

# City of South Bend

## BOARD OF ZONING APPEALS

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### AGENDA

**Monday, April 1, 2024 - 4:00 p.m.**  
County-City Building  
Fourth-Floor Council Chambers  
[www.tinyurl.com/sbbza](http://www.tinyurl.com/sbbza)

#### PUBLIC HEARING:

- 1. Location:** 1219 LAFAYETTE BLVD BZA#0252-24  
**Owner:** MAXWELL E JOHNSON & NANCY E LINDELL-JOHNSON  
**Requested Action:**  
Variance(s):  
1) from the 18' setback for a garage from a property line to 10';  
2) from the 5' setback of a garage from a corner facade to 0'  
**Zoning:** U1 Urban Neighborhood 1
- 2. Location:** 3105 W WESTERN AVE BZA#0253-24  
**Owner:** MOHAMMAD ALQRAINI  
**Requested Action:**  
Variance(s):  
1) to allow 2 residential units without a commercial use in the front of the building  
**Zoning:** NC Neighborhood Center
- 3. Location:** 128, 132, 134, & 136 LAUREL ST and 808 WASHINGTON ST. BZA#0255-24  
**Owner:** NORTHERN INDIANA HISTORICAL SOCIETY INC  
**Requested Action:**  
Variance(s):  
1) to allow accessory structures in a corner yard;  
2) from the maximum 1 accessory structure to 9  
**Zoning:** NC Neighborhood Center
- 4. Location:** 1421 WALNUT ST BZA#0256-24  
**Owner:** SOUTH BEND YOUTH HOCKEY INC & A&F REALTY  
**Requested Action:**  
Variance(s):  
1) from the 15' required parking setback to 5'  
**Zoning:** I Industrial
- 5. Location:** 922 COLFAX AVE BZA#0254-24  
**Owner:** 922 E COLFAX LLC  
**Requested Action:**  
Special Exception: a Group Residence  
Variance(s):  
1) from the required 5' setback behind the facade for parking to the current setback  
**Zoning:** NC Neighborhood Center

**ITEMS NOT REQUIRING A PUBLIC HEARING:**

1. **Findings of Fact** – March 4, 2024
2. **Minutes** – March 4, 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: 1219 LAFAYETTE BLVD  
Owner: MAXWELL E JOHNSON & NANCY E LINDELL-JOHNSON

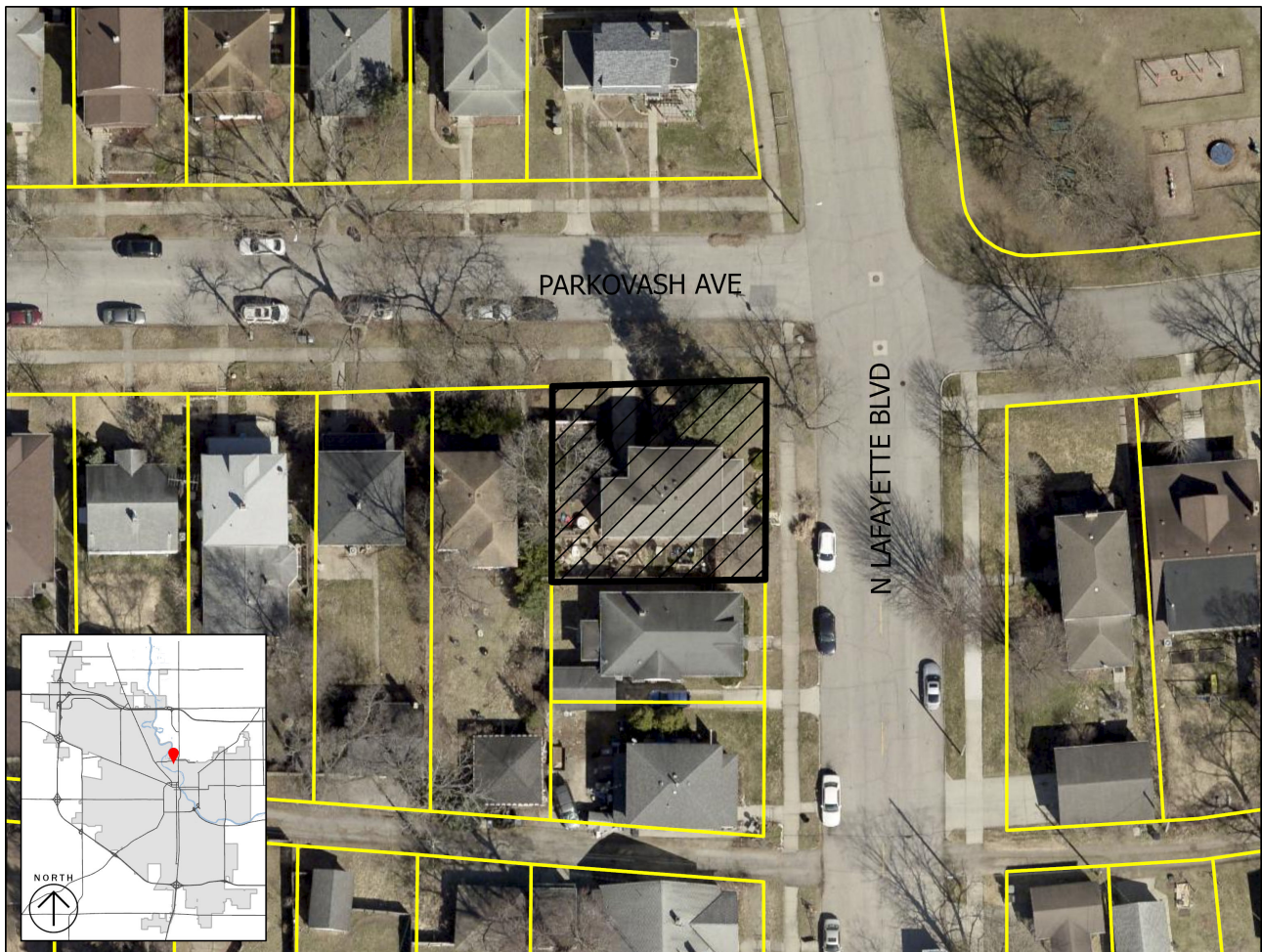
**Project Summary**

535 sq ft addition to existing house. The project will add a bedroom and study to the first floor, constructed over a new two car garage at the basement level.

**Requested Action**

- Variance(s):
- 1) from the 18' setback for a garage from a property line to 10'
  - 2) from the 5' setback of a garage from a corner facade to 0'

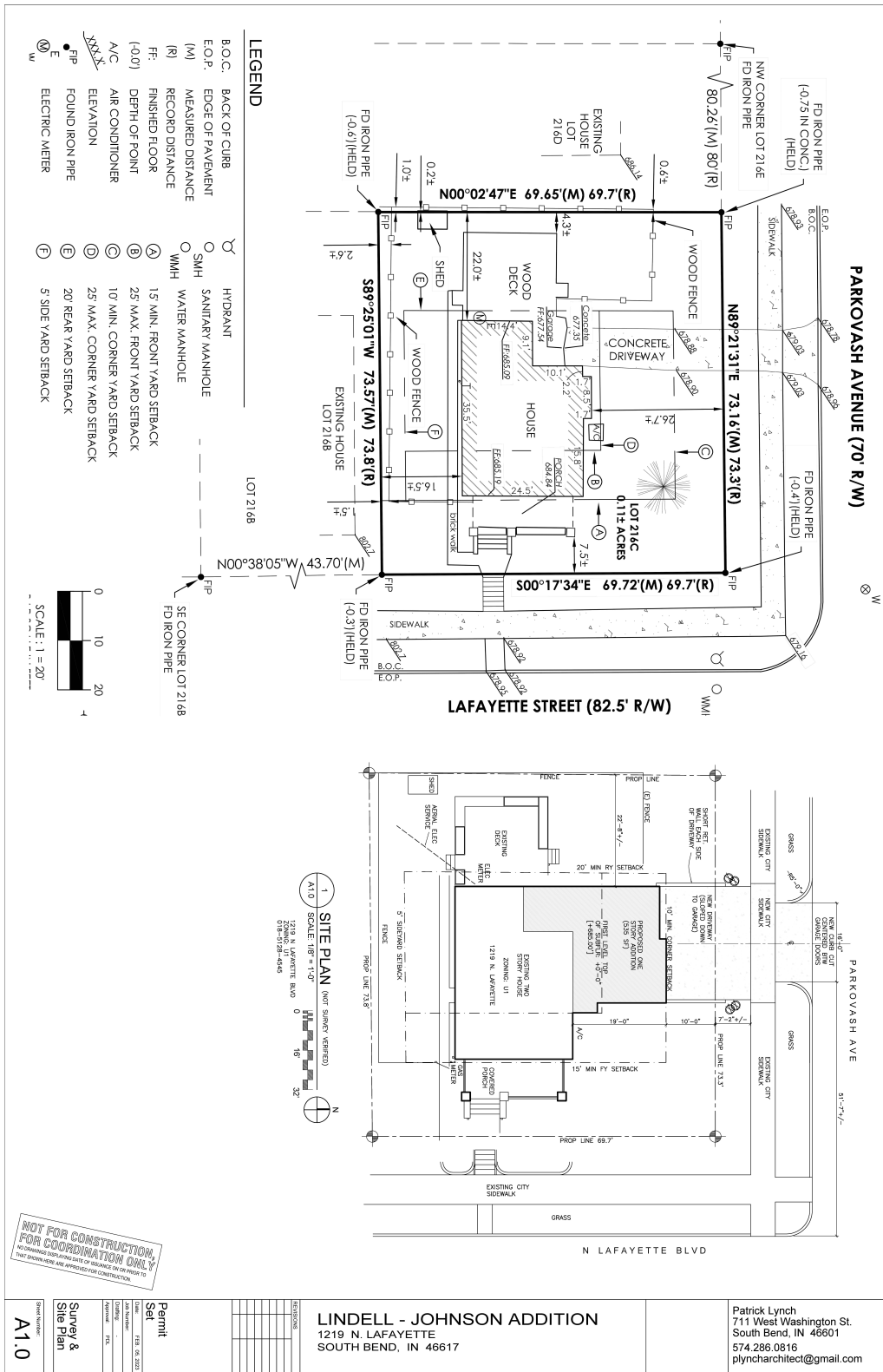
**Site Location**



**Staff Recommendation**

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

Proposed Site Plan



## Criteria for Decision Making: Variance(s)

**State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. The standards and their justifications are as follows:**

**(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community**

The approval of the variances should not be injurious to the public health, safety, morals and general welfare of the community. The variances will allow for a first floor addition and a subterranean garage that meets the intent of the ordinance. The location of the garage will allow for vehicle parking that does not block the sidewalk and the garage will not visually overwhelm the design because it will be located below the first floor addition.

**(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 adjacent properties should not be affected in a substantially adverse manner. The variances allow for an addition and subterranean garage that match the character of the neighborhood and 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**

Strict application of the ordinance would result in practical difficulties in the construction of a house addition and subterranean garage that match the character of the neighborhood and meet the intent of the ordinance.

**(4) The variance granted is the minimum necessary**

The variances are the minimum necessary. Half of the garage face will be set back over 18' from the sidewalk, while the other half will be set back 17' 4", allowing sufficient room to accommodate vehicle parking on the driveway without blocking the sidewalk. The garage will be subterranean, meeting the intent of the ordinance to prevent garages from dominating a front or corner facade.

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

The variances respond to unique challenges the property owner faces on a corner parcel without alley access and a lot line that is over 7' away from the city sidewalk.

## Analysis & Recommendation

**Analysis:** The variances would allow for the construction of a first floor addition and a subterranean garage that meet the intent of the Ordinance. The face of the garage will be sufficiently set back from the sidewalk to accommodate vehicle parking on the driveway without blocking the sidewalk. The garage will not be visually overwhelming from the street because it will be located below the first floor addition.

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

**Property Information**

Location: 3105 W WESTERN AVE  
Owner: MOHAMMAD ALQRAINI

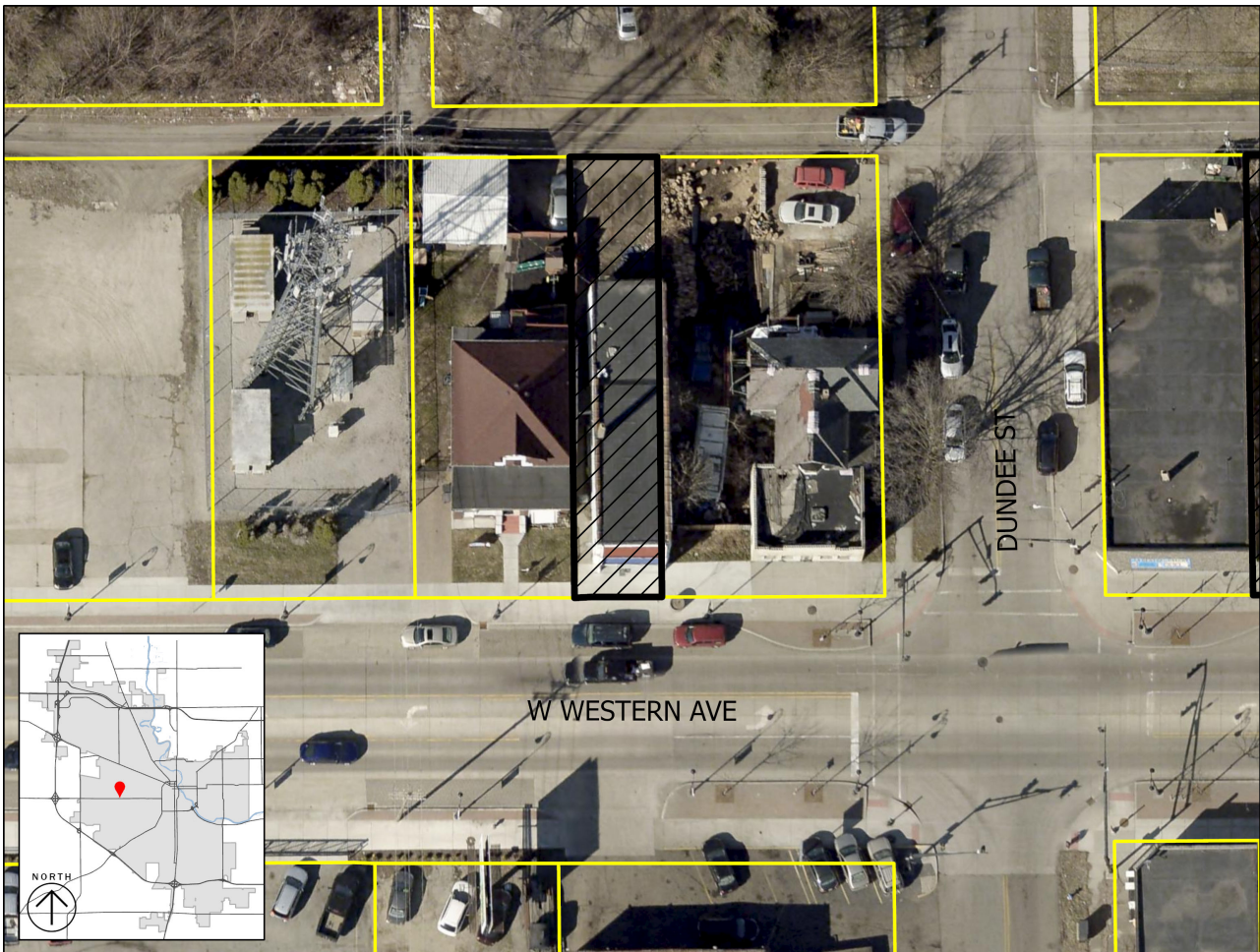
**Project Summary**

Conversion of the first floor from having a small commercial space along the street frontage to the entirety of the first floor being a residential unit; in addition to completing a second residential unit upstairs.

**Requested Action**

Variance(s):  
1) to allow 2 residential units without a commercial use in the front of the building

**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



### 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 may be injurious to the public health, safety, morals and general welfare of the community as this property is located within the Olive Cultural District Node as identified by the West Side Main Streets Plan (2014). The plan strives to promote a pattern of development that will better support both retail and community needs. Its location within a walkable neighborhood center makes it ideal for a small commercial establishment or office along the street front with residential behind and on the second floor.

**(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 maybe be affected in a substantially adverse manner as the request does not meet the intent of the ordinance to have storefront commercial/retail with dwelling units located in the upper stories or the rear of mixed use buildings such as this.

**(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 Ordinance should not result in practical difficulties in the use of the property. The building is 75' deep and the first floor could accommodate a small commercial/office space while providing adequate space behind for a residential unit.

**(4) The variance granted is the minimum necessary**

Since there is no practical difficulty to overcome, the variance requested 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 requested does correct a hardship caused by a current owner. Built in 1928 as a commercial building, its historic use has been commercial in nature; most recently housing a barber shop and florist prior to that.

### Analysis & Recommendation

**Analysis:** There are no practical difficulties or unique characteristics that support the requested variance. The request is not consistent with the intent of the NC Neighborhood Center district which is to provide a mixture of storefront retail, professional offices, and buildings with active facades set at or close to the sidewalk.

**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: 128 LAUREL ST and 132 LAUREL ST and 134 LAUREL ST and 136 LAUREL ST and 808 WASHINGTON ST.  
Owner: NORTHERN INDIANA HISTORICAL SOCIETY INC

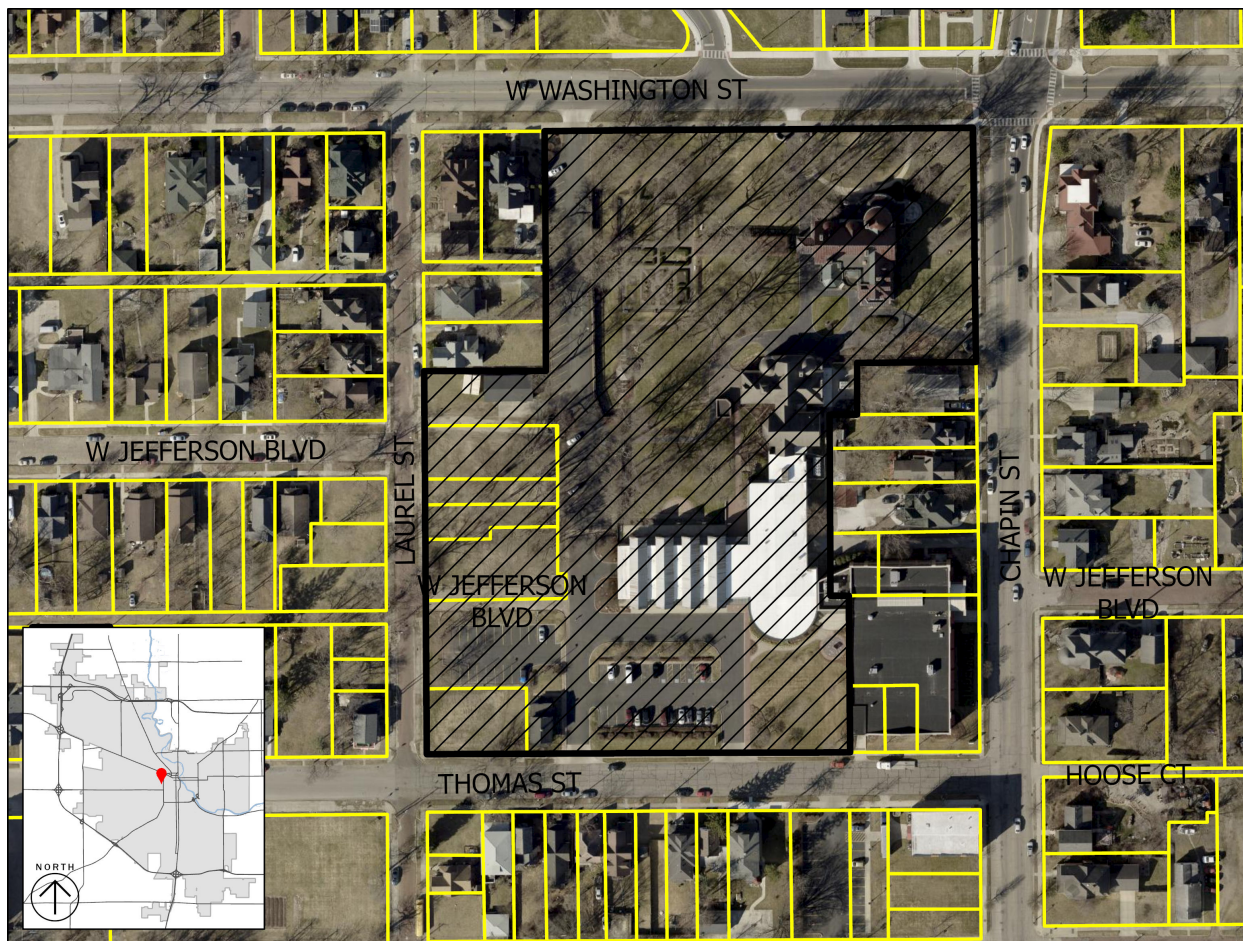
**Project Summary**

The construction of into an outdoor educational site supplementary to the South Bend History Museum that will feature the Navarre Cabin and other historically designed buildings.

**Requested Action**

- Variance(s):
- 1) to allow accessory structures in a corner yard
  - 2) from the maximum 1 accessory structure to 9

**Site Location**



**Staff Recommendation**

Based on the information available prior to the public hearing, the Staff recommends the variances 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 of the variances should not be injurious to the public health, safety, morals and general welfare of the community. The variances will allow for the construction of an outdoor educational site supplementary to the South Bend History Museum.

**(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 variances will allow for the development of these parcels into an outdoor educational site featuring the Navarre Cabin and other historically designed buildings.

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

The strict application of the terms of the Ordinance would result in practical difficulties in the use of the property. If the buildings were considered primary they would be held to current building placement and form standards for an NC district. As they are considered accessory, they would not be permitted in the corner yard west of the museum without the listed variances.

**(4) The variance granted is the minimum necessary**

The variances granted are the minimum necessary. The variances will allow for the development of currently vacant space into an outdoor educational site supplementary to the museum.

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

The museum is located on a four fronted lot, meaning the whole parcel is composed of front and corner yards. It would not be possible to place accessory buildings in a location other than front or corner yard based on the location of the primary museum building.

### Analysis & Recommendation

**Analysis:** Granting the variances will allow for the development of vacant parcels into an outdoor educational site supplementary to the South Bend History Museum that will feature the Navarre Cabin and other historically designed buildings.

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

**Property Information**

Location: 1421 WALNUT ST  
Owner: SOUTH BEND YOUTH HOCKEY INC & A&F REALTY

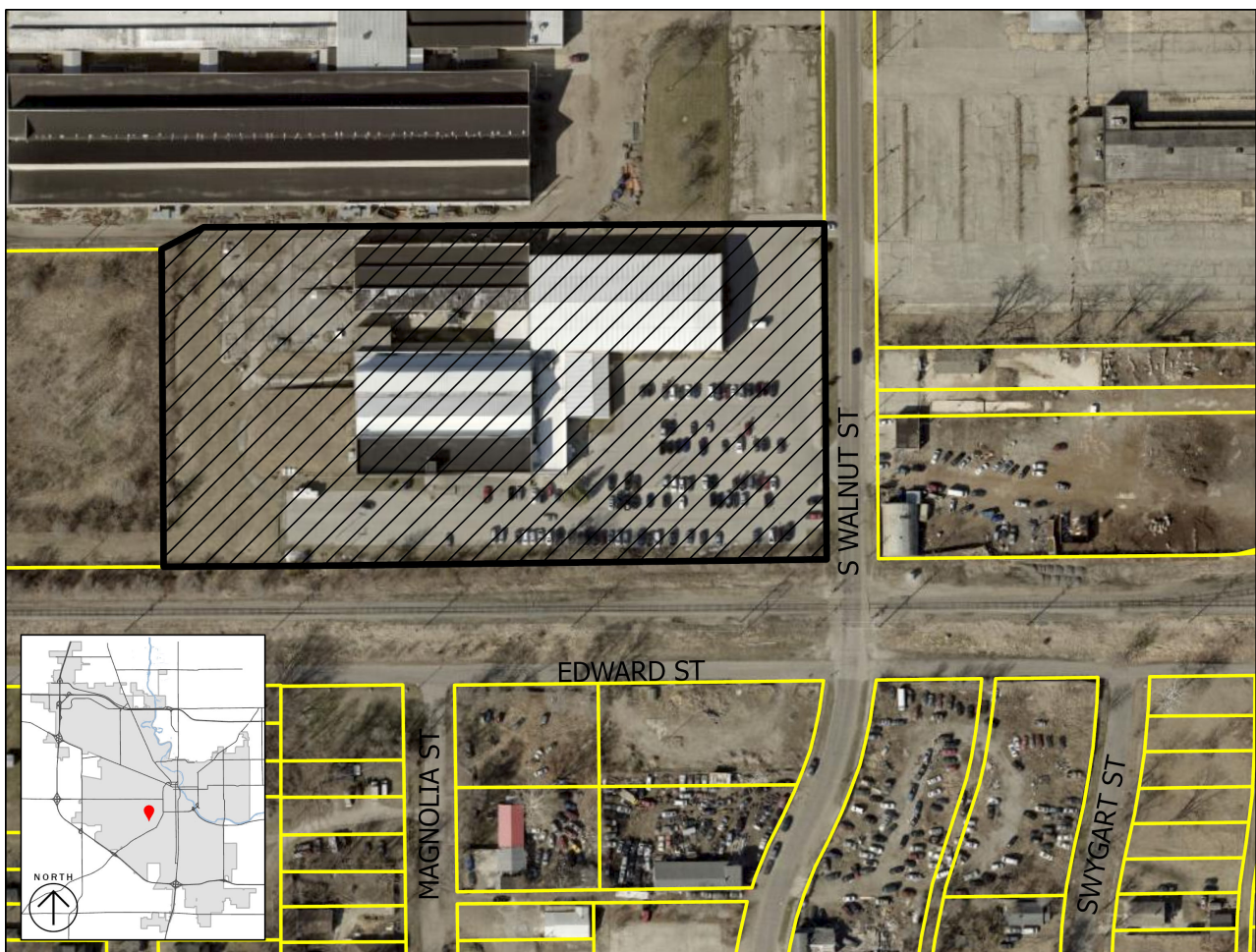
**Project Summary**

The Ice Box Skating Rink is looking to add a third rink to the facility and to replace the existing parking lot, maintaining the existing 5' setback from the east property line.

**Requested Action**

Variance(s):  
1) from the 15' required parking setback to 5'

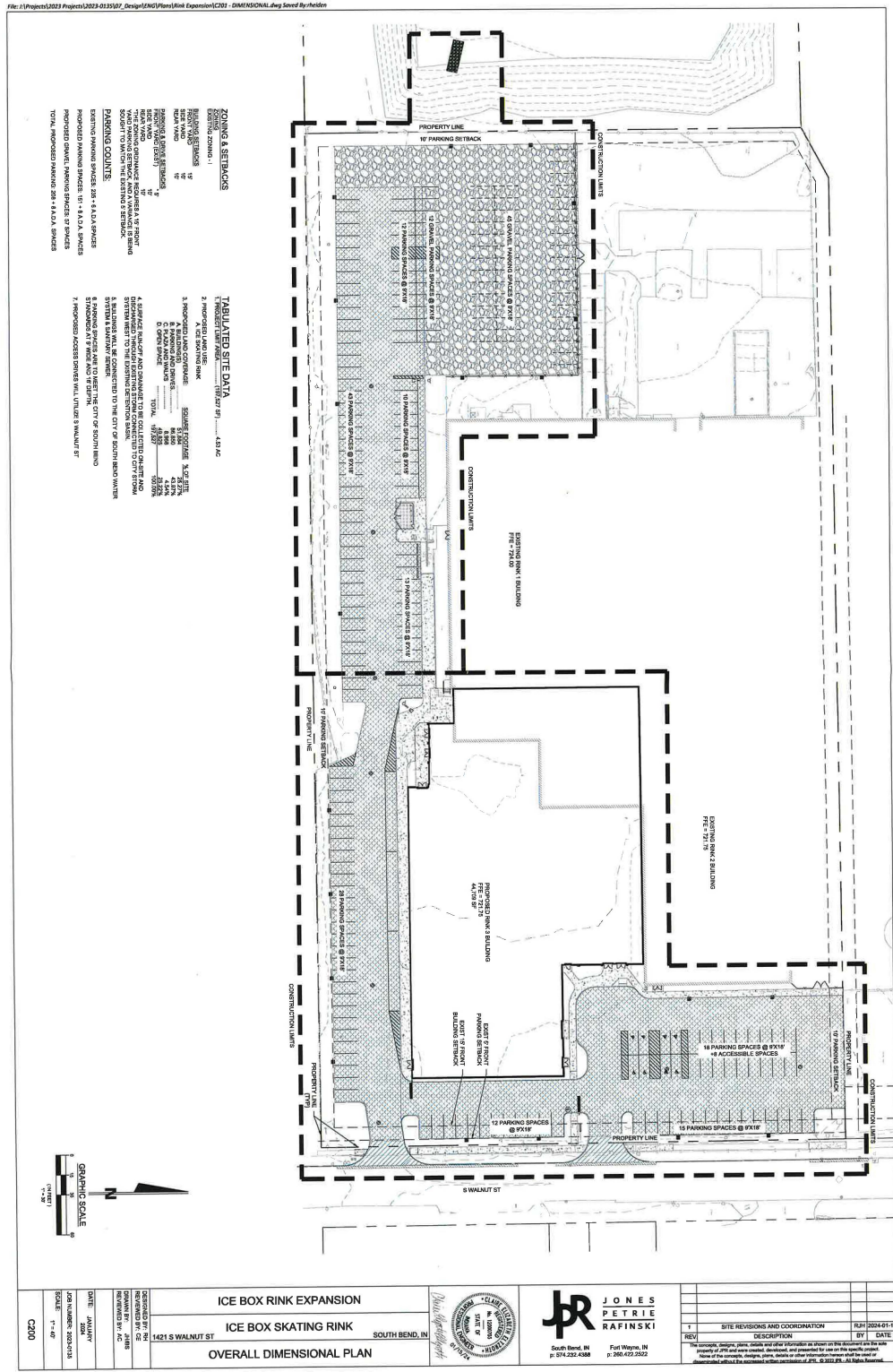
**Site Location**



**Staff Recommendation**

Based on the information provided prior to the public hearing, Staff recommends the Board approve the variance as presented subject to planting 20 trees along the Walnut Street edge of the property.

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 should not be injurious to the general welfare of the community. Planting additional trees and landscaping maintains appropriate buffering between industrial parcels with the reduced setback.

**(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 significant additions to the site and, with appropriate additional landscaping, will maintain a buffering between industrial sites that meets 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**

Appropriate buffering can be maintained between the industrial zoned parcels through increased landscaping and trees, while a strict application of the ordinance would result in practical difficulties in the use of the property.

**(4) The variance granted is the minimum necessary**

The variance granted is the minimum necessary. Providing additional landscaping will ensure appropriate buffering is maintained between the industrial zoned parcels separated by Walnut Street while allowing for substantial new development and improved drainage on the site.

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

The proposed addition triggers the need for improved drainage on the site. To adequately improve drainage and maintain full use of the site, the petitioner is proposing a replacement of the parking lot that was built over 70 years ago, maintaining the existing setback of the parking lot while increasing landscape buffering to the parcel to the east.

## Analysis & Recommendation

**Analysis:** Appropriate buffering can be maintained between this I Industrial zoned parcel and the industrial parcel across Walnut Street through increased landscaping and trees, while the reduced setback allows for the construction of a major addition and drainage improvements on the site. To achieve this buffering, Staff proposes a second row of trees at the east edge of the parking lot, in addition to the required street trees.

**Staff Recommendation:** Based on the information provided prior to the public hearing, Staff recommends the Board approve the variance as presented subject to planting 20 trees along the Walnut Street edge of the property.

**Property Information**

Location: 922 COLFAX AVE  
Owner: 922 E COLFAX LLC

**Project Summary**

Haven by the Bend will serve as a non-licensed residential care home/housing with services for the elderly. The home will offer 10 bedrooms, private bathrooms, shared amenities, and 24 hour care services.

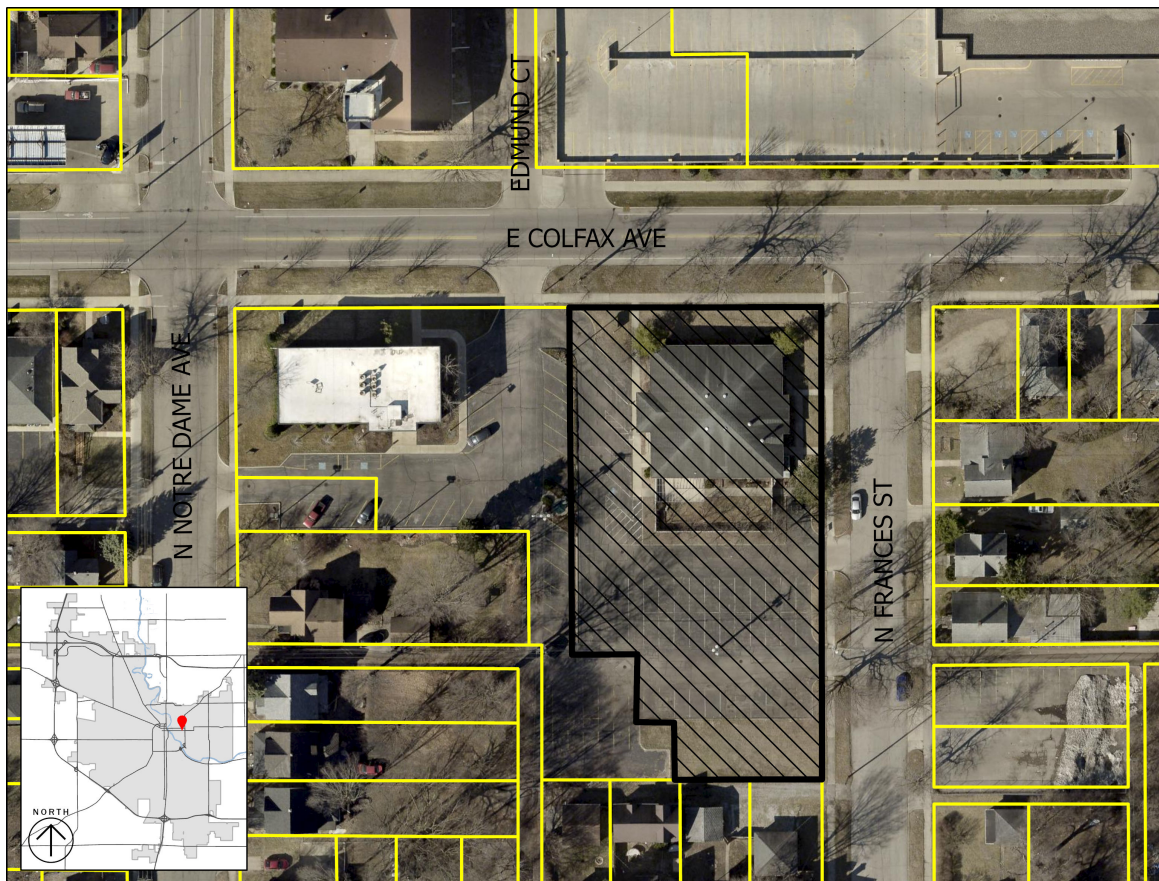
**Requested Action**

Special Exception: a Group Residence

Variance(s):

- 1) from the required 5' setback behind the facade for parking to the current setback

**Site Location**



**Staff Recommendation**

Based on the information available prior to the public hearing, Staff recommends the Board send the Special Exception to the Common Council with a favorable recommendation. Staff recommends the Board deny the variance 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 or general welfare of the community. A group residence aligns with the intent of NC districts to support a mixture of commercial uses and higher density dwelling units.

**(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 injure or adversely affect the use of the adjacent area or property values. The property was formerly used as a dementia day services center, and the new use as an unlicensed residential care facility should similarly interact with the surrounding neighborhood in a low impact manner.

**(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 group residence will be consistent with the character of the district and neighborhood in both use and style of construction. Colfax Avenue is a mixed use corridor and the group residence will offer multiple dwelling units in a structure that is suitable for the use.

**(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.

### 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 does not meet the intent of the ordinance, which may impact the general welfare of the community. The NC Neighborhood Center zoning district is designed to support pedestrian scale development, which excludes parking in a front or corner yard.

**(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. Allowing parking in the corner yard of an NC zoned parcel does 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. The parking lot could be conformed to meet the standards of the ordinance while still providing a sufficient number of spaces for the proposed use.

**(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 parking lot could be conformed to meet the standards of the ordinance.

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

The variance would correct a hardship caused by the current owner of the property. In seeking a special exception, a property is held to the development standards of the NC Neighborhood Center zoning district including access and parking. Any legal nonconforming status the parking lot held is eliminated by the granting of a special exception.

## Analysis & Recommendation

**Analysis:** This group residence will be consistent with the character of the neighborhood in both use and style of construction. Colfax Avenue is a mixed use corridor and the group residence will offer multiple dwelling units in a structure that is suitable for the use. The group residence will meet the intent of the Comprehensive Plan by supporting a mix of housing types, densities, price ranges, and amenities.

The variance will allow parking in a corner yard, which does not meet the intent of the ordinance. In seeking a special exception, the property is held to the NC Neighborhood Center standards for access and parking standards. Any legal nonconforming status the parking lot held is eliminated by the granting of a special exception.

**Staff Recommendation:** Based on the information available prior to the public hearing, Staff recommends the Board send the Special Exception to the Common Council with a favorable recommendation. Staff recommends the Board deny the variance as presented.