

City of South Bend

BOARD OF ZONING APPEALS

AGENDA

Monday, February 3, 2020 - 4:00 p.m.
County-City Building
Fourth-Floor Council Chambers

ADMINISTRATIVE ITEMS:

1. Adoption of Rules of Procedures (bylaws)
2. Election of Officers

PUBLIC HEARING:

1. **Location:** 1540 HOOVER AVE BZA#01-20
Owner: TIMOTHY WRIGHT & DIANE GLEASON WRIGHT
Requested Action: Variance(s): 1) From the 5' minimum side yard setback to 0'
Zoning: S1 Suburban Neighborhood 1
2. **Location:** 4209, 4201, and 4133 S. MAIN ST BZA#02-20
Owner: TRUSTEES OF THE TRUST 1/29/1983
Requested Action: Variance(s): 1) from the maximum building height of 40' to a building height of 48'
Zoning: C Commercial.
3. **Location:** 1939 CHARLES ST BZA#03-20
Owner: FTC PROPERTIES LLC
Requested Action: Variance(s): 1)To allow a 1 unit dwelling directly along the street frontage; 2)To allow a Detached House Building Type in the NC district; and 3) From the 12' maximum setback to 36.24'
Zoning: NC Neighborhood Center

ITEMS NOT REQUIRING A PUBLIC HEARING:

1. Other Business
 2. Adjournment
-

Property Information

Location: 1540 HOOVER AVE
Owner: TIMOTHY WRIGHT & DIANE GLEASON WRIGHT

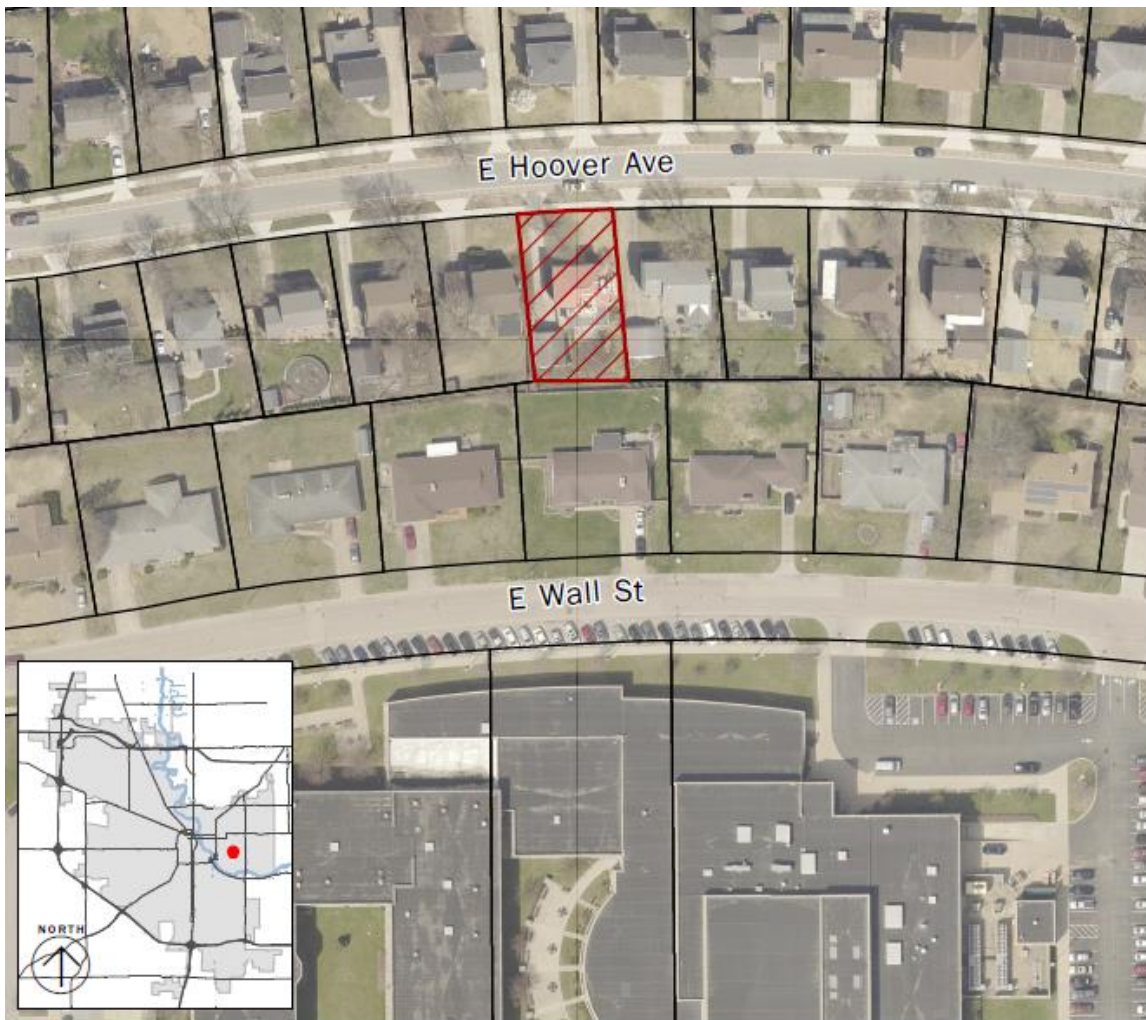
Project Summary

Tear down original garage and replace with new garage.

Requested Action

Variance(s): 1) From the 5’ minimum side yard setback to 0’

Site Location



Recommendation

Staff Recommendation: The staff recommends approving the variances, subject to retaining all water run-off onsite, and adoption of the findings of fact, 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

Because this is a replacement of an existing garage in a near identical location, it should not affect the general welfare of the community. Allowing the setback variance will preserve the historical development pattern of the neighborhood.

(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

There is currently a structure in the same location. Replacing an older, dilapidated garage with a newer, more attractive structure would not adversely affect the adjacent property.

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

Due to the original placement of the house, garage, and driveway a strict adherence to the side setback would force the garage into an impractical location making maneuverability of the cars difficult and dangerous. A utility easement and existing utility pole interfere with the ability to move the garage further back to allow for adequate access at a 5' setback.

(4) The variance granted is the minimum necessary

The neighborhood had developed with a pattern of detached garages being installed at or near the property line. The physical constraints of the site make a 0' setback necessary.

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

The garage being replaced was built in 1952 when the house was constructed. Both were permitted at the time.

Analysis & Recommendation

Analysis: Provided the owner can retain the water run-off from the roof, rebuilding the existing garage in the same location as the existing garage should not adversely impact the surrounding properties or the general welfare of the community.

Staff Recommendation: The staff recommends approving the variances, subject to retaining all water run-off onsite, and adoption of the findings of fact, as presented.

Property Information

Location: 4201, 4209, 4133 MAIN
Owner: TRUSTEES OF THE TRUST 1/29/1983

Project Summary

The petitioner desires to construct a new four (4) story hotel located at the northwest corner of Main Street and Lafayette Boulevard.

Requested Action

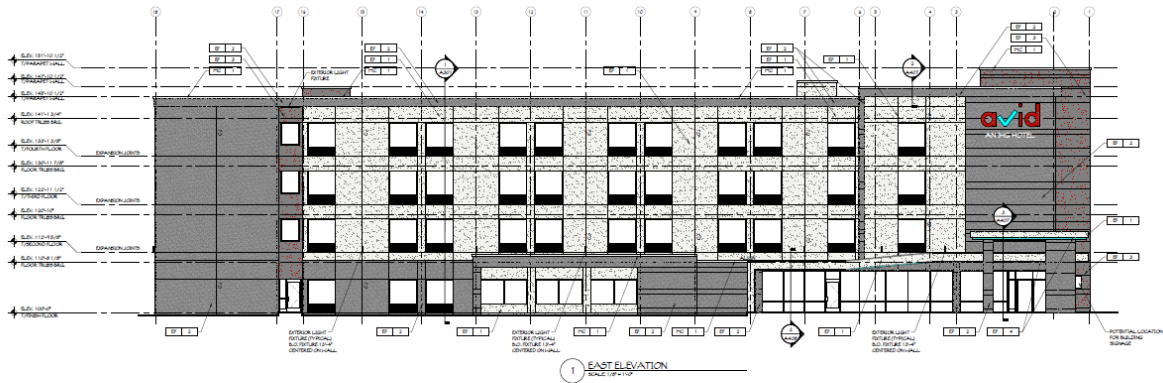
Variance(s): 1) From the 40' maximum building height to 48'

Site Location



Recommendation

Staff Recommendation: The staff recommends approval of the variance and adoption of the findings of fact, as presented.



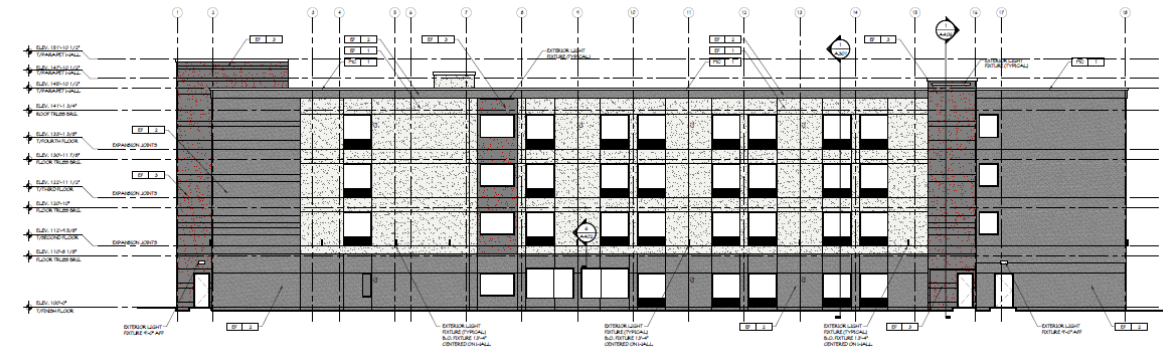
1 EAST ELEVATION
SCALE 1/8" = 1'-0"



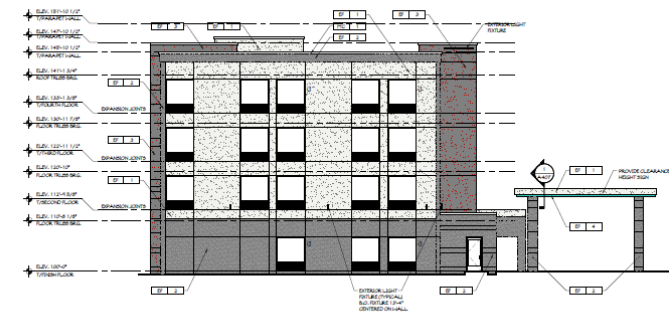
2 NORTH ELEVATION
SCALE 1/8" = 1'-0"

MATERIAL LEGEND	
GRID	METAL CORRAL TO HOLD SIGNAGE PANELS
GLASS	REFLECTIVE LOW-E GLASS WITH 10% GLARE CONTROL
BRICK	REFLECTIVE BRICK
CONCRETE	REFLECTIVE CONCRETE
EIFS	REFLECTIVE EIFS
EIFS	REFLECTIVE EIFS WITH ANGLE
EIFS	ALUMINUM CLAD EIFS WITH ANGLE
EIFS	ALUMINUM CLAD EIFS WITH ANGLE AND SHIM
EIFS	ALUMINUM CLAD EIFS WITH ANGLE AND SHIM (WOOD GRAIN COLOR)

NOTE:
 PROVIDE GLASS ANGLE/ALUMINUM CLAD WITH ANGLE AND SHIM AT THE TOP OF THE BUILDING FACADE AT THE STOREFRONT GLAZING.
 PROVIDE DARK BRICK/ALUMINUM CLAD WITH ANGLE AND SHIM AT THE TOP OF THE BUILDING FACADE.
 PROVIDE DARK BRICK/ALUMINUM CLAD WITH ANGLE AND SHIM AT THE TOP OF THE BUILDING FACADE.



1 WEST ELEVATION
SCALE 1/8" = 1'-0"



2 SOUTH ELEVATION
SCALE 1/8" = 1'-0"

MATERIAL LEGEND	
GRID	METAL CORRAL TO HOLD SIGNAGE PANELS
GLASS	REFLECTIVE LOW-E GLASS WITH 10% GLARE CONTROL
BRICK	REFLECTIVE BRICK
CONCRETE	REFLECTIVE CONCRETE
EIFS	REFLECTIVE EIFS
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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

Due to the location of the building on the site, the increased height requested would not be injurious to the public health, safety, moral and general welfare of the community. All state and local building code requirements will be met and the setback of the property to keep it located away from nearby intersections will not create vehicular sight issues.

(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 the building is setback a significant distance from the residential property to the north and all required buffering is being install, the impact that the increased height may have on adjacent properties is minimized.

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

Under the previous zoning, the height of the building would have been permitted. Strict application of the new zoning ordinance would prohibit development of the site for the intended use.

(4) The variance granted is the minimum necessary

The variance granted is the minimum necessary to build a fourth story on the property. The request for a maximum height of 48' allows a fourth story to be added to the hotel while limiting any further height increase.

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

The variance does not correct a hardship caused by a former or current owner of the property. Before the adoption of the new Zoning Ordinance on January 1st 2020 this property was zoned CB Community Business District which had a maximum height of 50'. If that zoning was currently in place the variance would not have been necessary.

Analysis & Recommendation

Analysis: Under the previous zoning ordinance, the height of the building would have been permitted. If that zoning was currently in place the variance would not have been necessary. Approving the variance should not adversely impact the surrounding properties or the general welfare of the community.

Staff Recommendation: The staff recommends approval of the variance and adoption of the findings of fact, as presented.

Property Information

Location: 1939 CHARLES ST
Owner: FTC PROPERTIES LLC

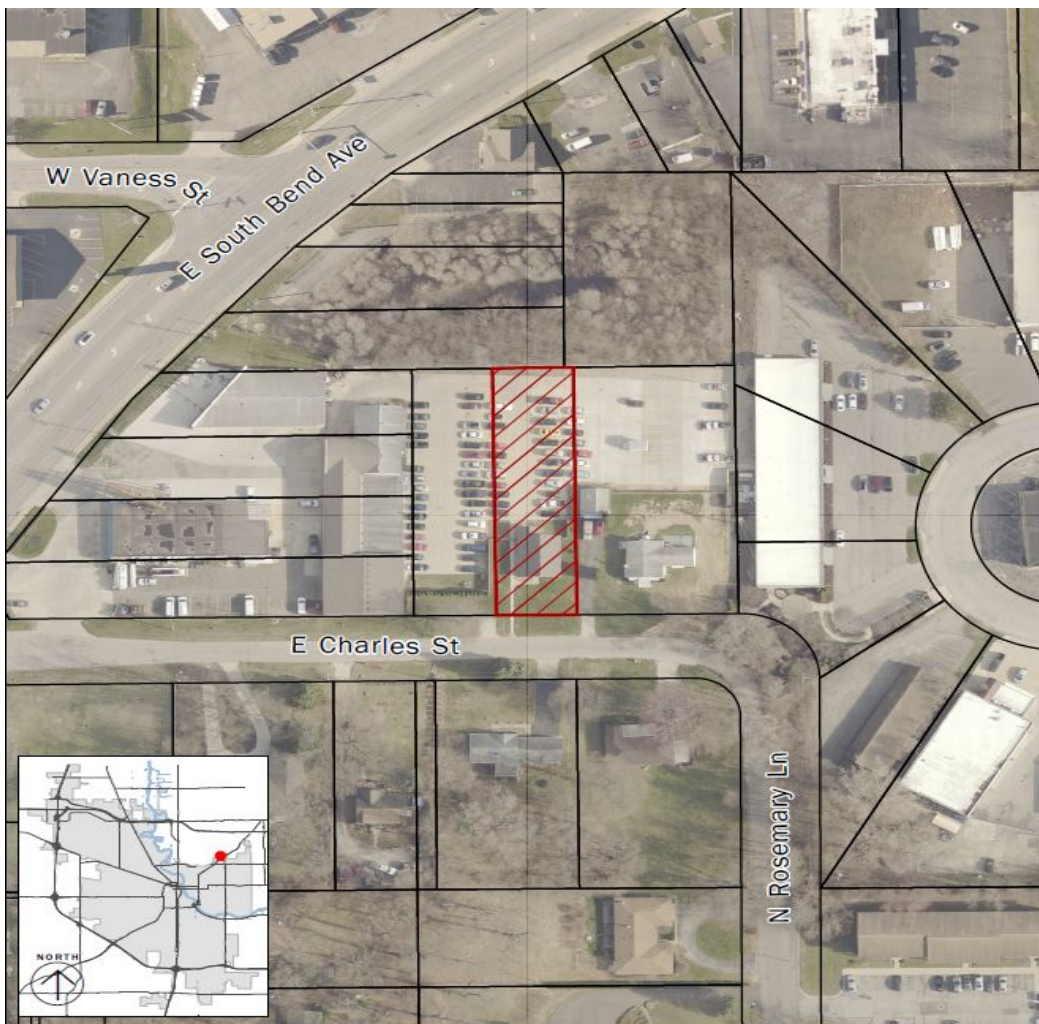
Project Summary

Allow for a structure to be used as a one unit dwelling.

Requested Action

Variance(s): 1) To allow a 1 unit dwelling directly along the street frontage; 2) To allow a Detached House Building Type in the NC district; and 3) From the 12' maximum setback to 36.24'

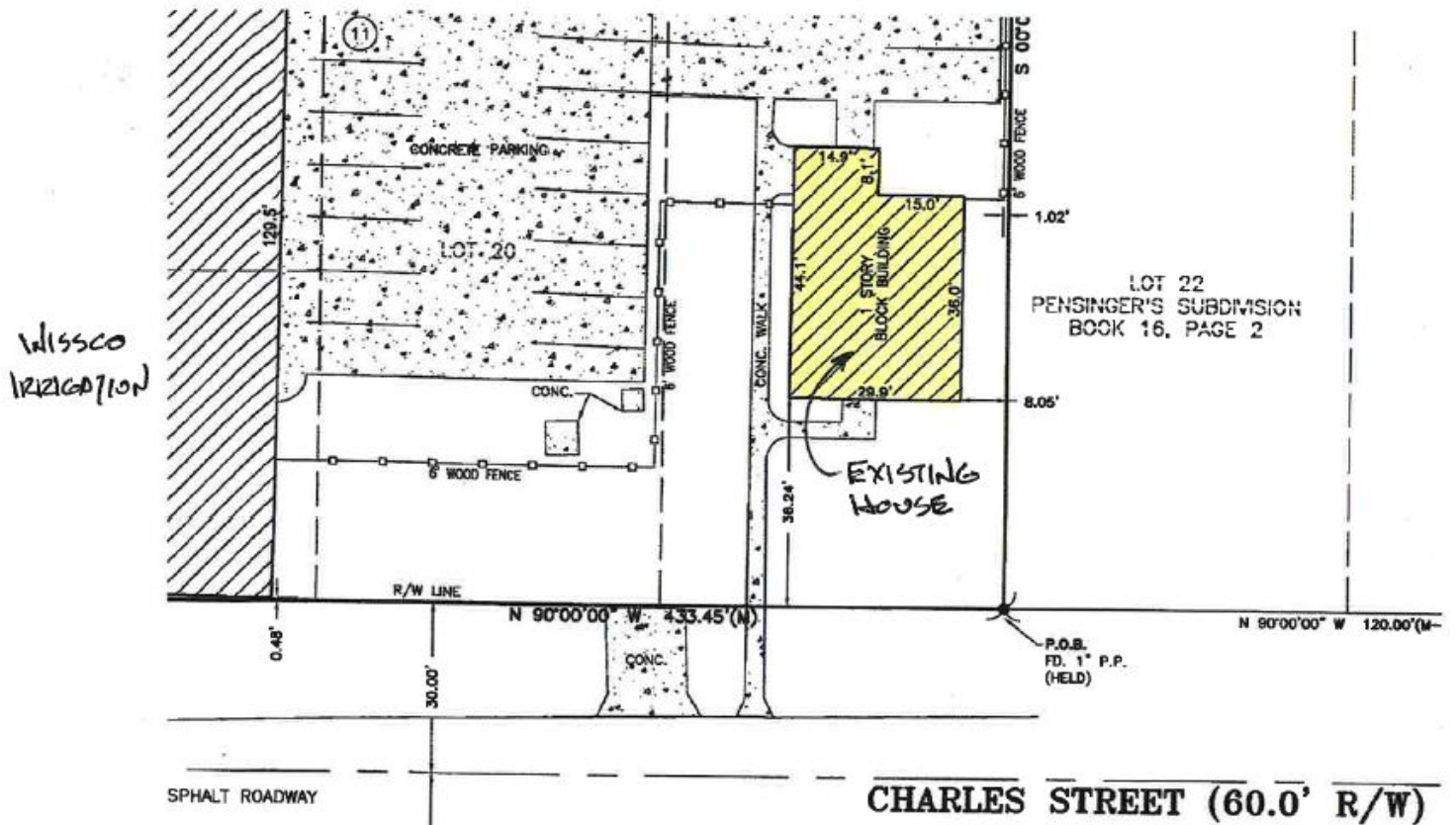
Site Location



Recommendation

Staff Recommendation: The staff recommends approving the variances and adoption of the findings of fact, as presented.

1939 Charles Street, South Bend, Indiana – Variance Request Site Sketch



Property Owner:
FTC Properties, LLC
1820 South Bend Avenue, Suite 200
South Bend, Indiana 46637

January 6, 2020

SITE SKETCH
1" = 30'



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 structure was initially built as a single-family home. Due to the low intensity of the use and the fact that it is an existing structure, use of the property as a one-unit dwelling should not be injurious to the public health or welfare.

(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 majority of the property surround this site are owned by the petitioner. The adjacent property to the east and the properties across Charles Street are currently being used as a one-unit dwelling. The proposed use should not impact the use or value of the adjacent properties.

(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 not allow the property owner to use the building as it was initially constructed, nor allow the property to be used in a similar manner of the adjacent properties. While the house technically faces a street, this lot is only a portion of a larger development with non-residential uses along the primary frontage.

(4) The variance granted is the minimum necessary

The variance request is the minimum available to allow the site to be used as a one-unit dwelling.

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

While the residential use of the property was temporarily abandoned by the current owner, the structure remained. Allowing for the property to be used as originally built will allow for better utilization of the site and help maintain the character of the area.

Analysis & Recommendation

Analysis: Allowing for the property to be used as originally built will allow for better utilization of the site and should not adversely impact the surrounding properties or the general welfare of the community.

Staff Recommendation: The staff recommends approving the variances and adoption of the findings of fact, as presented.