

# City of South Bend

## BOARD OF ZONING APPEALS

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### AGENDA

**Monday, November 1, 2021 - 4:00 p.m.**

County-City Building  
Fourth-Floor Council Chambers

[www.tinyurl.com/sbbza](http://www.tinyurl.com/sbbza)

#### PUBLIC HEARING:

- Location:** V/L REAR OF 1705 SO BEND AV and 1705 SOUTHBEND AVE      BZA#0090-21  
**Owner:** 1710 TURTLE CREEK LLC  
**Requested Action:** Variance(s): 1) From the 120' maximum building width to 350'  
Special Exception: Shared Housing  
**Zoning:** U3 Urban Neighborhood 3
- Location:** 52610 PORTAGE RD      BZA#0084-21  
**Owner:** CENTIER BANK  
**Requested Action:** Variance(s): 1) From the required 10' bail out lane for the drive-through to none; and 2) From the 10' minimum front setback for parking and drives to 0'  
**Zoning:** C Commercial
- Location:** 309 TAYLOR ST      BZA#0086-21  
**Owner:** ST PATRICK CHURCH DIOCESE OF FT WAYNE  
**Requested Action:** Variance(s): 1) From the 4' maximum in a corner or front yard to 6'; and 2) To allow a wire fence material in the NC district  
**Zoning:** NC Neighborhood Center
- Location:** 5735 IRONWOOD Drive (2010 Farnsworth Dr.)      BZA#0087-21  
**Owner:** ADEC INC  
**Requested Action:** Variance(s): 1) To allow a parking lot in the established front and corner yards; and 2) From the 4' maximum fence height to 4'-2.5"  
**Zoning:** UF Urban Neighborhood Flex
- Location:** 1527 COLFAX AVE      BZA#0088-21  
**Owner:** MATTHEW AND HANNAH DEPUTY  
**Requested Action:** Variance(s): 1) To allow access from the street where alley access is available  
**Zoning:** S1 Suburban Neighborhood 1
- Location:** 4555 S MICHIGAN ST      BZA#0089-21  
**Owner:** CHICK-FIL-A INC  
**Requested Action:** Variance(s): 1) To allow a drive-through facility in the established front yard  
**Zoning:** C Commercial

7. **Location:** 2614 FORD ST  
**Owner:** MURPHY'S CAPTIAL LLC  
**Requested Action:** Special Exception: a Duplex  
**Zoning:** U1 Urban Neighborhood 1

BZA#0085-21

**ITEMS NOT REQUIRING A PUBLIC HEARING:**

1. Findings of Fact – October 4, 2021
2. Minutes – October 4, 2021
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: V/L REAR OF 1705 SO BEND AV and 1705 SOUTHBEND AVE  
Owner: 1710 TURTLE CREEK LLC

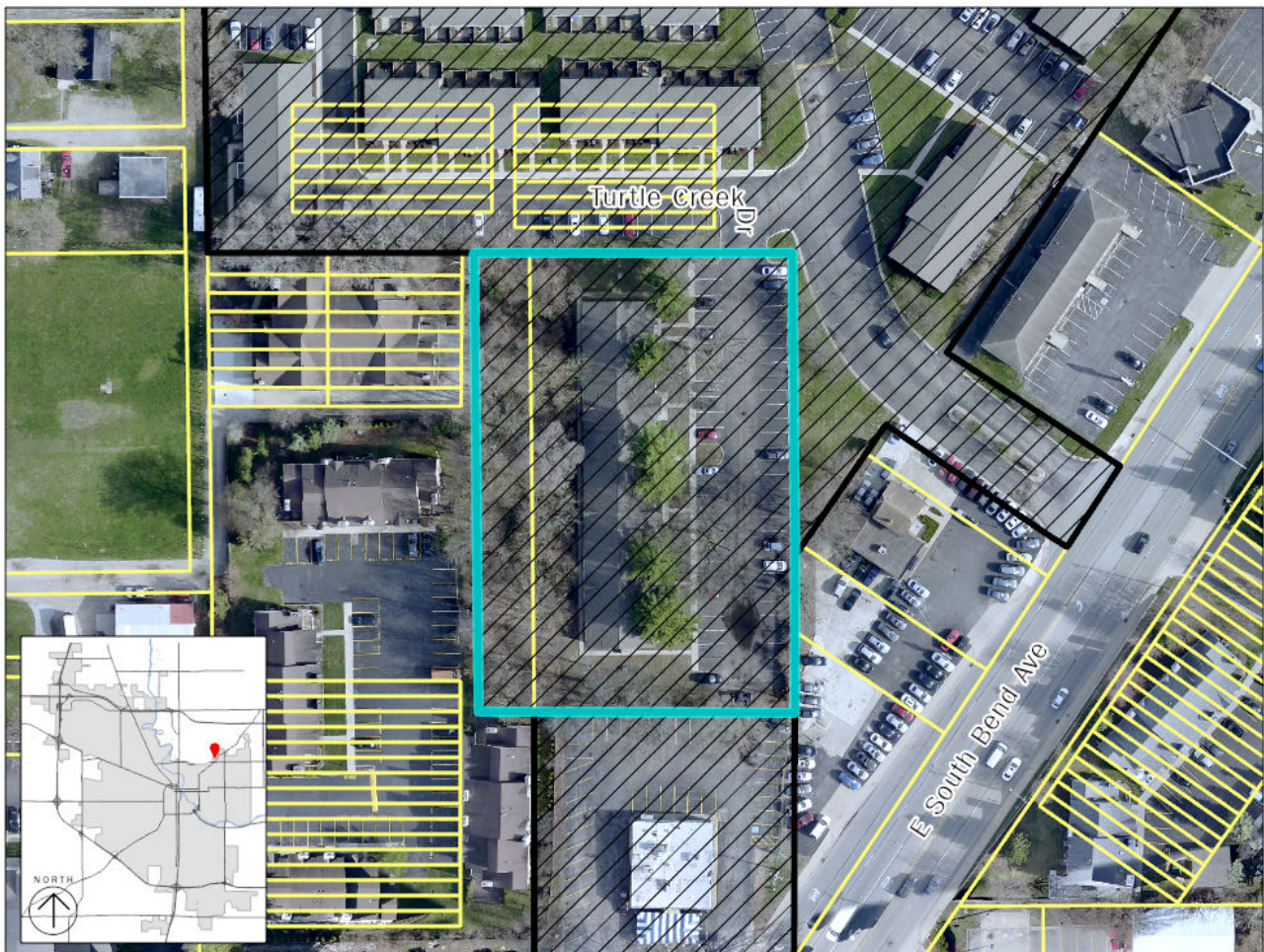
### Project Summary

Proposed redevelopment of 1710 North Turtle Creek Drive (Campus View). The proposed project includes townhouses, three-story garden buildings, three-story wrapped buildings, and a three and a half story parking garage. The project would include a mix of studios, one, two, and four bedroom units.

### Requested Action

Special Exception: Shared Housing  
Variance(s): 1) From the 120' maximum building width to 350'

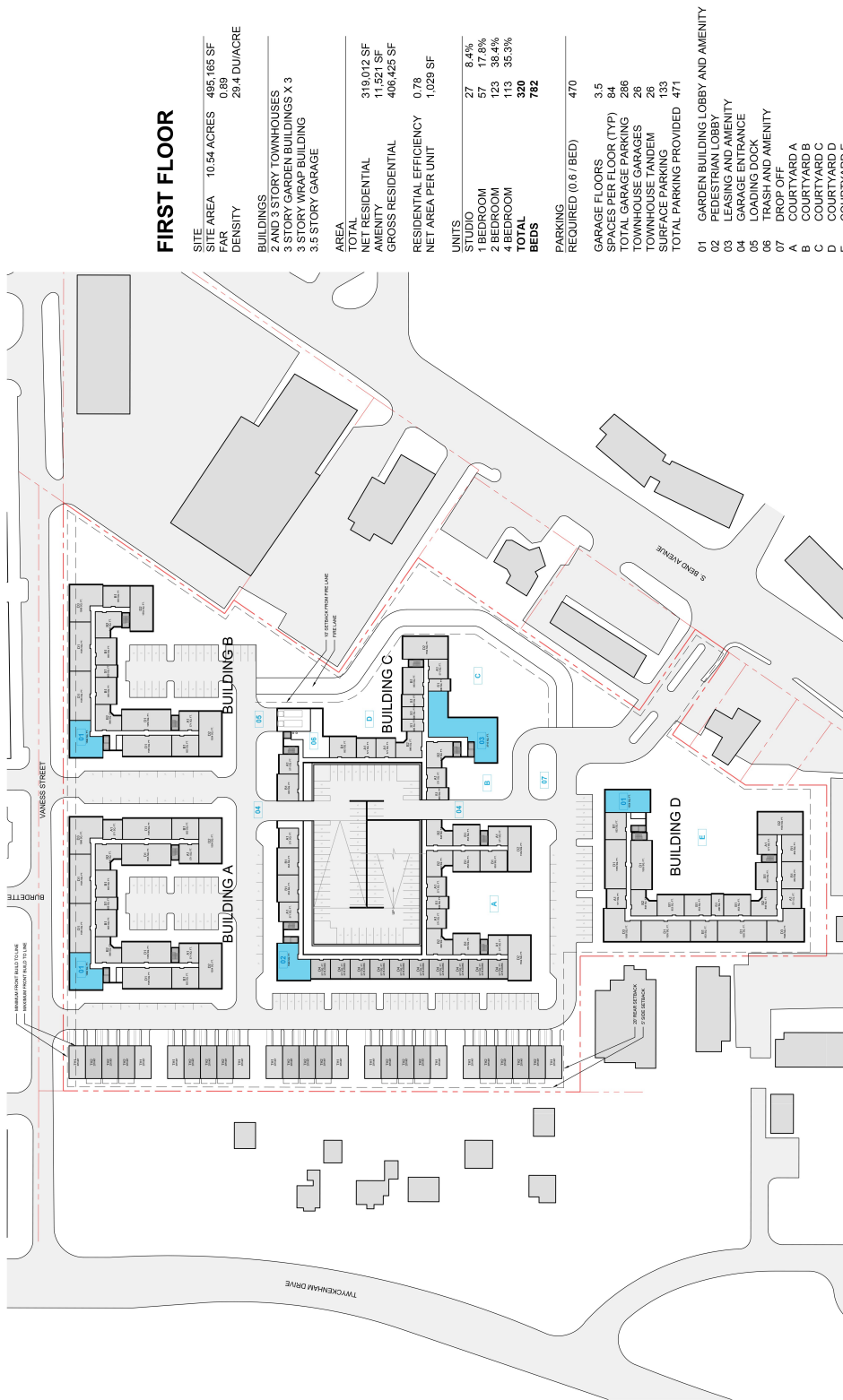
### Site Location



### Staff Recommendation

Based on the information available prior to the public hearing, the Staff recommends the Board send the Special Exception to the Common Council with a favorable recommendation. The staff recommends approval of the variance for buildings not fronting on a public street.

Proposed Site Plan



**FIRST FLOOR**

SITE AREA 10.54 ACRES 495,165 SF  
 FAR 0.89  
 DENSITY 28.4 DU/ACRE

**BUILDINGS**  
 2 AND 3 STORY TOWNHOUSES  
 3 STORY GARDEN BUILDINGS X 3  
 3 STORY WRAP BUILDING  
 3.5 STORY GARAGE

**AREA**  
 TOTAL 319,012 SF  
 NET RESIDENTIAL 11,921 SF  
 GROSS RESIDENTIAL 406,425 SF

RESIDENTIAL EFFICIENCY 0.78  
 NET AREA PER UNIT 1,029 SF

**UNITS**  
 STUDIO 27 8.4%  
 1 BEDROOM 57 17.8%  
 2 BEDROOM 123 38.4%  
 4 BEDROOM 13 3.9%  
**TOTAL 220**  
**BEDS 782**

**PARKING**  
 REQUIRED (0.6 / BED) 470

GARAGE FLOORS 3.5  
 SPACES PER FLOOR (TYP) 84  
 TOTAL GARAGE PARKING 286  
 TOWNHOUSE GARAGES 26  
 SURFACE PARKING 133  
 TOTAL PARKING PROVIDED 471

- 01 GARDEN BUILDING LOBBY AND AMENITY
- 02 PEDESTRIAN LOBBY
- 03 LEASING AND AMENITY
- 04 GARAGE ENTRANCE
- 05 LOADING DOCK
- 06 TRASH AND AMENITY
- 07 COURT YARD A
- 08 COURT YARD B
- 09 COURT YARD C
- 10 COURT YARD D
- 11 COURT YARD E

**01**  
 09/01/2021

**ktgy**  
 20210814  
 CAMPUS VIEW  
 SOUTH BEND, IN  
 0 25 50 100

### Criteria for Decision Making: Special Exception

**A Special Use 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 public health, safety, or general welfare of the community. The site is well suited for Shared Housing as it is near to the Notre Dame campus. This site is currently being used for student rentals, with the majority of the units occupying more than 2 unrelated individuals. The demolition of the current older units for new apartments used in a similar manner should not have an injurious impact on 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;**

The proposed use will lead to a large investment in a property which is nearing the end of its forecasted life cycle. The proposed use of Shared Housing is consistent with the use currently on the site. Developed in compliance with the ordinance, the proposed development will allow reinvestment in the property, which should not adversely impact use or value of surrounding properties.

**(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 proposed use of Shared Housing is consistent with the character of the surrounding area which has a large presence of existing apartments and student rentals. The redevelopment of the site will further bring the property inline with the new zoning standards in place since 2020.

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

The proposed use is compatible with the Comprehensive Plan. The Comprehensive Plan recommends "Encourage residential developments to contain a mix of housing types, densities, price ranges, and amenities. (Policy H1.1) This proposed development is in line with the recommendation from the Comprehensive Plan by helping establish a mix of housing types across several different size options ranging from studios to four bedroom apartments.

### 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 should not affect the public health, safety or general welfare of the community. The proposed variances are for portions of the site not visible from public right-of-way. All buildings will be designed to current building and fire codes.

**(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 properties should not be adversely affected by the variance to allow the interior buildings to exceed 120' maximum width. This is a primarily commercial, mixed-use, and multi-family residential area. The proposed development is consistent with the surrounding area.

**(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 would make it difficult to develop the interior portion of the sign in a way that allows an adequate mix of parking and residential units. The largest building interior to the lot surrounds a parking garage and will not be visible from the public right-of-way.

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

The variance requested is based on the interior building, which is designed around a parking garage. The buildings adjacent to the public right of way have been designed to comply with the ordinance.

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

The hardship is generally created by the overall size of the parcel. The proposed variance will allow the efficient development of the site without impacting the portion of the site visible from the public street.

## Analysis & Recommendation

**Analysis:** Allowing the proposed use of Shared Housing will further the ability to redevelop the site and add investment to the area. The site is currently used as student housing in a development nearing the end of its life cycle. The proposed use will lead to a large investment into the area without significantly changing the current land use. The redevelopment will bring this 11 acre parcel into compliance with the updated development standards established in the current Zoning Ordinance. Approving the variance for the interior portion of the site will allow for more flexibility in design and support the construction of a garage to support the increased density. By maintaining code compliant buildings on the interior of the lot, the development reflects the intent of the Ordinance to the general public.

**Staff Recommendation:** Based on the information available prior to the public hearing, the Staff recommends the Board send the Special Exception to the Common Council with a favorable recommendation. The staff recommends approval of the variance for buildings not fronting on a public street.



**Property Information**

Location: 52610 PORTAGE RD  
Owner: CENTIER BANK

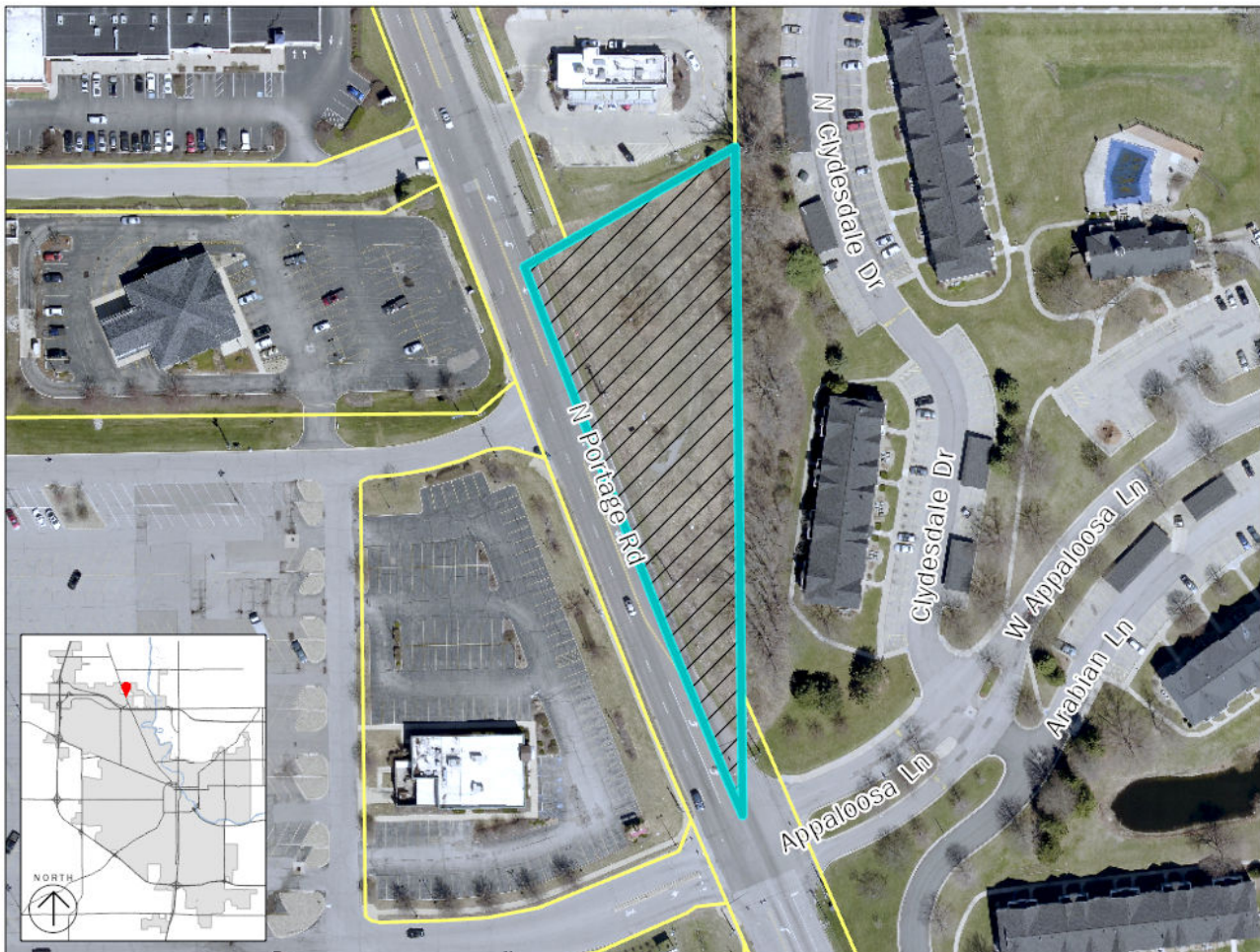
**Project Summary**

The proposed Drive-Through Car Wash facility is seeking relief from requiring Drive-Through facilities to have a bailout lane that is the full length of the Drive-Through and to allow parking and drives at the property line.

**Requested Action**

- Variance(s): 1) From the required 10' bail out lane for the drive-through to none
- 2) From the 10' minimum front setback for parking and drives to 0'

**Site Location**

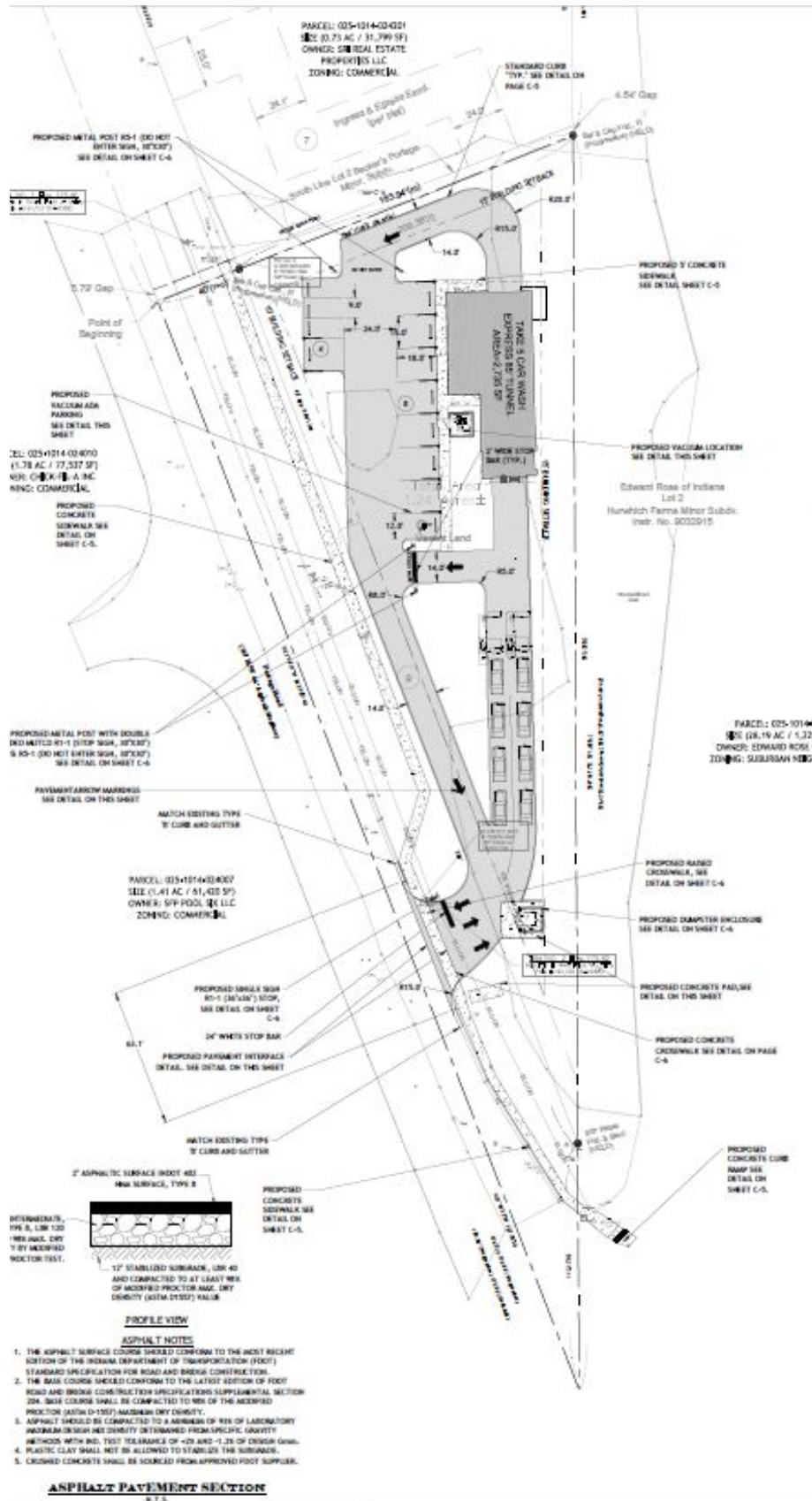


**Staff Recommendation**

Based on the information provided prior to the public hearing, the staff recommends the Board approve the variances, 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**

Approval of the variances should not be injurious to the public health, safety, morals and general welfare of the community. The large right-of-way on Portage Ave mitigates negative impacts in reducing the minimum front 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 adversely impacted by granting the variances. The site is located in a primarily commercial district and is consistent with the style of development in the area.

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

The unique shape of the property creates a practical difficulty in laying out the site for most commercial uses without the need for variances. Strict application of the zoning ordinance would reduce the use of the property, especially site circulation.

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

The proposed variances are the minimum necessary to allow for proper site circulation without negatively impacting surrounding properties while preserving the intent of the zoning ordinance. The petitioner is providing a bail out option prior to entering the car wash, which meets the general intent of the ordinance.

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

The excessive right-of-way width predates the development of this site. This lead to the irregular shaped narrow lot.

## Analysis & Recommendation

**Analysis:** Due to the excessive right-of-way width on Portage Avenue, reducing the front setback for the access drive will allow for improved site circulation without having a significant impact on adjacent properties. Due to the narrow width of the property, a proper bail out lane is impractical. The proposed site plan still provides an avenue for exiting the queue before entering the carwash.

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



**Property Information**

Location: 309 TAYLOR ST  
Owner: ST PATRICK CHURCH DIOCESE OF FT WAYNE

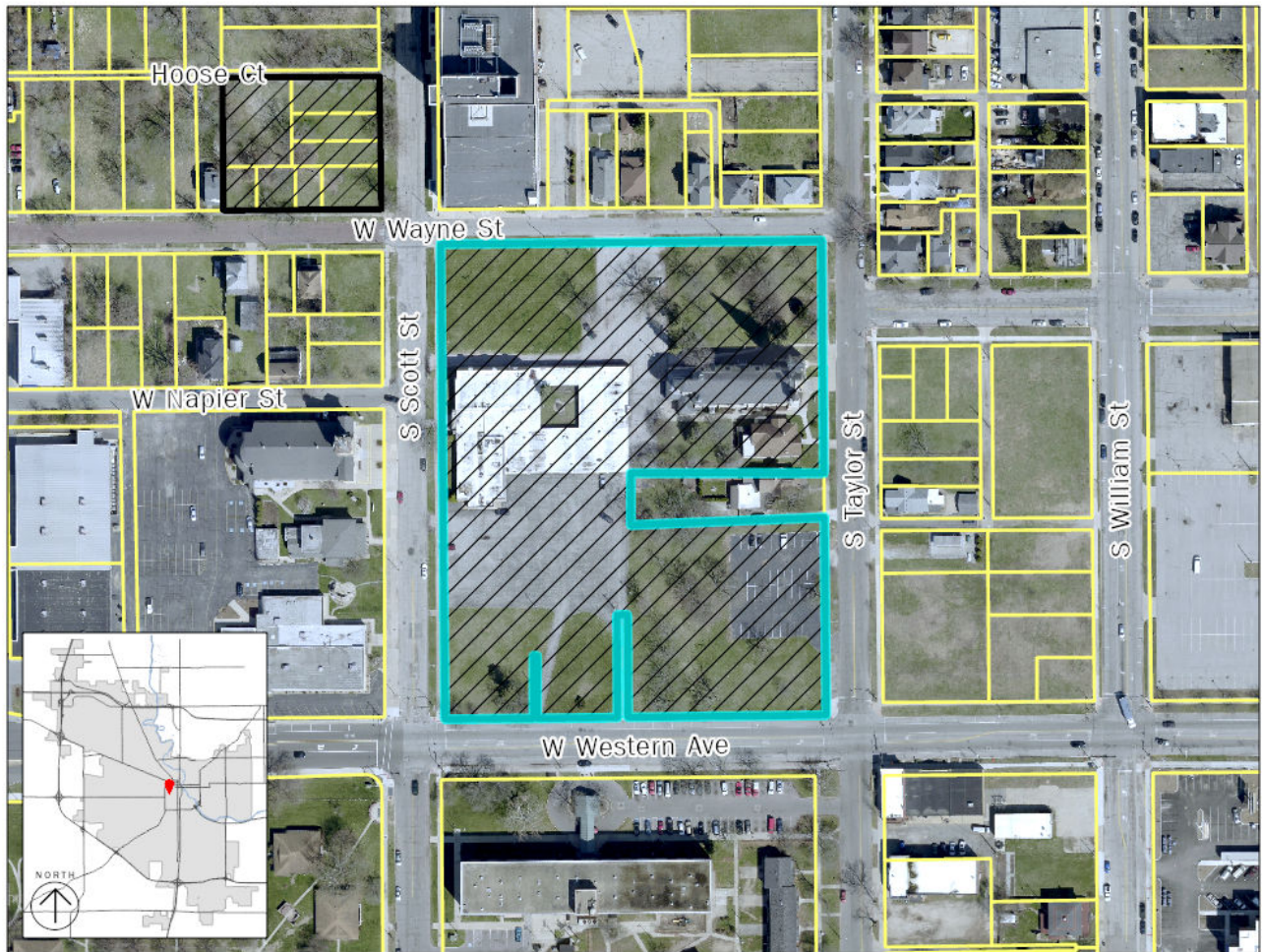
**Project Summary**

St. Thomas More Academy, a K-5 school, renting the property owned by St. Patrick's Catholic Church, requests a fence to protect the school children during recess.

**Requested Action**

Variance(s): 1) From the 4' maximum in a corner or front yard to 6'  
2) To allow a wire fence material in the NC district

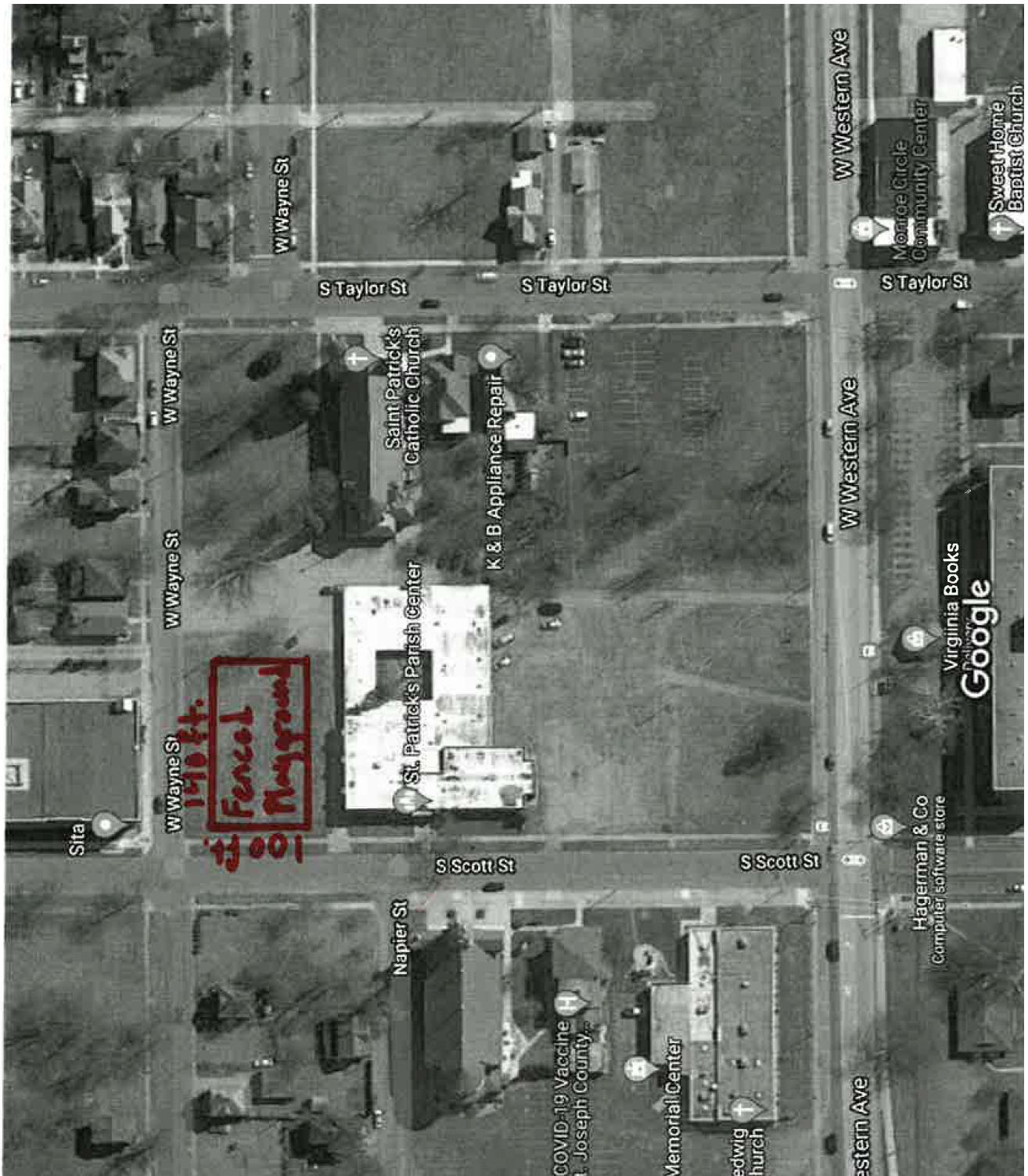
**Site Location**



**Staff Recommendation**

The staff recommends the Board deny the variance from the 4' maximum in a corner or front yard to 6'. The staff recommends the board approve the variance to allow a chain link fence, subject to the chain link being black vinyl coated.

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 fence could be injurious to the public health, safety or general welfare of the community. It is out of character for the area.

**(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**

Fences above the 4' maximum height in the established front yard create a character and atmosphere that is not consistent with the intent of the Neighborhood Center District. If this variance is granted at this location it will establish a precedent of larger fences of inferior material, weakening the effectiveness of the ordinance, and ultimately impacting surrounding residential properties in an adverse manner.

**(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 would not result in practical difficulties in the use of the property. Nothing on the property necessitates an increased fence height or a substandard material.

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

Because there is no hardship on the property and a 4' fence, as allowed by the ordinance, would achieve the same purpose as stated in the petitioner's request. Granting a variance to allow a 6' fence would not be minimum request necessary for the property.

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

The current owner installed the fence without a building permit at an height and material that is not allowed per the ordinance. Due to this, approving this variance would correct a hardship that was caused by the current owner or occupant of the property.

## Analysis & Recommendation

**Analysis:** There are no practical difficulties or unique characteristics that support the requested variances. Wire fence material is not appropriate for either the zoning district or being placed in the front/corner yards of the property. The intersection of Wayne and Scott is not a heavily trafficked intersection. A 4' fence could be used to secure the property and meet the stated intent by the petitioner. A 4' fence is not uncommon for playgrounds or schools in urban areas.

**Staff Recommendation:** The staff recommends the Board deny the variance from the 4' maximum in a corner or front yard to 6'. The staff recommends the board approve the variance to allow a chain link fence, subject to the chain link being black vinyl coated.



**Property Information**

Location: 5735 IRONWOOD Drive (2010 Farnsworth Dr.)  
Owner: ADEC INC

**Project Summary**

ADEC has acquired and is remodeling the existing building for use as an adult day care. As a part of the project the existing parking lot is being replaced. Additionally, a portion of the existing parking lot being removed for use as additional green space which will include a new perimeter fence.

**Requested Action**

Variance(s): 1) To allow a parking lot in the established front and corner yards  
2) From the 4' maximum fence height to 4'-2.5"

**Site Location**

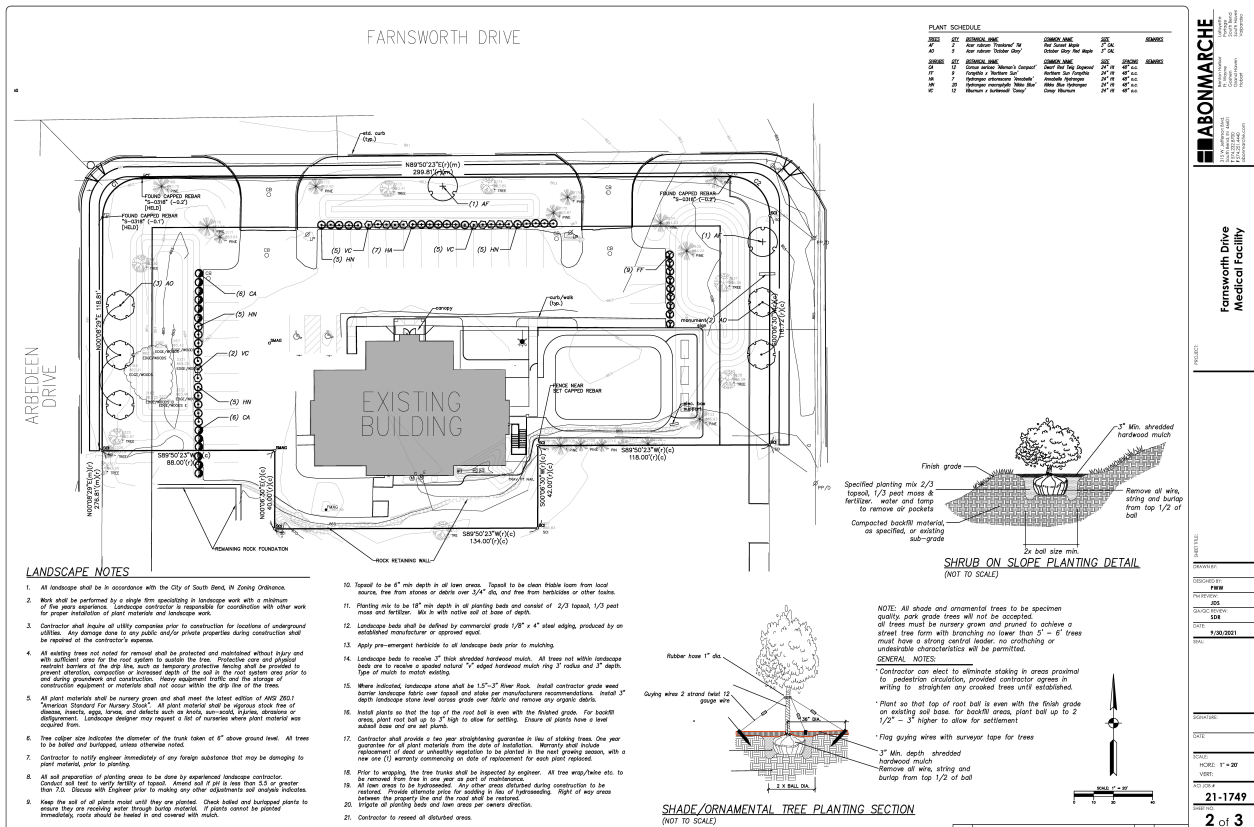


**Staff Recommendation**

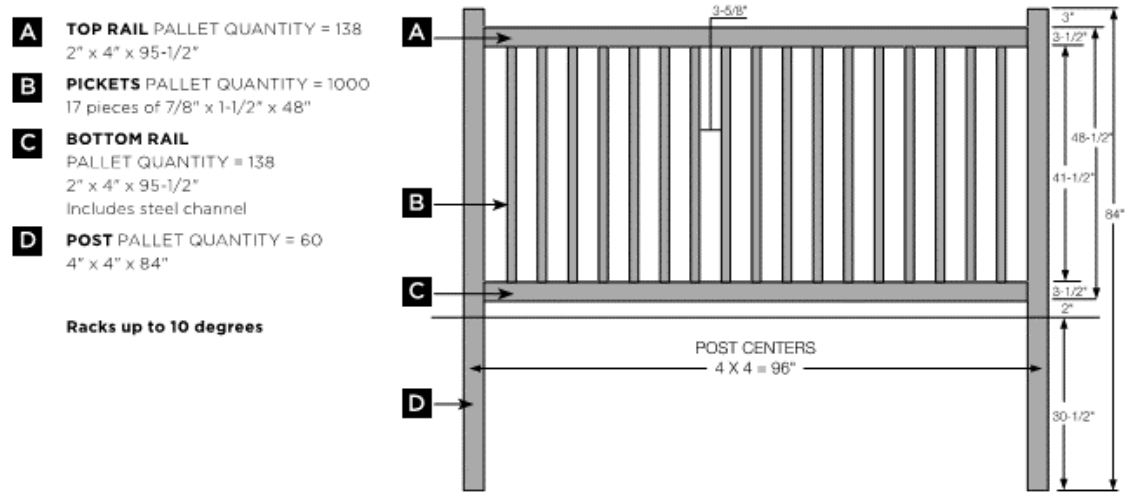
Based on the information provided prior to the public hearing, the staff recommends the Board approve the variances as presented.



Proposed Site Plan



Note: 2" x 4" = 1-3/4" x 3-1/2"



## 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**

Approval of the variances should not be injurious to the public health, safety, morals and general welfare of the community. The proposed variance is to allow the replacement of an existing parking lot and would be appropriately screened.

**(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 this is an existing development, the use and value of the area adjacent to the property should not be adversely impacted by granting the variances.

**(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 leave the property with no viable areas for a parking lot. The building was constructed under a previous regulation. Strict application would either require the demolition of the site or acquiring land to install the parking to the north, which would negatively impact surrounding properties by pushing parking onto the surrounding streets in a suburban setting. The fact that the property has streets on 3 sides creates a practical difficulty in locating a fence on the property.

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

The proposed variances are the minimum necessary to allow the reconstruction of the parking lot and install a fenced in area without encroaching into the neighborhood. The parking lot is smaller than what existed before and will include additional screening when reinstalled.

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

The property has an existing building surrounded by right-of-way on three sides, which predates the current development of this site.

## Analysis & Recommendation

**Analysis:** Due to the property having street frontages on three sides, there are no good options for placement of the parking lot or a fenced in area for client care. Granting the variances will allow for redevelopment of the site in a manner that brings the site up to conformance with drainage and screening while actually reducing the impact on the surrounding properties.

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



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**Property Information**

Location: 1527 COLFAX AVE  
Owner: MATTHEW AND HANNAH DEPUTY

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**Project Summary**

Seeking a curb cut on to Colfax Ave. to accommodate a new driveway and access to the home from the street rather than from the alley.

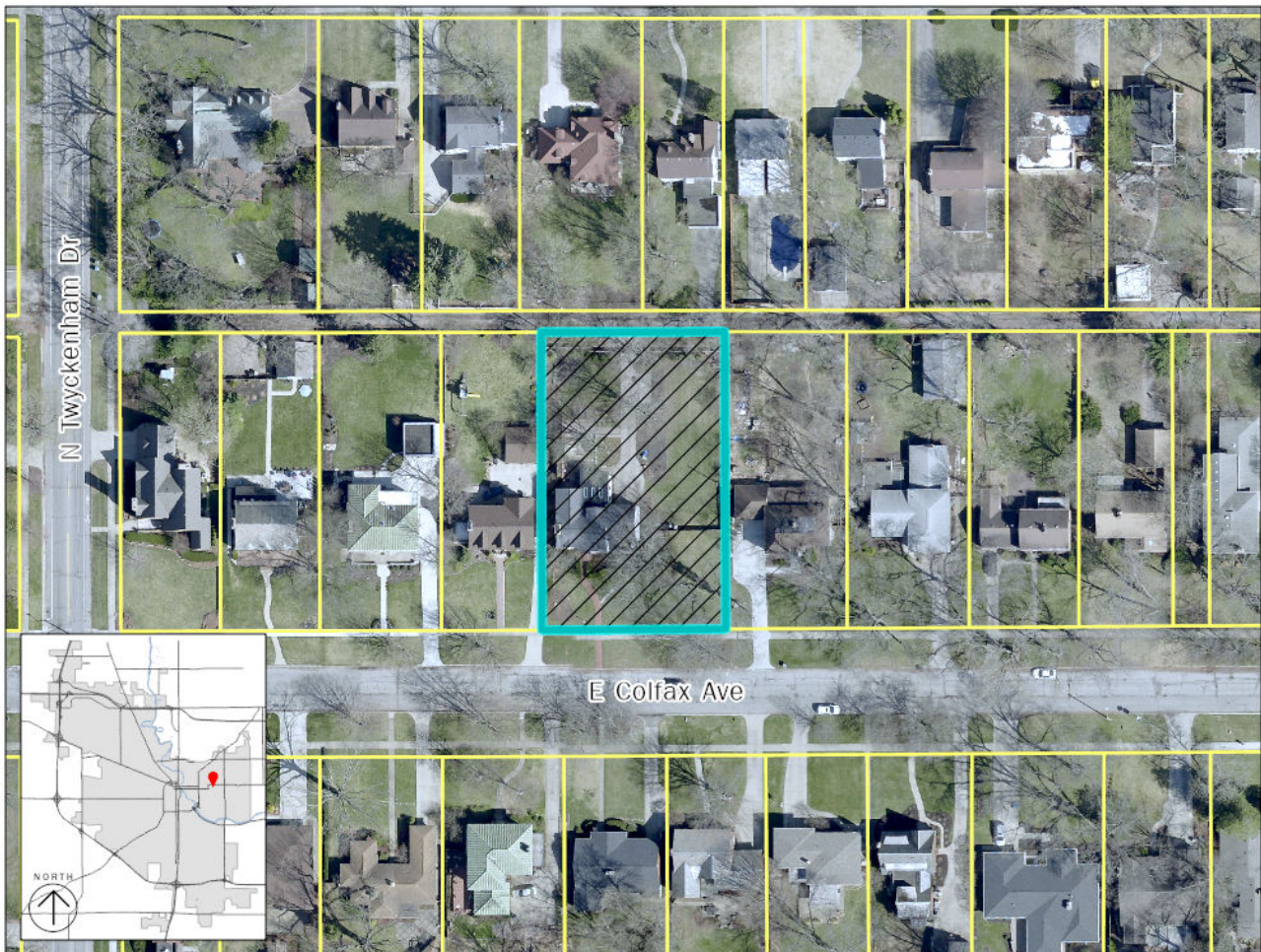
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**Requested Action**

Variance(s): 1) To allow access from the street where alley access is available

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**Site Location**

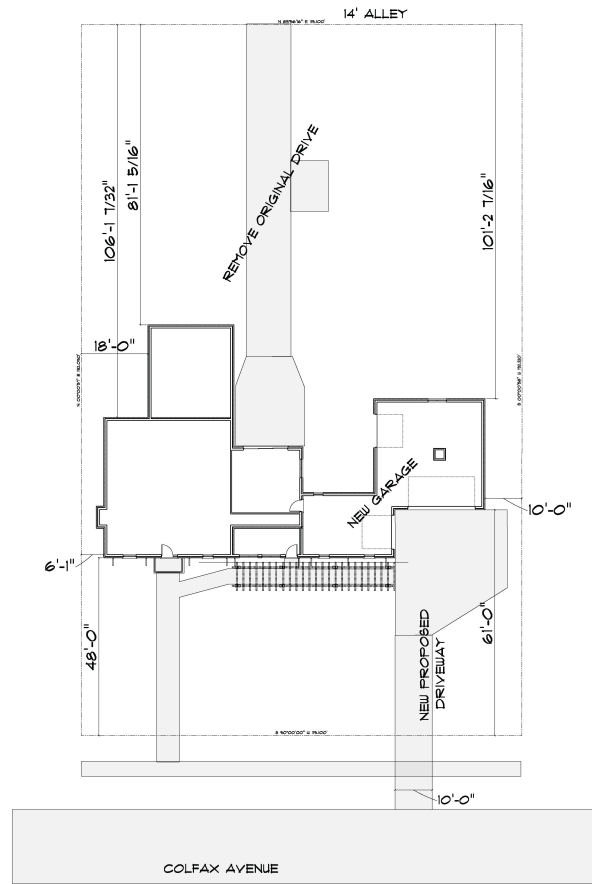


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**Staff Recommendation**

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

Proposed Site Plan



SITE PLAN  
SCALE: 0.0800" = 1'-0"

<p><b>RELIANCE</b> DRAWING • BUILD • RENOVATE</p>	<p>THE DRAWING CONVEYS PLANS, SPECIFICATIONS AND OTHER DOCUMENTS THAT ARE NECESSARY FOR THE PROPER CONSTRUCTION OF THE PROJECT. THE DRAWING IS TO BE USED IN CONJUNCTION WITH THE CONTRACT DOCUMENTS AND SHALL BE INTERPRETED IN ACCORDANCE WITH THE CONTRACT DOCUMENTS. THE DRAWING IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF RELIANCE.</p>	<p>APPROVED: CHECKED BY:</p>	<p>PAGE: 5 / 5</p>
	<p>Hannah &amp; Matthew Deputy 1522 East Colfax Ave South Bend, IN 46617</p>	<p>SCALE: 0.0800" = 1'-0" DRAWN BY: Samuel L. Bandy DATE: Monday, July 26, 2021</p>	<p>APPROVED BY: CHECKED BY:</p>

## 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 variance may not be injurious to the public health or safety of the community as long as site visibility is preserved.

**(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 north section of Colfax Avenue was developed in the early 1920s with an alley running along the rear of the property for vehicular access. The houses were designed and the separation between the houses was established with access remaining in the rear. Allowing the access from Colfax Avenue could adversely affect the remaining character of the block and hinder future development.

**(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 of the terms of this Chapter would not result in practical difficulties in the use of the property. The property has been in continued use for nearly a century with access being achieved through the alley. There is sufficient room on the site to construct a new garage while retaining the rear access.

**(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 can continue to utilize the alley for access to the property.

**(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 house was originally constructed with the intended use of the alley for all access.

## Analysis & Recommendation

**Analysis:** There are no practical difficulties the prevent the petitioner from building a new garage with continued use of the alley for access or to necessitate a curb cut on Colfax Avenue. The primary house and original garage were built in 1928, during that entire time access has been provided through the alley as originally platted.

**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: 4555 S MICHIGAN ST  
Owner: CHICK-FIL-A INC

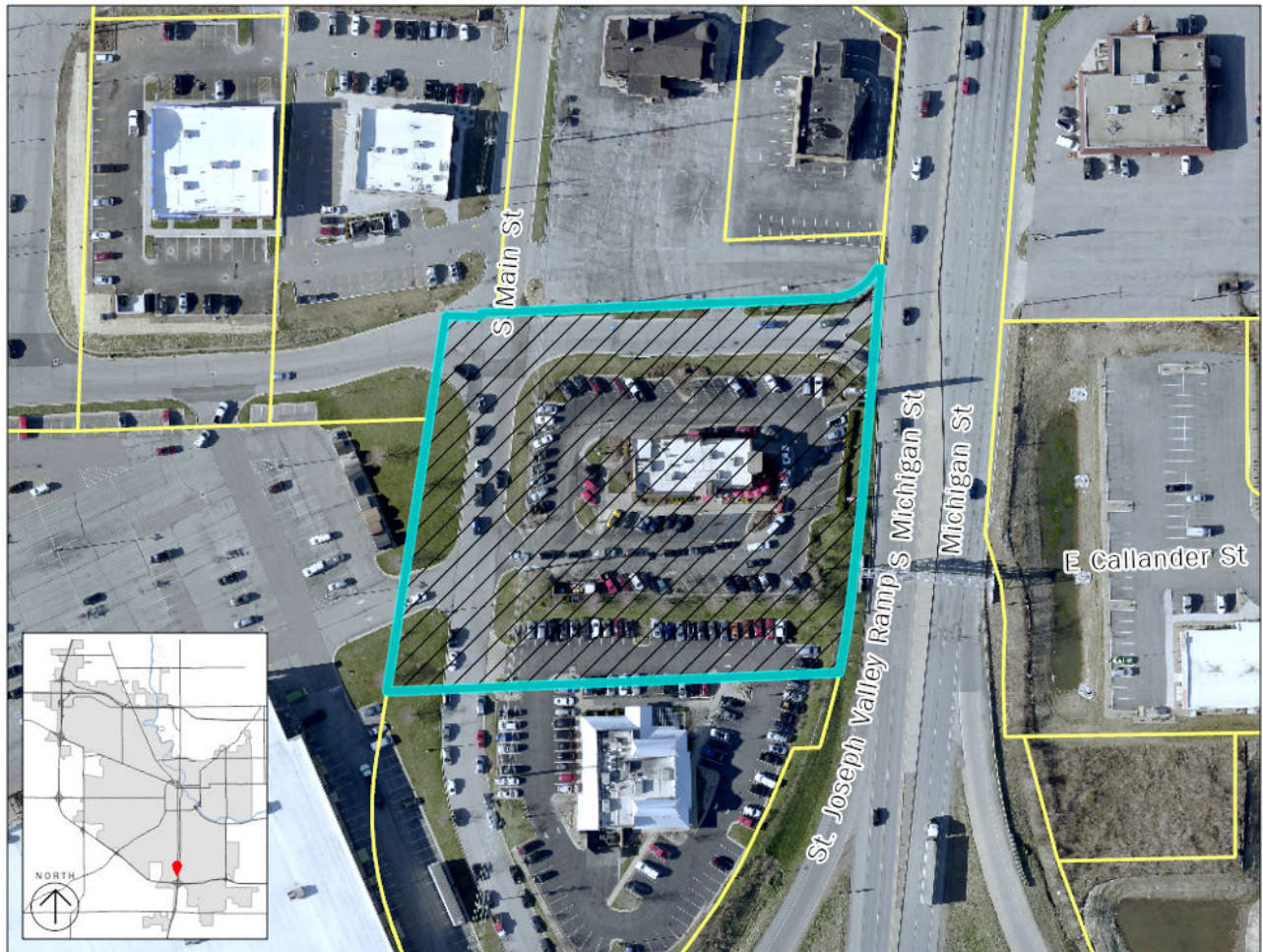
**Project Summary**

Remodel the parking lot and drive-thru to install a dual lane drive-thru with a freestanding canopy over the order stations and a freestanding canopy over the pick up window. Associated grading and utility work as well.

**Requested Action**

Variance(s): 1) To allow a drive-through facility in the established front yard

**Site Location**



**Staff Recommendation**

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



Proposed Site Plan



**Chick-fil-A**  
 5200 Buford Road  
 Atlanta, Georgia 30349-2998

**GBC Design, Inc.**  
 565 White Pine Dr  
 Atlanta, GA 30328-1139  
 Phone 404-526-4225 Fax 404-526-4225



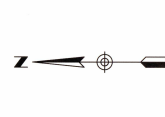
**CHICK-FIL-A**  
**FSU# 01983**  
 SOUTH BEND FSU  
 2020 REINVESTMENT  
 SOUTH BEND, IN 46814

REVISIONS  
 NO. DATE DESCRIPTION

DESIGNED BY: [Blank]  
 PRINTED FILE: [Blank]  
 DATE: [Blank]  
 DRAWN BY: [Blank]  
 SHEET: [Blank]

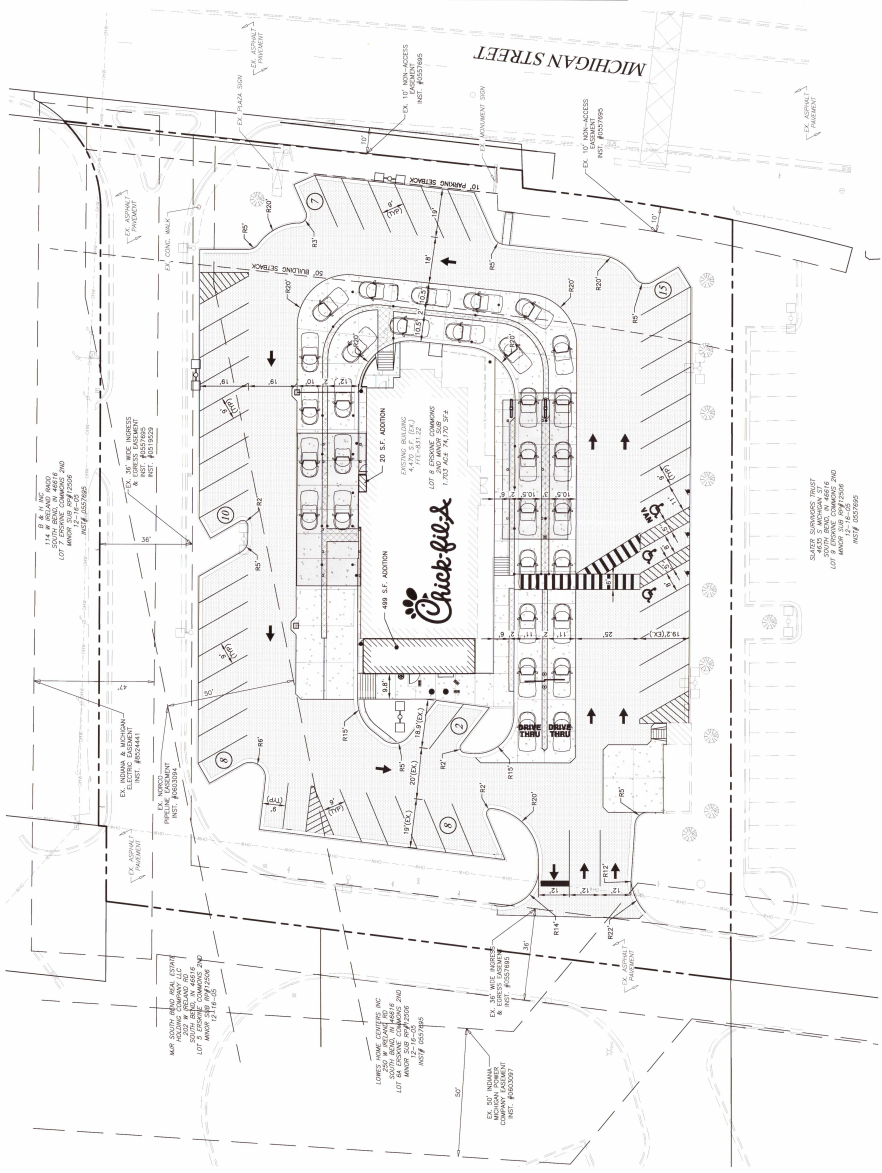
**Permit**  
**SITE PLAN**

C-200  
 SHEET NUMBER



- LEGEND**
- PROPOSED FIRE HYDRANT
  - EXISTING FIRE HYDRANT
  - PROPOSED VALVE
  - EXISTING VALVE
  - PROPOSED MANHOLE
  - EXISTING MANHOLE
  - PROPOSED INLET
  - EXISTING INLET
  - PROPOSED LIGHT POLE
  - EXISTING LIGHT POLE
  - PROPOSED SIGN
  - EXISTING SIGN
  - PROPOSED CURB & GUTTER
  - EXISTING CURB & GUTTER
  - PROPOSED ASPHALT PAVEMENT
  - EXISTING ASPHALT PAVEMENT
  - PROPOSED CONCRETE PAVEMENT/WALK
  - EXISTING CONCRETE PAVEMENT/WALK
  - PROPOSED SIDEWALK
  - EXISTING SIDEWALK
  - PROPOSED DRAINAGE
  - EXISTING DRAINAGE
  - PROPOSED UTILITIES
  - EXISTING UTILITIES
  - PROPOSED LANDSCAPE
  - EXISTING LANDSCAPE
  - PROPOSED EXTERIOR LIGHTING
  - EXISTING EXTERIOR LIGHTING
  - PROPOSED EXTERIOR WALL
  - EXISTING EXTERIOR WALL
  - PROPOSED EXTERIOR DOOR
  - EXISTING EXTERIOR DOOR
  - PROPOSED EXTERIOR WINDOW
  - EXISTING EXTERIOR WINDOW
  - PROPOSED EXTERIOR ROOF
  - EXISTING EXTERIOR ROOF
  - PROPOSED EXTERIOR FENCE
  - EXISTING EXTERIOR FENCE
  - PROPOSED EXTERIOR SIGN
  - EXISTING EXTERIOR SIGN
  - PROPOSED EXTERIOR PAINT
  - EXISTING EXTERIOR PAINT
  - PROPOSED EXTERIOR TRAILER
  - EXISTING EXTERIOR TRAILER
  - PROPOSED EXTERIOR STORAGE
  - EXISTING EXTERIOR STORAGE
  - PROPOSED EXTERIOR EQUIPMENT
  - EXISTING EXTERIOR EQUIPMENT
  - PROPOSED EXTERIOR FURNITURE
  - EXISTING EXTERIOR FURNITURE
  - PROPOSED EXTERIOR PLANTING
  - EXISTING EXTERIOR PLANTING
  - PROPOSED EXTERIOR TREES
  - EXISTING EXTERIOR TREES
  - PROPOSED EXTERIOR SHRUBS
  - EXISTING EXTERIOR SHRUBS
  - PROPOSED EXTERIOR GRASS
  - EXISTING EXTERIOR GRASS
  - PROPOSED EXTERIOR DRIVEWAY
  - EXISTING EXTERIOR DRIVEWAY
  - PROPOSED EXTERIOR PAVEMENT
  - EXISTING EXTERIOR PAVEMENT
  - PROPOSED EXTERIOR SIDEWALK
  - EXISTING EXTERIOR SIDEWALK
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  - EXISTING EXTERIOR BIKEWAY
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  - EXISTING EXTERIOR TRAILER
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  - PROPOSED EXTERIOR PLANTING
  - EXISTING EXTERIOR PLANTING
  - PROPOSED EXTERIOR TREES
  - EXISTING EXTERIOR TREES
  - PROPOSED EXTERIOR SHRUBS
  - EXISTING EXTERIOR SHRUBS
  - PROPOSED EXTERIOR GRASS
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  - PROPOSED EXTERIOR DRIVEWAY
  - EXISTING EXTERIOR DRIVEWAY
  - PROPOSED EXTERIOR PAVEMENT
  - EXISTING EXTERIOR PAVEMENT
  - PROPOSED EXTERIOR SIDEWALK
  - EXISTING EXTERIOR SIDEWALK
  - PROPOSED EXTERIOR BIKEWAY
  - EXISTING EXTERIOR BIKEWAY

EXTERNAL AREA, EXTERIOR	= 4,470 S.F.
EXTERNAL AREA, EXTERIOR	= 5,000 S.F.
EXTERNAL AREA, EXTERIOR	= 5,413 S.F. (72,848)
EXTERNAL AREA, EXTERIOR	= 20,033 S.F. (27,515)
EXTERNAL AREA, EXTERIOR	= 7,471 S.F. (1,702' AC)
EXTERNAL AREA, EXTERIOR	= 30,983 S.F.
EXTERNAL AREA, EXTERIOR	= 30,983 S.F.
EXTERNAL AREA, EXTERIOR	= 30,983 S.F. (79,895)
EXTERNAL AREA, EXTERIOR	= 15,139 S.F. (20,480)
EXTERNAL AREA, EXTERIOR	= 7,471 S.F. (1,702' AC)
EXTERNAL AREA, EXTERIOR	= 7,471 S.F. (1,702' AC)



THE PROPERTY IS LOCATED WITHIN AN AREA MARKED ZONE...  
 GOVERNMENT RESPONSIBILITY TO VERIFY THE EXISTENCE AND ELEVATIONS OF EXISTING UTILITY TIE-INS AND CROSSINGS AS SHOWN ON SITE PLANS (SANITARY, STORM, AND GAS) IS THE RESPONSIBILITY OF THE CONTRACTOR. THE CONTRACTOR SHALL VERIFY THE THICKNESS OF ANY EXISTING SITE PAVEMENT (ASPHALT AND CONCRETE) AND SIDEWALK SO THE RESTORATION WORK IS INCLUDED IN THE BID.

**EXISTING SUMMARY**

EXISTING BUILDING	1
EXISTING DRIVEWAY	1
EXISTING SIDEWALK	1
EXISTING BIKEWAY	1
EXISTING TRAILER	1
EXISTING STORAGE	1
EXISTING EQUIPMENT	1
EXISTING FURNITURE	1
EXISTING PLANTING	1
EXISTING TREES	1
EXISTING SHRUBS	1
EXISTING GRASS	1
EXISTING DRIVEWAY	1
EXISTING SIDEWALK	1
EXISTING BIKEWAY	1
EXISTING TRAILER	1
EXISTING STORAGE	1
EXISTING EQUIPMENT	1
EXISTING FURNITURE	1
EXISTING PLANTING	1
EXISTING TREES	1
EXISTING SHRUBS	1
EXISTING GRASS	1

## 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 variances should not be injurious to the public health, safety, morals and general welfare of the community. The drive through already exists in a similar configuration, expanding the drive through should not have injurious effects.

**(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 adversely impacted by granting the variances. The front yard is adjacent to limited access highway with no direct access or sidewalks and adequate room for expansion.

**(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 reduce the use of the property as it is currently being operated and prevent expansion of an existing use.

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

The proposed variance is the minimum necessary to allow for the expansion of the existing use and drive through on the site without negatively impacting surrounding properties.

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

The existing drive through was established prior to the prohibition of a drive through in the established front yard. There is sufficient room to allow for the expansion of the drive through without impacting adjacent properties. The variance requested does not correct a hardship as the original drive-through was permitted at the time of construction.

## Analysis & Recommendation

**Analysis:** The variance requested will allow for the installation of a second drive-through lane, a standar operation across major fast food operations. The front yard, in this case, fronts a limited access highway with no sidewalk or direct access. Allowing the continued use of the front as a drive through should not have a negative impact on surrounding properties.

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

The proposed variance should not affect the public health, safety or general welfare of the community. The proposed variances are for portions of the site not visible from public right-of-way. All buildings will be designed to current building and fire codes.

**(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 properties should not be adversely affected by the variance to allow the interior buildings to exceed 120' maximum width. This is a primarily commercial, mixed-use, and multi-family residential area. The proposed development is consistent with the surrounding area.

**(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 would make it difficult to develop the interior portion of the sign in a way that allows an adequate mix of parking and residential units. The largest building interior to the lot surrounds a parking garage and will not be visible from the public right-of-way.

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

The variance requested is based on the interior building, which is designed around a parking garage. The buildings adjacent to the public right of way have been designed to comply with the ordinance.

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

The hardship is generally created by the overall size of the parcel. The proposed variance will allow the efficient development of the site without impacting the portion of the site visible from the public street.

## Analysis & Recommendation

**Analysis:** Allowing the proposed use of Shared Housing will further the ability to redevelop the site and add investment to the area. The site is currently used as student housing in a development nearing the end of its life cycle. The proposed use will lead to a large investment into the area without significantly changing the current land use. The redevelopment will bring this 11 acre parcel into compliance with the updated development standards established in the current Zoning Ordinance. Approving the variance for the interior portion of the site will allow for more flexibility in design and support the construction of a garage to support the increased density. By maintaining code compliant buildings on the interior of the lot, the development reflects the intent of the Ordinance to the general public.

**Staff Recommendation:** Based on the information available prior to the public hearing, the Staff recommends the Board send the Special Exception to the Common Council with a favorable recommendation. The staff recommends approval of the variance for buildings not fronting on a public street.



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**Property Information**

Location: 2614 FORD ST  
Owner: MURPHY'S CAPTIAL LLC

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**Project Summary**

Construct Residential Two-Story Duplex on recently cleared lot.

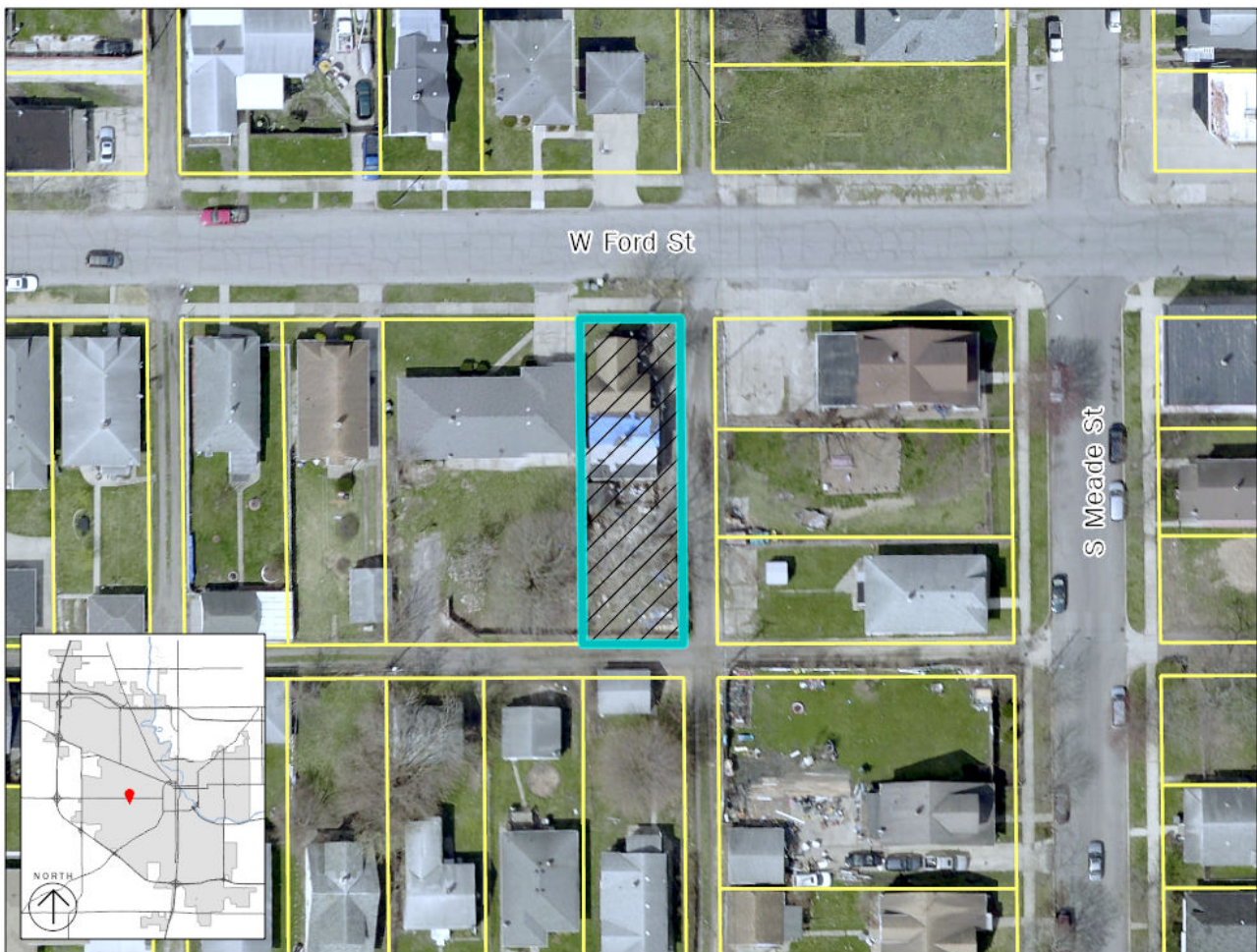
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**Requested Action**

Special Exception: Two unit dwelling

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**Site Location**

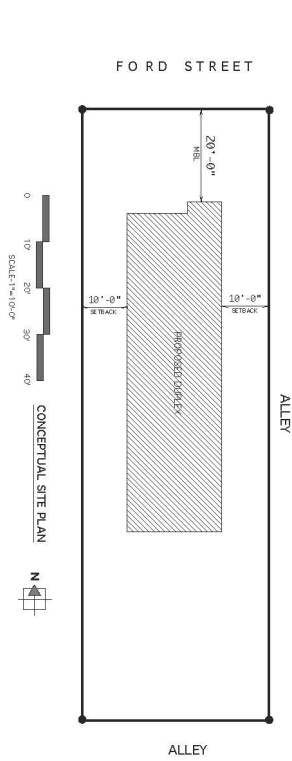


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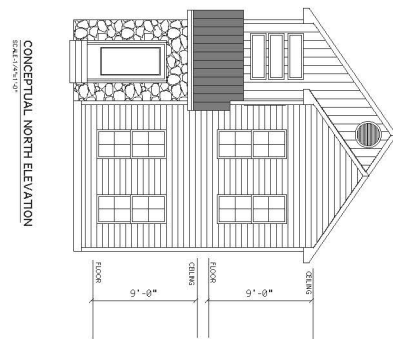
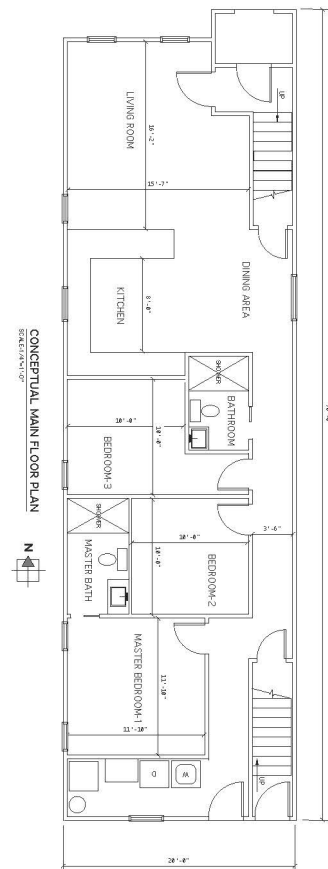
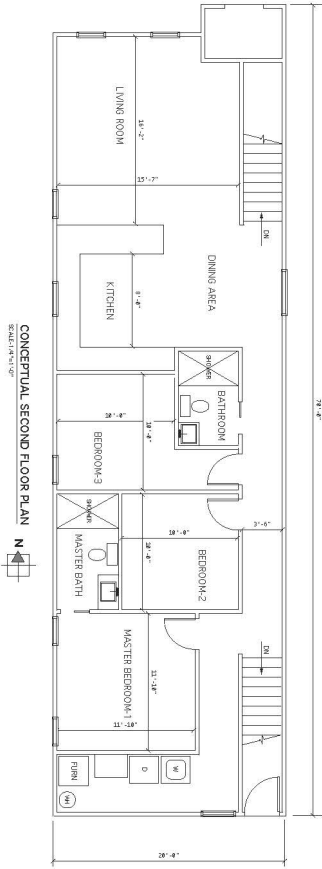
**Staff Recommendation**

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



PROPOSED UNIT SF 1,345 SF EACH FLOOR



CONCEPTUAL PLANS

<p>0000</p>	<p>SHEET:</p>	<p>PROJECT INFO:</p> <p>PROPOSED TWO STORY DUPLEX</p>	<p>ARCHITECTURE &amp; INTERIOR DESIGN</p> <p>1000 W. 10TH ST. SUITE 100</p> <p>KORVICK, WYOMING 82401</p> <p>WWW.AMAWERDESIGN.COM</p>	<p>OWNER:</p> <p>JAMEEL MURPHY DUPLEX</p>
	<p>DATE: 02/14/21</p>	<p>DRAWN BY: J8</p>	<p>DATE: 02/14/21</p>	

## Criteria for Decision Making: Special Exception

**A Special Use 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 will not be injurious to the public health, safety, morals and general welfare of the community. The scale of the proposed duplex is comparable to a single unit dwelling and will be used for residential use. Reactivating a vacant lot 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 a two unit dwelling on a currently vacant lot should not injure or adversely affect the use or value of the adjacent area or property values. New construction that fits the scale of the current residential properties should strengthen nearby property values.

**(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 current context of the neighborhood provides a mix of single family homes and small scale multifamily apartments. This two unit dwelling will be consistent with the character of the district and neighborhood in both uses and style of construction. Ford Street has a history of small scale multi unit dwellings which this project will further compliment and enhance.

**(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 proposed construction of a two unit dwelling will further compliment the existing housing stock in the surrounding area, as well as providing more diverse housing types for residents. Ford Street has a history of small scale multi-unit dwellings. The proposed two unit dwelling will fit into that existing setting, as well as reactivating a vacant lot.

**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.

