Use Variance to the Common Council with a favorable recommendation subject to the following conditions: 1) adhere to the required U1 Urban Neighborhood 1 bu



**Property Information**

Location: 630 HARRISON ST and 632 HARRISON ST  
Owner: CIVIL CITY OF SOUTH BEND

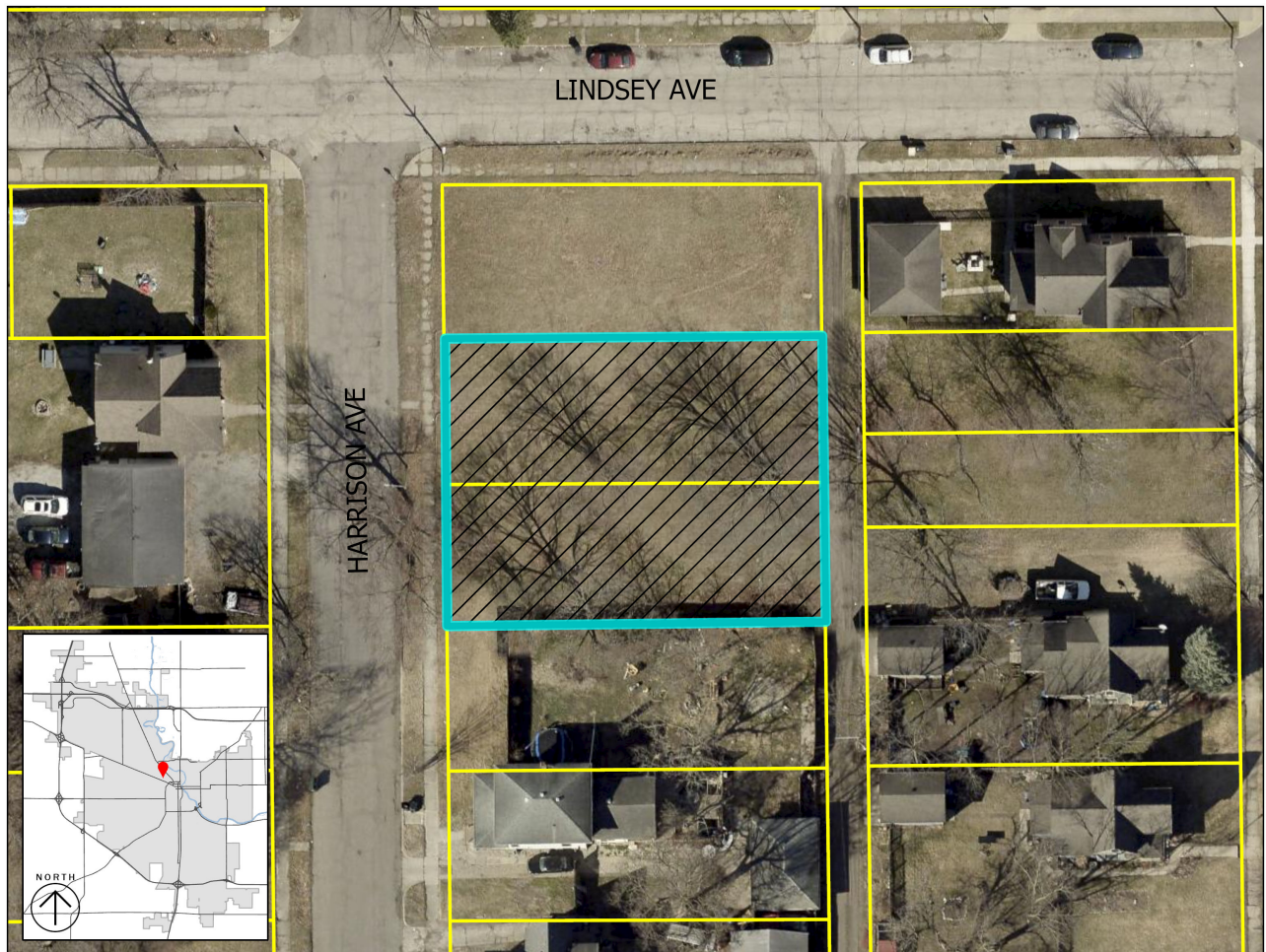
**Project Summary**

Growing fruits and/or vegetables for human consumption.

**Requested Action**

Use Variance: Urban Agriculture

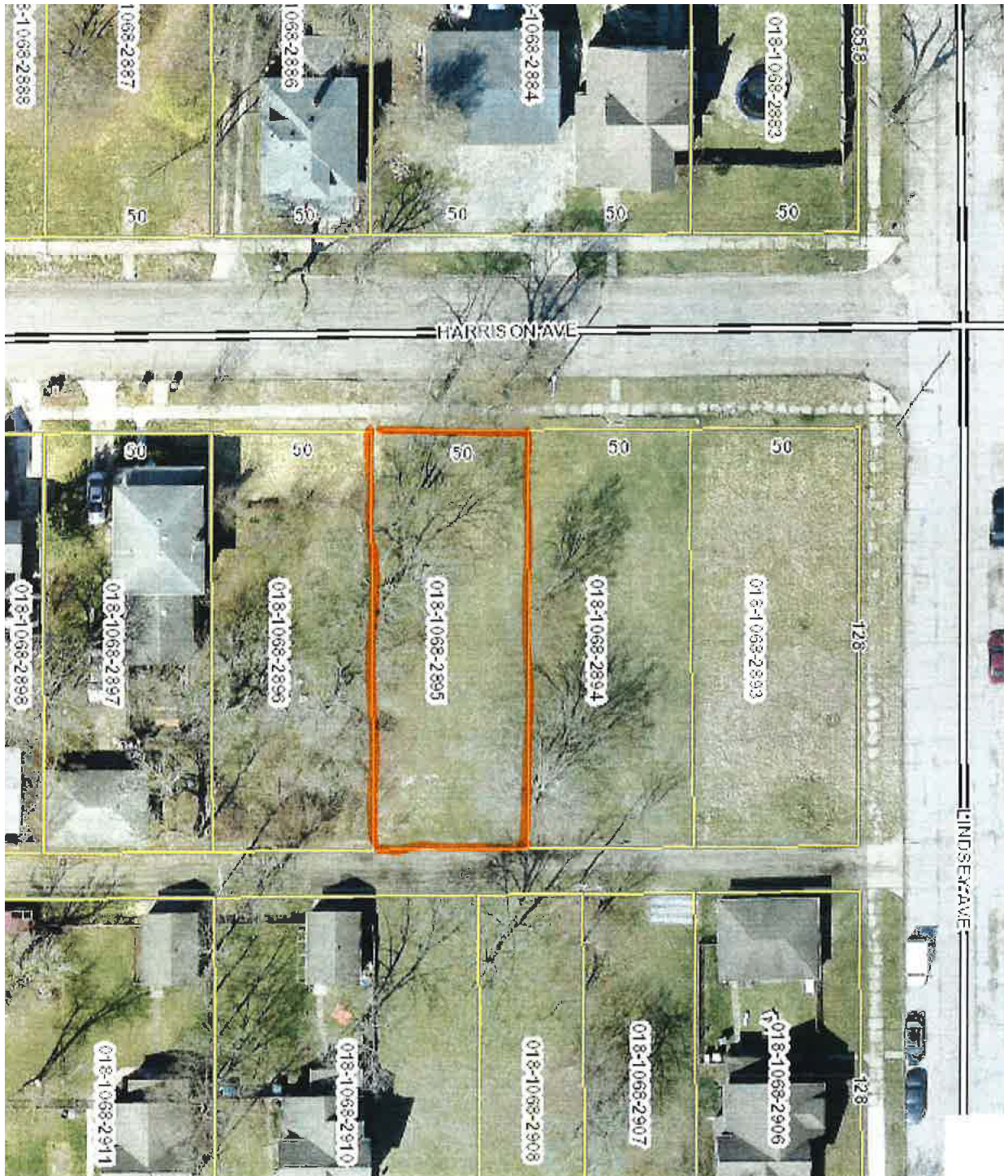
**Site Location**



**Staff Recommendation**

Based on the information provided prior to public hearing, the Staff recommends the Board send the Use Variance to the Common Council with a favorable recommendation subject to the following conditions: 1) adhere to the required U2 Urban Neighborhood 2 building setbacks.

Proposed Site Plan



## Criteria for Decision Making: Special Exception

**A Use Variance may only be granted upon making a written determination, 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;**

The parcels are currently vacant. Provided the lot is properly maintained, the use would put the properties back to a productive use, and 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;**

Ideally the lot would be developed for a residential dwelling that could contribute to the stabilization of the neighborhood. However, use of the lot for agricultural uses in the meantime should not impact the use of the 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;**

The strict application of the terms of the zoning ordinance would not allow for the use to take place in any district except as a Special Exception in C Commercial and I Industrial. Neither zoning would be appropriate for the proposed property.

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

The approval of the desired Use Variance does not substantially interfere with the Comprehensive Plan. The use would help achieve Objective ED7 "Support neighborhood-based economic development" by allowing for the creative use of vacant lots within the neighborhood.

## Analysis & Recommendation

**Analysis:** Granting the Use Variance for Urban Agriculture will allow for the adaptive reuse of the vacant lots at this location.

**Staff Recommendation:** Based on the information provided prior to public hearing, the Staff recommends the Board send the Use Variance to the Common Council with a favorable recommendation subject to the following conditions: 1) adhere to the required U2 Urban Neighborhood 2 building setbacks.

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**Property Information**

Location: 506 OLIVE ST  
Owner: ALBERT AND ELLA WILLIAMS

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**Project Summary**

Auto Repair shop.

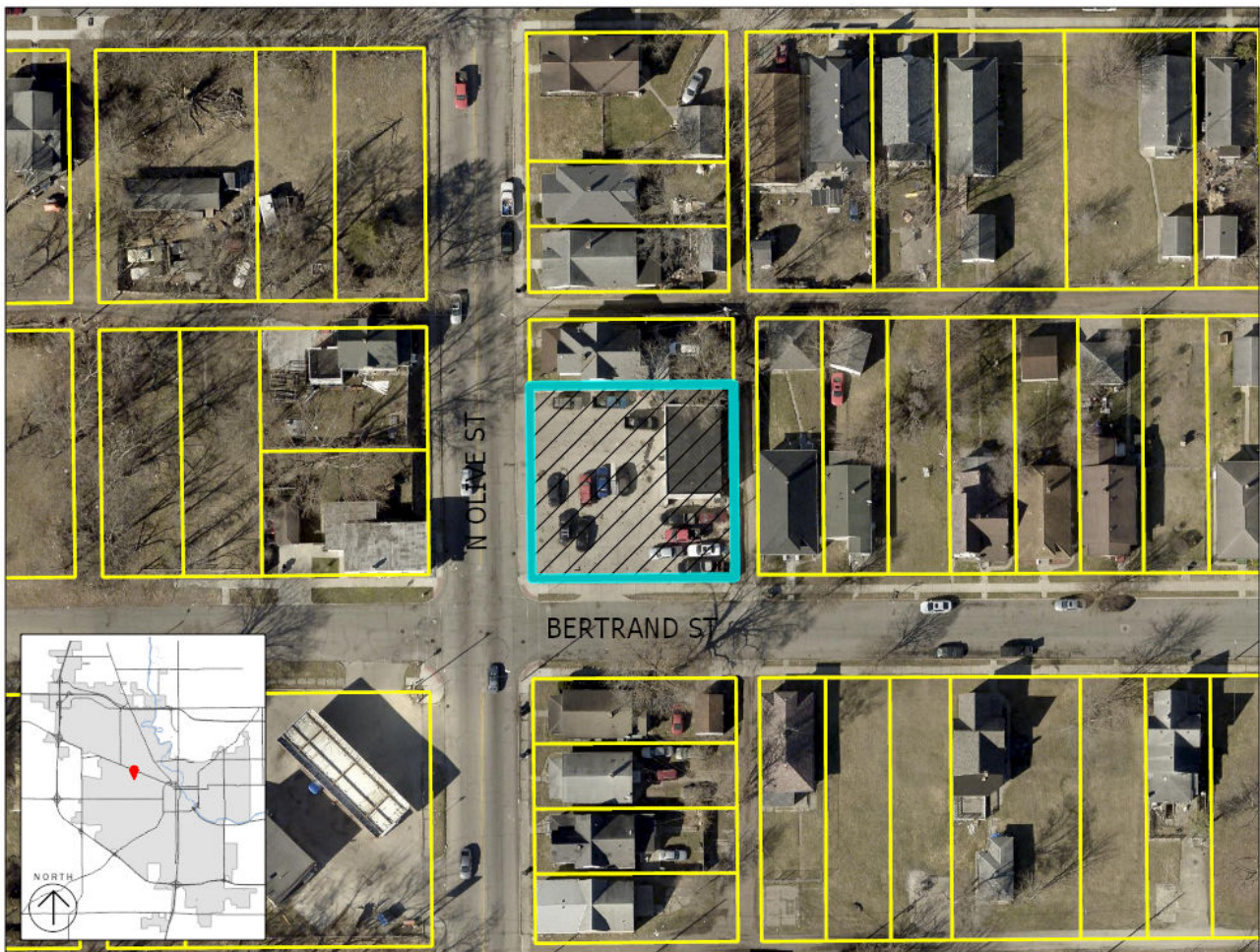
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**Requested Action**

Special Exception: Minor Vehicle Service  
Variance(s): 1) to allow parking in the front yard

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**Site Location**



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**Staff Recommendation**

Based on the information provided prior to the public hearing, Staff recommends the Board send the Special Exception to the Common Council with a favorable recommendation. Staff recommends the Board approve the variance.

Proposed Site Plan



**Criteria for Decision Making: Special Exception**

**A Special Exception may only be granted upon making a written determination, 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;**

Provided the proper landscaping and screening are provided, the proposed use should not be injurious to the public health, safety, comfort, or general welfare of the community. The site development standards in the Ordinance are established to limit poten

**(2) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein;**

As the property was initially constructed for the proposed use, approval of the Special Exception should not injure or adversely affect the use of the adjacent area, provided the appropriate landscaping and buffering is installed.

**(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 Neighborhood Center Zoning District encourages pedestrian orientated development. The use of Minor Vehicle Service is an Special Exception in the district for instances such as this where the original intent of the building was for an automotive repai

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

The proposed use is consistent with City Plan (2006) Objective LU 2: Stimulate the rehabilitation and adaptive reuse of the property in the city

**Criteria for Decision Making: Variance(s)**

**State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. The standards and their justifications are as follows:**

**(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community**

Approval of Variances should not be injurious to the public health, safety and general welfare of the community. These variances allow for the building to be used for its original intent. To help mitigate any potential impact on the general community, proper parking area screening and site landscaping should be upheld.

**(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**

The use and value of the area adjacent to the property included in the variance should not be affected in a substantially adverse manner. The site has existed in this layout since the 1960s. While parking in the established front/corner yard is not preferred, the proper parking area screening and site landscaping should reduce any negative impact on the surrounding properties use and value.

**(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property**

Strict application of the Zoning Ordinance would require the building to be demolished and relocated in order to allow access and parking in a different configuration. The addition of landscaping, however, could easily be accomplished.

**(4) The variance granted is the minimum necessary**

The variance for parking location is the minimum necessary to operate the intended use in a reasonable manner. Though parking is not required, providing some off-street parking would be practical for the business. There is no practical difficulty for the requested landscaping variances, so it is not the minimum necessary.

**(5) The variance does not correct a hardship cause by a former or current owner of the property**

This site has been in this configuration since the 1960s. The Zoning regulations at the time did not prohibit parking in the front yard. Variance #1 is not correcting a hardship caused by the current owner. There are remedies that would allow the petition

## Analysis & Recommendation

**Analysis:** While the Neighborhood Center Zoning District encourages pedestrian orientated development, the use of Major Vehicle Service is an allowed Special Exception in the district for instances such as this where the original intent of the building was for an automotive repair shop. Activation of a currently vacant building to its original use is consistent with the character of the district and surrounding area. Variances which allow for the current configuration of the building to remain as is for the parking lot.

**Staff Recommendation:** Based on the information provided prior to the public hearing, Staff recommends the Board send the Special Exception to the Common Council with a favorable recommendation. Staff recommends the Board approve the variance.