

City of South Bend

BOARD OF ZONING APPEALS

AGENDA

Monday, March 4, 2024 - 4:00 p.m.

County-City Building

Fourth-Floor Council Chambers

www.tinyurl.com/sbbza

PUBLIC HEARING:

- Location:** 1401 BENDIX DR BZA#0249-24
Owner: PAPPU PROPERTY LLC INC
Requested Action:
Variance(s):
1) to allow a gas station canopy to have a non-neutral appearance;
2) to allow a freestanding canopy sign to project more than 12" above the canopy
Zoning: C Commercial
- Location:** 2401 WESTERN AVE BZA#0250-24
Owner: PANADERIA Y SUPERMERCADO SAN MIGUEL INC
Requested Action:
Variance(s):
1) from the maximum building length for a shop building type of 150' to 185'
Zoning: NC Neighborhood Center
- Location:** 737 BEALE ST BZA#0251-24
Owner: SOUTH BEND COMMUNITY SCHOOL CORP
Requested Action:
Variance(s):
1) use variance to allow professional offices
Zoning: S1 Suburban Neighborhood 1

ITEMS NOT REQUIRING A PUBLIC HEARING:

1. Findings of Fact – February 5, 2024
2. Minutes – February 5, 2024
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: 1401 BENDIX DR
Owner: PAPPU PROPERTY LLC INC

Project Summary

Rebranding of existing gas station from GoLo to Amoco.

Requested Action

- Variance(s):
- 1) to allow a gas station canopy to have a non-neutral appearance
 - 2) to allow a freestanding canopy sign to project more than 12" above the canopy

Site Location



Staff Recommendation

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

Proposed Site Plan

JOBBER: BA.ZCO ENTERPRISES INC

ADDRESS: 9900 West Grand River Avenue, Detroit, MI 48204-2032

SVB: 2062200

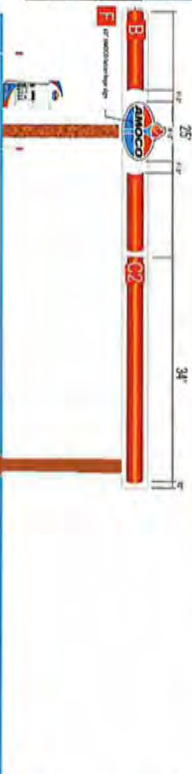
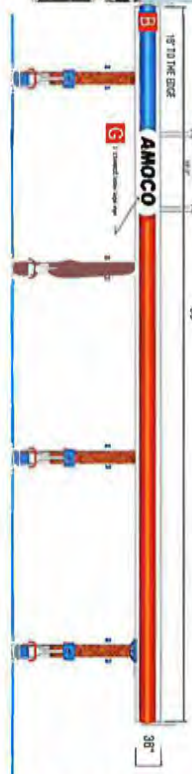
SITE LEVEL: B

DESIGNER: ERIC STARK

DATE: 02.16.2023

REVISION #: ORIGINAL

CANOPY 1 OF 1



This is an original concept drawing created by Big Red Rooster Flow, LLC. It is submitted for use in connection with the project being planned by you by BBOPTCO. All or any part of this design (except registered trademarks) remains the property of BBOPTCO. This drawing is not to scale. For all questions regarding the scope of the project, please contact Steve Gandy, 867.222.1471 or The Brand Image Advisor, Debbie Penland, 863.544.4125 | Larry Rollins, 781.453.3834

See Site Notes page for specific paint codes and contact info.
 REMOVE ALL EXISTING SIGNAGE

- B Install Dimensional Bullnose Fascia With Light Bar
- C1 Install Dimensional Bullnose Fascia With No Light Bar
- C2 Install Flat ACM With Decal Applied With No Light Bar
- D Install New White ACM
- E Jobber Supplied
- Federal Health Supplied
- Paint Existing Flat ACM White
- Install Bullnose Decal
- Leave White
- F Install Amnoco T&O
 - 60" T&O
 - 34" T&O (restricted P&Z only)
 - 36" T&O
 - 30" T&O (restricted P&Z only)
- G Install Amnoco Channel Letters
 - 22" Channel Letters
 - 15" Channel Letters (restricted P&Z only)
- H1 Paint Canopy Columns Amnoco White & Amnoco Dark Blue
 - Image As Shown In Concepts
 - Image As Shown In Concepts (Per Standards Shown on Note Page)
- H2 Install Flag Signs 10" From The Ground
- I Apply Amnoco Light Blue Stripe 10" From The Ground
- J Canopy Deck To Be Amnoco White
- K Canopy Corners: Are 90° Are NOT 90°
- L Canopy Detail (Full Canopy Detail Page Also Elevation)
- M

NOTES:
 -ANY ADDITIONAL FASCIA SHOULD BE REMOVED. ACM IS MEANT TO FIT OVER EXIST LAYER OF FASCIA ONLY.
 -IF FASCIA HEIGHT IS LESS THAN 30" IT WILL NEED TO BE BUILT UP TO AT LEAST 36" MAP.



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 non-neutral freestanding canopy with a sign that projects more than 12" above the canopy could be injurious to the general welfare of the community as its aesthetics 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

Allowing the requested variances could impact the area in an adverse manner. A Citgo station currently under construction approximately 1/4 mile south on Bendix Drive was issued permits for code compliant signage on a neutral color canopy.

(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 terms of this Chapter would not result in practical difficulties in the use of the property for commercial purposes. Aesthetic preference for additional height of signage on the freestanding canopy is not a practical difficulty. Since the new Zoning Ordinance was adopted in 2020, new gas stations built in the City have complied with the new sign and design standards.

(4) The variance granted is the minimum necessary

The variances requested are not the minimum necessary as there are no practical difficulties to overcome. The petitioner has options for signage that comply with the Zoning Ordinance.

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

The hardship is created by the petitioner in their desire for signage that does not comply with the ordinance. There are no hardships or practical difficulties associated with the property that would necessitate such relief.

Analysis & Recommendation

Analysis: There are no practical difficulties or unique characteristics that warrant the request for the variances. Allowing a sign that projects 24" above the canopy vs. the 12" allowed by code would be contrary to the intent of the Ordinance, especially since gas stations constructed since the 2020 change in the Zoning Ordinance have been compliant. Other Amoco stations have and/or will be installing freestanding canopies that do not have the associated red and blue lightbar.

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

Property Information

Location: 2401 WESTERN AVE
Owner: PANADERIA Y SUPERMERCADO SAN MIGUEL INC

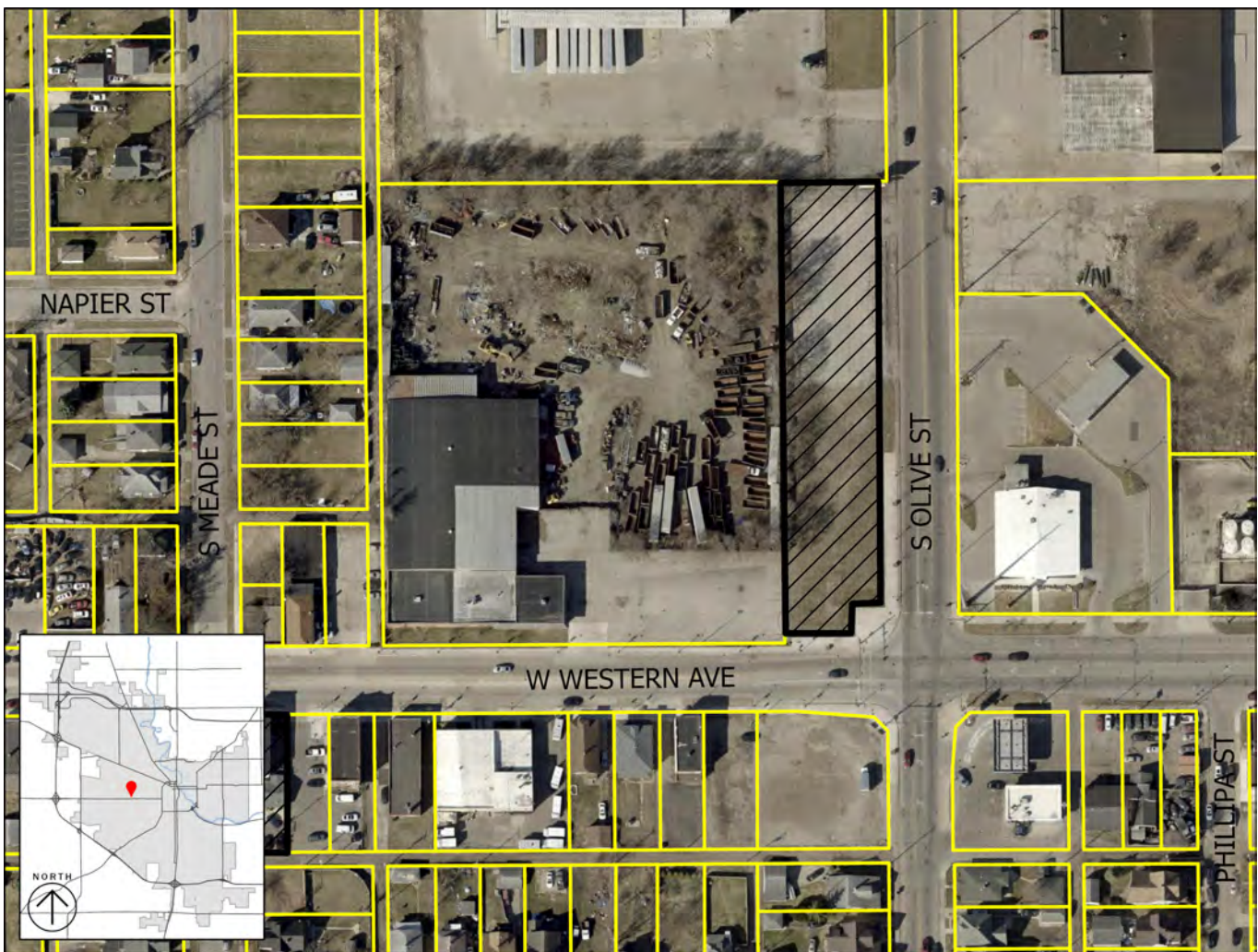
Project Summary

Construction of a supermarket at the northwest corner of Olive and Western.

Requested Action

Variance(s):
1) from the maximum building length for a shop building type of 150' to 185'

Site Location



Staff Recommendation

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

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 should not be injurious to the general welfare of the community. The length of the building will allow of a full grocery store and multiple tenant spaces on a narrow lot.

(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner

The use and value of the area adjacent to the property should not be affected in a substantially adverse manner. The variance will allow for the construction of a full grocery store and multiple tenant spaces at Western Avenue and Olive Street.

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

The length of the building exceeds the maximum 150' length of a shop to allow for a fully sized grocery store and additional tenant space at Western Avenue and Olive Street on a narrow lot. The strict application of the terms of this Chapter would result in practical difficulties in the use of the property for the proposed commercial spaces.

(4) The variance granted is the minimum necessary

The variance granted is the minimum necessary. The length of the building directly abutting Olive Street is 160', only 10' longer than the permitted shop length while still allowing for a full grocery store and tenant spaces.

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

The hardship exists in the dimensions of the property, making it impractical to build a full grocery store and tenant spaces without exceeding the maximum building length.

Analysis & Recommendation

Analysis: Granting a variance would allow the length of the building to exceed the maximum 150' length of a shop along Olive Street, thereby facilitating a full-sized grocery store and additional tenant space on a narrow lot. While the full length of the building is 185', the portion directly abutting Olive Street is 160', which reduces the perceived length of the building along that frontage.

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

Property Information

Location: 737 BEALE ST
Owner: SOUTH BEND COMMUNITY SCHOOL CORP

Project Summary

South Bend Community Schools is demolishing the southwest portion of the existing building and renovating the interior to convert the former school into the corporation's new administration offices.

Requested Action

Variance(s):
1) use variance to allow professional offices

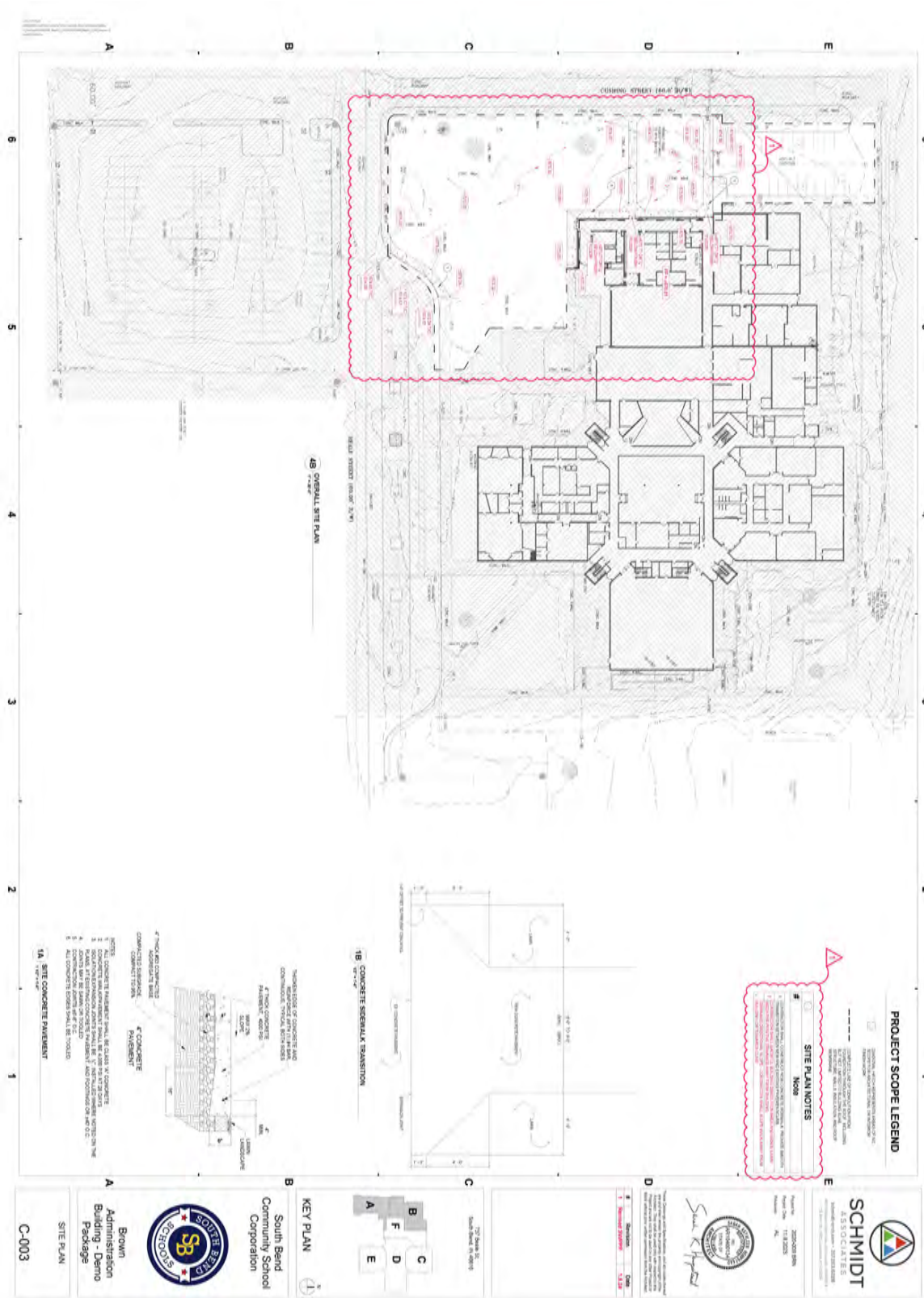
Site Location



Staff Recommendation

Based on the information provided prior to public hearing, the Staff recommends the Board send the Use Variance as presented to the Common Council with a favorable recommendation subject to limiting the office space to 160,000 square feet.

Proposed Site Plan



Criteria for Decision Making: Use Variance(s)

A Use Variance may only be granted upon making a written determination, based upon the evidence presented at a public hearing, that: (1) The approval will not be injurious to the public health, safety, morals and general welfare of the community

(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 general welfare of the community. Offices are an appropriate use for the building and should have a lower impact on the surrounding neighborhood than the previous school.

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

The proposed use should not adversely affect surrounding properties. The use of the building for an office space is appropriate. The footprint of the building will decrease and its impact on the surrounding neighborhood should also decrease.

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

An office space will be consistent with the character of the district and the neighborhood. The building is currently used as a learning center, and an office space should similarly interact with the surrounding residential neighborhood in a low impact manner.

(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 LU 2: Encourage a compatible mix of land uses in the community.

Analysis & Recommendation

Analysis: Offices are an appropriate use for the building located on this property, and should have a lower impact on the surrounding residential neighborhood than the existing learning center. A Use Variance is more appropriate than upzoning to UF Urban Neighborhood Flex to allow Professional Offices, as the upzoning would also allow for more intense uses and development on the parcel that are not compatible with the surrounding neighborhood.

Staff Recommendation: Based on the information provided prior to public hearing, the Staff recommends the Board send the Use Variance as presented to the Common Council with a favorable recommendation subject to limiting the office space to 160,000 square feet.