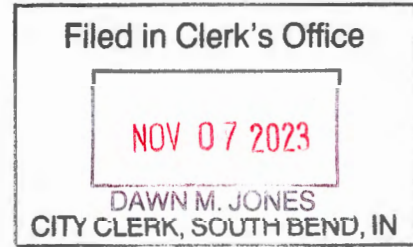


City of South Bend
BOARD OF ZONING APPEALS

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

November 7, 2023

Common Council of South Bend
227 W. Jefferson Blvd, 4th Floor
South Bend, IN 46601



Re: 54-23: The petition of SHARI SELLERS seeking a Special Exception for 2 unit dwelling in the U1 Urban Neighborhood 1 for property located at 1128 PORTAGE AVE

Dear Council Members:

I hereby Certify that the above referenced petition of SHARI SELLERS was legally advertised on October 27, 2023 and that the South Bend Board of Zoning Appeals at its public hearing on November 6, 2023, took the following action:

Upon a motion by Kaine Kanczuzewski, being seconded by Caitlin Stevens and unanimously carried, a petition by SHARI SELLERS seeking a Special Exception for 2 unit dwelling for property located at 1128 PORTAGE AVE, City of South Bend, is sent to the Common Council with a favorable recommendation, and will issue written Findings of Fact.

The staff comments related to this petition are attached. The Findings of Fact will be adopted at the next South Bend Board of Zoning Appeals meeting. Minutes of the public hearing are available in our office and will be posted on our website once approved.

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

Sincerely,

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

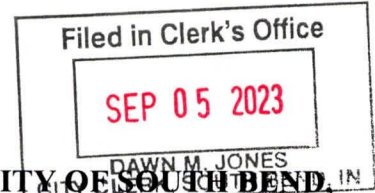
Kari Myers
Zoning Specialist

Attachment

CC: SHARI SELLERS
Shari Sellers
Terri Selters-Olivarez
Building Department
Bob Palmer

BILL NO. 54-23

ORDINANCE NO. 10968-23



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 1128 PORTAGE AVENUE, COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Request a Special Exception to allow for the use of a duplex.

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:

1128 Portage Ave., South Bend, IN 46616. 018-1064-2748

In order to permit a Two Unit Dwelling.

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:

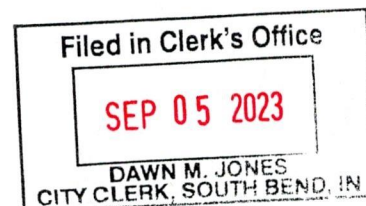
Dawn M. Jones, City Clerk
Office of the City Clerk

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

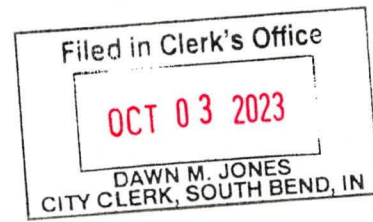


City of South Bend
BOARD OF ZONING APPEALS

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

October 3, 2023

Common Council of South Bend
227 W. Jefferson Blvd, 4th Floor
South Bend, IN 46601



Re: The petition of SHARI SELLERS seeking a Special Exception for 2 unit dwelling in the U1 Urban Neighborhood 1 for property located at 1128 PORTAGE AVE

Dear Council Members:

I hereby Certify that the above referenced petition of SHARI SELLERS was legally advertised on September 22, 2023 and that the South Bend Board of Zoning Appeals at its public hearing on October 2, 2023 took the following action:

Upon a motion by Caitlin Stevens, being seconded by Mark Burrell and unanimously carried, a petition by SHARI SELLERS seeking a Special Exception for 2 unit dwelling for property located at 1128 PORTAGE AVE, City of South Bend is **tabled to the November 6, 2023, Board of Zoning Appeals meeting.**

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

Sincerely,

Kari Myers
Zoning Specialist

Attachment

CC: SHARI SELLERS
Shari Sellers
Terri Selers-Olivarez
Building Department
Bob Palmer

Property Information

Location: 1128 PORTAGE AVE
Owner: SHARI SELLERS

Filed in Clerk's Office
NOV 11 2023
CITY OF SOUTH BEND, IN

Project Summary

Request a Special Exception to allow for the use of a duplex on a U1 zoned lot.

Requested Action

Special Exception: 2 unit dwelling

Site Location

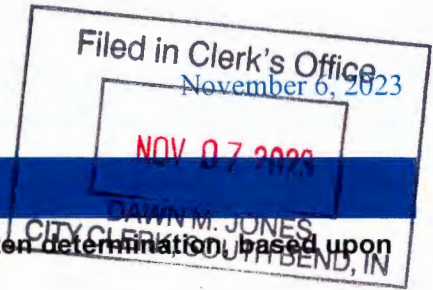


Staff Recommendation

Based on the information provided prior to the public hearing, the staff recommends the Board send the petition to the Common Council with a favorable recommendation as presented.

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;

The proposed use should not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare as reactivating a vacant large dwelling will provide more residents to the neighborhood which will increase safety and the 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;

Adding an additional unit to an existing building should not injure or adversely affect the use or value of the adjacent area or property values, provided the current residential character is maintained. Renovation of the building should strengthen nearby property values and prevent the building from deteriorating.

(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 two unit dwelling will be consistent with the character of the district and neighborhood in both use and style of construction. The property immediately to the north is currently a two unit dwelling.

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

The petition is consistent with the City Plan, South Bend Comprehensive Plan (2006) Objective H1.1: Encourage residential developments to contain a mix of housing types, densities, price ranges, and amenities.

Analysis & Recommendation

Analysis: The conversion and rehab of a current one unit dwelling to a two unit dwelling will further complement the existing housing stock in the surrounding area. The proposed use will provide more housing options for residents.

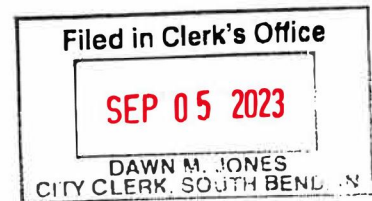
Staff Recommendation: Based on the information provided prior to the public hearing, the staff recommends the Board send the petition to the Common Council with a favorable recommendation as presented.

BILL NO. 54-23

City of South Bend BOARD OF ZONING APPEALS

September 5, 2023

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



RE: Special Exception Use at 1128 Portage 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 **September 11, 2023**, meeting and set it for public hearing at your **October 9, 2023**, Council meeting. The petition is tentatively scheduled for public hearing at the October 2, 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 to allow for the use of a duplex.

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 blue ink 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@southbend.in.gov
RECEIVED AUG 22 2023

Petition for Variance - Special Exception

Property Information

Tax Key Number: 018-1064-2748
Address: 1128 PORTAGE AVE
Owner: SHARI SELLERS
Zoning: Choose the current district U1

Project Summary:

*Help Revitalize the house (and neighborhood)
It's an old house that will be replumbed, cleaned up, new electric
and divided into more affordable and manageable space,
which contributes to the aesthetic and value of the neighborhood
and also helps maintain such a large house.*

Requested Action

- Special Exception – complete and attach Criteria for Decision Making
Use requested: 2 unit dwelling
- Variance(s) - List variances below, complete and attach Criteria for Decision Making
Variance(s) requested:

Filed in Clerk's Office
SEP 05 2023
DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

Required Documents

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

PAID
AUG 22 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.

Filed in Clerk's Office
SEP 03 2023
CITY CLERK, SOUTH BEND, IN

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

The house is large with 6 bedrooms and if made separated into a duplex, helps with housing shortages; families are smaller and need affordable, manageable sized housing.

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

Properties on the same street have been duplexes, and there is a housing shortage. Repairing and separating into a duplex will increase the value of the house and the value of the neighborhood.

(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:

There are many businesses on the street and ^{some of} the neighboring houses are also duplexes, or homes with small businesses attached.

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

A revitalized home(s) increases the value of the neighborhood. Businesses and decent affordable sized housing with people who care about the character of the community are needed to be actively involved, especially so near Notre Dame and the river and other small shop owners to keep the community interconnected. I'm very invested being a South Bend native.

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:

Filed in Clerk's Office

SEP 05 2023

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

SEP 05 2023

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

Contact Information

Property owner(s) of the petition site:

Name: Shari Sellers

Address: 10426 VISTULA Rd
OSCEOLA, IN 46561

Name: _____

Address: _____

Name: _____

Address: _____

Contact Person:

Name: Shari Sellers OR Terri Sellers/Olivarez

Address: 706 S. Gladstone Ave
SOUTH BEND IN 46619

Phone Number: 310.625.1432

E-mail: Sharprc@gmail.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:

Shari Sellers
