



City of South Bend PLAN COMMISSION

County-City Building
227 W. Jefferson Blvd. 1400S
South Bend, IN 46601
(574) 235-7627
www.southbendin.gov/zoning

AGENDA

Monday, October 16, 2023 - 4:00 P.M.

County-City Building
Fourth-Floor Council Chambers

www.tinyurl.com/southbendplancommission

PUBLIC HEARING:

- A. REZONINGS - None for consideration
- B. MAJOR SUBDIVISIONS - None for consideration
- C. TEXT AMENDMENTS - None for consideration
- D. DEVELOPMENT PLANS - None for consideration
- E. COMBINED HEARINGS

1. **Name:** EDDY SQUARE TOWNHOMES SUBDIVISION PC#0171-23
Location: 424 Frances St – South of Cedar St. between N. Frances St. and N. Eddy St.
Petitioner: H & A UNIVERSITY PARALLEL LLC
Requested Action:

Subdivision Type: Minor Subdivision (Does not require a public hearing)

Variance(s):

- 1) from the 3' maximum fence height in an established front yard to 6';
- 2) from the maximum required building setback of 3' to 5' for lots 8 & 9;
- 3) from the requirement that the main entrance be prominently located and visible from the primary street;
- 4) from the minimum required rear yard parking setback of 5' to 0' for lots 18-33;
- 5) from the minimum required front yard setback for parking of 5' to 0' for lots 1-17;
- 6) from the required walkway connection from the sidewalk to the main entrance to none

Zoning: U3 Urban Neighborhood 3

2. **Name:** ELLIOT PROPERTIES' QUIMBY STREET LOT LINE ADJUSTMENT PC#0173-23
Location: 1023 Quimby St, 311-317 Eddy St – NW corner of Eddy St and Quimby St
Petitioner: ELLIOT PROPERTIES LLC
Requested Action:

Subdivision Type: Lot Line Adjustment (Administrative - Does not require a hearing)

Variance(s):

- 1) from the required 5' side yard building setback to 3.9' along the south property line of Lot A;
- 2) from the required 20' rear yard building setback to 2.6' for Lot A;
- 3) from the required 5' side yard parking setback to 3' for Lot B;
- 4) from the required 5' rear yard parking setback to 1' for Lot B



City of South Bend PLAN COMMISSION

County-City Building
227 W. Jefferson Blvd. 1400S
South Bend, IN 46601
(574) 235-7627
www.southbendin.gov/zoning

3. **Name:** VISION REALTY'S TWYCKENHAM DRIVE MINOR SUBDIVISION PC#0174-23
Location: 1119 Twyckenham Dr – West of Twyckenham Drive approx 75' south of the centerline of Scottswood Dr R/W
Petitioner: RAYCROFT MAURICE T
Requested Action:
Subdivision Type: Minor Subdivision (Does not require a public hearing)
Rezoning: From S1 Suburban Neighborhood 1 to U1 Urban Neighborhood 1
Variance(s):
1) from the required 5' side yard setback to 4' for all side yards

ITEMS NOT REQUIRING A PUBLIC HEARING:

- A. MINOR SUBDIVISIONS
1. **Name:** GRANDVIEW AVENUE MINOR SUBDIVISION PC#0175-23
Location: West of Grandview Ave 462' north of Linden Ave
- B. FINDINGS OF FACT – September 18, 2023
- C. MINUTES – September 18, 2023
- D. UPDATES FROM STAFF
- E. ADJOURNMENT

Property Information

Subdivision Name: **EDDY SQUARE TOWNHOMES SUBDIVISION**

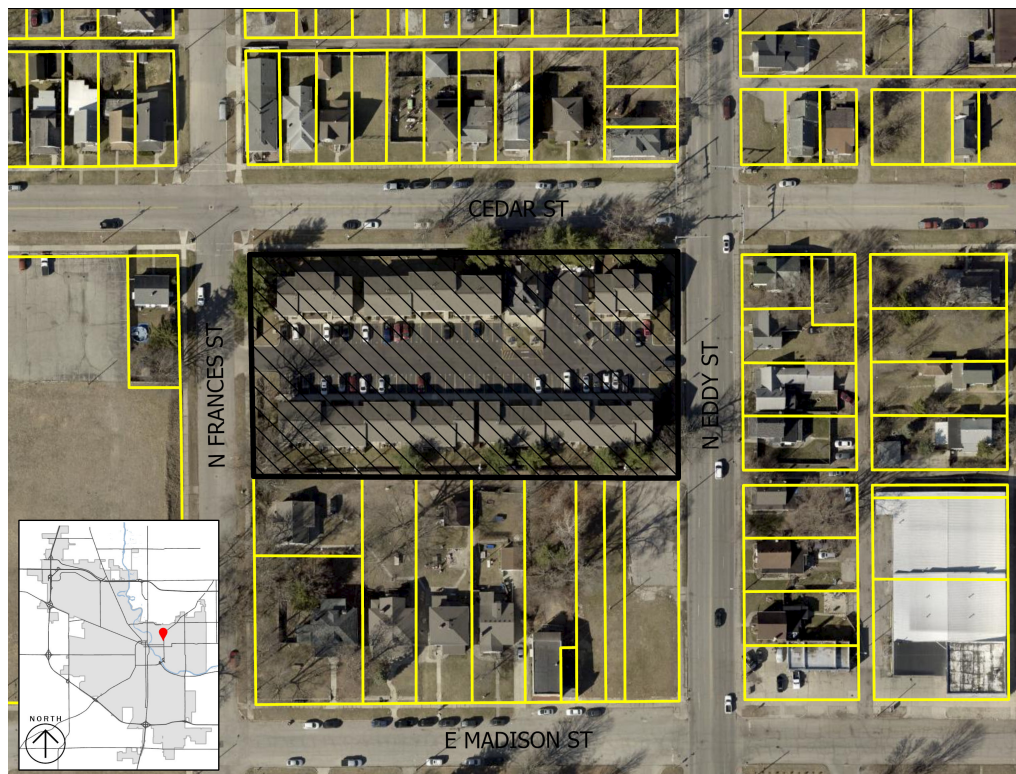
Location: South of Cedar St. between Eddy and Frances Streets

Requested Action

Minor subdivision: The total area of the subdivision is 1.84 acres and will consist of 33 building lots.

Variance(s):

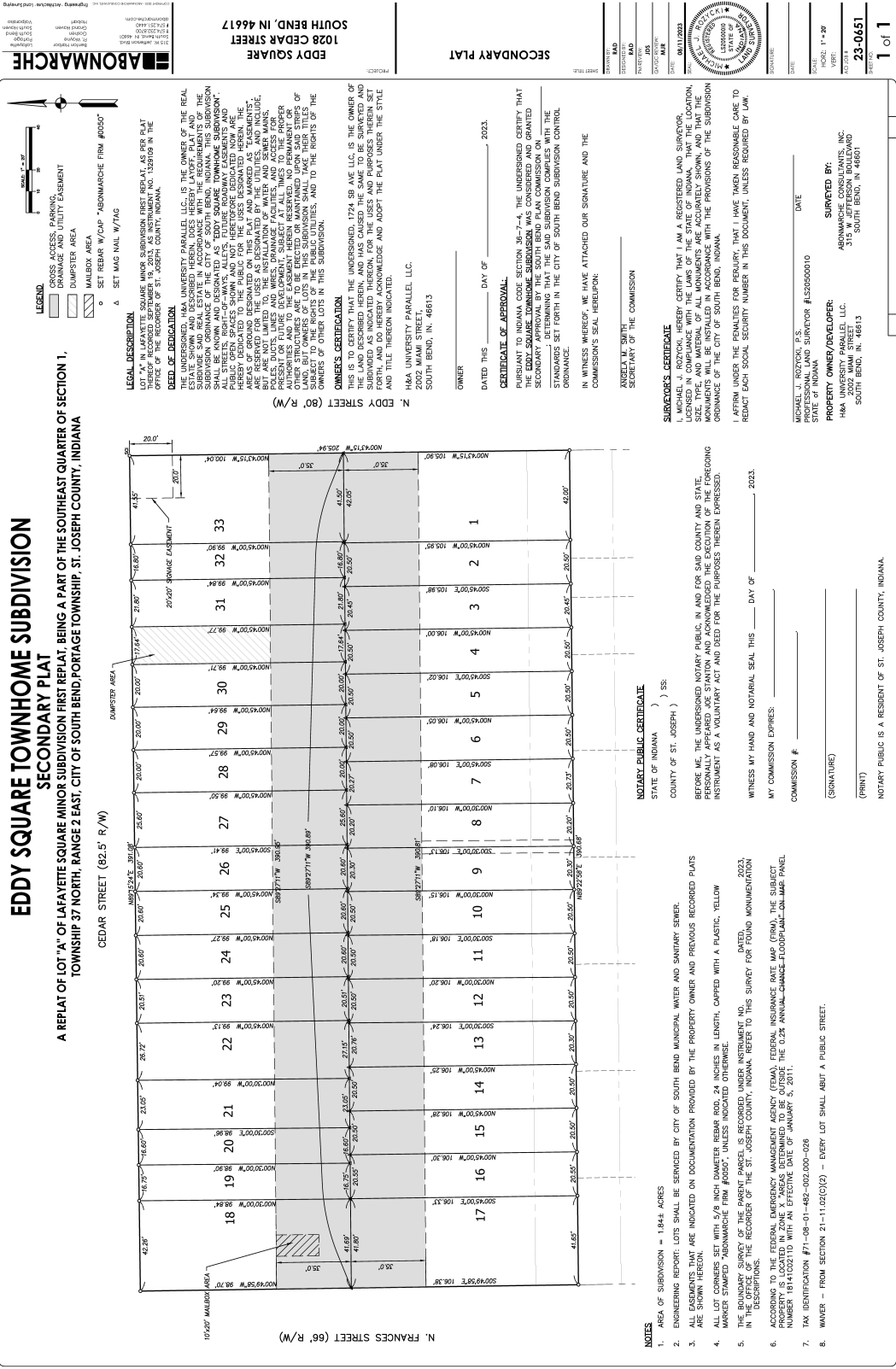
- 1) from the 3' maximum fence height in an established front yard to 6'
 - 2) from the maximum required building setback of 3' to 5' for lots 8 & 9
 - 3) from the requirement that the main entrance be prominently located and visible from the primary street
 - 4) from the minimum required rear yard parking setback of 5' to 0' for lots 18-33
 - 5) from the minimum required front yard setback for parking of 5' to 0' for lots 1-17
 - 6) from the required walkway connection from the sidewalk to the main entrance to none
-

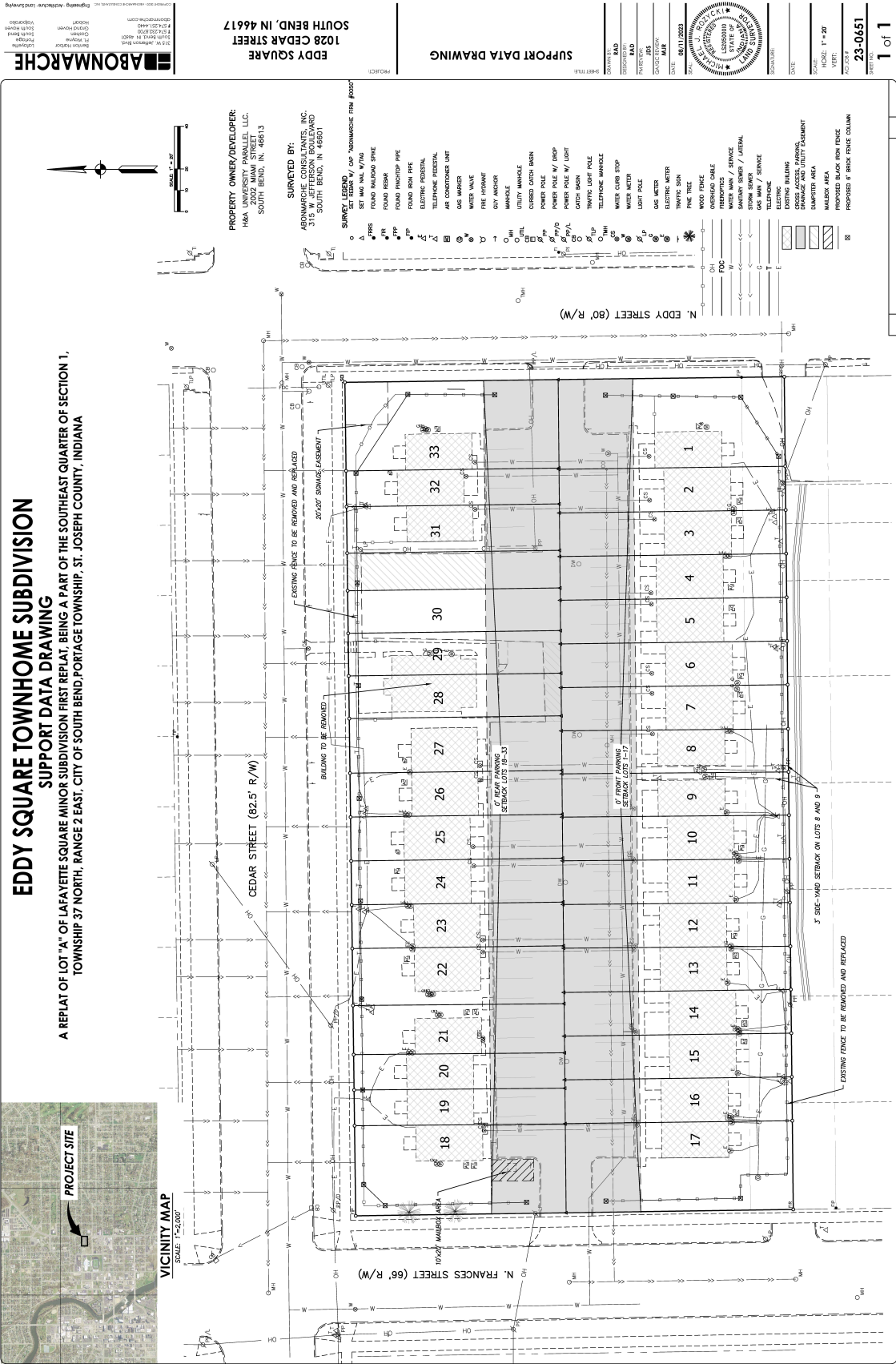
Location Map

Recommendation

Staff Recommendation: The Staff has reviewed this subdivision and finds it complies with the requirements for Approval as specified by the South Bend Subdivision Control Ordinance. The Staff therefore recommends that this subdivision be granted Approval. The Staff recommends the Commission approve variances #2, #3, #4, and #5 and deny variances #1 and #6.

Proposed Plat





Project Details

| | |
|----------------------------|---|
| Environmental Data: | A check of the Agency's maps indicates that no environmental hazard areas or wetlands are present. |
| Drainage: | Utility and access plans will be required in the future if site development is planned. A drainage plan will be required if site disturbances meet or exceed 2,500 sq. ft. at any time. |
| Rights-Of-Way: | The rights-of-way are correct as shown. |
| Utilities: | The site will be served by Municipal Water and Municipal Sewer. |
| Agency Comments: | Utility and access plans will be required in the future if site redevelopment is planned. A drainage plan will be required if site disturbances meet or exceed 2500 sq. ft. at any time. |
| Staff Comments: | The registered surveyor on behalf of the property owner requests the following waiver from the Subdivision Control Ordinance: Section 21-11.2(c)(2) Lot Standards, more specifically every lot shall abut on a public street. |

Criteria for Decision Making**Variance(s):****The petitioner is seeking the following variance(s):**

- 1) from the 3' maximum fence height in an established front yard to 6'
- 2) from the maximum required building setback of 3' to 5' for lots 8 & 9
- 3) from the requirement that the main entrance be prominently located and visible from the primary street
- 4) from the minimum required rear yard setback of 5' to 0' for lots 18-33
- 5) from the minimum required front yard setback for parking of 5' to 0' for lots 1-17
- 6) from the required walkway connection from the sidewalk to the main entrance to none

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 variances #2, #3, #4, and #5 (building setbacks lot 8 & 9, main entrance visible from primary street, minimum required rear yard setback lots 18-33, and minimum front yard parking setback lots 1-17) should not be injurious to the public health, safety, morals and general welfare of the community as the buildings are existing and have been since 1991. No building additions are planned.

The approval of variance #1 may be injurious to the public health, safety, morals and general welfare of the community as this request is not consistent with the intent of

the ordinance. The property can be secured with a code compliant fence that is either 3' in height and solid or 4' in height and more than 50% open.

The approval of variance #6 may be injurious to the public health, safety, morals and general welfare of the community as a walkway connecting the sidewalk to the main entrance provides pedestrians safe access to the property without having to walk in the driveway.

(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 may not be affected in a substantially adverse manner if variances #2, #3, #4, and #5 are approved as the site has existed in this configuration since at least 1991, and with the exception of demolishing the building on lots 28 and 29, there are no changes proposed at this time.

The use and value of the area adjacent to the property included in the variance may be affected in a substantially adverse manner as a 6' fence along the Cedar Street frontage is not consistent with the intent of the Ordinance.

Not installing a walkway from the Eddy Street and Frances Street frontages may affect adjacent properties in an adverse manner as granting a variance to not install the walkway sets a precedent which may encourage others to request a similar variance.

(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 may result in practical difficulties in the use of the property as approval of the variances #2, #3, #4, and #5 will allow for the creation of individual lots for fee simple ownership.

For variance #1, the strict application of the terms of this Chapter may not result in practical difficulties in the use of the property as a code compliant fence could be erected without a loss of use of the property. Also, variance #2, strict application of the terms of this Chapter would not result in a practical difficulty in the use of the property as installing a sidewalk from both Eddy Street and Frances Street could be installed without a loss of use of the property.

(4) The variance granted is the minimum necessary.

The requested variances, #2, #3, #4, and #5 are the minimum necessary as the buildings are existing and built in a non-traditional configuration facing in toward the lot, which requires the variances in order to subdivide the lot for fee simple ownership.

Variances #1 and #6 are not the minimum necessary as there is no practical difficulty.

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

While variances #2, #3, #4, #5 do correct a hardship, the approvals will allow them to proceed with plans to subdivide the property into individual lots for fee simple ownership.

There is no hardship on the property to approve variances #1 and #6. The desire for a taller fence is not a hardship, and there is no practical reason a sidewalk cannot be provided to the development from both Eddy and Frances Streets.

Recommendation

Analysis: Variance requests #2, #3, #4, and #5 would legalize elements of the site layout that have existed since 1991 and would not be injurious to the community. Variance #1 is inconsistent with the Ordinance and the subdivision can be secured with a 3' solid fence or 4' 50% open fence that orients the subdivision to the street. Variance #6 would eliminate the need for a walkway connecting the sidewalk to the main entrance, meaning pedestrian access on the east and west sides of the subdivision would be limited to a driveway.

Staff Recommendation: The Staff has reviewed this subdivision and finds it complies with the requirements for Approval as specified by the South Bend Subdivision Control Ordinance. The Staff therefore recommends that this subdivision be granted Approval. The Staff recommends the Commission approve variances #2, #3, #4, and #5 and deny variances #1 and #6.

Property Information

Subdivision Name: **ELLIOT PROPERTIES' QUIMBY STREET LOT LINE ADJUSTMENT**

Location: Northwest corner of Eddy Street and Quimby Street

Requested Action

The total area of the subdivision is .35 acres and will consist of 3 building lots.

Variance(s):

- 1) from the required 5' side yard building setback to 3.9' along the south property line of Lot A
- 2) from the required 20' rear yard building setback to 2.6' for Lot A
- 3) from the required 5' side yard parking setback to 3' for Lot B
- 4) from the required 5' rear yard parking setback to 1' for Lot B

Location Map



Recommendation

Staff Recommendation: The Staff has reviewed this subdivision and finds it complies with the requirements for Approval as specified by the South Bend Subdivision Control Ordinance. The Staff therefore recommends that this subdivision be granted Approval, subject to the following:

- 1) Rezoning entirety of Lot C to U1 to include vacated 10' alley to the east. The Staff recommends the Commission approve the variances as presented.

**ELLIOT PROPERTIES' QUMBY
STREET LOT LINE ADJUSTMENT**

PART OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 37 NORTH,
RANGE 2 EAST, CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.

CERTIFICATE OF APPROVAL

PURSUANT TO INDIANA CODE SECTIONS 36-7-4, THE UNDERSIGNED CERTIFY THAT
ELLIOT TOPICSON QUIMBY STREET LOT LINE ADJUSTMENT
WAS CONSIDERED AND GRANTED SECONDARY APPEAL BY THE SOUTH BEND PLAN COMMISSION ON
JANUARY 20, 2023, FINDING THAT THE SAID SUBDIVISION COMPLIES WITH THE
STANDARDS SET FORTH IN THE CITY OF SOUTH BEND SUBDIVISION CONTROL ORDINANCE.

IN WITNESS WHEREOF, WE HAVE ATTACHED OUR SIGNATURE AND THE COMMISSION'S SEAL HEREON:

LEGAL DESCRIPTION
PART OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 37 NORTH, RANGE 10 EAST, CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
AND BEING 17, 18 AND 19 AS SHOWN ON THE PLAT OF SORDEN LISTER'S SUBDIVISION OF LOT 167, 18 AND 19 AS SHOWN ON THE PLAT OF SORDEN LISTER'S SUBDIVISION OF BLOCK NUMBERED 23 IN SAMUEL L. COTTRELL'S FIRST ADDITION TO THE TOWN OF LOWELL, NOW PART OF THE CITY OF SOUTH BEND, RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, AS INSTRUMENT NO. 1-1904023.


[illegible]

OWNERS CERTIFICATION

THIS IS TO CERTIFY THAT THE UNDERSIGNED, ELLIOT PROPERTIES, LLC IS THE OWNER OF THE LAND DESCRIBED IN THE PLAT HEREIN AND HAVE CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS INDICATED THEREON FOR THE USES AND PURPOSES THEREIN SET FORTH, AND DOES HEREBY ACKNOWLEDGE AND ADOPT THE PLAT UNDER THE STYLE AND TITLE THEREON INDICATED.

ELLIOT PROPERTIES, LLC
BRAD EMBERTON
\$15 W. COLFAX AVENUE
SOUTH BEND, INDIANA 46601

STATE OF INDIANA SS:
COUNTY OF ST. JOSEPH
BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY AND
BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, THE FOLLOWING PERSONS, TO-WIT:
MEMBER AND EACH SEPARATELY AND SEVERALLY, HAVE COME TO THE NOTARIAL
OFFICE OF THE FOREGOING INSTRUMENT AS THEIR VOLUNTARY ACT AND DEED FOR THE
PURPOSE HEREIN SET FORTH.
WITNESS MY HAND AND NOTARIAL SEAL THIS _____ DAY OF _____, 2022.


 DONNA R. SIMON, NOTARY PUBLIC
 EXPIRATION DATE: AUGUST 29, 2028.
 NOTARY IS A RESIDENT OF ST. JOSEPH COUNTY, INDIANA.

NOTES

ALL ELEMENTS THAT ARE INDICATED ON DOCUMENTATION PROVIDED BY THE PROPERTY OWNER SHALL CONFORM TO THE APPLICABLE PROVISIONS OF THE ZONING ORDINANCE.

9' SEPAR WITH PLASTIC CAP SHALL BE PLACED AT ALL LOT CORNERS.

LINES AND/OR EASEMENTS EXIST WITHOUT A PRIMARY STRUCTURE.

TWO LOTS ARE CURRENTLY SERVED BY MUNICIPAL WATER AND SANITARY SEWER.

LOT INSURANCE RATE MAP, COMMUNITY PANEL NO. 18-01C021D WITH AN OVERLAY ZONE X, AREA'S OF MINIMAL FLOOD RISK AND TO BE USED FOR THE C2K ANNUAL CHANGE FLOOD PLAN.

X REFLECTS DISCREPANCY BETWEEN RECORD DRAWINGS AND FIELD SURVEY DATA. SEE ATTACHED PHOTOGRAPH FOR CLARIFICATION.

SURVEYORS CERTIFICATION

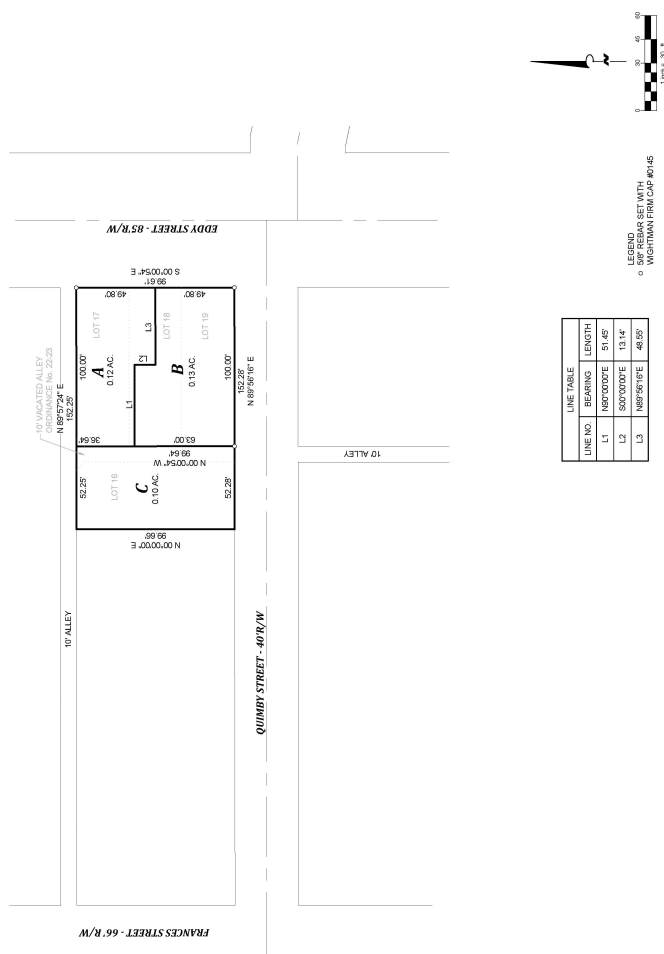
TERENCE D. LANG, HEREIN, CERTIFY THAT I AM A PROFESSIONAL SURVEYOR LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA. THAT THIS MONUMENT IS LOCATED ON THIS DATE, 12/15/2023, THAT THE MONUMENT IS LOCATED ON THE SOUTH 1/4 OF SECTION 36, T4N, R10E, E1/2, 1/4, PLATT COUNTY, INDIANA. THAT THE MONUMENTS ARE ACCURATELY SHOWN, AND THAT THE MONUMENTS WILL BE PROMINENTLY PLACED ON THE SURFACE OF THE SOUTH 1/4 OF SECTION 36, T4N, R10E, E1/2, 1/4, PLATT COUNTY, INDIANA. THAT I HAVE TAKEN CARE TO REMEASURE EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.


Terence D. Lang

TERENCE D. LANG, STATE OF INDIANA

PLATT COUNTY, INDIANA

PLATT COUNTY, INDIANA



| | |
|---|--------------------------|
|  <p>LA WIGHTMAN</p> <p>715 S. MICHIGAN ST. SUITE 200 ANN ARBOR MI 48106 734.233.1841</p> <p>www.lawightman.com</p> | <p>PROJECT NAME</p> |
| | <p>MINOR SUBDIVISION</p> |

**ELLIOT PROPERTIES' QUMBY
STREET LOT LINE ADJUSTMENT**

PART OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 37 NORTH,
RANGE 2 EAST, CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.

PROPERTY INFORMATION:
018-6006-0146

018-6006-0146
ELLIOT PROPERTIES LLC
6615 W. COLFAX AVENUE
SOUTH BEND INDIANA 46601

619 W. COLFAX AVENUE
SOUTH BEND INDIANA 46601

SOUTH BEND, INDIANA 46601

PROPERTY ADDRESS: 311 S. EDDY STREET, SOUTH BEND, INDIANA 46617

018-6006-0147
TEL: 03-6006-0147

ELLIOT PROPERTIES LLC
315 W. COLEMAN AVENUE

515 W. COLIAR AVENUE
SOUTH BEND, INDIANA 46601

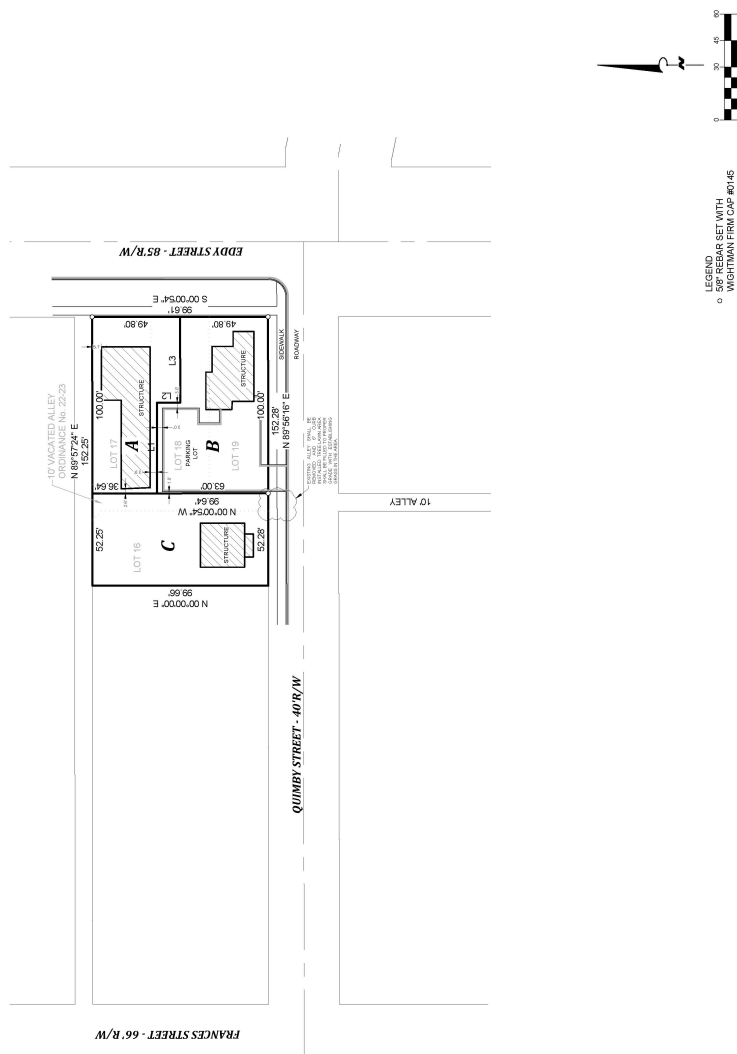
PROPERTY ADDRESS: 315 S

018-6005-0148
FLUOT PROFFITTELLI

ELLUOT PROPERTIES LLC
615 W COLFAX AVENUE

SOUTH BEND, INDIANA 46601

PROPERTY ADDRESS: 317 S. E



NOTES

ALL ELEMENTS THAT ARE INDICATED ON DOCUMENTATION PROVIDED BY THE APPLICANT SHALL BE SHOWN AS SUCH ON THIS PLAN. THE FOLLOWING BUILDINGS OR STRUCTURES SHALL CONFORM TO THE APPLICABLE PROVISIONS OF THE ZONING ORDINANCE:

SEMI-DETACHED HOUSES SHALL BE LOCATED AT ALL LOT CORNERS.

NO REMAIN WITH PLASTICS SHALL BE EXPOSED UPON EXISTING BUILDING SETBACK LINES AND/OR EASEMENTS.

NO SECONDARY STRUCTURES EXIST WITHOUT A PRIMARY STRUCTURE.

EXISTING UTILITIES ARE CURRENTLY SERVED BY MUNICIPAL WATER AND SANITARY SEWER.

FLOOD INSURANCE RATE MAP: COMMUNITY PANEL NO. 181042021D WITH AN ADDITIONAL FLOOD HAZARD STUDY FOR THE CITY OF NAPA, CALIFORNIA.

ZONE X: AREAS OF MINOR FLOODING AND TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN.

DATE: 09/06/2020 TIME: 09:08:09 P.M.

SHEET CLASSIFICATION: NAPOLEON STREET, RESIDENTIAL

SURVEYOR'S CERTIFICATION
TERENCE D. LANG, HEREBY CERTIFY THAT I AM A PROFESSIONAL SURVEYOR, LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA. THAT THIS PLAN CORRECTLY REPRESENTS A SURVEY COMPLETED OR CERTIFIED BY ME ON AUGUST 10, 2022 THAT THE LOCATION, SIZE, TYPE AND MATERIAL OF ALL PLATS, LOTS AND INTERESTS ARE SHOWN, THAT THE SURVEY WAS CONDUCTED AND INSTALLED IN ACCORDANCE WITH THE PROVISIONS OF THE SUBDIVISION ACT, AND THAT THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE ORDINANCE OF THE CITY OF SOUTH BEND, INDIANA. FURTHER, I AFFIRM UNDER THE PENALTIES FOR PERJURY THAT I HAVE TAKEN CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT. I AM FURTHER REQUIRED BY LAW

Terance D. Lang
TERANCE D. LANG, PS No. 80040523

Project Details

| | |
|----------------------------|--|
| Environmental Data: | A check of the Agency's maps indicates that no environmental hazard areas or wetlands are present. |
| Drainage: | |
| Rights-Of-Way: | The rights-of-way are correct as shown. |
| Utilities: | The site will be served by Municipal Water and Municipal Sewer. |
| Agency Comments: | Remove alley approach and install 6 inch curb. Fill tree lawn to proper grade with top soil and establish grass. |
| Staff Comments: | There are no additional comments at this time. |

Criteria for Decision Making**Variance(s):****The petitioner is seeking the following variance(s):**

- 1) from the required 5' side yard building setback to 3.9' along the south property line of Lot A
- 2) from the required 20' rear yard building setback to 2.6' for Lot A
- 3) from the required 5' side yard parking setback to 3' for Lot B
- 4) from the required 5' rear yard parking setback to 1' for Lot B

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 variances should not be injurious to the public health, safety, morals, and general welfare of the community. The variances are due to the creation of the separate lots which will allow each parcel's improvements to be located on a separate lot. Access to each lot will not change.

(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 adjacent area should not be affected in a substantially adverse manner. All buildings are existing and the petitioner proposes no changes to the buildings on the sites. The creation of Lot C will allow the residential use on Quimby to have a larger side yard by incorporating the vacated 10' alley.

(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 result in practical difficulties by not allowing for the subdivision of the parcels to take place.

(4) The variance granted is the minimum necessary.

The variances requested are the minimum necessary to allow for the lot line adjustment to be approved.

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

While the practical difficulty is being created by the desire to separate the parcels, the requested variances are reasonable to allow the parcels to operate independently and not have parking located on a lot without its primary building.

Recommendation

Analysis: The variances are required due to the creation of separate lots with existing buildings and should not be injurious to the public health, safety, morals, and general welfare of the community.

Staff Recommendation: Staff Recommendation: The Staff has reviewed this subdivision and finds it complies with the requirements for Approval as specified by the South Bend Subdivision Control Ordinance. The Staff therefore recommends that this subdivision be granted Approval, subject to the following: 1) Rezoning entirety of Lot C to U1 to include vacated 10' alley to the east. The Staff recommends the Commission approve the variances as presented.

Property Information

Subdivision Name: **VISION REALTY'S TWYCKENHAM DRIVE MINOR SUBDIVISION**

Location: West of Twyckenham Drive approx 75' south of the centerline of Scottswood Dr R/W

Requested Action

The total area of the subdivision is .29 acres and will consist of 3 building lots.

Rezoning: From S1 Neighborhood 1 to U1 Urban Neighborhood 1

Variance(s): 1) from the required 5' side yard setback to 4' for all side yards

Location Map



Recommendation

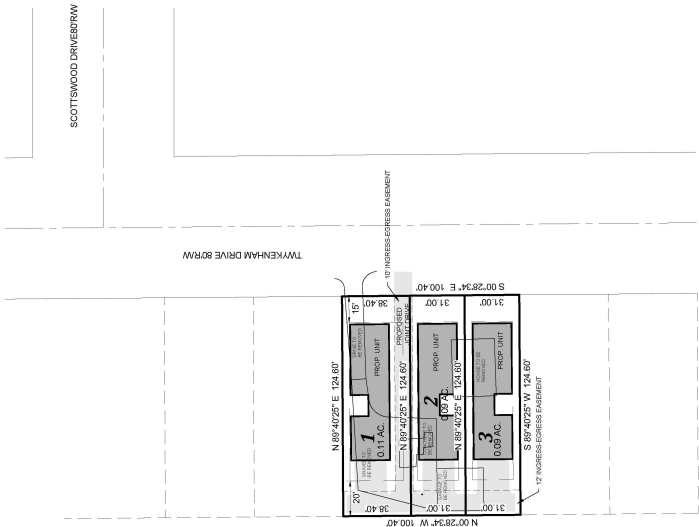
Staff Recommendation: The Staff has reviewed this subdivision and finds it complies with the requirements for Approval as specified by the South Bend Subdivision Control Ordinance. The Staff therefore recommends that this subdivision be granted Approval. Based on information prior to the public hearing, the Staff recommends the Commission send the rezoning petition to the Common Council with a favorable recommendation. The Staff recommends the Commission deny the variance as requested.

Proposed Plat

VISION REALTY'S TWYCKENHAM DRIVE
MINOR SUBDIVISION

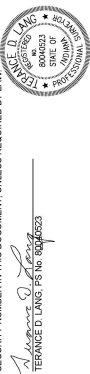
PART OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 37 NORTH,
RANGE 3 EAST, CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.

LEGAL DESCRIPTION
LOT NUMBERED THREE (3) AND FOUR (4) AS SHOWN ON THE RECORDED PLAT OF
SAM WILLIAMS ADDITION, AN ADDITION TO THE CITY OF SOUTH BEND, AS
RECORDED IN THE PUBLIC RECORDS OF ST. JOSEPH COUNTY, INDIANA, IN
SAID COUNTY IN ST. JOSEPH COUNTY, INDIANA.

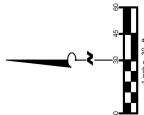


- NOTES
1. ALL EASEMENTS THAT ARE INDICATED ON DOCUMENTATION PROVIDED BY THE PROPERTY OWNER ARE SHOWN ON THE DRAWING.
 2. ALL EASEMENTS SHALL CONFORM TO THE APPLICABLE PROVISIONS OF THE ZONING ORDINANCE.
 3. 50' REBAR WITH PLASTIC CAP SHALL BE PLACED AT ALL LOT CORNERS.
 4. AND/OR EASEMENTS.
 5. NO SECONDARY STRUCTURES EXIST WITHOUT A PRIMARY STRUCTURE.
 6. THE SURVEYOR HAS BEEN ADVISED THAT THE PROPERTY OWNER HAS A FLOOD INSURANCE RATE MAP (COMMUNITY PANEL NO. 191410203D) WITH AN EFFECTIVE DATE OF JANUARY 6, 2011, INDICATES THIS AREA TO BE DESIGNATED AS AN AREA OF SPECIAL FLOOD HAZARD AND TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN.
 7. TAX KEY NO. 018-6194-7994.
 8. ACCESS TO THE PROPERTY IS PROVIDED BY A 10' INGRESS-EGRESS EASEMENT IS FOR ALL 3 LOTS TO ACCESS TWYCKENHAM ROAD.

SURVEYOR'S CERTIFICATION
I, TERRANCE D. LANG, HEREBY CERTIFY THAT I AM A PROFESSIONAL SURVEYOR
LICENSED BY THE BOARD OF SURVEYING AND MAPPING IN THE STATE OF INDIANA
PLAT CORRECTLY REPRESENTS A SURVEY COMPLETED OR CERTIFIED BY ME ON
AUGUST 18, 2023 THAT THE LOCATION, SIZE, TYPE AND MATERIAL OF ALL
EASEMENTS, ENCUMBRANCES, AND INTERESTS ARE CORRECTLY SHOWN AND
INSTALLED IN ACCORDANCE WITH THE PROVISIONS OF THE SUBDIVISION
RECORDS ACT AND THE CITY OF SOUTH BEND, INDIANA, AND THAT I AM NOT
PROVIDING ANY OTHER INFORMATION THAT MAY BE REQUIRED BY LAW.
THE PLAT IS FOR THE CITY OF SOUTH BEND, INDIANA, AND THAT I AM NOT
PROVIDING ANY OTHER INFORMATION THAT MAY BE REQUIRED BY LAW.



TERRANCE D. LANG, P.S. No. 8004033



| | | | | | | | |
|---|--------------|-----------|------|----|------------|----------|---------|
| W+ WIGHTMAN 1402 EISHAMANA AVE SOUTH BEND, IN 46710 PH: 734-221-1211 www.gowrightman.com | PROJECT NAME | REVISIONS | DATE | BY | CHECKED BY | APP. NO. | Support |
| | | | | | | | |

Project Details

| | |
|----------------------------|--|
| Environmental Data: | A check of the Agency's maps indicates that no environmental hazard areas or wetlands are present. |
| Drainage: | A drainage plan is not required for development of single-unit dwellings. |
| Rights-Of-Way: | The rights-of-way are correct as shown. |
| Utilities: | The site will be served by Municipal Water and Municipal Sewer. |
| Agency Comments: | Remove existing approach and replace sidewalk and 6 inch curb. Fill tree lawn to proper grade with top soil and establish grass. |
| Staff Comments: | There are no additional comments at this time. |

Site & Context for Rezoning**Land Uses and Zoning:**

On site: On site is a one unit dwelling zoned S1 Suburban Neighborhood 1.

North: A one unit dwelling zoned S1.

East: A one unit dwelling zoned S1.

South: A one unit dwelling zoned S1.

West: Vacant land zoned OS Open Space.

District Intent:

The U1 District is established to provide for, promote, and maintain urban neighborhoods located in core and outlying areas of the City.

Site Plan Description:

Subdivide the property into three smaller building lots for single family residential homes.

Zoning and Land Use History and Trends:

The neighborhood was largely established in the 1940's thru 1960's, as a suburban single family neighborhood with homes accessed by driveways from Twyckenham Drive. Twyckenham Drive has developed over time as a major north/south thoroughfare and serves as one entryway into the greater Notre Dame campus. The properties to the north, and the area in general, have seen an increase in interest for more dense housing opportunities, be it in multi-family housing or denser single family residential uses.

Traffic and Transportation Considerations:

Twyckenham Drive is two lanes with on-street parking.

Agency Comments for Rezoning**Agency Comments:**

There are no additional comments at this time.

There are no Engineering comments at this time.

Staff Comments:

The Northeast Neighborhood Plan (2022) seeks to allow a greater quantity and diversity in housing units. New housing should be carefully designed and located to support and positively influence neighborhood character. As the area continues to experience high interest in redevelopment, the plan envisions a higher density of residential options in the form of duplexes, ancillary dwelling units, and up to four units to help meet the demand for urban living.

Criteria for Decision Making**Rezoning:**

Per State Law, the Plan Commission and Common Council shall pay reasonable regard to:

1. Comprehensive Plan:**Policy Plan:**

The petition is consistent with the City Plan, South Bend Comprehensive Plan (2006), Objective H 1: Ensure that an adequate supply of housing is available to meet the needs, preferences, and financial capabilities of households now and in the future.

Land Use Plan:

The Northeast Neighborhood Plan as adopted in 2022 identifies this area for Medium Density housing. As the area continues to experience high interest in redevelopment, the plan envisions a higher density of residential options in the form of duplexes, ancillary dwelling units, and up to four units to help meet the demand for urban living.

Plan Implementation/Other Plans:

The Northeast Neighborhood Plan (2022) seeks to allow a greater quantity and diversity in housing units. New housing should be carefully designed and located to support and positively influence neighborhood character.

2. Current Conditions and Character:

The existing neighborhood and the area to the east have larger building lots typical of a suburban setting. The area to the south and west are urban sized lots for denser housing options. The property is also located within the NNZO Northeast Neighborhood Zoning Overlay district which serves to encourage high-quality design of new buildings and site development that preserves and enhances the character of a traditional neighborhood.

3. Most Desirable Use:

The most desirable use, at this time, is a range of low to medium density residential housing types that will seamlessly fit in the established character of the neighborhood.

4. Conservation of Property Values:

Allowing for the continued use of the property as residential uses should increase property values throughout the area and encourage future residential development along this section of Twyckenham Drive.

5. Responsible Development and Growth:

It is responsible development and growth to allow for a variety of housing options within this neighborhood.

Variance(s):

The petitioner is seeking the following variance(s):

1) from the required 5' side yard setback to 4' for all side yards

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 proposed variance is out of character with the area, which may impact the general welfare of the community. Minimum setbacks are established to set the bare minimum needed in order to protect the health, safety, and general welfare of the community. Maintaining a minimum of 10' between structures is critical for emergency access and public safety.

(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 adjacent property may be adversely affected if the variance is granted. A smaller setback could lead to difficulties in maintaining the properties as well as setting precedence for expanding all houses of the neighborhood into the side setback without just cause.

(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 would not result in practical difficulties in the use of the property. New homes could be built on the lots that conform to the setbacks established in the Ordinance.

(4) The variance granted is the minimum necessary.

Since there is no practical difficulty to overcome, the variance requested is not the minimum necessary. New houses could be built on the newly created lots that would be within the setbacks permitted by the Ordinance.

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

There is no hardship of the property to overcome. The variance is caused by the subdivision of the property into three lots resulting in 31' lots which they deem too narrow to build a home.

Recommendation

Commitments: There are no commitments proposed at this time.

Analysis: Rezoning the site to U1 Urban Neighborhood 1 will allow for residential growth and increased housing options in the neighborhood while not drastically changing the established character. The proposed variance is out of character with the area and may impact the general welfare of the community.

Staff Recommendation: The Staff has reviewed this subdivision and finds it complies with the requirements for Approval as specified by the South Bend Subdivision Control Ordinance. The Staff therefore recommends that this subdivision be granted Approval. Based on information prior to the public hearing, the Staff recommends the Commission send the rezoning petition to the Common Council with a favorable recommendation. The Staff recommends the Commission deny the variance as requested.

Property Information

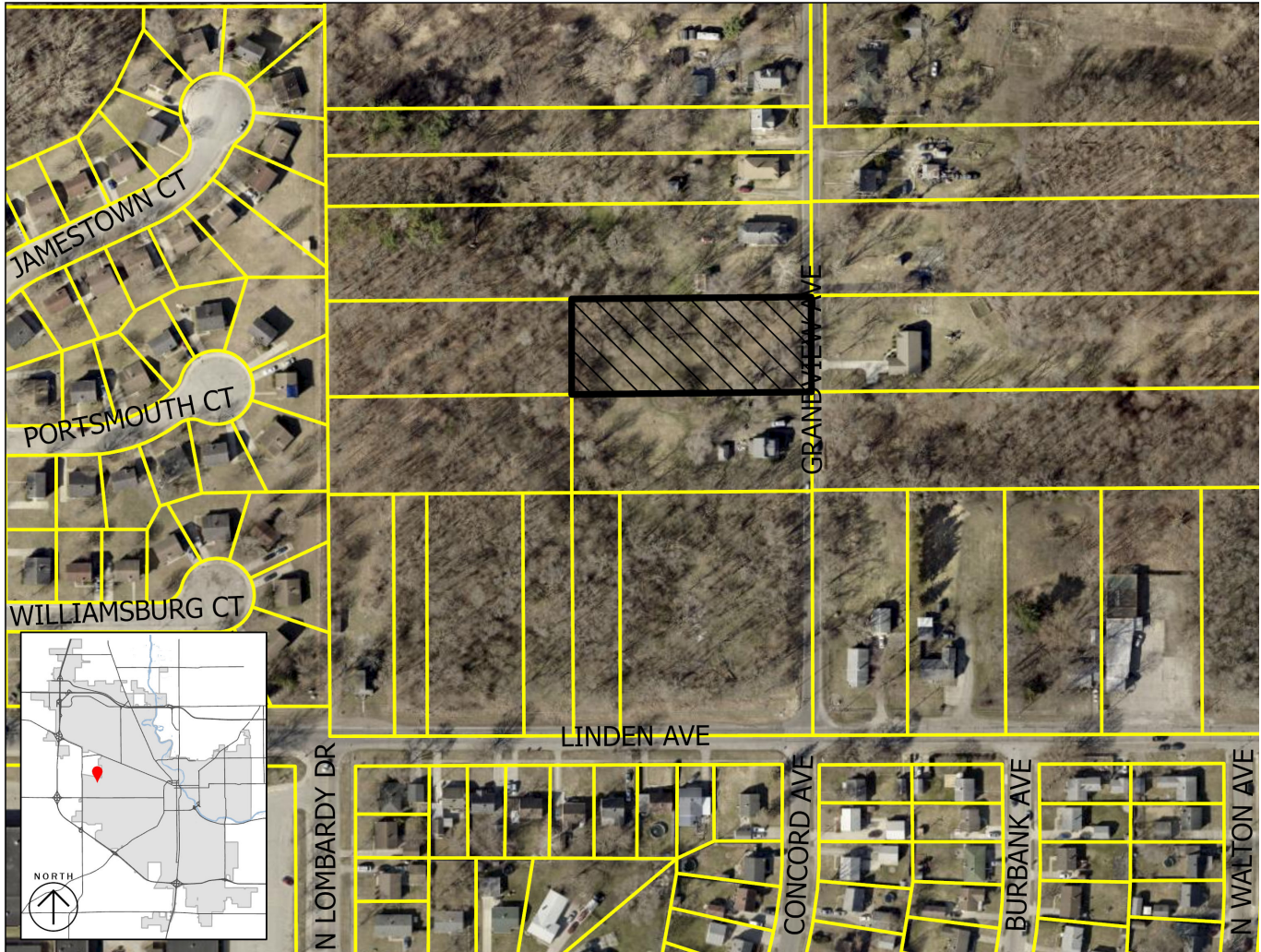
Subdivision Name: **GRANDVIEW AVENUE MINOR SUBDIVISION**

Location: West of Grandview Ave 462' north of Linden Ave

Requested Action

The total area of the subdivision is 1 acres and will consist of 1 building lot. .

Location Map



Recommendation

Staff Recommendation: The Staff has reviewed this subdivision and finds it complies with the requirements for Approval as specified by the South Bend Subdivision Control Ordinance. The Staff therefore recommends that this subdivision be granted Approval.

Proposed Plat

[illegible][illegible]

OWNERS CERTIFICATION

THIS IS TO CERTIFY THAT THE UNDERSIGNED, MICAH WILLIAMS IS THE OWNER OF THE LAND DESCRIBED IN THE PLAT HEREIN AND HAVE CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS INDICATED THEREON FOR THE USES AND PURPOSES THEREIN SET FORTH, AND DOES HEREBY ACKNOWLEDGE AND ADOPT THE PLAT UNDER THE STYLE AND TITLE THEREON INDICATED.

MICAH WILLIAMS
357 N. GRANDVIEW AVENUE
SOUTH BEND, INDIANA 46619

STATE OF INDIANA SS:
COUNTY OF ST. JOSEPH

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED MICAH WILLIAMS AND EACH SEPARATELY AND JOINTLY, KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAMES ARE SET FORTH AS WITNESSES TO MY HAND AND NOTARIAL SEAL THIS DAY OF 2023.

DONNA R. SIMON, NOTARY PUBLIC
EXPIRATION DATE: AUGUST 29, 2028.
NOTARY IS A RESIDENT OF ST. JOHNS COUNTY, FLORIDA

NOTES

1. ALL EASEMENTS THAT ARE INDICATED ON DOCUMENTATION PROVIDED BY THE PROPERTY OWNER ARE SHOWN ON THE DRAWING.
2. DIMENSIONS SHALL CONFORM TO THE APPLICABLE PROVISIONS OF THE BUILDING DEPARTMENT.
3. 35' REAR YARD ENCROACHMENT SHALL BE PLACED AT ALL LOT CORNERS.
4. THERE ARE NO ENCROACHMENTS UPON EXISTING BUILDING SETBACK LINES.
5. THERE ARE NO ENCROACHMENTS UPON EXISTING LOT CORNERS.
6. NO SECONDARY STRUCTURES EXIST WITHOUT A PRIMARY STRUCTURE.
7. THIS LOT SHALL BE SERVED BY MUNICIPAL WATER AND SANITARY SEWER.
8. FLOOD INSURANCE RATE MAP: COMMUNITY PANEL NO. 1814019D WITH FLOOD ZONE 1 AREAS OF MINIMAL FLOODING AND TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN.
9. FLOOD INSURANCE RATE MAP: COMMUNITY PANEL NO. 1814019D WITH FLOOD ZONE 1 AREAS OF MINIMAL FLOODING AND TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN.
10. STREET CLASSIFICATION: GRANDVIEW AVENUE 475W - LOCAL RESIDENTIAL

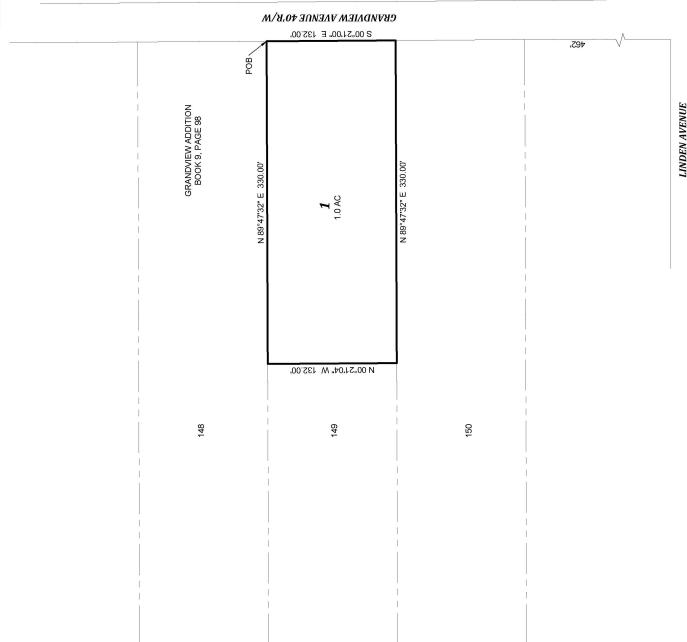
SURVEYOR'S CERTIFICATION
I, TERENCE D. LANG, HEREBY CERTIFY THAT I AM A PROFESSIONAL SURVEYOR,
LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA. THAT THIS
PLAN CORRECTLY REPRESENTS A SURVEY COMPLETED OR CERTIFIED BY ME ON
APRIL 25, 2023, THAT THE LOCATION, SIZE, TYPE AND MATERIAL OF ALL
MONUMENTS ARE ACCURATELY SHOWN, AND THAT THE MONUMENTS WILL BE
INSTALLED IN ACCORDANCE WITH THE PROVISIONS OF THE SUBDIVISION
ACT. I CERTIFY THAT THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE
PREREQUISITES FOR PERMITS. I HAVE TAKEN CARE TO REDACT EACH SOCIAL
SECURITY NUMBER IN THIS DOCUMENT, IN LINE WITH ACCESS REQUIRED BY LAW.



Travis D. Lang
TERENCE D. LANG, PS No. 810040523

**GRANDVIEW AVENUE
MINOR SUBDIVISION**

PART OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 37 NORTH,
RANGE 2 EAST, CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.

[illegible]

CERTIFICATE OF APPROVAL


PURSUANT TO INDIANA CODE SECTION 36-7.4, THE UNDERSIGNED CERTIFY THAT GRANDVIEW AVENUE MINOR SUBDIVISION HAS BEEN CONSIDERED AND GRANTED SECONDARY APPROVAL BY THE SOUTH BEND PLANNING COMMISSION ON 06/20/2023, DETERMINING THAT THE SAID SUBDIVISION COMPLIES WITH THE STANDARDS SET FORTH IN THE CITY OF SOUTH BEND SUBDIVISION CONTROL ORDINANCE.

WITNESS WHEREOF, WE HAVE ATTACHED OUR SIGNATURE AND THE COMMISSION'S SEAL.

CITY CLERK

M. CORCORAN
SECRETARY OF THE COMMISSION

Proposed Plat

| | | |
|---|--|--|
|  WIGHTMAN 14751 INGLEWOOD ALLEGAN, MI 49010 268.673.8465 www.gmp3lines.com | PROJECT NAME | |
| | REVISIONS 1. 10/10/2010 2. 10/10/2010 3. 10/10/2010 4. 10/10/2010 5. 10/10/2010 6. 10/10/2010 7. 10/10/2010 8. 10/10/2010 9. 10/10/2010 10. 10/10/2010 11. 10/10/2010 12. 10/10/2010 13. 10/10/2010 14. 10/10/2010 15. 10/10/2010 16. 10/10/2010 17. 10/10/2010 18. 10/10/2010 19. 10/10/2010 20. 10/10/2010 21. 10/10/2010 22. 10/10/2010 23. 10/10/2010 24. 10/10/2010 25. 10/10/2010 26. 10/10/2010 27. 10/10/2010 28. 10/10/2010 29. 10/10/2010 30. 10/10/2010 31. 10/10/2010 32. 10/10/2010 33. 10/10/2010 34. 10/10/2010 35. 10/10/2010 36. 10/10/2010 37. 10/10/2010 38. 10/10/2010 39. 10/10/2010 40. 10/10/2010 41. 10/10/2010 42. 10/10/2010 43. 10/10/2010 44. 10/10/2010 45. 10/10/2010 46. 10/10/2010 47. 10/10/2010 48. 10/10/2010 49. 10/10/2010 50. 10/10/2010 51. 10/10/2010 52. 10/10/2010 53. 10/10/2010 54. 10/10/2010 55. 10/10/2010 56. 10/10/2010 57. 10/10/2010 58. 10/10/2010 59. 10/10/2010 60. 10/10/2010 61. 10/10/2010 62. 10/10/2010 63. 10/10/2010 64. 10/10/2010 65. 10/10/2010 66. 10/10/2010 67. 10/10/2010 68. 10/10/2010 69. 10/10/2010 70. 10/10/2010 71. 10/10/2010 72. 10/10/2010 73. 10/10/2010 74. 10/10/2010 75. 10/10/2010 76. 10/10/2010 77. 10/10/2010 78. 10/10/2010 79. 10/10/2010 80. 10/10/2010 81. 10/10/2010 82. 10/10/2010 83. 10/10/2010 84. 10/10/2010 85. 10/10/2010 86. 10/10/2010 87. 10/10/2010 88. 10/10/2010 89. 10/10/2010 90. 10/10/2010 91. 10/10/2010 92. 10/10/2010 93. 10/10/2010 94. 10/10/2010 95. 10/10/2010 96. 10/10/2010 97. 10/10/2010 98. 10/10/2010 99. 10/10/2010 100. 10/10/2010 101. 10/10/2010 102. 10/10/2010 103. 10/10/2010 104. 10/10/2010 105. 10/10/2010 106. 10/10/2010 107. 10/10/2010 108. 10/10/2010 109. 10/10/2010 110. 10/10/2010 111. 10/10/2010 112. 10/10/2010 113. 10/10/2010 114. 10/10/2010 115. 10/10/2010 116. 10/10/2010 117. 10/10/2010 118. 10/10/2010 119. 10/10/2010 120. 10/10/2010 121. 10/10/2010 122. 10/10/2010 123. 10/10/2010 124. 10/10/2010 125. 10/10/2010 126. 10/10/2010 127. 10/10/2010 128. 10/10/2010 129. 10/10/2010 130. 10/10/2010 131. 10/10/2010 132. 10/10/2010 133. 10/10/2010 134. 10/10/2010 135. 10/10/2010 136. 10/10/2010 137. 10/10/2010 138. 10/10/2010 139. 10/10/2010 140. 10/10/2010 141. 10/10/2010 142. 10/10/2010 143. 10/10/2010 144. 10/10/2010 145. 10/10/2010 146. 10/10/2010 147. 10/10/2010 148. 10/10/2010 149. 10/10/2010 150. 10/10/2010 151. 10/10/2010 152. 10/10/2010 153. 10/10/2010 154. 10/10/2010 155. 10/10/2010 156. 10/10/2010 157. 10/10/2010 158. 10/10/2010 159. 10/10/2010 160. 10/10/2010 161. 10/10/2010 162. 10/10/2010 163. 10/10/2010 164. 10/10/2010 165. 10/10/2010 166. 10/10/2010 167. 10/10/2010 168. 10/10/2010 169. 10/10/2010 170. 10/10/2010 171. 10/10/2010 172. 10/10/2010 173. 10/10/2010 174. 10/10/2010 175. 10/10/2010 176. 10/10/2010 177. 10/10/2010 178. 10/10/2010 179. 10/10/2010 180. 10/10/2010 181. 10/10/2010 182. 10/10/2010 183. 10/10/2010 184. 10/10/2010 185. 10/10/2010 186. 10/10/2010 187. 10/10/2010 188. 10/10/2010 189. 10/10/2010 190. 10/10/2010 191. 10/10/2010 192. 10/10/2010 193. 10/10/2010 194. 10/10/2010 195. 10/10/2010 196. 10/10/2010 197. 10/10/2010 198. 10/10/2010 199. 10/10/2010 200. 10/10/2010 201. 10/10/2010 | |

OWNER:
MICAH WILLIAMS
837 N. GRANDVIEW AVENUE
SOUTH BEND, INDIANA 46619

- NOTES
- ALL EASEMENTS THAT ARE INDICATED ON DOCUMENTATION PROVIDED BY THE PROPERTY OWNER ARE SHOWN ON THE DRAWING.
- NO EASEMENTS SHALL CONFORM TO THE APPLICABLE PROVISIONS OF THE ZONING ORDINANCE.
- 58' SEPAR WITH PLASTIC CAP SHALL BE PLACED AT ALL LOT CORNERS.
- THERE ARE NO ENCROACHMENTS UPON EXISTING BUILDING SETBACK LINES.
- NO SECONDARY STRUCTURES EXIST WITHOUT A PRIMARY STRUCTURE.
- THIS LOT SHALL BE SERVED BY MUNICIPAL WATER AND SANITARY SEWER.
- THE DATE OF JANUARY 6, 2011, INDICATES THIS AREA IS TO BE DESIGNATED EFFECTIVE X AREA OF JANUARY 6, 2011.
- THE 0.2% ANNUAL CHANCE FLOOD PLAN.
- STREET CLASSIFICATION: GRANDVIEW AVENUE 40'RW - LOCAL RESIDENTIAL

SURVEYOR'S CERTIFICATION

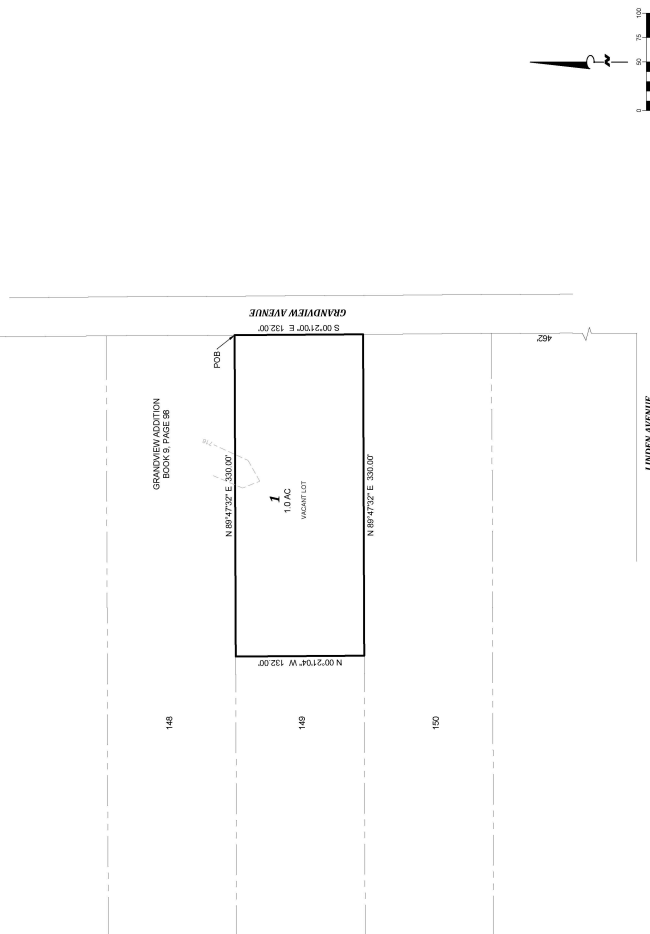
I, TERENCE D. LANG, HEREBY CERTIFY THAT I AM A PROFESSIONAL SURVEYOR, LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA; THAT THIS PLAN CORRECTLY REPRESENTS A SURVEY COMPLETED OR CERTIFIED BY ME ON AUGUST 29, 2023, THAT THE LOCATION, SIZE, TYPE AND MATERIAL OF ALL MONUMENTS ARE ACCURATELY SHOWN, AND THAT THE MONUMENTS WILL BE MAINTAINED TO REMAIN AS LOCATED FOR THE BENEFIT OF THE PUBLIC IN CONFORMANCE WITH THE CITY OF SOUTH BEND, INDIANA. FURTHER, I AFFIRM UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT FROM ANY RECORDS REQUIRED BY LAW.



James B. Long
PERMANENT DIARY DE NO 000000023

**GRANDVIEW AVENUE
MINOR SUBDIVISION**

PART OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 37 NORTH,
RANGE 2 EAST, CITY OF SOUTH BEND. PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.

[illegible]

Project Details

| | |
|----------------------------|---|
| Environmental Data: | A check of the Agency's maps indicates that no environmental hazard areas or wetlands are present. |
| Drainage: | A drainage plan is not required for single-family residential development. |
| Rights-Of-Way: | The rights-of-way are correct as shown. |
| Utilities: | The site will be served by Municipal Water and Municipal Sewer. |
| Agency Comments: | Site is not served by sewer. Any proposed sewer extension would require an agreement with the Board of Public Works and the extension would be constructed at the developer's expense. Curb and sidewalk shall be installed along the property frontage upon development. |

Recommendation

Staff Comments: No additional staff comments.

Staff Recommendation: The Staff has reviewed this subdivision and finds it complies with the requirements for Approval as specified by the South Bend Subdivision Control Ordinance. The Staff therefore recommends that this subdivision be granted Approval.