

City of South Bend

BOARD OF ZONING APPEALS

AGENDA

Tuesday, September 5, 2023 - 4:00 p.m.
County-City Building
7th Floor Commissioner's Conference Room

PUBLIC HEARING:

- Location:** 2301 DUBAIL AVE BZA#0216-23
Owner: NEW LIFE FELLOWSHIP MINISTRY OF SOUTH BEND
Requested Action: Variance(s): 1) to allow an accessory use and structure without a primary building
Zoning: U1 Urban Neighborhood 1
Request to Table
- Location:** 715 LELAND AVE BZA#0222-23
Owner: ST PAUL BETHEL BAPTIST CH TRUSTEES
Requested Action: Variance(s): 1) Accessory structure without a primary building
Zoning: U2 Urban Neighborhood 2

ITEMS NOT REQUIRING A PUBLIC HEARING:

- Findings of Fact – August 7, 2023
- Minutes – August 7, 2023
- Other Business
- 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.

Property Information

Location: 715 LELAND AVE
Owner: ST PAUL BETHEL BAPTIST CH TRUSTEES

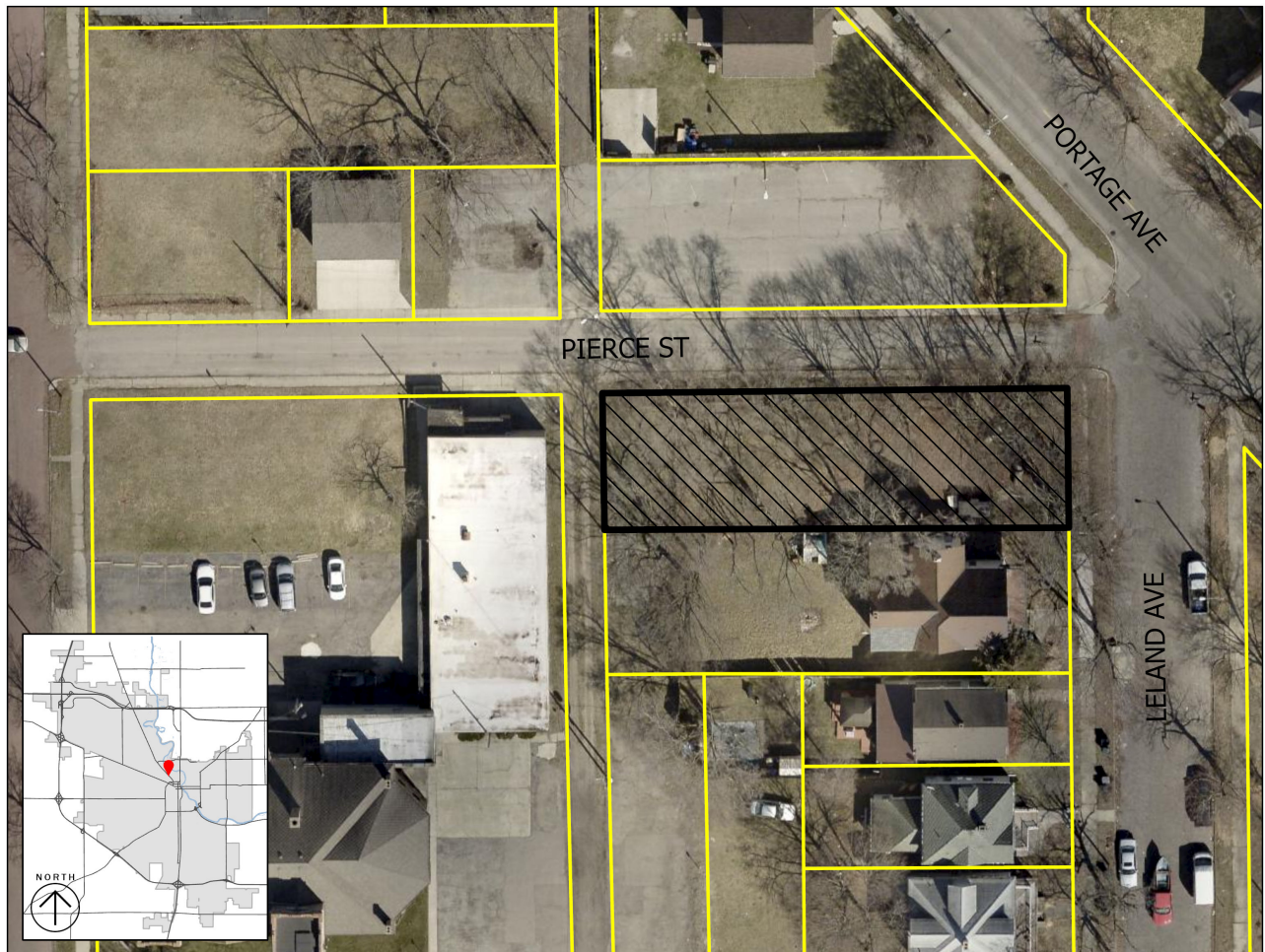
Project Summary

Build four stone benches, a 4' black vinyl coated chain link fence, a 20" masonry retaining wall, and remove eight (8) trees deemed safety or environmental hazards.

Requested Action

Variance(s): 1) Accessory structure without a primary building

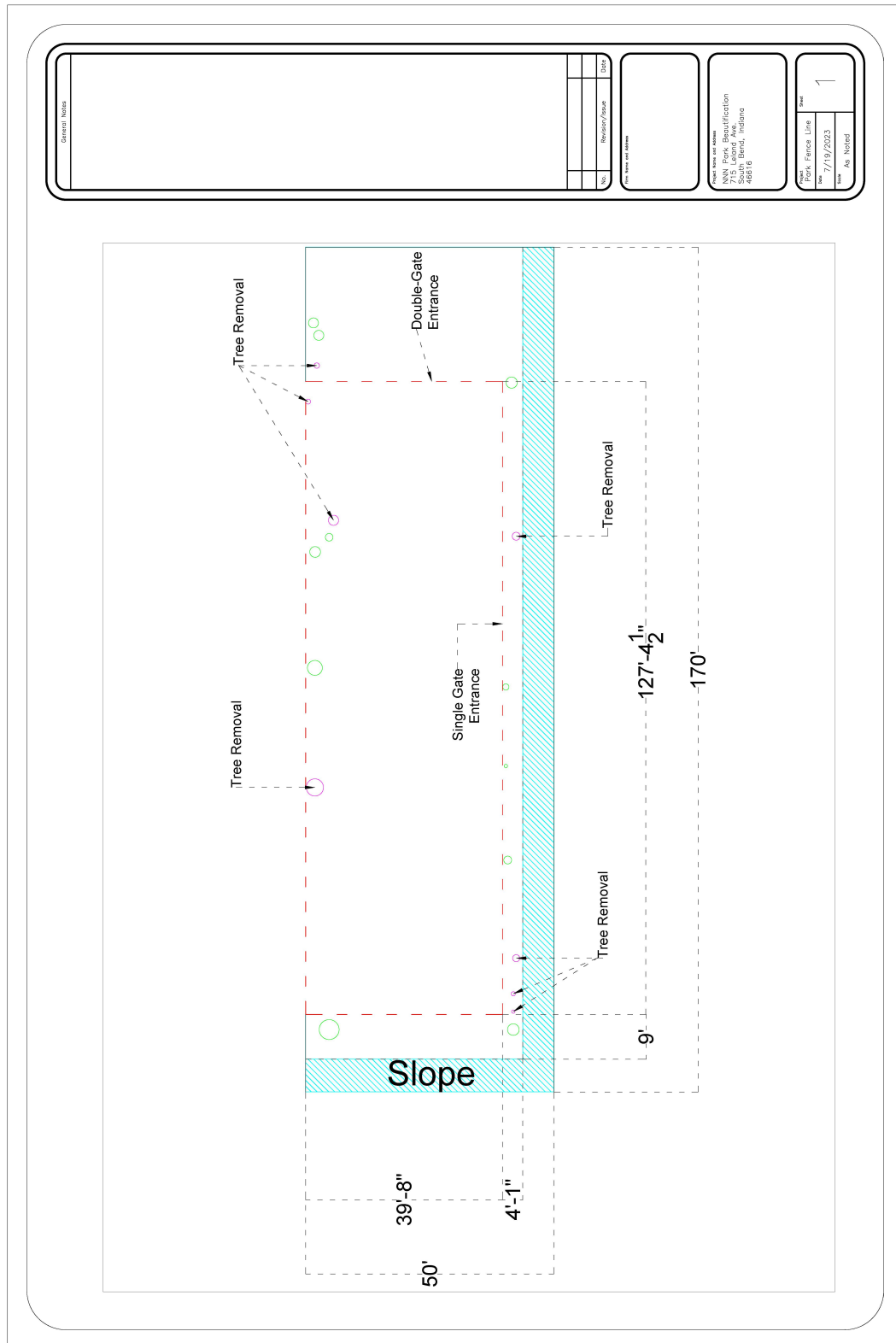
Site Location



Staff Recommendation

Based on the information available prior to the public hearing, the Staff recommends the variance be granted 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

The approval of the variance should not be injurious to the public health, safety, morals and general welfare of the community. The fence is being requested in order to keep those in the park safe by defining the edge of the park while still allowing visibility into the park to prevent unwanted activity.

(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 should not be affected in a substantially adverse manner. The fence will be built in compliance with the Ordinance, will match the character of the neighborhood, and will support the use of the property as a park.

(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 the Ordinance would result in practical difficulties to the use of the property as a neighborhood park. The fence serves to ensure playground safety for the children and, under the Ordinance, would not be permitted until a primary structure could be erected and allow for accessory structures. There is no building necessary for the park.

(4) The variance granted is the minimum necessary

The variance granted is the minimum necessary. The fence conforms to the Ordinance, preserves the character of the neighborhood, and supports the use of the parcel as a neighborhood park.

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

The variance would not correct a hardship caused by a former or current owner of the property. The property previously served as a playground for the church, who has recently partnered with the neighborhood association to create a pocket park. The Ordinance does not have provisions for fences around parks.

Analysis & Recommendation

Analysis: Granting the variance will allow for a code compliant fence to be installed around the pocket park. The fence is consistent with the character of the area and intent of the Ordinance.

Staff Recommendation: Based on the information available prior to the public hearing, the Staff recommends the variance be granted as presented.