

City of South Bend

BOARD OF ZONING APPEALS



May 16, 2023

Honorable Lori Hamann
4th Floor, County-City Building
South Bend, IN 46601

RE: Special Exception at 1127, 1131 and 1135 West Western Avenue

Dear Committee Chair Hamann:

Enclosed is an Ordinance for the proposed Special Exception Use at the above referenced location. Please include the attached Ordinance on the Council agenda for **first reading** at your **May 22, 2023**, Council meeting and set it for public hearing at your **June 12th, 2023** Council meeting. The petition is tentatively scheduled for public hearing at the June 5, 2023, South Bend Board of Zoning Appeals meeting. The staff report and recommendation of the South Bend Board of Zoning Appeals will be forwarded to the Office of the City Clerk by noon on the Wednesday following the public hearing.

The petitioner provided the following to describe the proposed project:
A Special Exception for major vehicle service.

The full petition is attached for your reference. Changes may occur between the filing and the public hearing. Any substantial changes will be identified at the Council meeting.

If you have any questions, please feel free to contact our office.

Sincerely,

A handwritten signature in cursive script that reads "Kari Myers".

Kari Myers
Zoning Specialist

CC: Bob Palmer

City of South Bend
BOARD OF ZONING APPEALS

227 W. Jefferson - Suite 1400S
South Bend, IN 46601
zoning@southbendin.gov

RECEIVED APR 04 2023

Petition for Variance - Special Exception

Property Information 018-3072-2825, 018-3072-2826, 018-3072-2828

Tax Key Number: _____

Address: 1135 Western Ave South Bend IN 46619

Owner: David Farhan

Zoning: Choose the current district NC

Project Summary:

Requested Action

- Special Exception – *complete and attach Criteria for Decision Making*
Use requested: Auto Repair
- Variance(s) - *List variances below, complete and attach Criteria for Decision Making*
Variance(s) requested:

Required Documents

- Completed Application (including Criteria for Decision Making and Contact Information)
- Site Plan drawn to scale
- Filing Fee

P A I D
APR 04 2023
Per KB
\$300

Criteria for Decision Making

Special Exception - if applicable

A Special Exception may only be granted upon making a written determination, based upon the evidence presented at a public hearing. Please address how the project meets the following criteria.

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

Its going to be fixing on cars. No public safety will be happening.

(2) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein, because:

The current building been used for the same uses and will not affect the adjacent properties in the area.

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

Same use been there since the building was built.

(4) The proposed use is compatible with the recommendations of the Comprehensive Plan, because:

Building type, has two over head doors.

Criteria for Decision Making

Variance(s) - *if applicable*

State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. Please address how the project meets the following criteria:

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

(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, because:

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

(4) The variance granted is the minimum necessary, because:

(5) The variance does not correct a hardship caused by a former or current owner of the property, because:

Contact Information

Property owner(s) of the petition site:

Name: Fargo LLC / David Farhan

Address: P.O. Box 11664
South Bend IN 46634

Name: _____

Address: _____

Name: _____

Address: _____

Contact Person:

Name: David Farhan

Address: P.O. Box 11664
South Bend IN 46634

Phone Number: 574-217-2182

E-mail: david.217.2182@yahoo.com

By signing this petition, the Petitioner/Property Owners of the above described Real Estate acknowledge they are responsible for understanding and complying with the South Bend Zoning Ordinance and any other ordinance governing the property. Failure of staff to notify the petitioner of a requirement does not imply approval or waiver from anything contained within the ordinance.

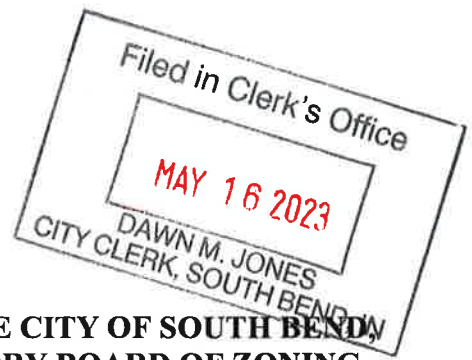
The undersigned authorizes the contact person listed above to represent this petition before the South Bend Plan Commission and Common Council and to answer any and all questions related to this petition.

Property Owner (s) Signatures:

 4/3/2023

BILL NO. 24-23

ORDINANCE NO. _____



AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE ADVISORY BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 1127, 1131, and 1135 WEST WESTERN AVENUE, COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Request a Special Exception to allow for the use of Major Vehicle Service

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of South Bend, Indiana, as follows:

SECTION I. The Common Council has provided notice of the hearing on the Petition from the Advisory Board of Zoning Appeals pursuant to Indiana Code Section 5-14-1.5-5, requesting that a Special Exception be granted for property located at:

1127, 1131, and 1135 West Western Avenue, South Bend, IN 46601. 018-3072-2825, 018-3072-2826, and 018-3072-2828

In order to permit major vehicle service

SECTION II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the petition of the Advisory Board of Zoning Appeals, a copy of which is on file in the Office of the City Clerk.

SECTION III. The Common Council of the City of South Bend, Indiana, hereby finds 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 adjacent area of 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 City of South Bend Comprehensive Plan;

SECTION IV. Approval is subject to the Petitioner complying with the reasonable conditions, if any, established by the Advisory Board of Zoning Appeals which are on file in the Office of the City Clerk.

SECTION V. This Ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor, and legal publication, and full execution of any conditions or Commitments placed upon the approval.

Sharon McBride, Council President
South Bend Common Council

Attest:

Dawn M. Jones, City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2023, at _____ o'clock ____ m.

Dawn M. Jones, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2023, at ____ o'clock ____ m.

James Mueller, Mayor
City of South Bend, Indiana