

City of South Bend

BOARD OF ZONING APPEALS

AGENDA

Monday, November 6, 2023 - 4:00 p.m.
County-City Building
Seventh-Floor County Commissioners Conference Room
www.tinyurl.com/sbbza

PUBLIC HEARING:

- Location:** 2301 DUBAIL AVE BZA#0216-23
Owner: NEW LIFE FELLOWSHIP MINISTRY OF SOUTH BEND
Requested Action:
Request to be Withdrawn
Variance(s):
1) to allow an accessory use and structure without a primary building
Zoning: U1 Urban Neighborhood 1
- Location:** 2116 HAMILTON ST BZA#0223-23
Owner: ERIN REAL ESTATE INC
Requested Action:
Variance(s):
1) from the 3' maximum fence height in an established corner yard to 6'
Zoning: U1 Urban Neighborhood 1
- Location:** 613 NAPOLEON ST BZA#0227-23
Owner: THOMAS & GABRIELLA BELT HW
Requested Action:
Variance(s):
1) from the required 5' side yard setbacks to 4' for both side yards
Zoning: U1 Urban Neighborhood 1
- Location:** 3701 PRAST BLVD BZA#0229-23
Owner: UNITY GARDENS INC
Requested Action:
Variance(s):
1) from the 12' maximum height of a ground-mounted solar energy system to 15'
Zoning: C Commercial
- Location:** 1430 MISHAWAKA AVE BZA#0231-23
Owner: JAIME DIAZ
Requested Action:
Variance(s):
1) to allow parking in the front yard
Zoning: NC Neighborhood Center

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

6. **Location:** 610 DAYTON ST BZA#0232-23
Owner: 2010 INVESTMENT GROUP LLC
Requested Action:
 Variance(s):
 1) from the minimum 15' front yard setback to 12.5'
Zoning: U1 Urban Neighborhood 1
7. **Location:** 1102 WAYNE ST BZA#0234-23
Owner: TRAVIS AND JULIA L BEAM
Requested Action:
 Variance(s):
 1) to allow an accessory structure in the front/corner yard
Zoning: S1 Suburban Neighborhood 1
8. **Location:** 2529 GORDON CIR BZA#0235-23
Owner: LUTHER J SR & GWENDOLYN L TAYLOR
Requested Action:
 Variance(s):
 1) from the 5' side yard setback to 1'
Zoning: S1 Suburban Neighborhood 1
9. **Location:** 1144 CORBY BLVD BZA#0236-23
Owner: FIVE CORNERS LLC
Requested Action:
 Request to be Withdrawn
 Variance(s):
 1) from the minimum 5' setback for parking behind the facade of the building to 0'
Zoning: NC Neighborhood Center
10. **Location:** 1132 PORTAGE AVE BZA#0225-23
Owner: SHARI SELLERS
Requested Action:
 Special Exception: 2 unit dwelling
Zoning: U1 Urban Neighborhood 1
11. **Location:** 1128 PORTAGE AVE BZA#0226-23
Owner: SHARI SELLERS
Requested Action:
 Special Exception: 2 unit dwelling
Zoning: U1 Urban Neighborhood 1
12. **Location:** 110 MAIN BZA#0228-23
Owner: TEACHERS CREDIT UNION
Requested Action:
 Special Exception: a free standing sign in a Downtown zoning district
Zoning: DT Downtown

13. **Location:** 1410 FORD ST

BZA#0230-23

Owner: P & P CAPITAL LLC

Requested Action:

Special Exception: 2 unit dwelling

Zoning: U1 Urban Neighborhood 1

ITEMS NOT REQUIRING A PUBLIC HEARING:

1. Findings of Fact – October 2, 2023
2. Minutes – October 2, 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.

Property Information

Location: 2116 HAMILTON ST
Owner: ERIN REAL ESTATE INC

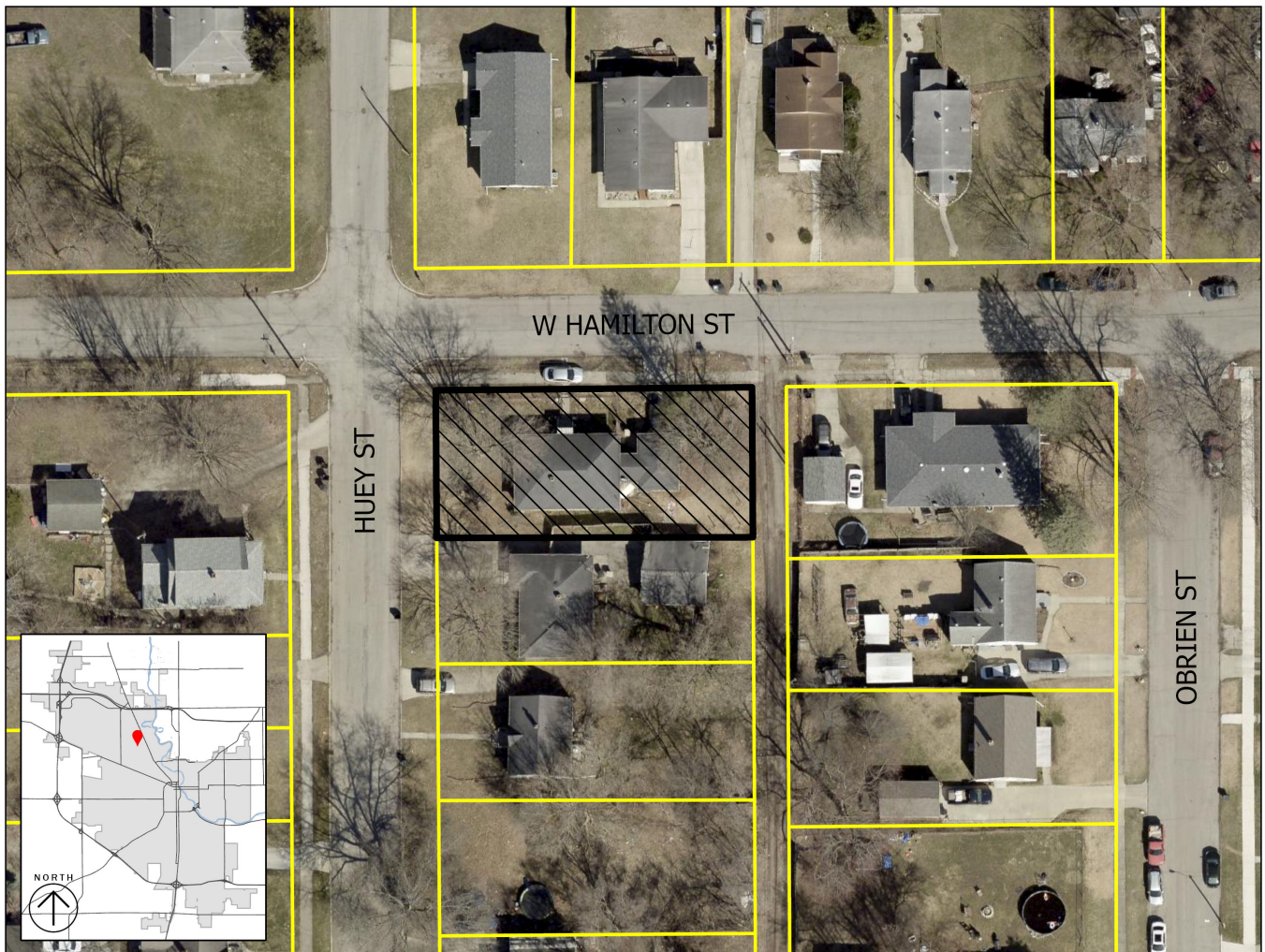
Project Summary

Installation of a privacy fence in the front and corner yards.

Requested Action

Variance(s): 1) from the 3' maximum fence height in an established corner yard to 6'

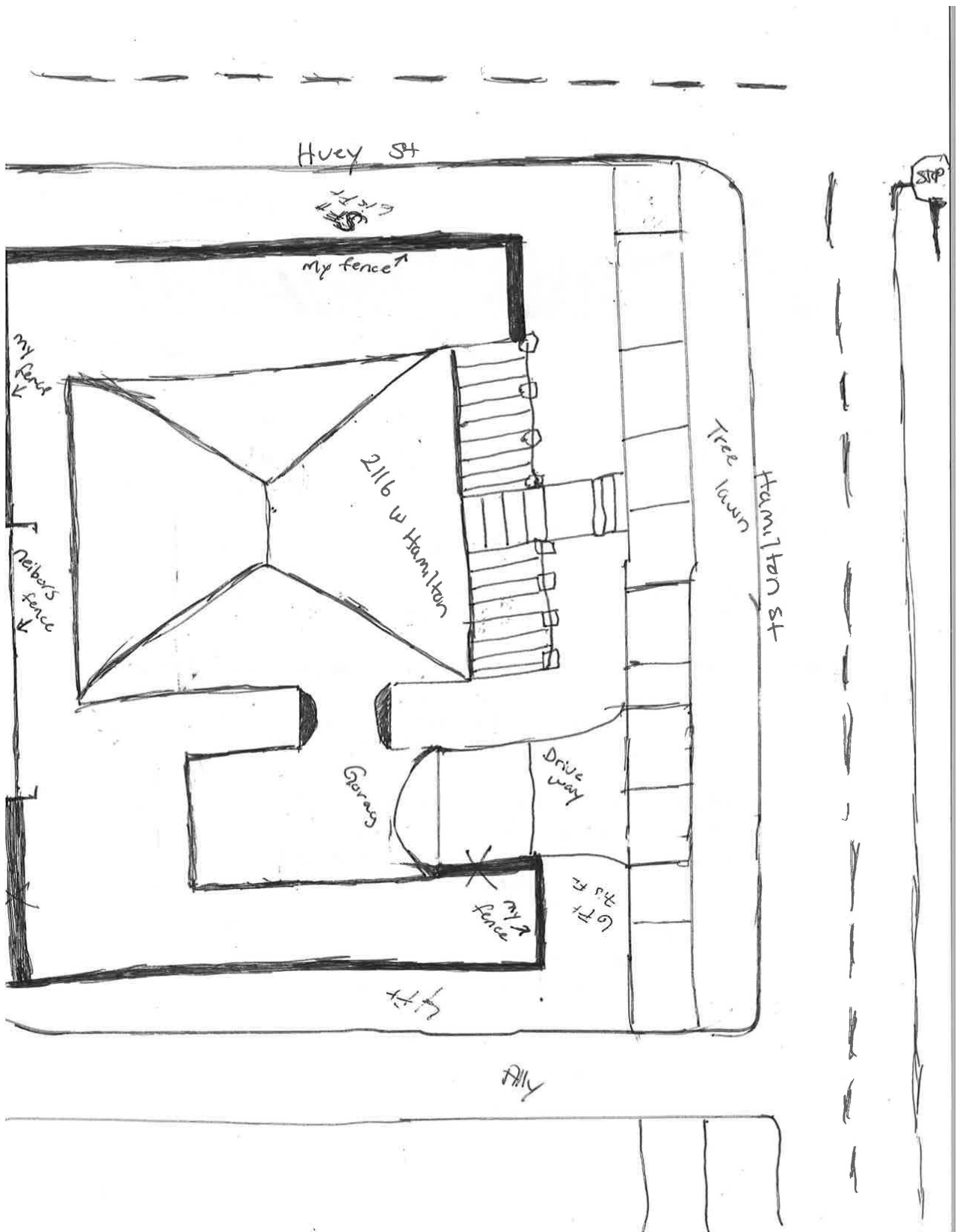
Site Location



Staff Recommendation

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

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

Allowing a fence of this height in an established front and corner yard could be injurious to the general welfare of community because it would be out of character with the area and not meet the intent of the ordinance.

(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 could be affected in an adverse manner if the variance was granted. Approving a fence that is located in a corner yard and encompasses a large area would be out of character for the area and contrary to the intent of the ordinance.

(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. The property could still be secured with a 3' solid fence or 4' 50% open fence while meeting the requirements of the Chapter.

(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 install a 3' solid fence or a 4' fence, 50% open.

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

There is no hardship on the property. The fence was built without the appropriate approval and permits from the building department. Had the applicant applied for building permits, they would have been made aware of the applicable regulations.

Analysis & Recommendation

Analysis: There are no practical difficulties for the petitioner which would necessitate a 6' fence in this location. The proposed fence is not consistent with the intent of the Ordinance. There is nothing preventing the fence from being installed in conformance with the zoning ordinance.

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

Property Information

Location: 613 NAPOLEON ST
Owner: THOMAS & GABRIELLA BELT HW

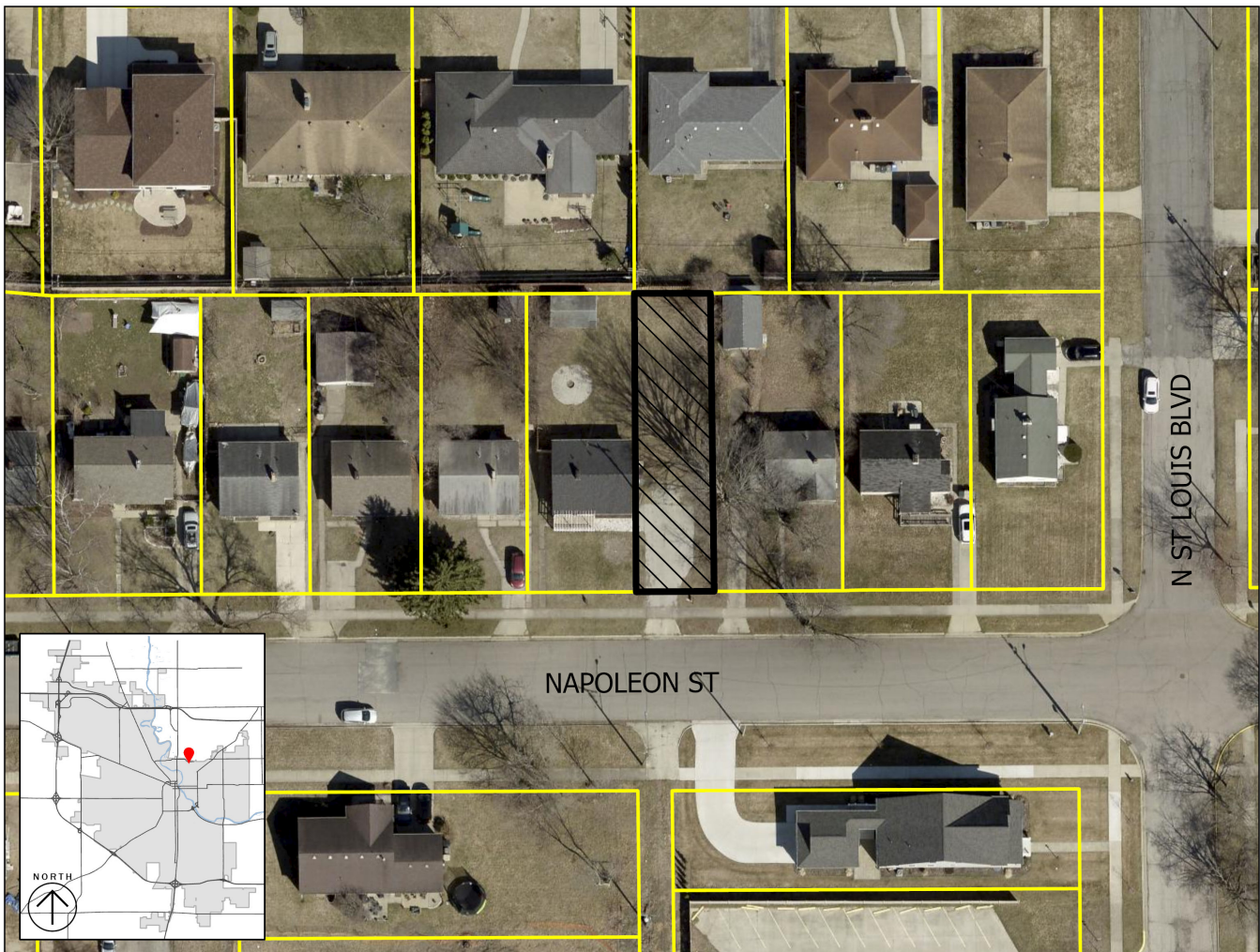
Project Summary

Variance from the required 5' side yard setbacks to 4' for both side yards.

Requested Action

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

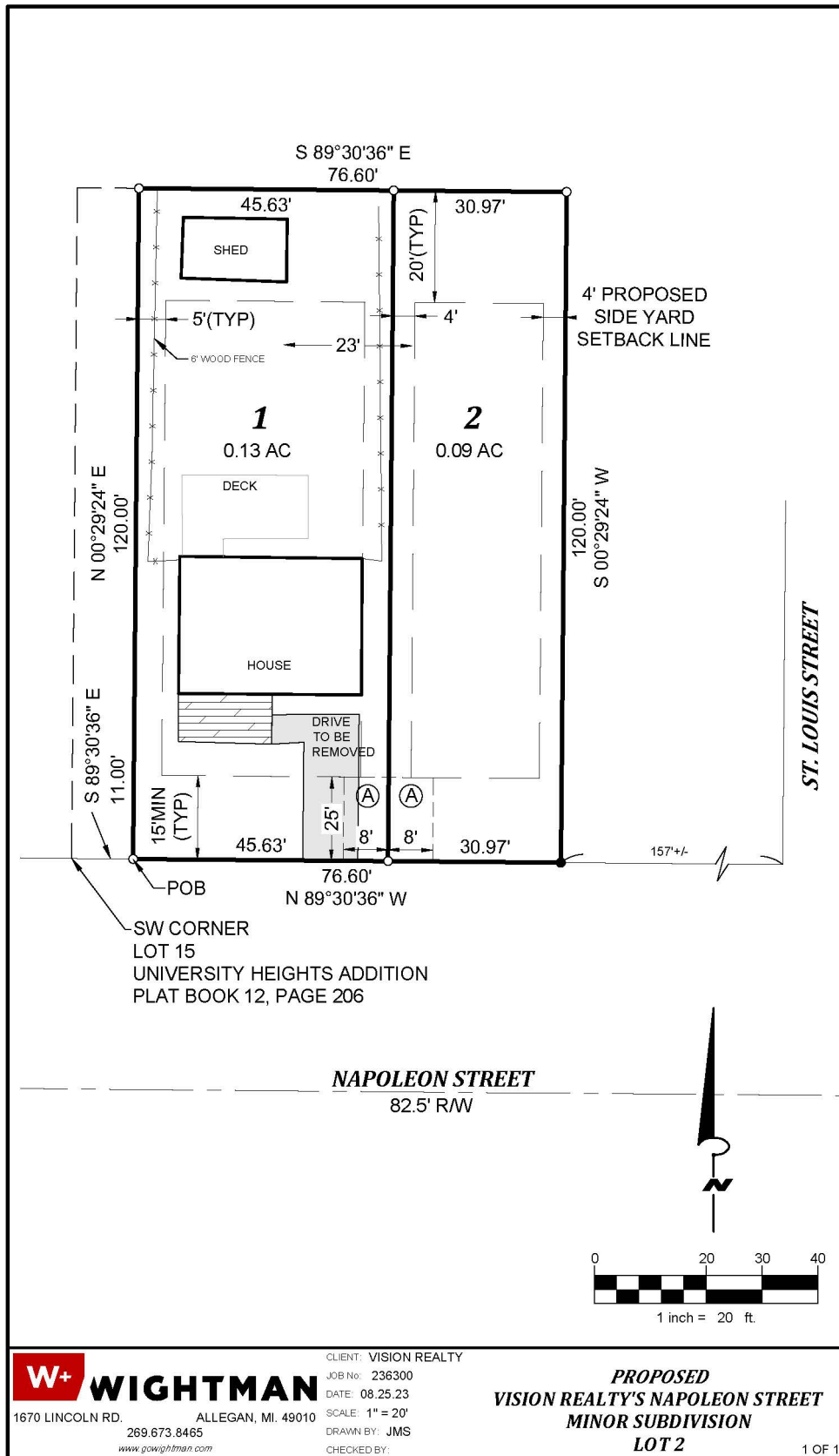
Site Location



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



W+ WIGHTMAN
 1670 LINCOLN RD. ALLEGAN, MI. 49010
 269.673.8465
 www.gowightman.com

CLIENT: VISION REALTY
 JOB No: 236300
 DATE: 08.25.23
 SCALE: 1" = 20'
 DRAWN BY: JMS
 CHECKED BY:

PROPOSED
VISION REALTY'S NAPOLEON STREET
MINOR SUBDIVISION
LOT 2

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 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 both properties as well as setting precedent 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. A new home could be built on the lot that conforms 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. A new house could be built on the newly created lot that would be within the setbacks permitted by the Ordinance.

(5) The variance does not correct a hardship cause 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 two lots resulting in a 30.97' lot which was then deemed too narrow to build their desired home.

Analysis & Recommendation

Analysis: There are no practical difficulties or unique characteristics that support the requested variance. Minimum setbacks, especially along the side lot lines, are critical for maintaining adequate light, air, and safety standards.

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

Property Information

Location: 3701 PRAST BLVD
Owner: UNITY GARDENS INC

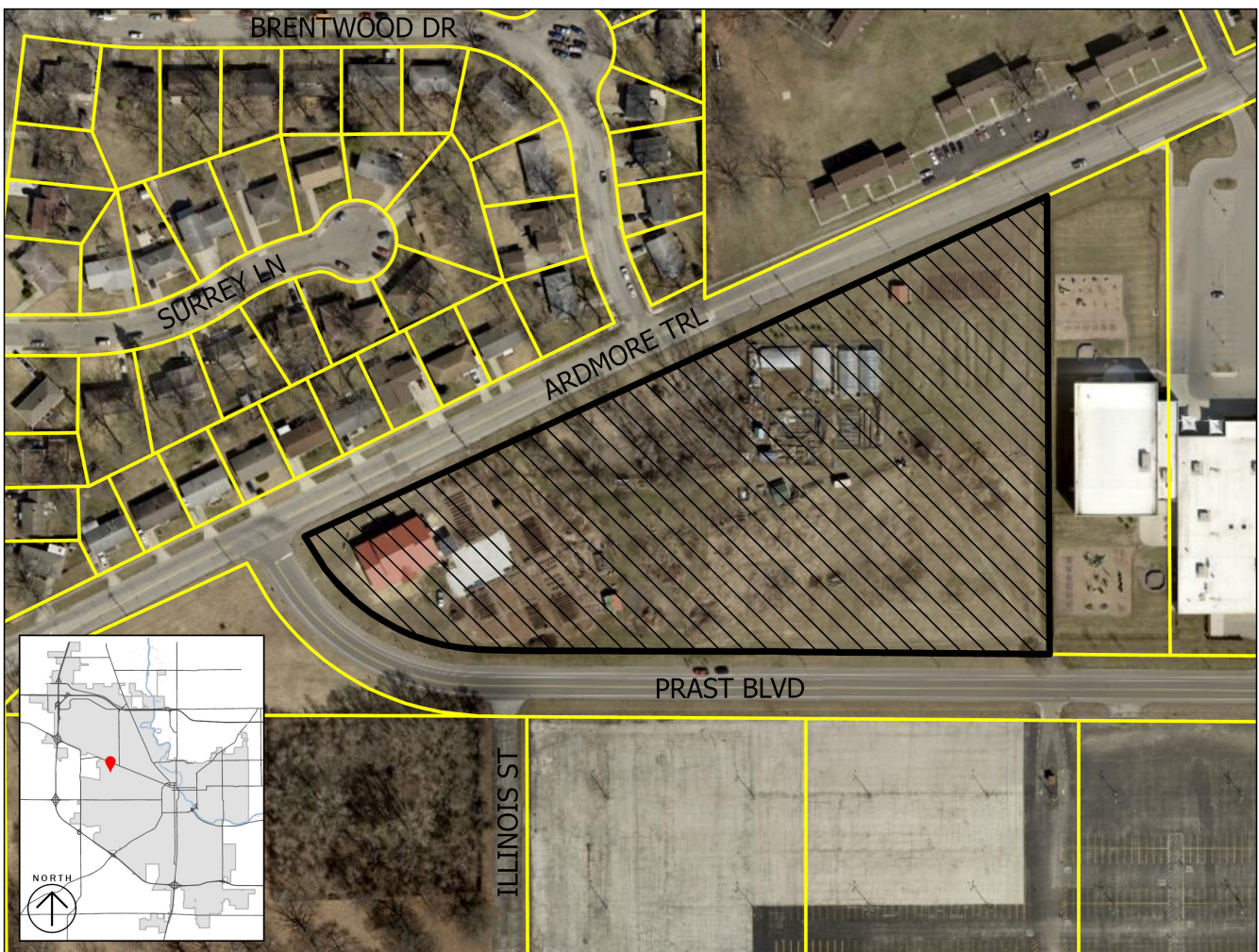
Project Summary

Unity Gardens' Geodesic Dome is being used as an educational tool for horticulture and renewable energy. Within that project the city of South Bend's EASSI grant is supporting a solar array to generate and store power to run fans and the aquaponics pump within the dome.

Requested Action

Variance(s): 1) from the 12' maximum height of a ground-mounted solar energy system to 15'

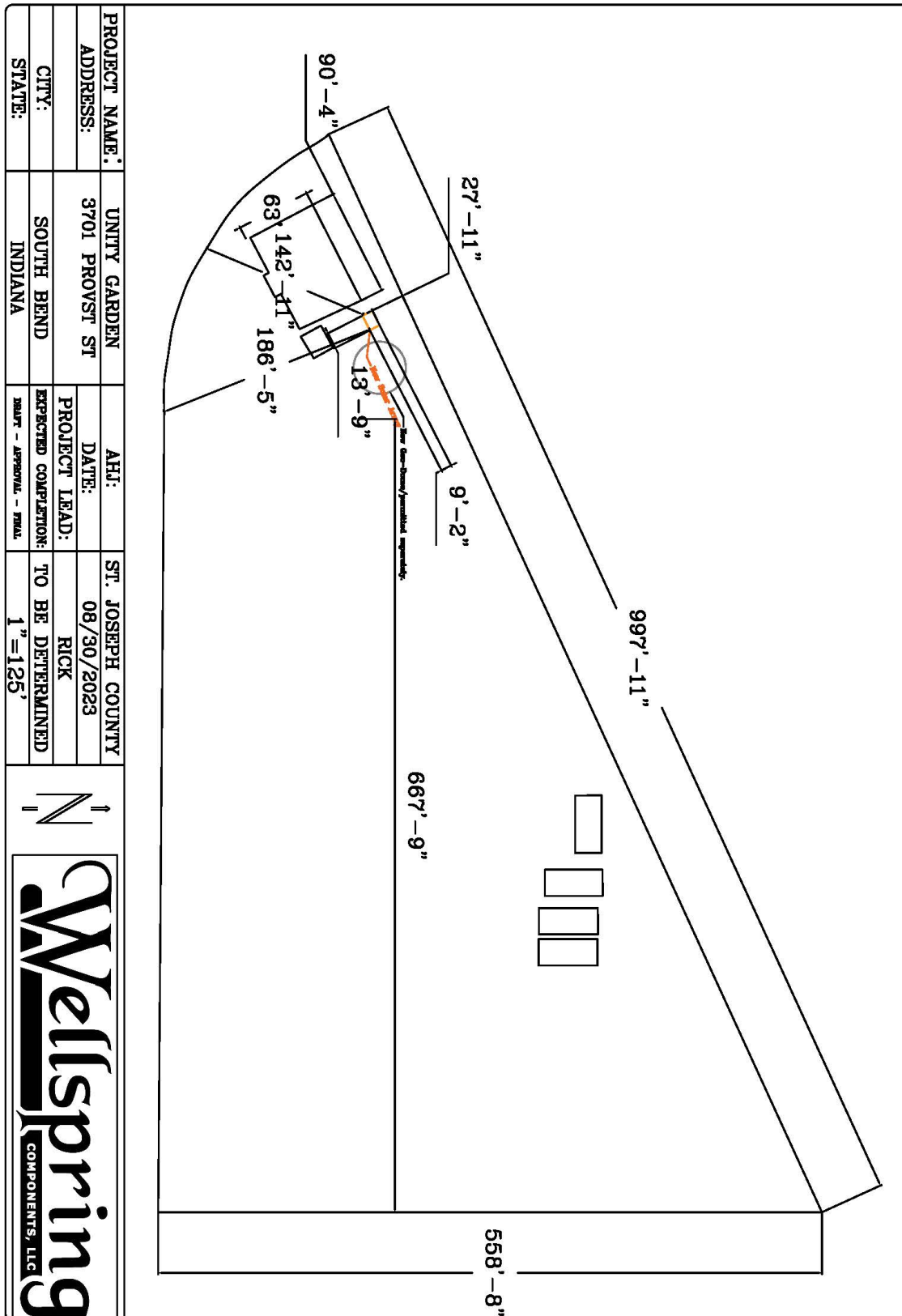
Site Location



Staff Recommendation

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

Proposed Site Plan



PROJECT NAME:	UNITY GARDEN	AHJ:	ST. JOSEPH COUNTY
ADDRESS:	3701 PROVST ST	DATE:	08/30/2023
CITY:	SOUTH BEND	PROJECT LEAD:	RICK
STATE:	INDIANA	EXPECTED COMPLETION:	TO BE DETERMINED
		SCALE - APPROVAL - FINAL	1" = 125'

N ↑

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

Permitting a ground-mounted solar energy system greater than 12 feet tall could be injurious to general welfare of the community because it would be out of character with the neighborhood and would not meet the intent of the ordinance.

(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 could be affected in an adverse manner if the variance was granted. Approving a 15' tall ground-mounted solar energy system would be out of character with the neighborhood and would not meet the intent of the ordinance.

(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.

(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 property owner could build a solar energy system at the permitted height in a different location on the site and/or erect a barrier to prevent unintended damages.

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

There is no hardship on the property. The property owner is constructing a new solar energy system, which could be located elsewhere on the property or be arranged in a different configuration that would eliminate concerns about building shading and unintended damages.

Analysis & Recommendation

Analysis: There are no practical difficulties for the petitioner that would necessitate a 15' ground mounted solar energy system. The solar energy system, not yet erected, could be located elsewhere on the property and in a different configuration to eliminate concerns of building shading or damage. The request is not consistent with the Ordinance.

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

Property Information

Location: 1430 MISHAWAKA AVE
Owner: JAIME DIAZ

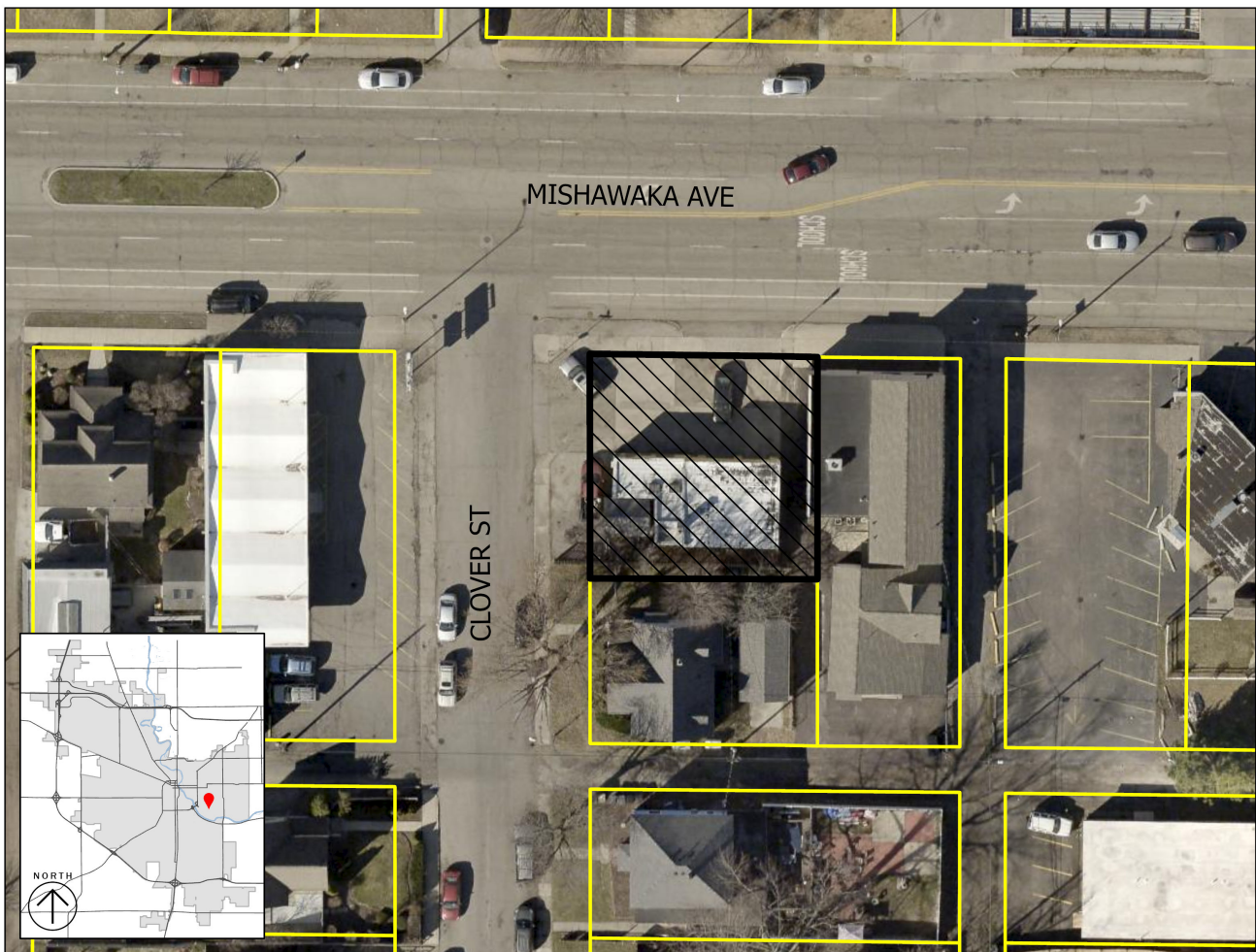
Project Summary

Special Exception was approved in 2022. Applying for a vibrant places grant to help bring the site into conformance. Need to reapply for the one variance that was previously approved.

Requested Action

Variance(s): 1) to allow parking in the front yard

Site Location



Staff Recommendation

Based on the information provided prior to the public hearing, Staff recommends the Board approve the variance as requested to allow parking in an established front/corner yard.

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

Approval of the variance should not be injurious to the public health, safety and general welfare of the community. This variance allows for the building to be used for its original intent.

(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 for almost 100 years. 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.

(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.

(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 for almost 100 years. The Zoning regulations at the time did not prohibit parking in the front yard. The variance is not correcting a hardship caused by the current owner.

Analysis & Recommendation

Analysis: This site has been in this configuration for almost 100 years and the current layout of the parking area, if brought into conformance, would hinder the usability and reactivation of the building. The building was granted a Special Exception for minor vehicle repair in 2022 and the variance for parking in the front/corner lot was approved at that time.

Staff Recommendation: Based on the information provided prior to the public hearing, Staff recommends the Board approve the variance as requested to allow parking in an established front/corner yard.

Property Information

Location: 610 DAYTON ST
Owner: 2010 INVESTMENT GROUP LLC

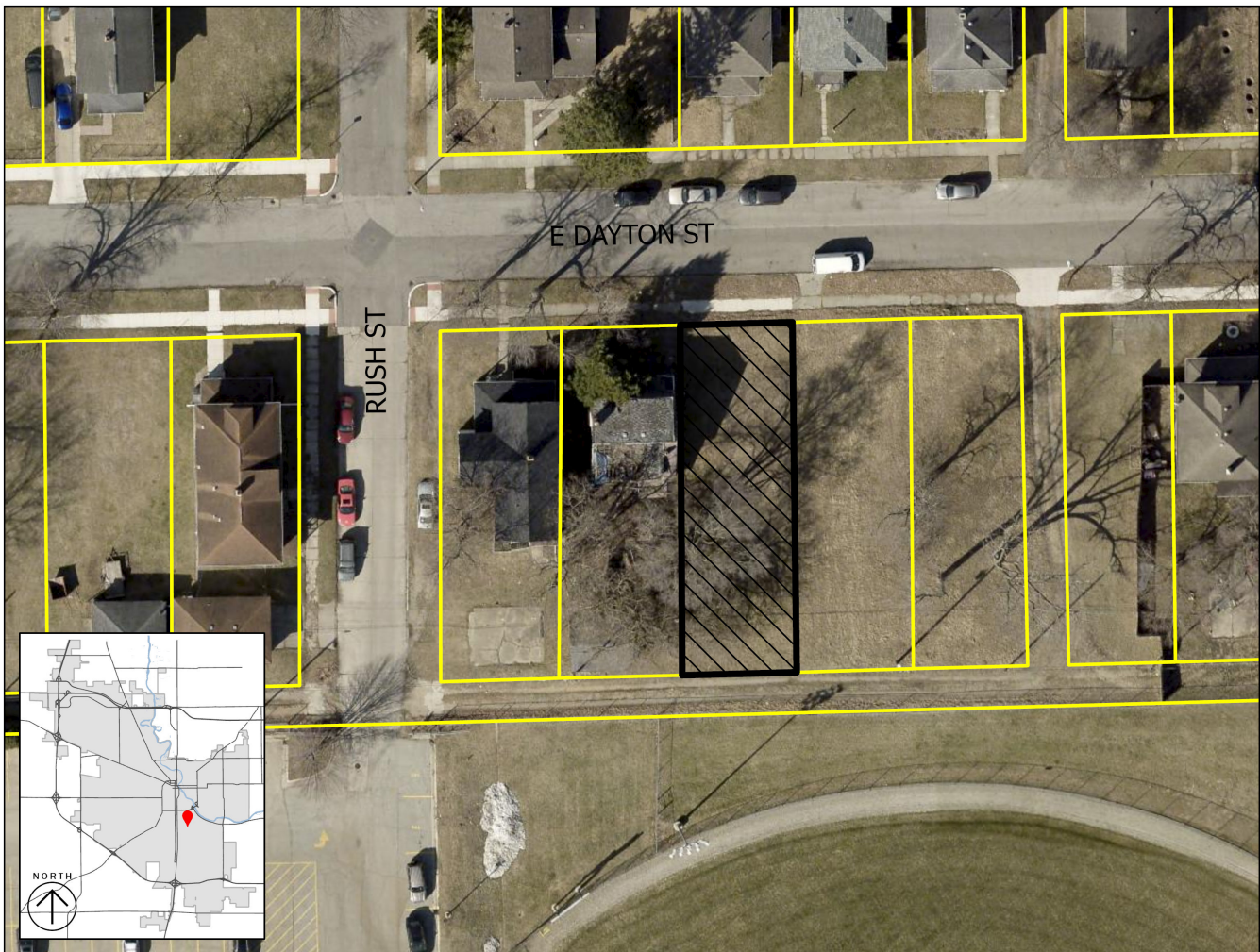
Project Summary

A single family, 3 bedroom, 1 1/2 bath, new construction home.

Requested Action

Variance(s): 1) from the minimum 15' front yard setback to 12.5'

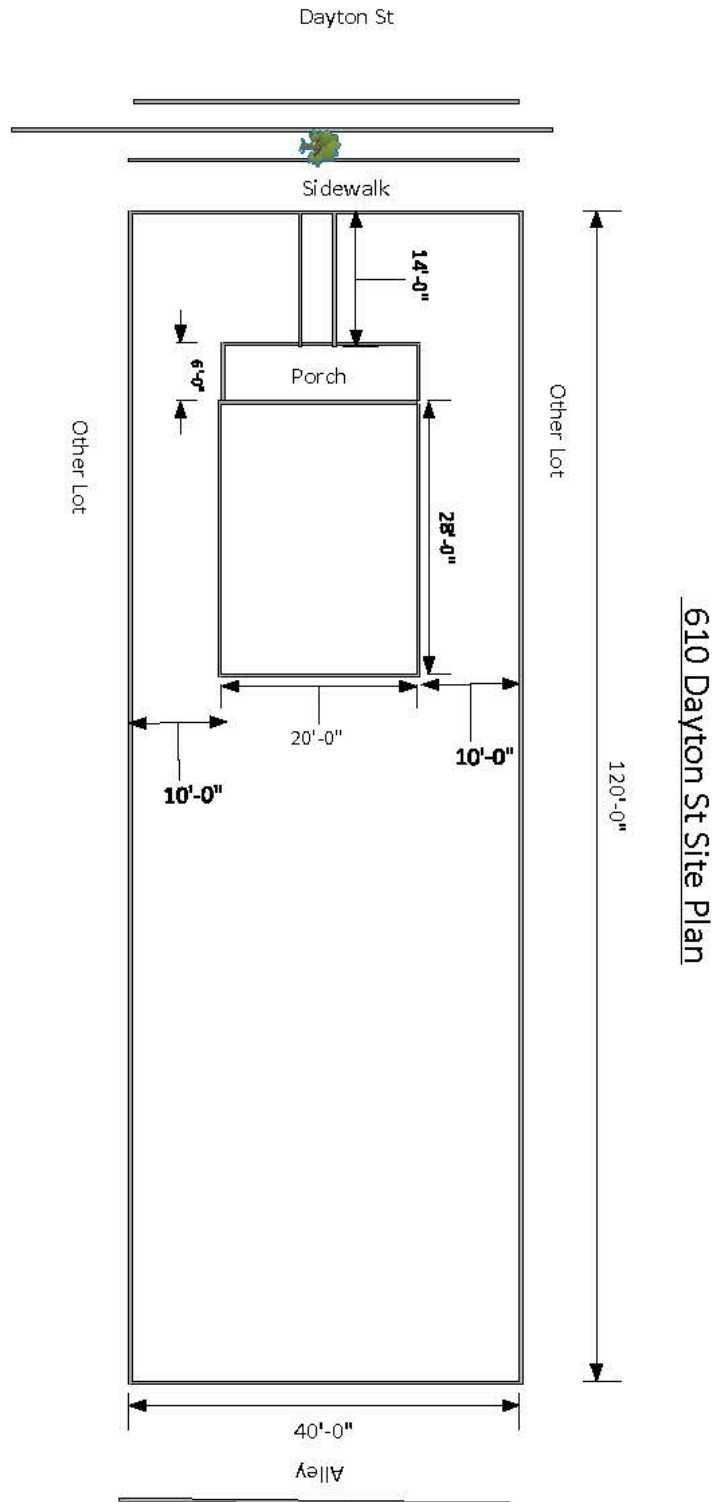
Site Location



Staff Recommendation

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

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 could be injurious to the public health, safety, morals of the community. The setback is not consistent with the intent of the ordinance and is out of character for the neighborhood. It also negatively impacts the general welfare of the community by adversely impacting the pedestrian experience. Adjacent homes in the neighborhood generally have open porches that encroach into the setback, but the primary building mass of the homes are approximately 20' from the front property line.

(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 could be affected in a substantially adverse manner. The ordinance permits encroachments (architectural features, building frontage type, balconies, patios, and decks under 30") that are smaller building features that are attached to the primary building mass. These allowed encroachments are meant to provide a transition and appropriate interface between the street and sidewalk and the yard and building.

(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 not result in practical difficulties in the use of the property as the home could have been placed on the lot with code compliant setbacks.

(4) The variance granted is the minimum necessary

Since there is no hardship to overcome, the variance is not the minimum necessary.

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

The variance is being requested to correct a hardship caused by the current owner. The design of the house was changed after obtaining a building permit for a structure which met the required setbacks. If the owner had contacted staff prior to changing the design of the house, they would have been made aware of the setback issue.

Analysis & Recommendation

Analysis: There are no practical difficulties that prevent the petitioner from modifying the house to conform to the appropriate setback. Had the petitioner contacted staff prior to changing the design of the house, they would have been made aware of the setback issue.

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

Property Information

Location: 1102 WAYNE ST
Owner: TRAVIS AND JULIA L BEAM

Project Summary

To build a 20x12 shed in the location of the previous shed using the existing concrete pad.

Requested Action

Variance(s): 1) to allow an accessory structure in the front/corner yard

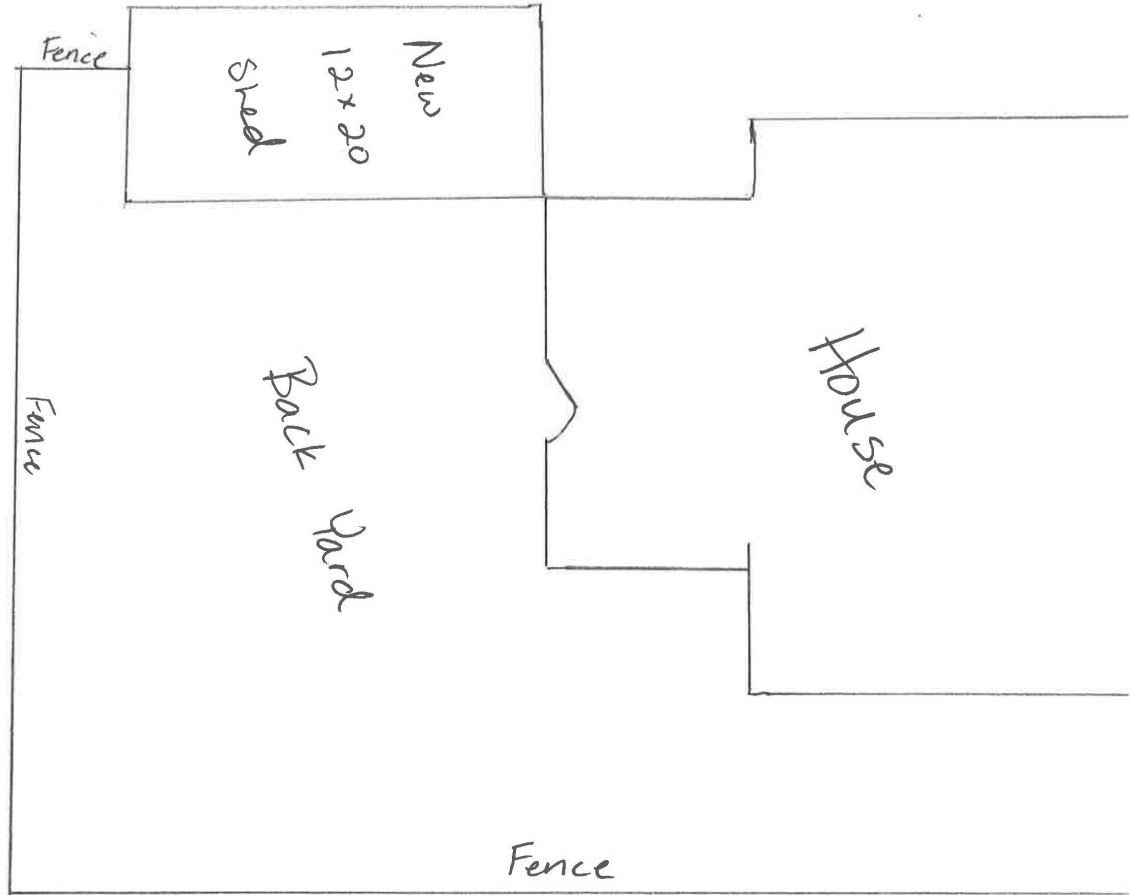
Site Location



Staff Recommendation

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

Proposed Site Plan



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

Allowing a shed in an established corner yard could be injurious to the general welfare of community because it would be out of character with the neighborhood and would not meet the intent of the ordinance.

(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 could be affected in an adverse manner if the variance was granted. Approving a shed in a corner yard would be out of character with the neighborhood and would not meet the intent of the ordinance.

(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.

(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 property owner could build a legal shed in the established backyard.

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

There is no hardship on the property. While the property owner is replacing an existing shed with a new one, the new shed would be held to the current City standards, requiring that an accessory structure be located in an established backyard.

Analysis & Recommendation

Analysis: Granting the variance to allow an accessory structure in the front/corner yard would expand nonconformance by replacing an existing legal nonconforming shed with a larger structure extending further into the corner yard. While the Ordinance permits the existence of legal nonconforming structures, they should not be enlarged upon or expanded.

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

Property Information

Location: 2529 GORDON CIR
Owner: LUTHER J SR & GWENDOLYN L TAYLOR

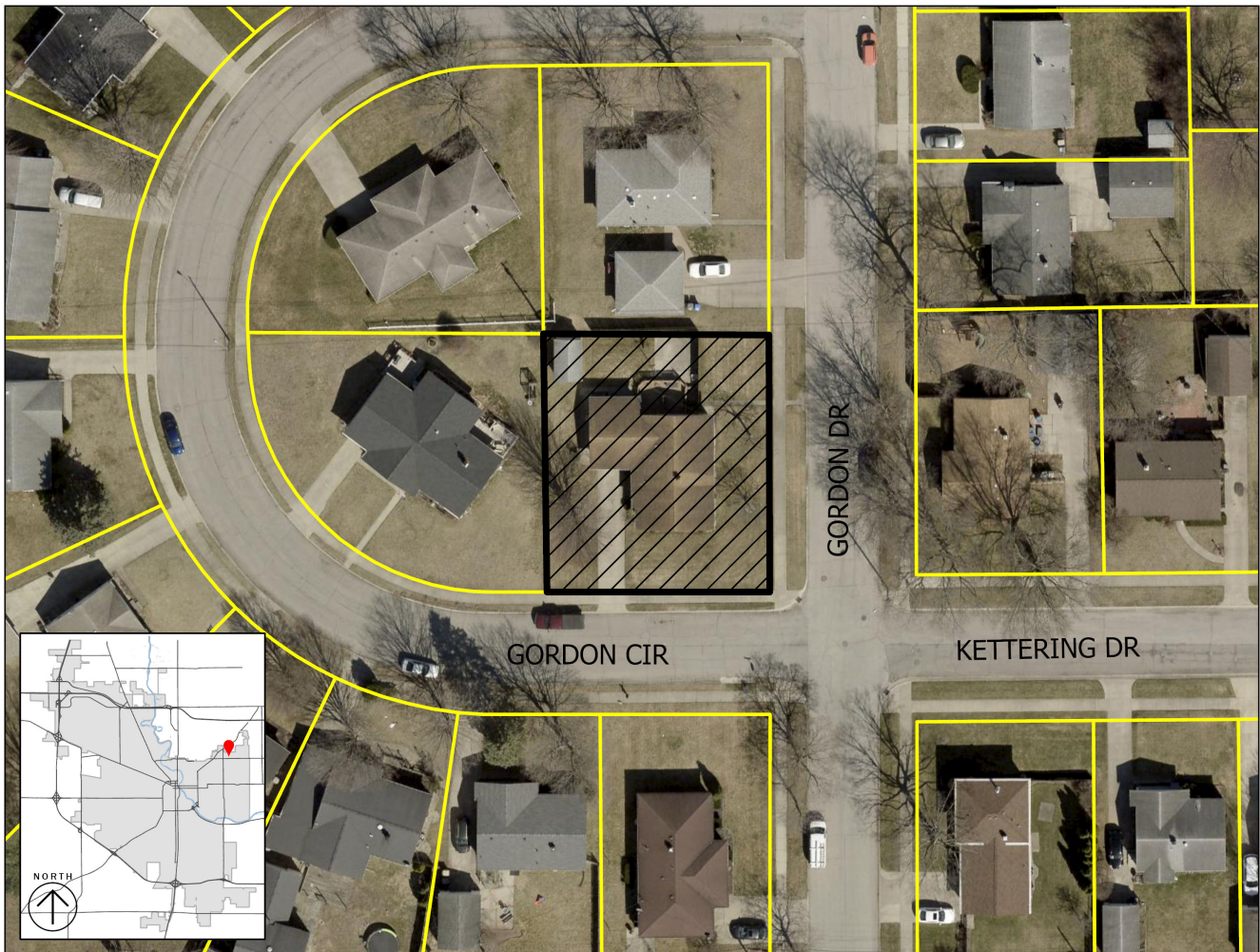
Project Summary

Add a 14' x 20' addition to the existing attached single stall garage.

Requested Action

Variance(s): 1) from the 5' side yard setback to 1'

Site Location



Staff Recommendation

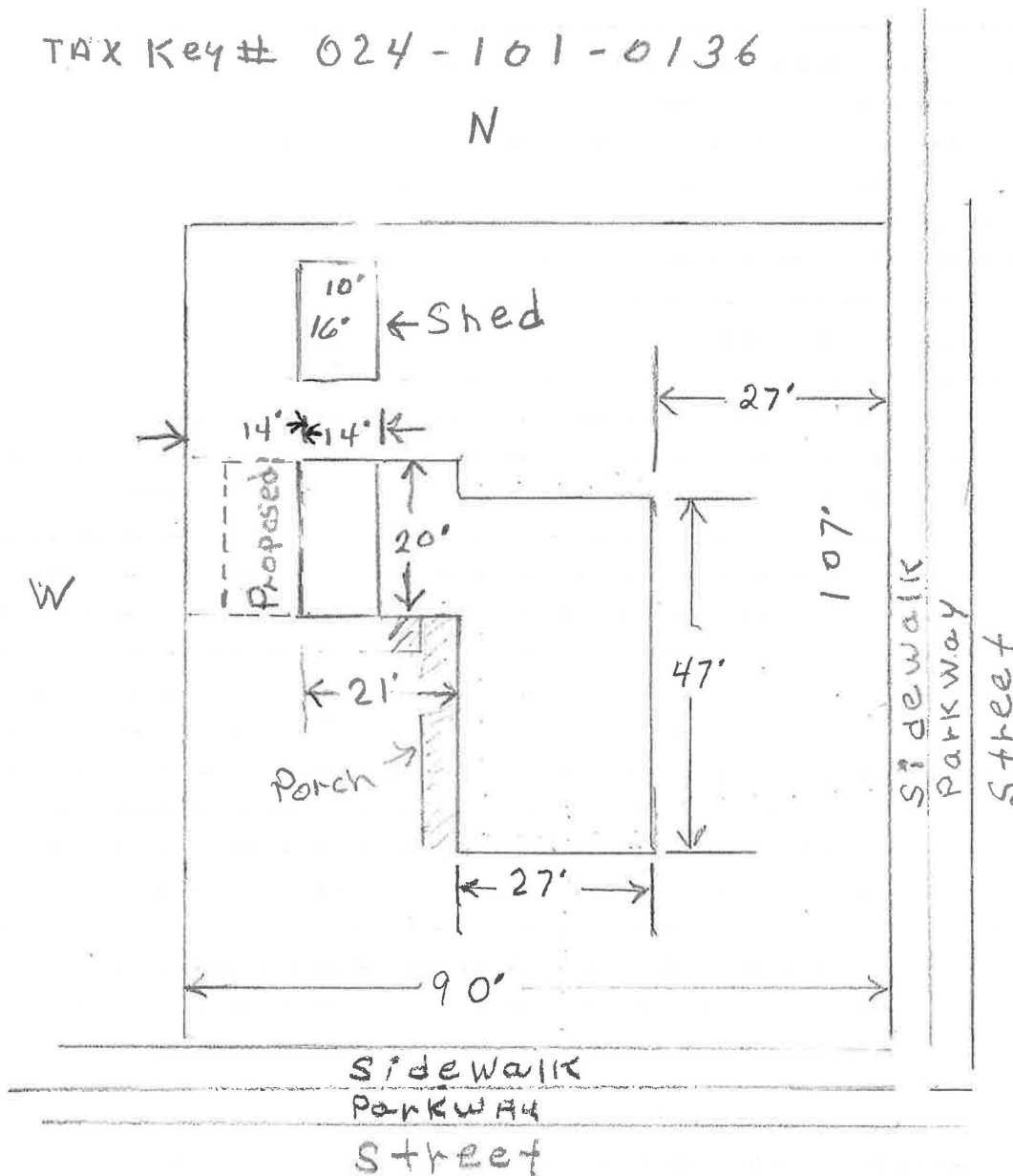
Based on the information provided prior to the public hearing, the staff recommends the Board deny the variance as presented.

Proposed Site Plan

Luthe & Gwen Taylor

TAX Key # 024-101-0136

N



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 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 both properties as well as setting precedent 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. An addition could be built on the garage that conforms 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. An addition could be built on the existing garage that would be within the setbacks permitted by the Ordinance.

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

There is no hardship of the property to overcome. The variance is being requested to allow for a garage addition that is not yet built.

Analysis & Recommendation

Analysis: There are no practical difficulties or unique characteristics that support the requested variance. Minimum setbacks, especially along the side lot lines, are critical for maintaining adequate light, air, and safety standards. The variance is intended to support a garage extension that is not yet constructed.

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

Property Information

Location: 1132 PORTAGE AVE
Owner: SHARI SELLERS

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;

Approval of the Special Exception should not be injurious to the public health, safety, morals and general welfare of the community. The building is existing and no exterior renovations are proposed at this time. 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;

Legalizing a duplex should not injure or adversely affect the use or value of the adjacent properties provided the current residential building form is maintained.

(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 use as a two unit dwelling will further complement the existing housing stock in the surrounding area and be visually indistinguishable from nearby one unit dwellings. The proposed use will provide more housing options for residents.

(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: Legalizing the use of the current two unit dwelling will further complement the existing housing stock in the surrounding area and is visually indistinguishable from nearby one unit dwellings. 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.

Property Information

Location: 1128 PORTAGE AVE
Owner: SHARI SELLERS

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

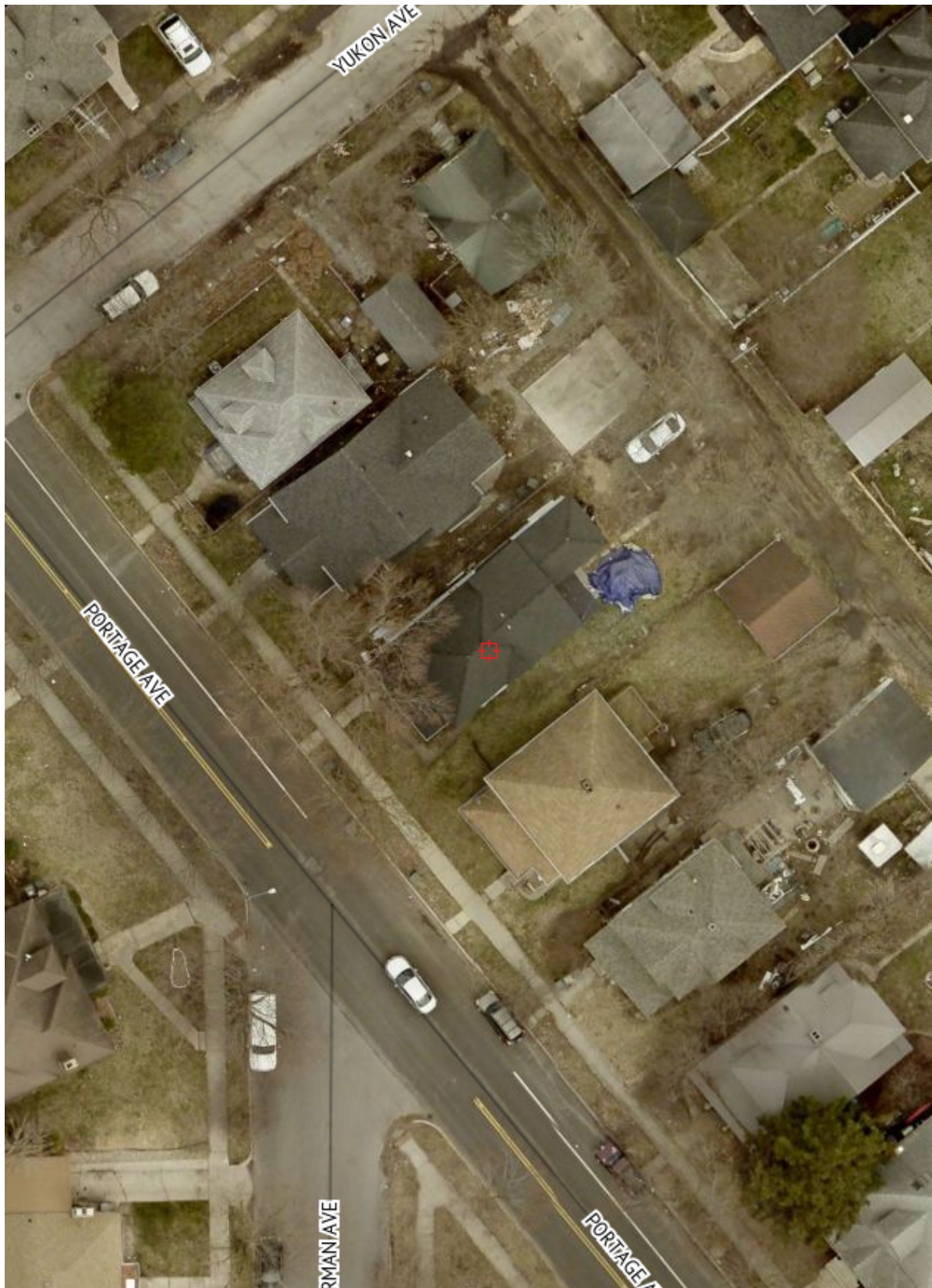
Site Location



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.

Property Information

Location: 110 MAIN
Owner: TEACHERS CREDIT UNION

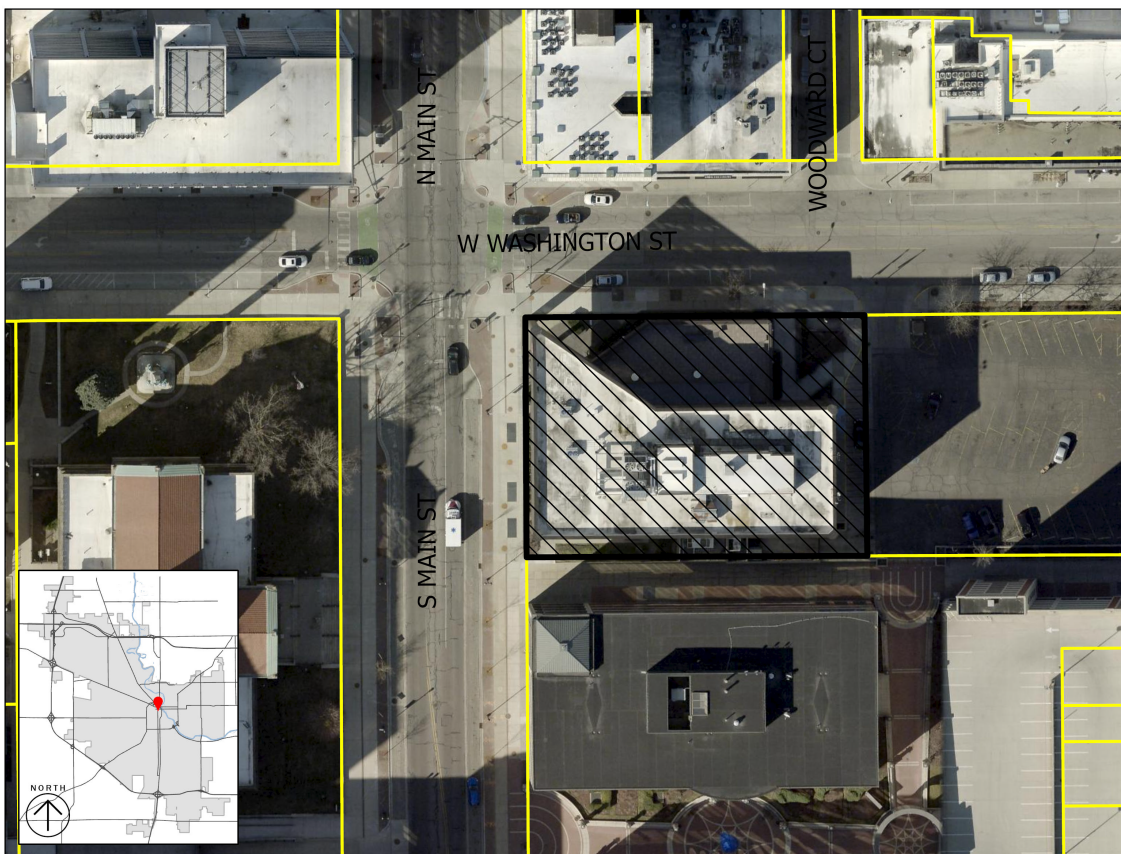
Project Summary

Installation of monument sign in DT Downtown zoning district.

Requested Action

Special Exception: a free standing sign in a Downtown zoning district

Site Location

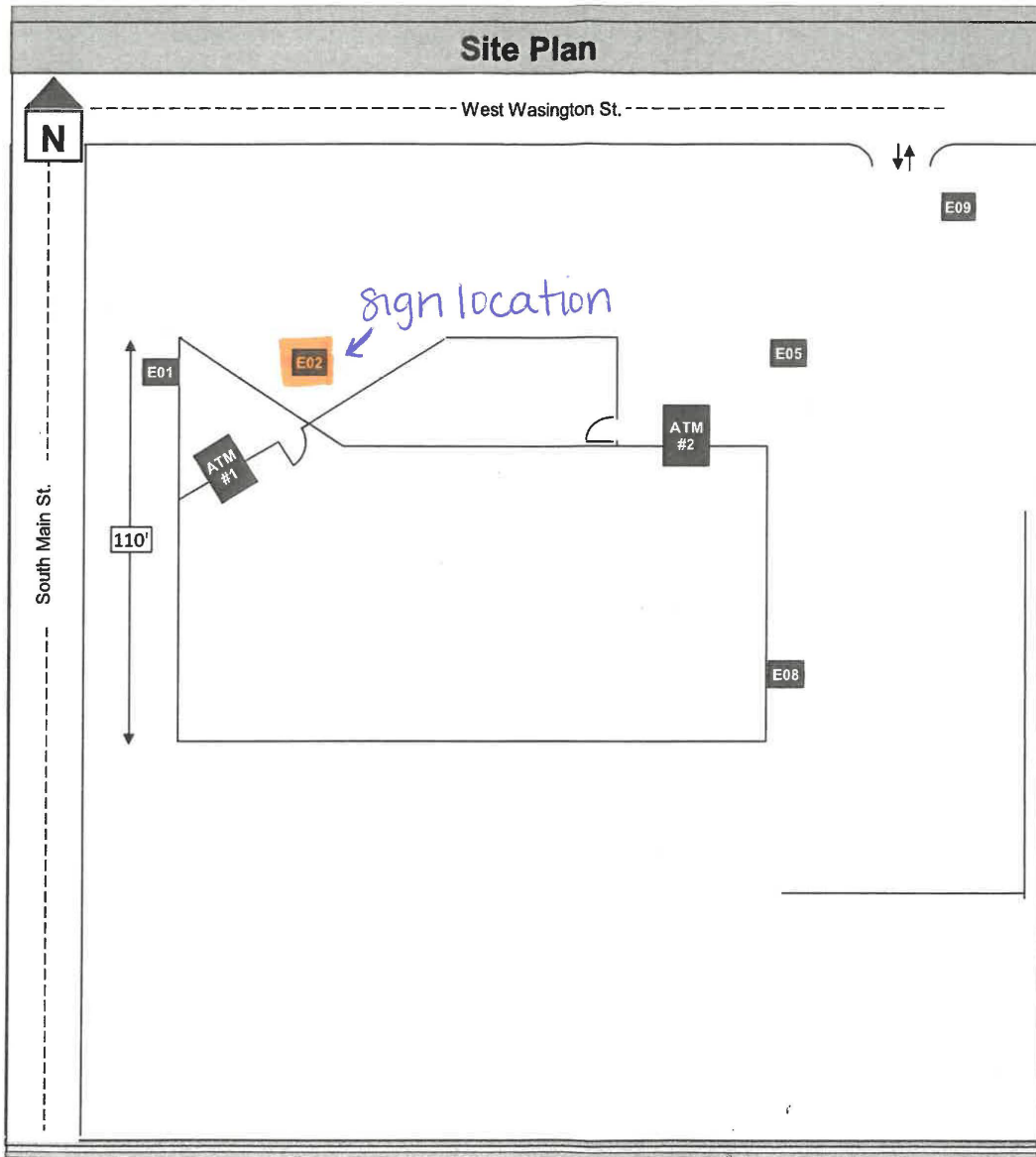


Staff Recommendation

Based on the information provided prior to the public hearing, the Staff recommends the Board send the petition to the Common Council with an unfavorable recommendation. Should the Board recommend approval of a freestanding sign at this location, it is recommended it follow monument signage standards for the NC Neighborhood Center district, i.e. maximum 32 square feet in area and, 8' in height. If it is determined the sign is located within City right-of-way, it would need to be relocated.

Proposed Site Plan

SITE MAP



1" = 40'

CUSTOMER: Everwise Credit Union - 10009	JOB NAME: SIGN PACKAGE	DATE: 11-15-22
ADDRESS: 110 South Main St.	CITY/STATE: South Bend, IN	REV: 11-26-22
FILE: 10009 Everwise Credit Union (110 South Main Street-South Bend IN).cdr	SALES: BETSY LUKE	01-19-23
APPROVALS:	QTE. #: 00000	03-09-23
	W.O. #: 0000.0	04-04-23

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 may not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare. However, it is inconsistent with the intent of the ordinance. The DT Downtown zoning district is designed to be pedestrian oriented in scale.

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

The proposed use may injure or adversely affect the use of the adjacent area or property values therein as the sign is out of scale for the built environment and visually imposing.

(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 sign is not consistent with the character of the district as freestanding signs in the DT Downtown District are not permitted. There are no practical difficulties or unique characteristics that support the the need for a freestanding sign.

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

The petition is not consistent with South Bend City Plan (2006) policy UD1; Enhance the aesthetic appeal of the built environment.

Analysis & Recommendation

Analysis: There are no practical difficulties or unique characteristics for the petitioner that would necessitate a monument sign at this 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 an unfavorable recommendation. Should the Board recommend approval of a freestanding sign at this location, it is recommended it follow monument signage standards for the NC Neighborhood Center district, i.e. maximum 32 square feet in area and, 8' in height. If it is determined the sign is located within City right-of-way, it would need to be relocated.

Property Information

Location: 1410 FORD ST
Owner: P & P CAPITAL LLC

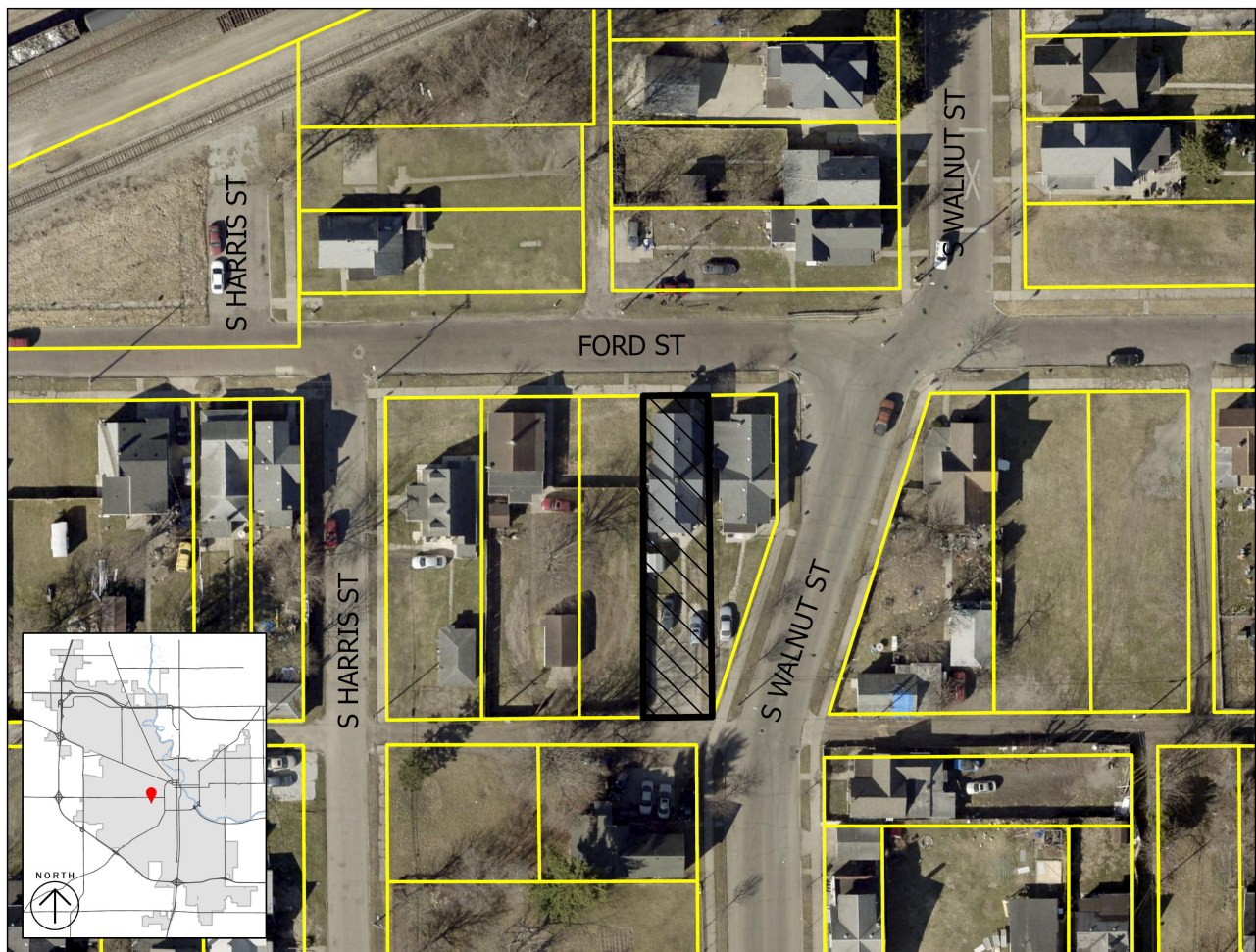
Project Summary

Purchased as a duplex two years ago and has been used as one since purchasing. Must remedy zoning prior to making further improvements.

Requested Action

Special Exception: 2 unit dwelling

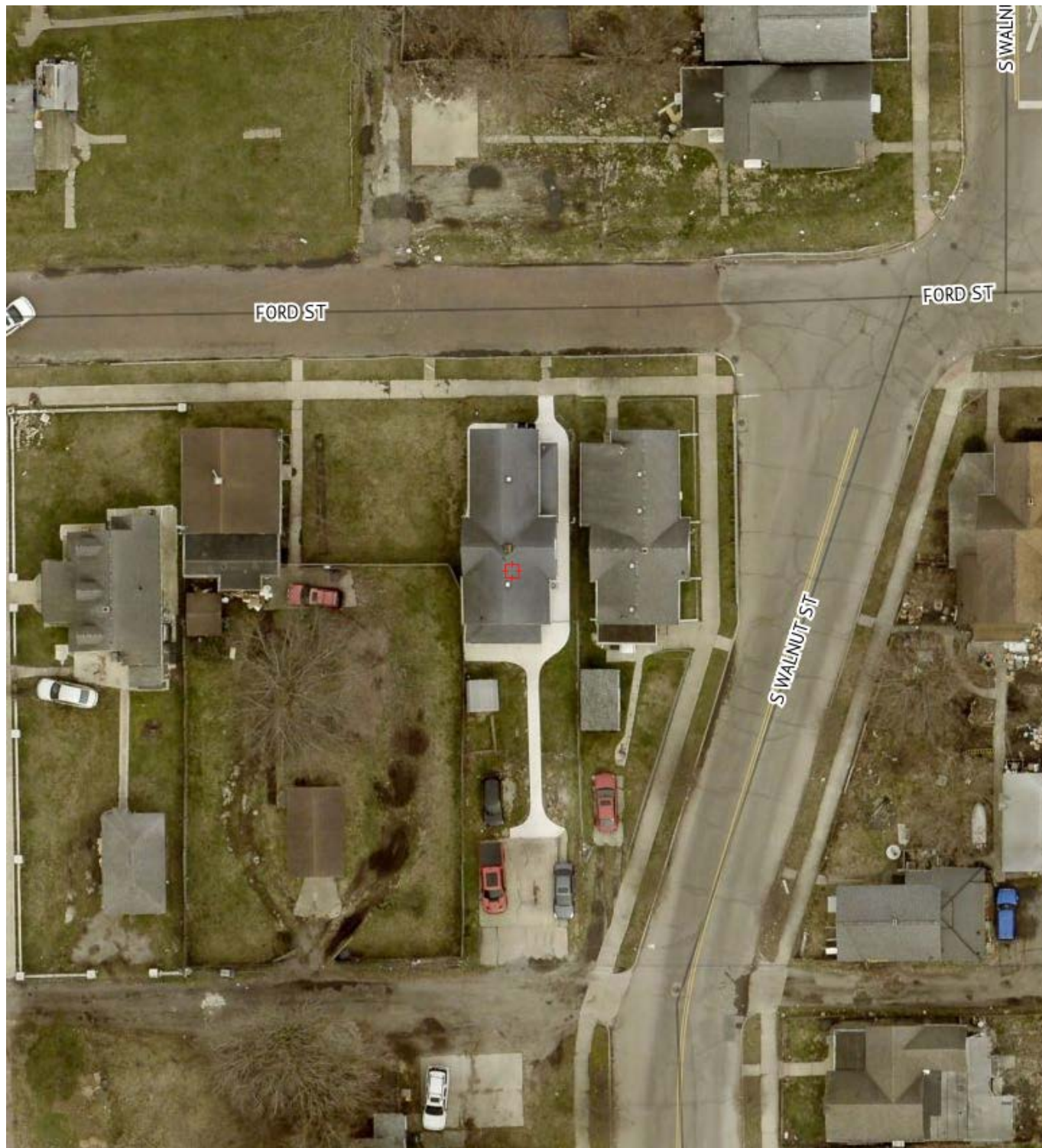
Site Location



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;

Approval of the Special Exception should not be injurious to the public health, safety, morals and general welfare of the community. The building is designed and has been used as a duplex for at least two years. No exterior renovations are proposed at this time. A two-unit 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;

Legalizing a duplex should not injure or adversely affect the use or value of the adjacent properties provided the current residential building form is maintained.

(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 use as a two unit dwelling will further complement the existing housing stock in the surrounding area and be visually indistinguishable from nearby one unit dwellings. The proposed use will provide more housing options for residents.

(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 legalization of this property as a duplex will further complement the existing housing stock in the surrounding area and be visually indistinguishable from nearby one unit dwellings. 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.