

City of South Bend

BOARD OF ZONING APPEALS

AGENDA

Monday, April 7, 2025 - 4:00 p.m.

County-City Building

Fourth-Floor Council Chambers

www.tinyurl.com/sbbza-2025

PUBLIC HEARING:

1. **Location:** 411 COTTAGE GROVE AVE **BZA#0312-25**
Owner: VIP FLIP LLC
Requested Action:
Special Exception: To allow a two unit dwelling in U1 Urban Neighborhood 1
Zoning: U1 Urban Neighborhood 1
2. **Location:** 2123 CLEVELAND RD **BZA#0313-25**
Owner: HUEBNER ENTERPRISES LLC
Requested Action:
Variance(s):
1) To replace required deciduous shade trees with ornamental trees
Zoning: C Commercial
3. **Location:** 4000 SAMPLE ST **BZA#0314-25**
Owner: NN HOLDINGS LLC
Requested Action:
Variance(s):
1) To allow a solid 6' fence in the front and corner yards;
2) To allow storage in the front and corner yards
3) To allow outdoor storage that exceeds the height of the fence within 25' of the fence
4) To waive the requirement for a Type 2 buffer along Sheridan Street
5) To allow barbed wire fencing
Zoning: I Industrial
4. **Location:** 1335 CORBY BLVD **BZA#0317-25**
Owner: ECO IN Investments LLC
Requested Action:
Special Exception: To allow a two unit dwelling in U1 Urban Neighborhood 1
Zoning: U1 Urban Neighborhood 1
5. **Location:** 1253 CORBY BLVD **BZA#0318-25**
Owner: ECO IN Investments LLC
Requested Action:
Special Exception: To allow a two unit dwelling in U1 Urban Neighborhood 1
Zoning: U1 Urban Neighborhood 1

6. **Location:** 1522 LINDEN AVE **BZA#0319-25**
Owner: BOARD OF PARK COMM SB
Requested Action:
Variance(s):
1) To allow a two dimensional work of art to be located on front facade of the building
Zoning: OS Open Space
7. **Location:** 3113 RIVERSIDE DR **BZA#0320-25**
Owner: CITY OF SOUTH BEND
Requested Action:
Variance(s):
1) To allow an accessory structure in the front/corner yard
2) From the maximum number of accessory structures of 1 to 13
Zoning: S1 Suburban Neighborhood 1
8. **Location:** 906, 912, 914, 918 DUBAIL AVE and 1703, 1705, 1711 DALE AVE **BZA#0321-25**
Owner: 2010 INVESTMENT GROUP
Requested Action:
Variance(s):
1) From the requirement that in a U1 district, the owner(s) of the lot on which an ancillary dwelling is located shall occupy at least one of the dwelling units on the premises
2) From the required rear yard setback of 20' to 8' at 1703 Dale Avenue
Special Exception: To allow a two unit dwelling on each lot in U1 Urban Neighborhood 1
Zoning: U1 Urban Neighborhood 1
9. **Location:** 3401 WESTERN AVE **BZA#0322-25**
Owner: LAKSHMI PRIYA & KAUR RAVNEET & MR DISCOUNT GRILLE & LIQUOR LLC
Requested Action:
Special Exception: To allow beer/wine/liquor sales
Zoning: NC Neighborhood Center
10. **Location:** 1701 HICKORY RD and 1709 HICKORY RD **BZA#0323-25**
Owner: EAST SIDE BASEBALL SOFTBALL ASSOC
Requested Action:
Variance(s):
1) Use Variance to allow Entertainment and Recreation, Indoor Use in S1 Suburban Neighborhood 1
2) From the minimum side setback in S1 Suburban Neighborhood 1 of 20' to 0'
3) From the maximum building height in S1 Suburban Neighborhood 1 of 35' to 56'
4) From the minimum parking setback abutting OS Open Space of 20' to 0'
5) From the minimum side yard setback in OS Open Space of 10' to 0'
6) From a required Building Type or Frontage Type
Special Exception: to allow Park and Open Space Uses in S1 Suburban Neighborhood 1
Zoning: S1 Suburban Neighborhood 1 and OS Open Space (South Bend)

11. **Location:** 1705 SOUTH BEND AVE
Owner: Brennans Walk Holdings, LLC

BZA#0324-25

Requested Action:

Variance(s):

- 1) From the maximum width of a stacked flat building type in an NC district of 120' to 199'

Zoning: NC Neighborhood Center

ITEMS NOT REQUIRING A PUBLIC HEARING:

1. Findings of Fact – February 3, 2025
2. Minutes – February 3, 2025
3. Other Business
4. Adjournment

Property Information

Location: 411 COTTAGE GROVE AVE
Owner: VIP FLIP LLC

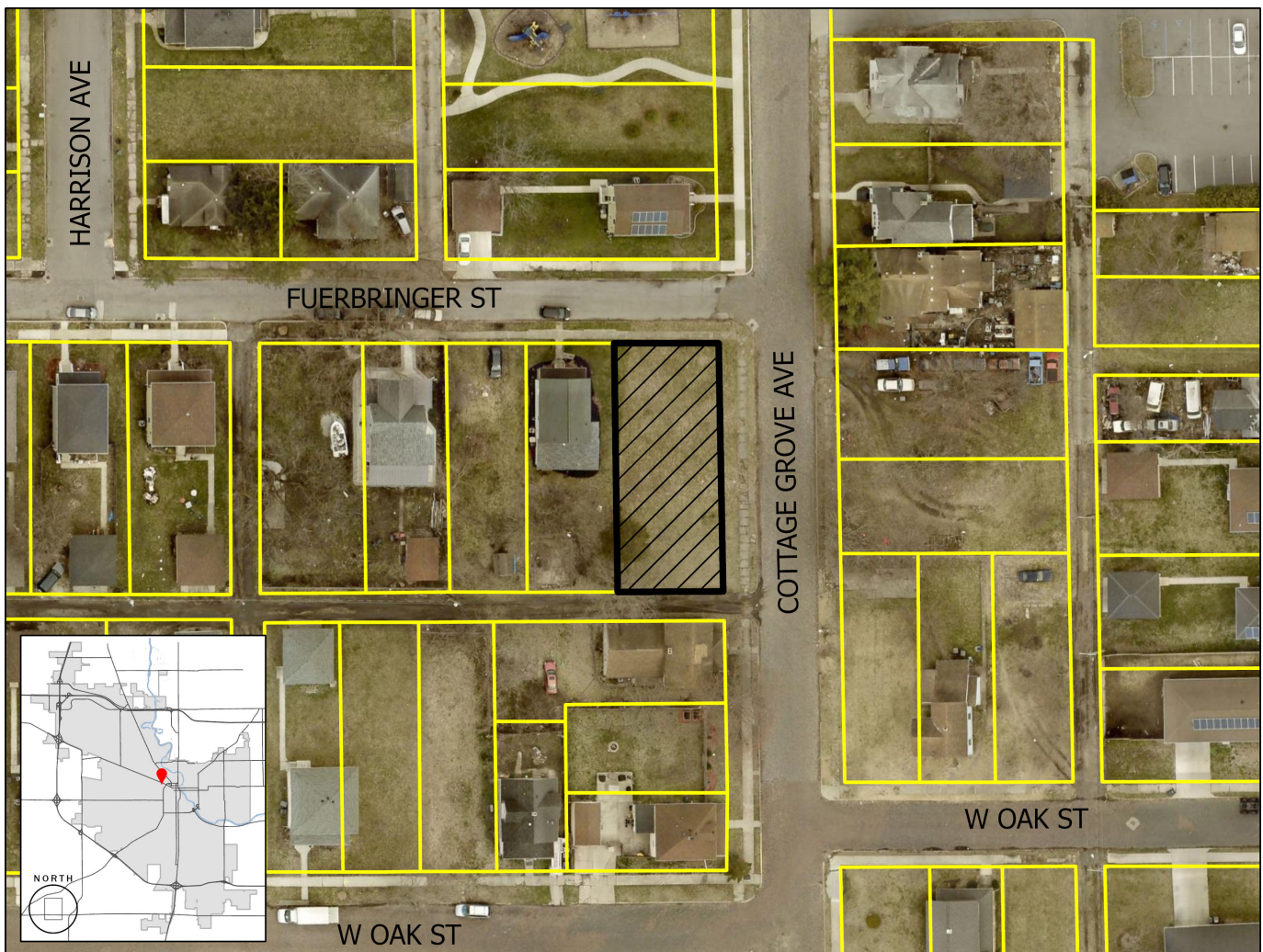
Project Summary

Duplex Construction

Requested Action

Special Exception: To allow a two unit dwelling in U1 Urban Neighborhood 1

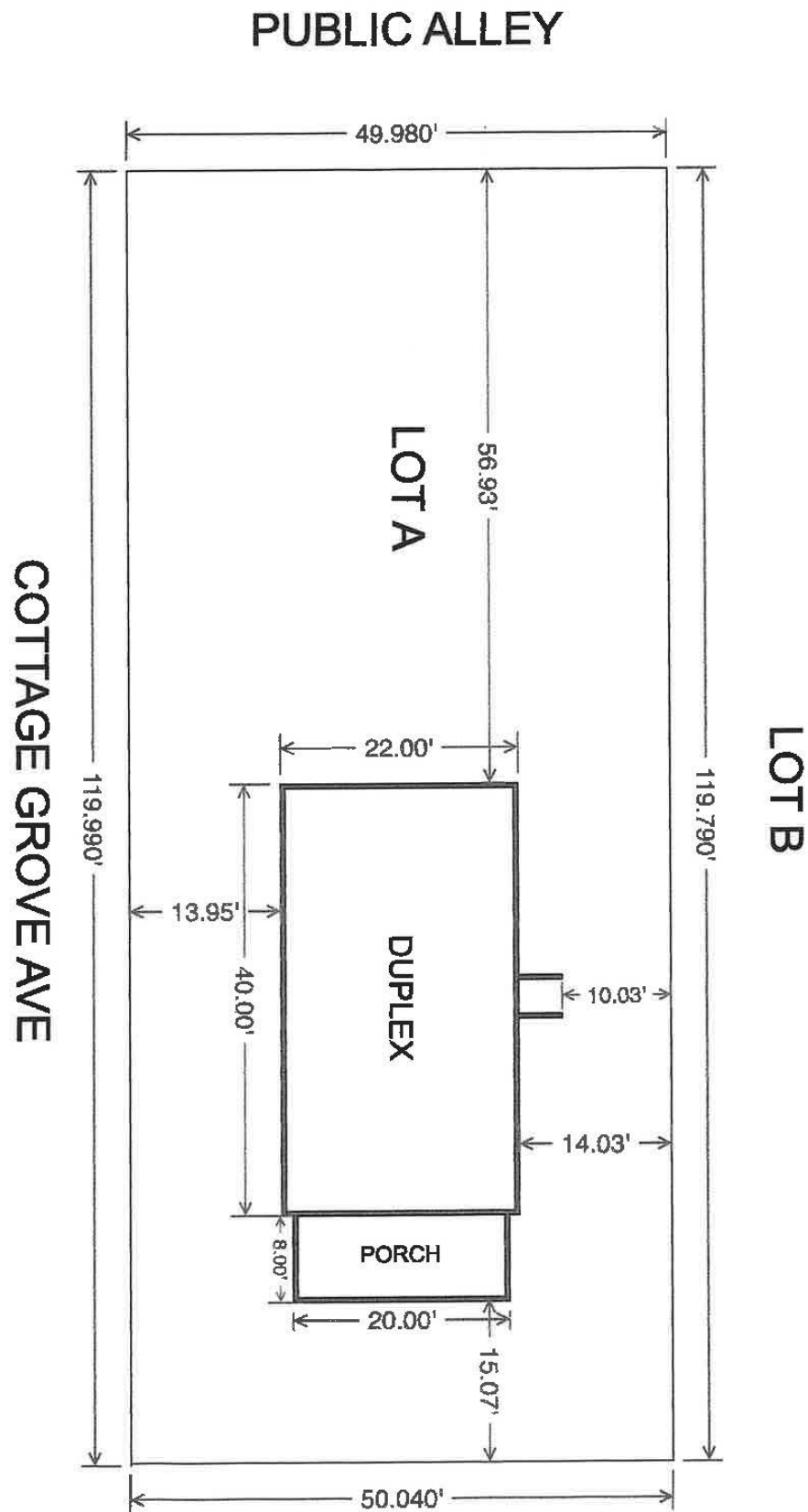
Site Location



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.

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 newly constructed as a duplex. 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;

Building a duplex should not injure or adversely affect the use or value of adjacent properties. The proposed duplex is consistent with the scale and character of the surrounding neighborhood, will bring new residents to the area, and will provide housing on a lot that is currently vacant.

(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, match the scale and character of dwellings in the neighborhood, and provide new housing in an area with substantial vacancy. 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 construction of a new duplex that is consistent with the scale and character of the surrounding neighborhood will bring new residents to the area and provide additional housing on a lot that is currently vacant.

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.

Property Information

Location: 2123 CLEVELAND RD
Owner: HUEBNER ENTERPRISES LLC

Project Summary

Replace deciduous shade trees with shorter ornamental trees along Cleveland Rd. at a newly constructed carwash facility.

Requested Action

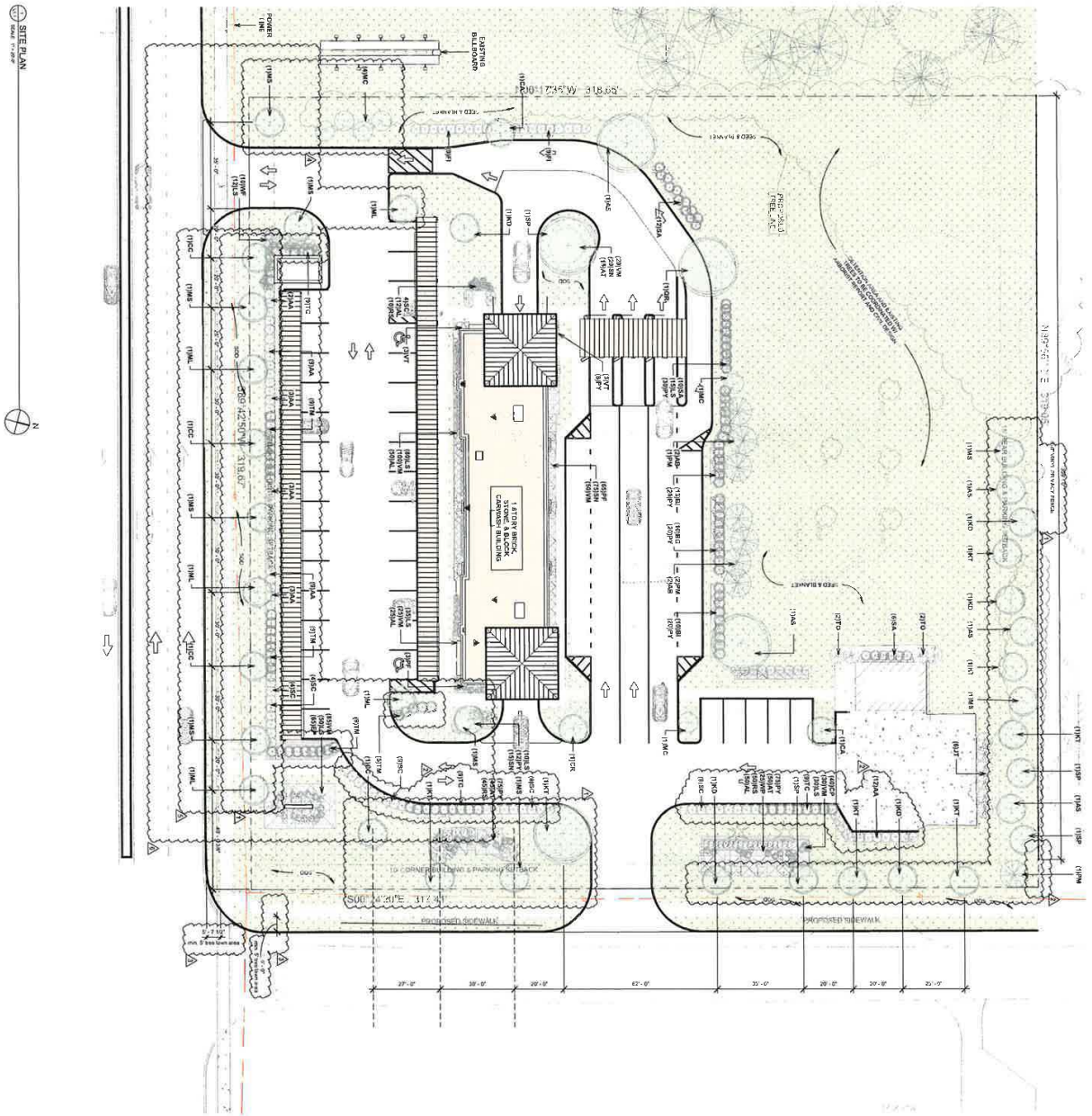
Variance(s):
1) To replace required deciduous shade trees with ornamental trees

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



NEW AUTOMATED CARWASH FACILITY "Mango"			NERI ARCHITECTS 8400 N. NORTHWEST HWY. SUITE 4 CHICAGO, IL 60631 TEL 947.625.9400
21275 Cleveland Rd South Bend IN PERMIT REVIEW - NOT FOR CONSTRUCTION			
PROJECT #	2207		
DATE	6/10/25		
DESIGNED BY	DAVID		
APPROVED BY	DAVID		
SCALE	AS NOTED		
DESCRIPTION	LANDSCAPE PLAN		
SHEET NO.	L1.1		

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

The approval may be injurious to the general welfare of the community. Deciduous shade street trees are required for all new developments as they improve the comfort of public streets and enhance the pedestrian experience. There are no unique aspects of this project or site that would merit a variance from the required landscaping.

(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 adversely affected. Street trees will increase the comfort of the public street and enhance the pedestrian experience.

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

A strict application of the zoning ordinance would not result in practical difficulties in the use of the property as a car wash. Retaining visibility of a billboard on an adjacent property cannot be considered. The zoning ordinance does not allow for the removal of required vegetation for the purpose of increasing or enhancing the visibility of any sign.

(4) The variance granted is the minimum necessary

The variance is not the minimum necessary. Deciduous shade trees can be planted that meet the requirements and intent of the ordinance.

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

A zoning complaint landscape plan was reviewed and approved for this project in 2023. The need for a variance is created by a request of the current owner to change the approved shade trees to ornamental trees.

Analysis & Recommendation

Analysis: Deciduous shade street trees are required for all new developments as they improve the comfort of public streets and enhance the pedestrian experience. There are no unique aspects of this project or site that would merit a variance from the required landscaping.

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: 4000 SAMPLE ST
Owner: NN HOLDINGS LLC

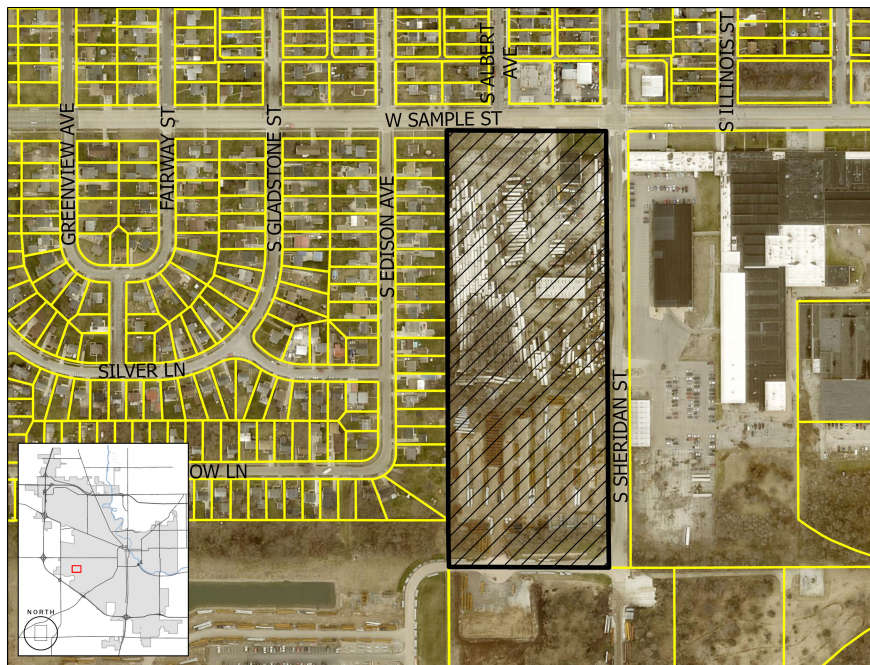
Project Summary

Install 2052 ft of 7ft, 3BR style galvanized steel chain link fence with 1-1/8" wide plastic slats. Footage includes one 50ft wide Bi-parting manual slide gate and two 30' wide single manual side gates

Requested Action

Variance(s):

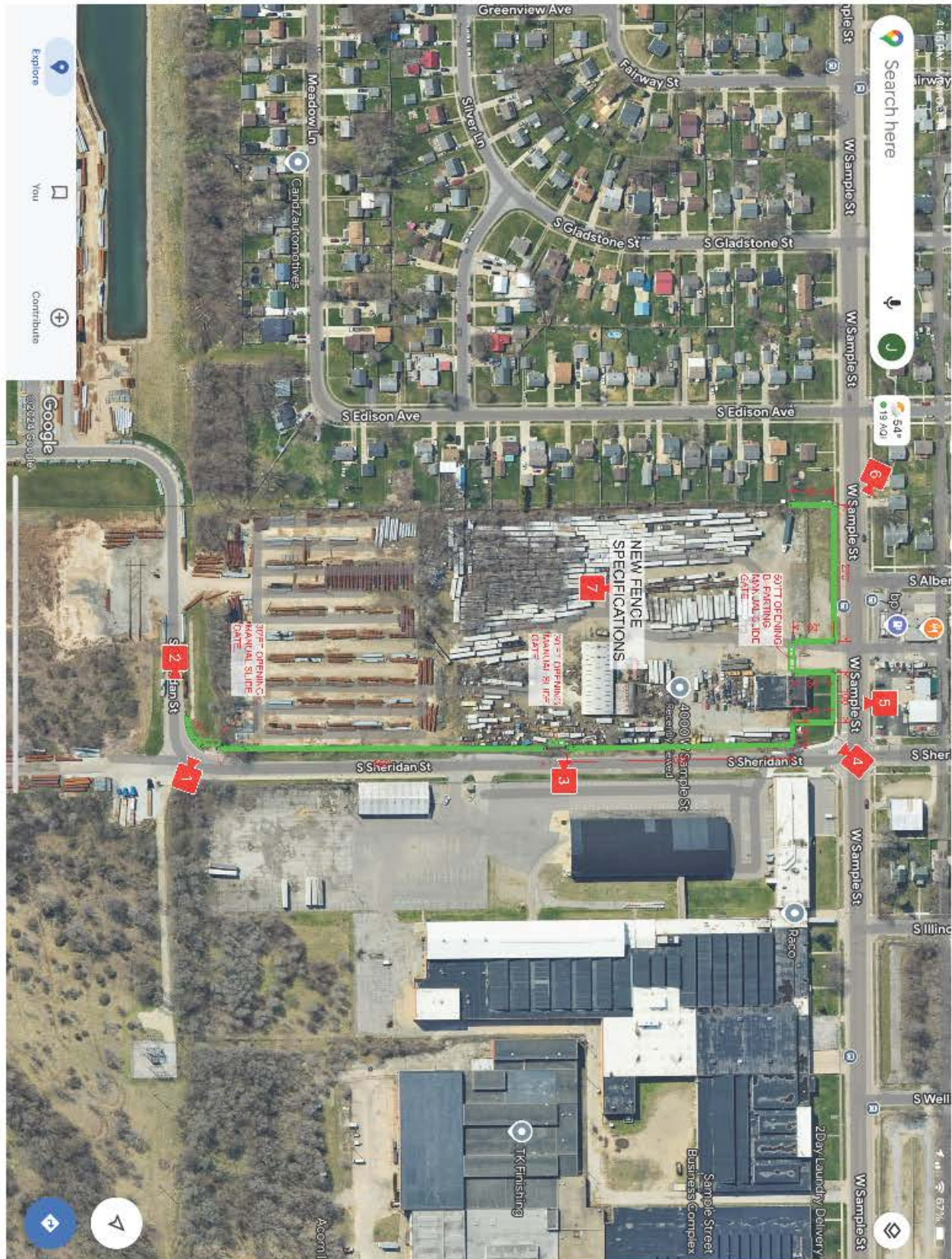
- 1) To allow a solid 6' fence in the front and corner yards
 - 2) To allow storage in the front and corner yards
 - 3) To allow outdoor storage that exceeds the height of the fence within 25' of the fence
 - 4) To waive the requirement for a Type 2 buffer along Sheridan Street
 - 5) To allow barbed wire fencing
-

Site Location

Staff Recommendation

Based on the information available prior to the public hearing, Staff recommends the Board approve Variances 1), 2), and 4) as presented, subject to the fence having a 30' setback along Sample Street, streetscape trees in the treelawn along Sample Street spaced at 30' intervals, a second row of streetscape trees in the front yard behind the sidewalk spaced at 30' intervals, planting streetscape trees along Sheridan Street between the front property line along Sample Street and the fence, and removal of the second smaller curb cut along Sample Street. Staff recommends the Board deny Variances 3) and 5) 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 variances 1), 2), and 4) should not be injurious to the public health, safety, morals and general welfare of the community as the fence will screen the storage area from the north and east property lines; allow storage in the front and corner yards where it would have been permitted had the building previously located at the northeast corner of the property not been removed; and allowing the solid fence along Sheridan Street will provide a sufficient buffer to the industrial property located across the street. These requests are generally consistent with the intent of the ordinance. The approval of variances 3) and 5) could be injurious to the public health, safety, morals and general welfare of the community as there is adequate area on the nearly 14 acre lot to store product that doesn't exceed the height of the fence located at least 25' behind said fence, and barbed wire is appropriate only for utility sites such as water, sewer, and electric, gas main facilities, water treatment facilities, and public and private communication facilities. These requests are not consistent with 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

Approval of variances 1), 2), and 4) should not adversely affect the use and value of the area adjacent to the property as additional landscaping along Sample Street will further shield adjacent residential and commercial properties. The solid fence along Sheridan Street provides sufficient buffering of the storage area to the industrial property across the street and is consistent with the ordinance. However, approval of variances 3) and 5) could affect the use and value of the area adjacent to the property as there is no practical difficulty in the request for storage of product in excess of the fence height within 25' of the fence, and allowing barbed wire on top of the fence is not appropriate in the City, except in specific instances.

(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 could result in practical difficulties in the use of the property if storage is not permitted in the front and corner yards. The remaining building on the property is located over 400' from Sample Street and the area between the building and the front property line along Sample Street is technically considered the front yard and the zoning ordinance does not permit storage in this area. The same holds true for the area between the building and the property line along Sheridan Street. A fence more than 50% open would be permitted in this area, but the proposed fencing with slats will provide more visual buffering to the property to the east. There are no practical difficulties that warrant the variance for storage above the height of the fence within 25' of the fence or the barbed wire

(4) The variance granted is the minimum necessary

The variances granted, 1), 2), and 4) are the minimum necessary as this property has been used for outside storage for many years and the owner will continue to use the property for product storage. If the fence is located 30' from the front property line and streetscape trees added in the treelawn and front yard along Sample Street, this should lessen the visual impact on the U1 Urban Neighborhood 1 and C Commercial properties north across the street. Requesting product to be stored exceeding the height of the fence within 25' behind the fence is not the minimum necessary as the nearly 14 acre lot provides adequate space for product storage as well as being directly adjacent to single family homes along the west property line, and there is no practical difficulty to justify the request for barbed wire (variances 3) and 5).

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

While the variance for storage in the front and corner yards does correct a hardship caused by the current owner by demolishing the building at the front of the property, having the fence set back 30' along Sample Street and providing additional streetscape trees should lessen the visual impact of product storage in the front yard. The desire to allow product storage above the height of the fence within 25' of the fence especially adjacent to single family homes and the desire for barbed wire is self-created.

Analysis & Recommendation

Analysis: The primary building being approximately 400' from the Sample Street right of way creates a larger than normal established front yard. Allowing a solid fence and storage in the front and corner yards where indicated on the site plan should not have injurious impacts on the community especially with the added site improvements.

The proposed variance for product storage above the height of the fence within 25' of the fence is a self-created hardship and is not consistent with the Ordinance. The proposed barbed wire is not an appropriate material to be used in the City, especially in the front yard. This is not a use in which the federal or state government require that security measure.

Staff Recommendation: Based on the information available prior to the public hearing, Staff recommends the Board approve Variances 1), 2), and 4) as presented, subject to the fence having a 30' setback along Sample Street, streetscape trees in the treelawn along Sample Street spaced at 30' intervals, a second row of streetscape trees in the front yard behind the sidewalk spaced at 30' intervals, planting streetscape trees along Sheridan Street between the front property line along Sample Street and the fence, and removal of the second smaller curb cut along Sample Street. Staff recommends the Board deny Variances 3) and 5) as presented.

Property Information

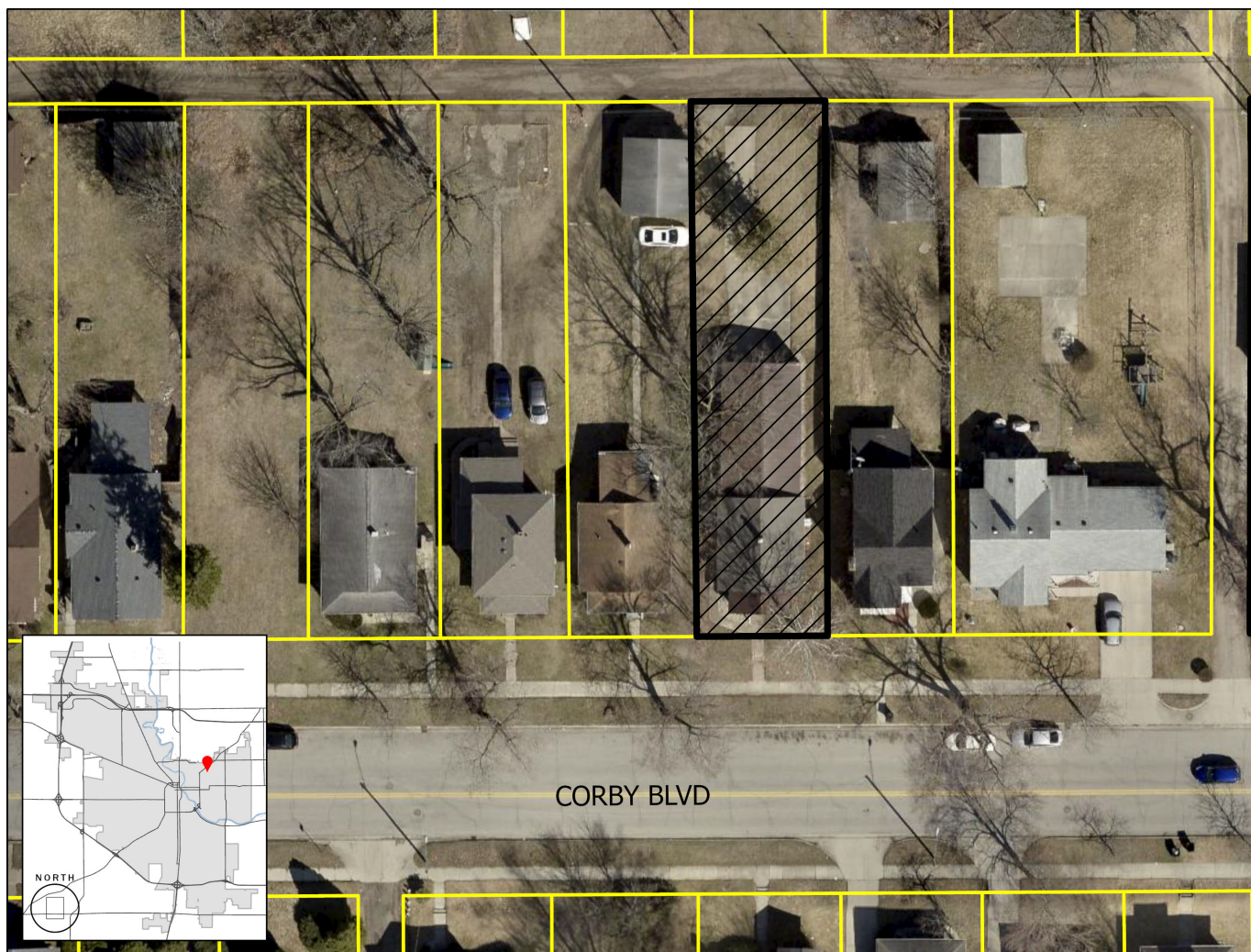
Location: 1335 CORBY BLVD
Owner: ECO IN Investments LLC

Project Summary

Owner is seeking to build a two family dwelling.

Requested Action

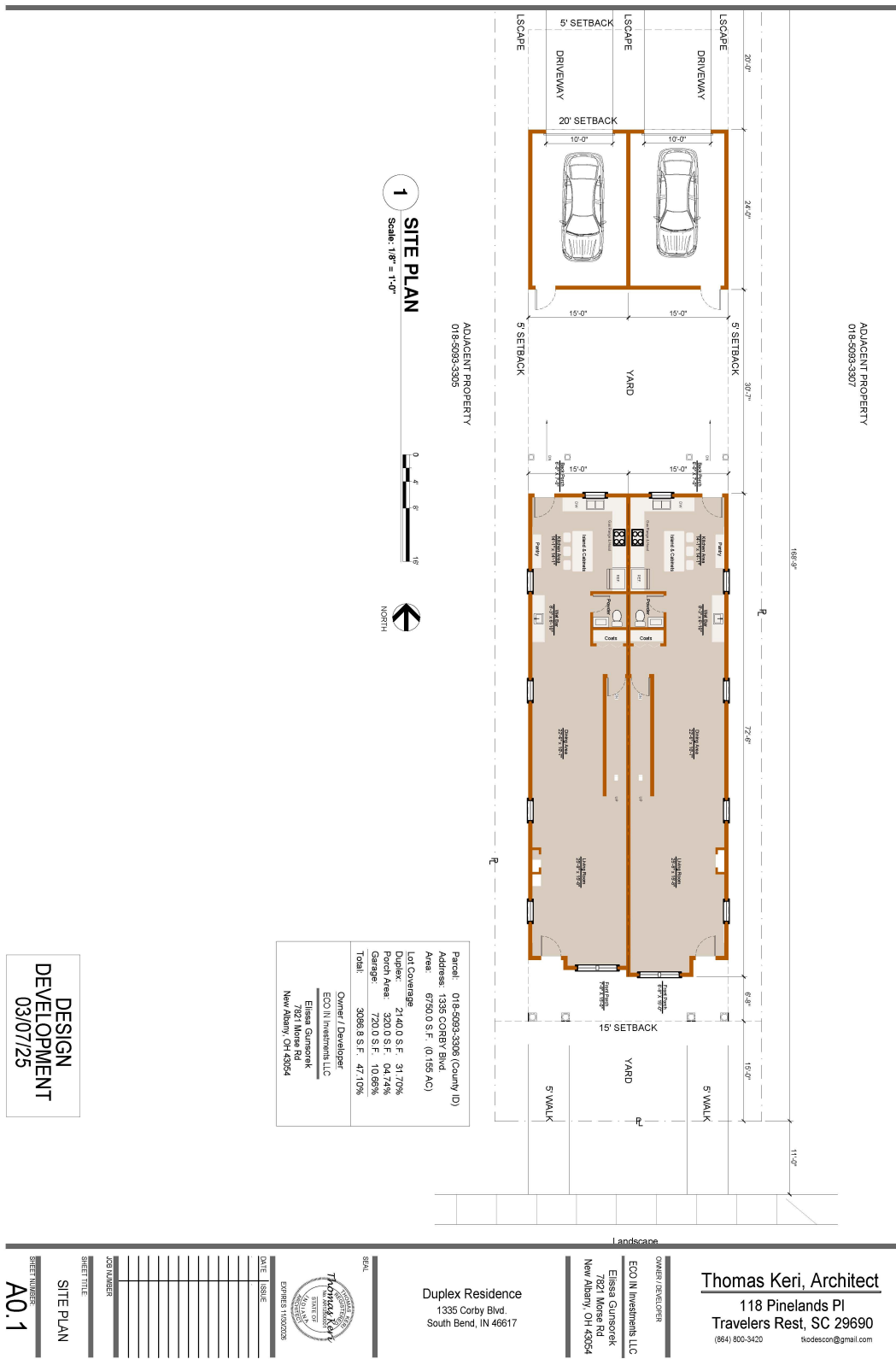
Special Exception: a two unit dwelling in U1 Urban Neighborhood 1

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.

Proposed Site Plan



Proposed Site Plan



Thomas Keri, Architect
118 Pinelands Pl
Travelers Rest, SC 29690
(864) 800-3420 tkodescon@gmail.com

ECO IN Investments LLC
Elissa Gunsorek
7821 Morse Rd
New Albany, OH 43054

Duplex Residence
1335 Corby Blvd.
South Bend, IN 46617



DATE	ISSUE
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[illegible]

ELEVATIONS

SHEET NUMBER: A2.1

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 this Special Exception should not be injurious to the public health, safety, morals, and general welfare of the community. The building shall be a newly constructed duplex. A two unit dwelling will provide more neighbors 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;

Building this duplex should not injure or adversely affect the uses or values of adjacent properties and the area around the building. As proposed, the duplex is consistent with the scale and character of the surrounding neighborhood, will bring new neighbors to the area, and will provide housing on a lot that is currently vacant.

(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, match the scale and character of the neighborhood, and provide infill housing on a vacant lot.

(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. The petition is consistent with the Northeast Neighborhood Plan (2022) Objective 3.5 Develop Housing: Support the production of a range of housing types including new construction and rehabilitation of market rate and affordable rental housing.

Analysis & Recommendation

Analysis: The construction of a new duplex that is consistent with the scale and character of the surrounding neighborhood will bring new residents to the area and provide additional housing on a lot that is currently vacant.

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.

Property Information

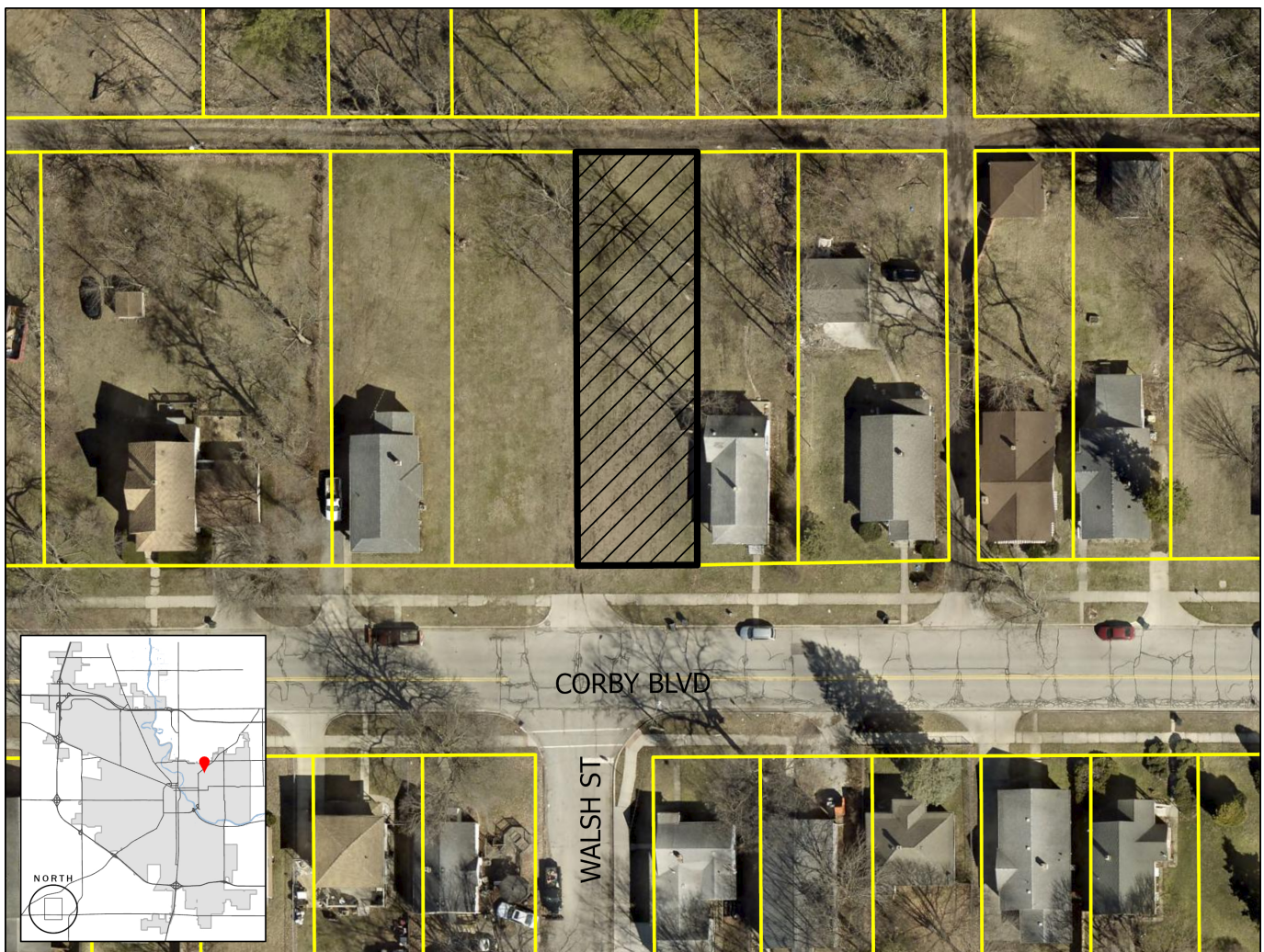
Location: 1253 CORBY BLVD
Owner: ECO IN Investments LLC

Project Summary

Owner is seeking to build a two family dwelling.

Requested Action

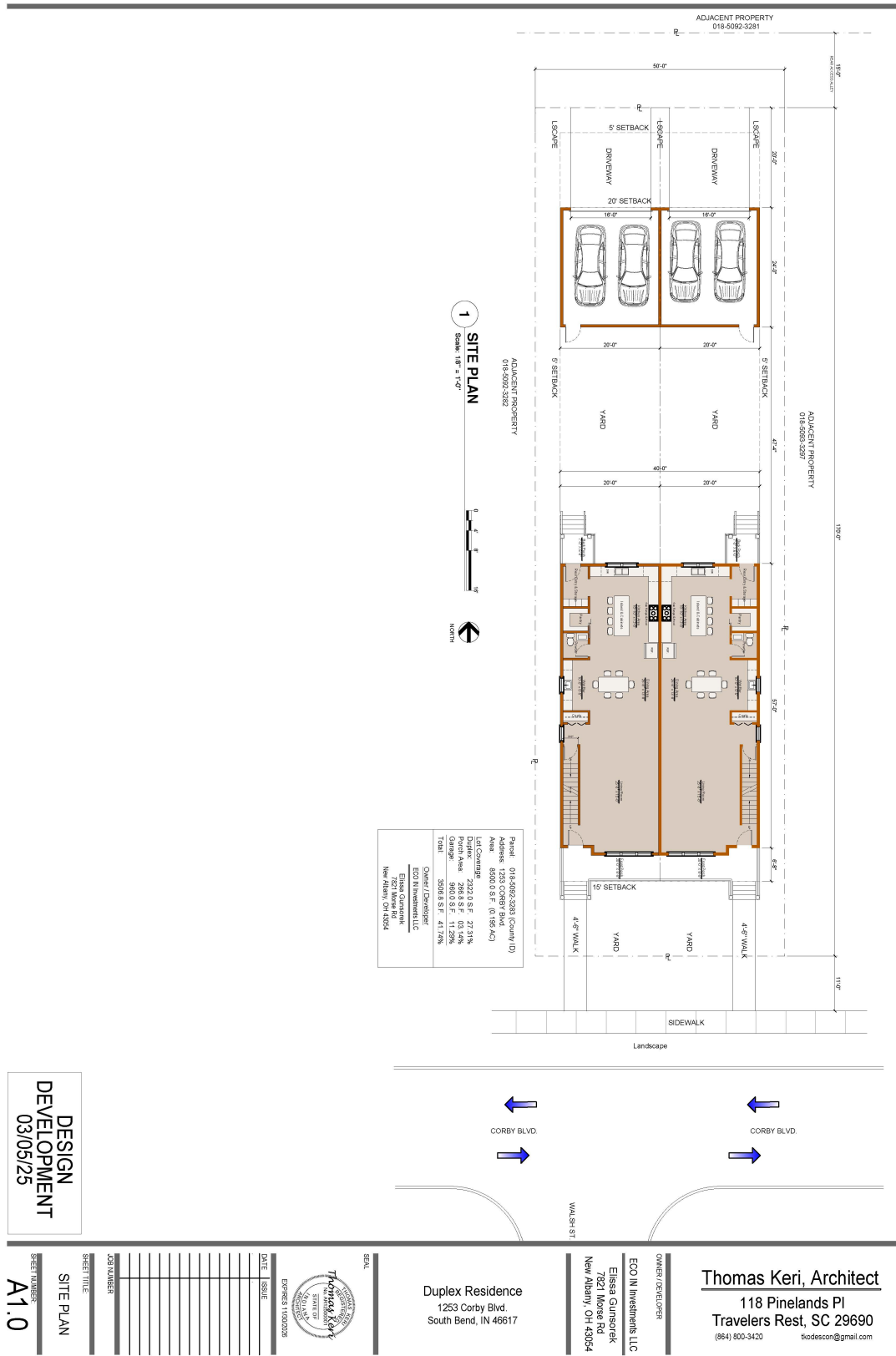
Special Exception: a two unit dwelling in U1 Urban Neighborhood 1

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.

Proposed Site Plan



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 this Special Exception should not be injurious to the public health, safety, morals, and general welfare of the community. The building shall be a newly constructed duplex. A two unit dwelling will provide more neighbors 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;

Building this duplex should not injure or adversely affect the uses or values of adjacent properties and the area around the building. As proposed, the duplex is consistent with the scale and character of the surrounding neighborhood, will bring new neighbors to the area, and will provide housing on a lot that is currently vacant.

(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, match the scale and character of the neighborhood, and provide infill housing on a vacant lot.

(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. The petition is consistent with the Northeast Neighborhood Plan (2022) Objective 3.5 Develop Housing: Support the production of a range of housing types including new construction and rehabilitation of market rate and affordable rental housing.

Analysis & Recommendation

Analysis: The construction of a new duplex that is consistent with the scale and character of the surrounding neighborhood will bring new residents to the area and provide additional housing on a lot that is currently vacant.

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.

Property Information

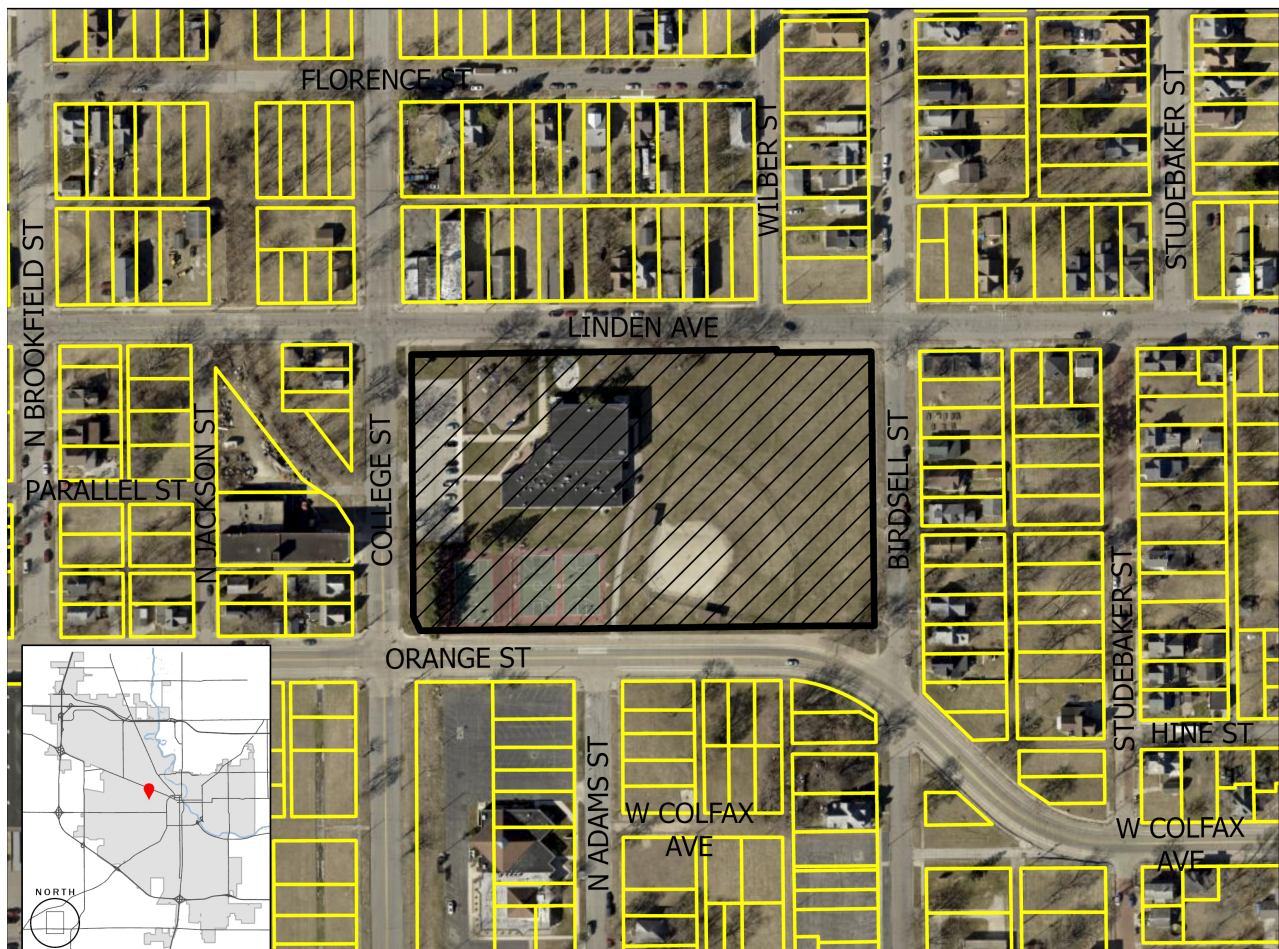
Location: 1522 LINDEN AVE
Owner: BOARD OF PARK COMM SB

Project Summary

Request approval to install a mural on the windows of the MLK Dream Center West building elevation. The mural would be a two dimensional work of art on the front facade.

Requested Action

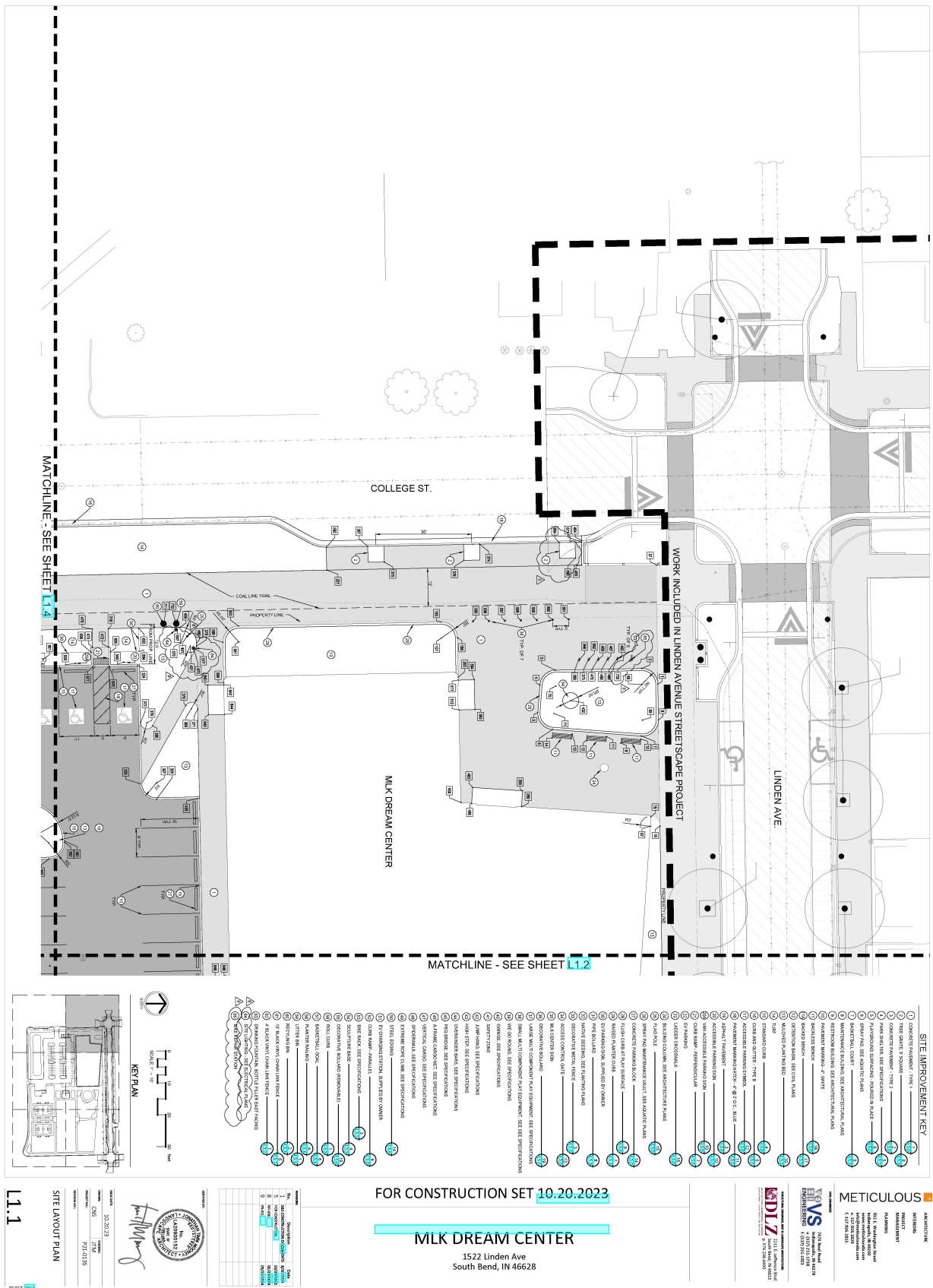
Variance(s):
1) To allow a two dimensional work of art to be located on front facade of the building

Site Location

Staff Recommendation

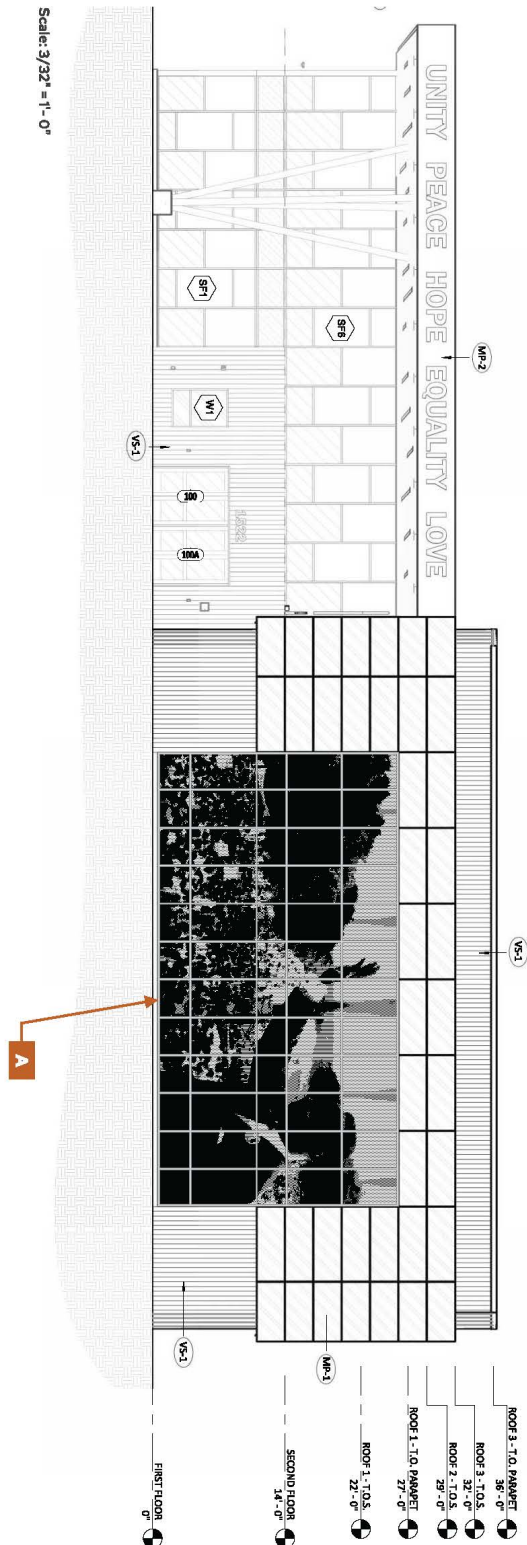
Based on the information provided prior to the public hearing, the staff recommends the Board approve the variance as presented.


Proposed Site Plan



Proposed Site Plan

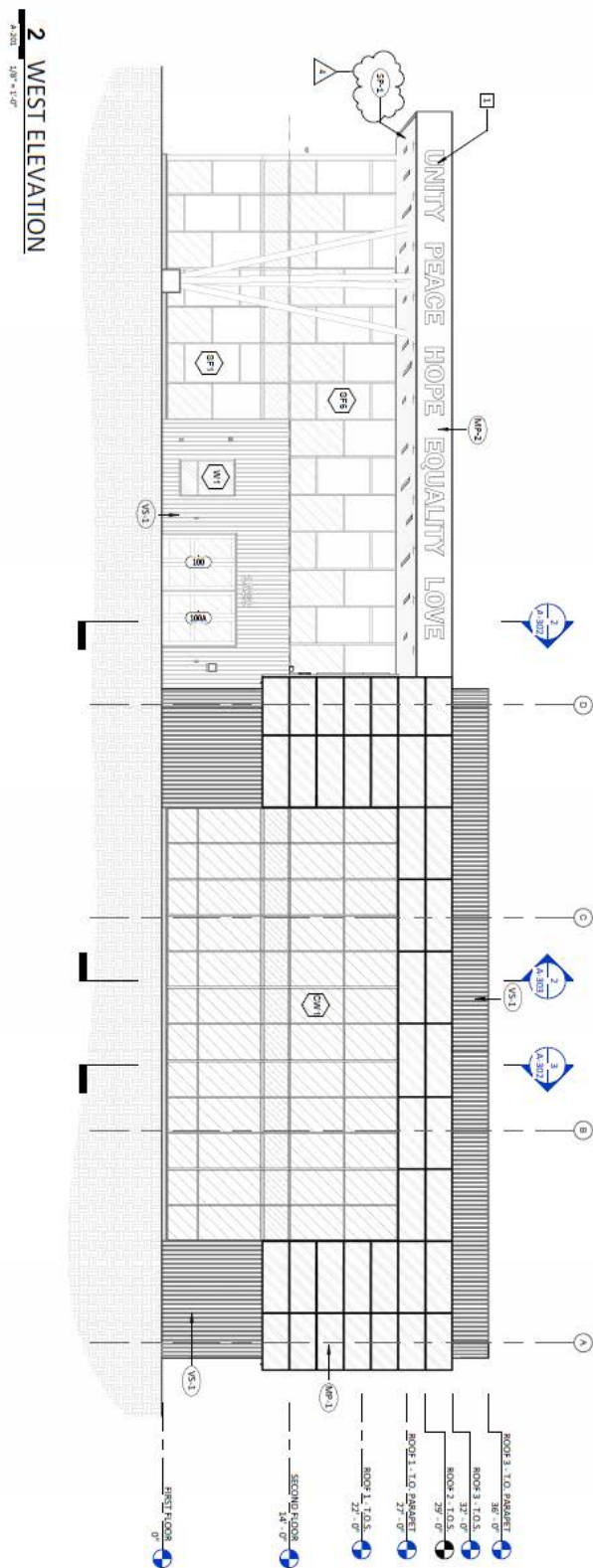
Exterior Elevation



 <p>Hayes Design Co.</p>	<p>Info</p> <p>Date: 02/28/25 Sales Rep: Austin Smith Designer: R. Wheat</p>	<p>Landlord Approval</p> <p>Client Approval</p>	<p>Date</p>	<p>Project</p> <p>Project Name: MLK Jr. Dream Center Address: 1522 Linden Ave. South Bend, IN 46528</p>	<p>Page</p> <p>2</p>
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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 public health, safety, morals, and general welfare of the community as the mural is a depiction of Dr. King after whom the center is named and will be an attractive addition to the front facade of the building.

(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 as the mural will screen the basketball court from the afternoon sun while still allowing light, up to 30% to 40%, to filter through the perforated graphics.

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

The large western wall is almost entirely glass and provides the largest and best "canvas" upon which to place the mural. Its placement on the front facade is an appropriate location.

(4) The variance granted is the minimum necessary

The variance granted is the minimum necessary as the mural will only be applied to the windows and not cover any building material providing a more visually appealing facade.

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

While the variance does correct a hardship caused in part by the owner, the request is reasonable and the mural will provide an appealing homage to Dr. Martin Luther King, Jr.

Analysis & Recommendation

Analysis: Allowing a mural or a two-dimensional work of art on the primary facade will not negatively impact the area as there are no transparency requirements for the OS Open Space district. The mural will screen the basketball court from the afternoon sun as well as pay homage to Dr. Martin Luther King, Jr., after whom the center is named.

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

Property Information

Location: 3113 RIVERSIDE DR
Owner: CITY OF SOUTH BEND

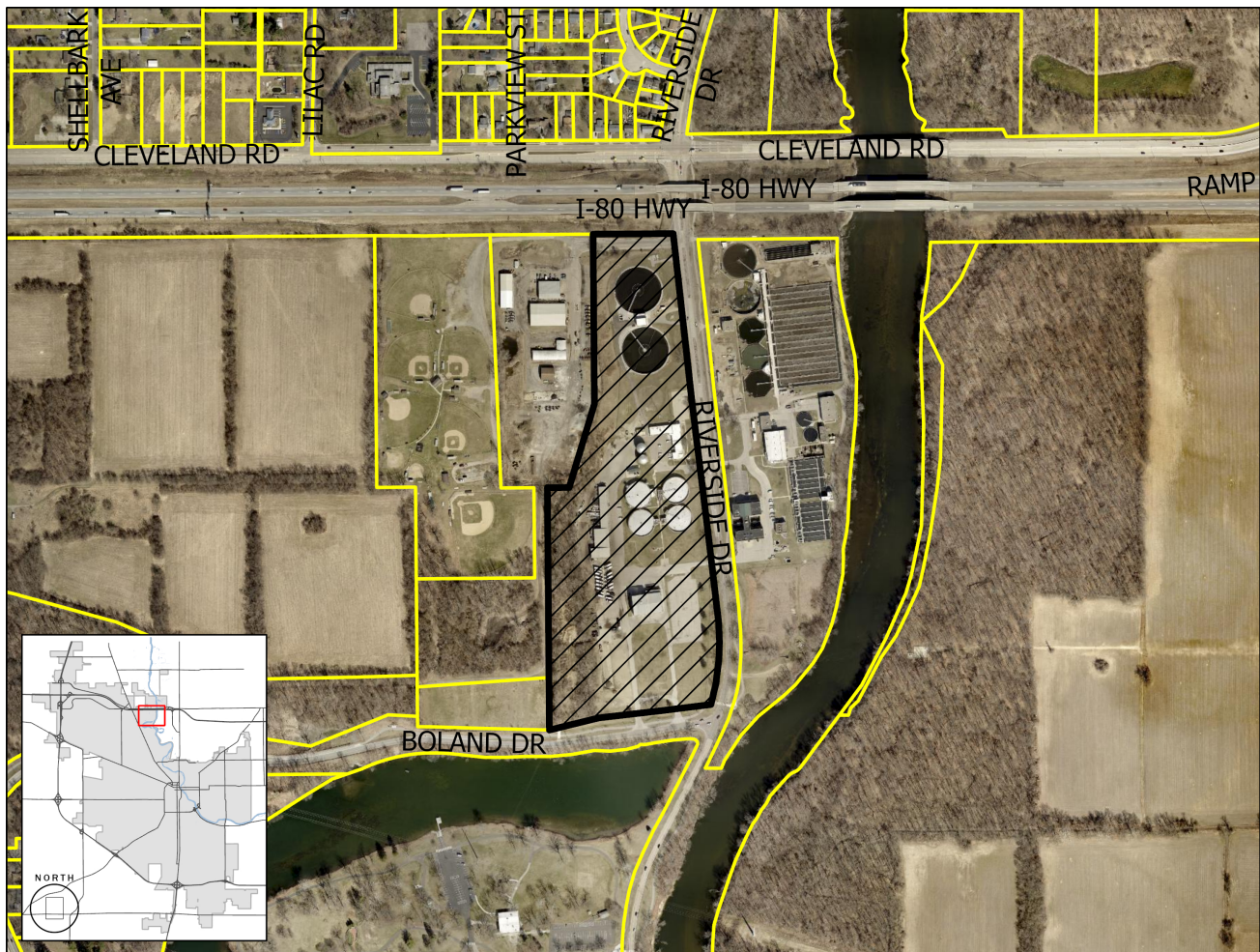
Project Summary

New installation of ground-mounted solar energy systems in the front/corner yard of the City dewatering facility for use in the wastewater treatment process.

Requested Action

Variance(s):

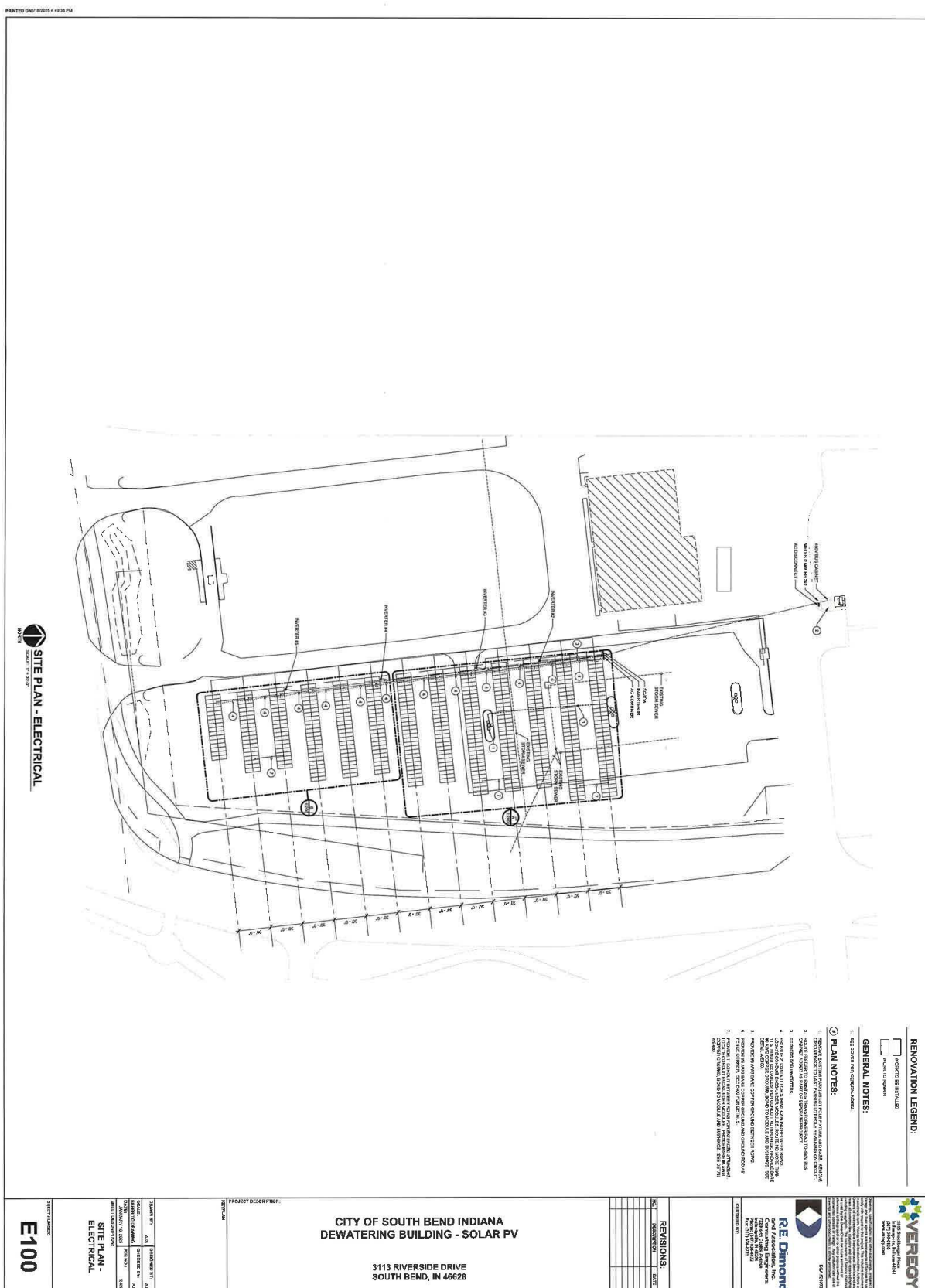
- 1) to allow an accessory structure in the front/corner yard
- 2) from the maximum number of accessory structures of 1 to 13

Site Location

Staff Recommendation

Based on the information provided prior to the public hearing, 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

The approval should not be injurious to the general welfare of the community. The variance will allow the construction of a solar energy system that will provide additional energy resources and redundancy to the city's critical infrastructure. The solar panels will be set back over 30' from the adjacent sidewalk, a greater setback than the minimum 25' in S1. The property is abutted by a public park to the south, public works property to the east, and county owned property to the west.

(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. All adjacent property is owned by the city and the system will support city activities. The solar panels will be set back over 30' from the adjacent sidewalk, greater than the minimum 25' setback in S1.

(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 allow for the construction of the solar energy systems in the proposed location and in such quantity due to the location of the existing building, which is set to the rear of the property, creating a front yard over 200' wide and corner yard over 400' wide. The solar panels will serve to provide additional energy resources and redundancy to the city's critical infrastructure.

(4) The variance granted is the minimum necessary

The variances granted are the minimum necessary. Permitting the proposed location and quantity of accessory structures will allow for appropriate solar energy systems to be installed which meet the intent of the ordinance. The structures will be set back from the adjacent right of way at a greater distance than the minimum 25' setback required in S1 and will serve to enhance the function of a City utility service.

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

The request meets the intent of the zoning ordinance, which does not speak specifically to a project of this nature. The solar energy systems will serve a utility function to augment existing critical City infrastructure. A hardship is created by the placement of the existing building over 200' from Riverside Drive ROW and over 400' from Boland Drive ROW, creating large front and corner yards.

Analysis & Recommendation

Analysis: The solar energy systems will provide additional energy resources and redundancy to a critical function of the city. The solar panels will be set back over 30' from the adjacent sidewalk, a greater setback than the minimum 25' in S1. The property is abutted by a public park to the south and public works property to the west and will have a limited impact on neighboring properties.

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

Property Information

Location: 906, 912, 914, and 918 DUBAIL AVE and 1703, 1705, and 1711 DALE AVE
Owner: 2010 INVESTMENT GROUP

Project Summary

The plan involves constructing a duplex along with an accessory dwelling unit on the lots situated at the corner of Dale and Dubail. The project aims to develop approximately 18 to 20 apartment units with parking along the alley.

Requested Action

Special Exception: a two unit dwelling on each lot

Variance(s):

- 1) from the requirement that in a U1 district, the owner(s) of the lot on which an ancillary dwelling is located shall occupy at least one of the dwelling units on the premises
 - 2) from the required rear yard setback of 20' to 8' at 1703 Dale Avenue
-

Site Location**Staff Recommendation**

Based on the information provided prior to the public hearing, the staff recommends the Board deny the variances as presented and send the Special Exception to the Common Council with a favorable recommendation subject to the conditions: 1) the depth of any constructed parking lot will be limited to one parking space along the alley and 2) the duplexes will be consistent with the built form of the surrounding area, specifically relating to frontage type and elevation.

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 this Special Exception should not be injurious to the public health, safety, morals, and general welfare of the community so long as the project is designed the match the built form of the surrounding area. The construction of two unit dwellings on vacant parcels will provide more neighbors 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;

New duplex construction should not injure or adversely affect the uses or values of adjacent properties and the area around the building so long as the project is designed the match the built form of the surrounding area. The project will bring new neighbors to the area, and will provide housing on a lot that is currently vacant.

(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 duplexes will further complement the existing housing stock as long as they match the scale and built form of the neighborhood, and will provide infill housing on vacant lots.

(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 approval of the ADU variance may be injurious to the general welfare of the community if the structures are not designed to match the built form of the surrounding area. The variance to reduce rear setbacks would allow for the rear of multiple duplex/ADU structures to be 8' from the adjacent property, which may be injurious to the general welfare of the community.

(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 may be adversely affected by allowing ADUs in a non-owner occupied lot that are not designed to match the built form of the surrounding area. The rear setback variance for two duplex/ADU structures may be injurious to the use and value of the adjacent property.

(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. ADUs could be incorporated to add further density on non-owner occupied lots if they were sensitively designed and matched the built form of the surrounding area. The structures at the corner of Dale Avenue and Dubail Avenue could be redesigned or reoriented to meet the minimum setbacks.

(4) The variance granted is the minimum necessary

The variances granted would not be the minimum necessary. ADUs are not permitted for non-owner occupied lots by right and could be injurious to the neighborhood if they were not designed to match the built form of the surrounding area. The structures at the corner of Dale Avenue and Dubail Avenue could be redesigned or reoriented to meet the minimum setbacks.

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

The variances respond to hardships created by the current owner of the property in the design of the project, which could be modified to meet the intent of the ordinance and meet the minimum setbacks.

Analysis & Recommendation

Analysis: The duplexes will further complement the existing housing stock as long as they match the scale and built form of the neighborhood, and will provide valuable infill housing on vacant lots. The approval of ADUs on a non-owner occupied parcel may negatively impact the community if the structures are not sensitively designed to match the built form of the surrounding area. The structures at the corner of Dale Avenue and Dubail Avenue can be redesigned or reoriented to meet the minimum setbacks.

Staff Recommendation: Based on the information provided prior to the public hearing, the staff recommends the Board deny the variances as presented and send the Special Exception to the Common Council with a favorable recommendation subject to the conditions: 1) the depth of any constructed parking lot will be limited to one parking space along the alley and 2) the duplexes will be consistent with the built form of the surrounding area, specifically relating to frontage type and elevation.

Property Information

Location: 3401 WESTERN AVE

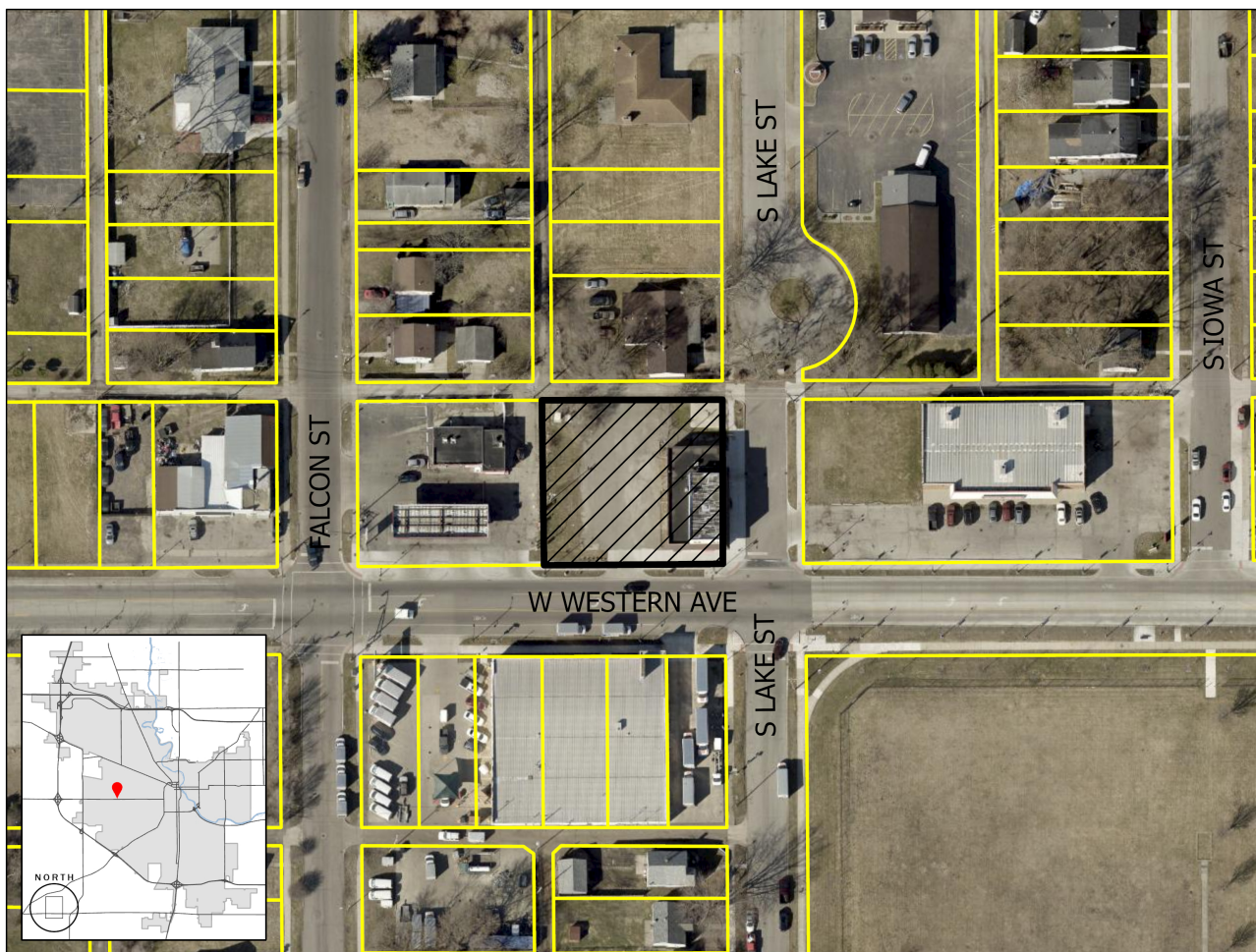
Owner: LAKSHMI PRIYA & KAUR RAVNEET & MR DISCOUNT GRILLE & LIQUOR LLC

Project Summary

Applying for a special exception to be able to sell carry out beer, wine, and liquor as the primary use.

Requested Action

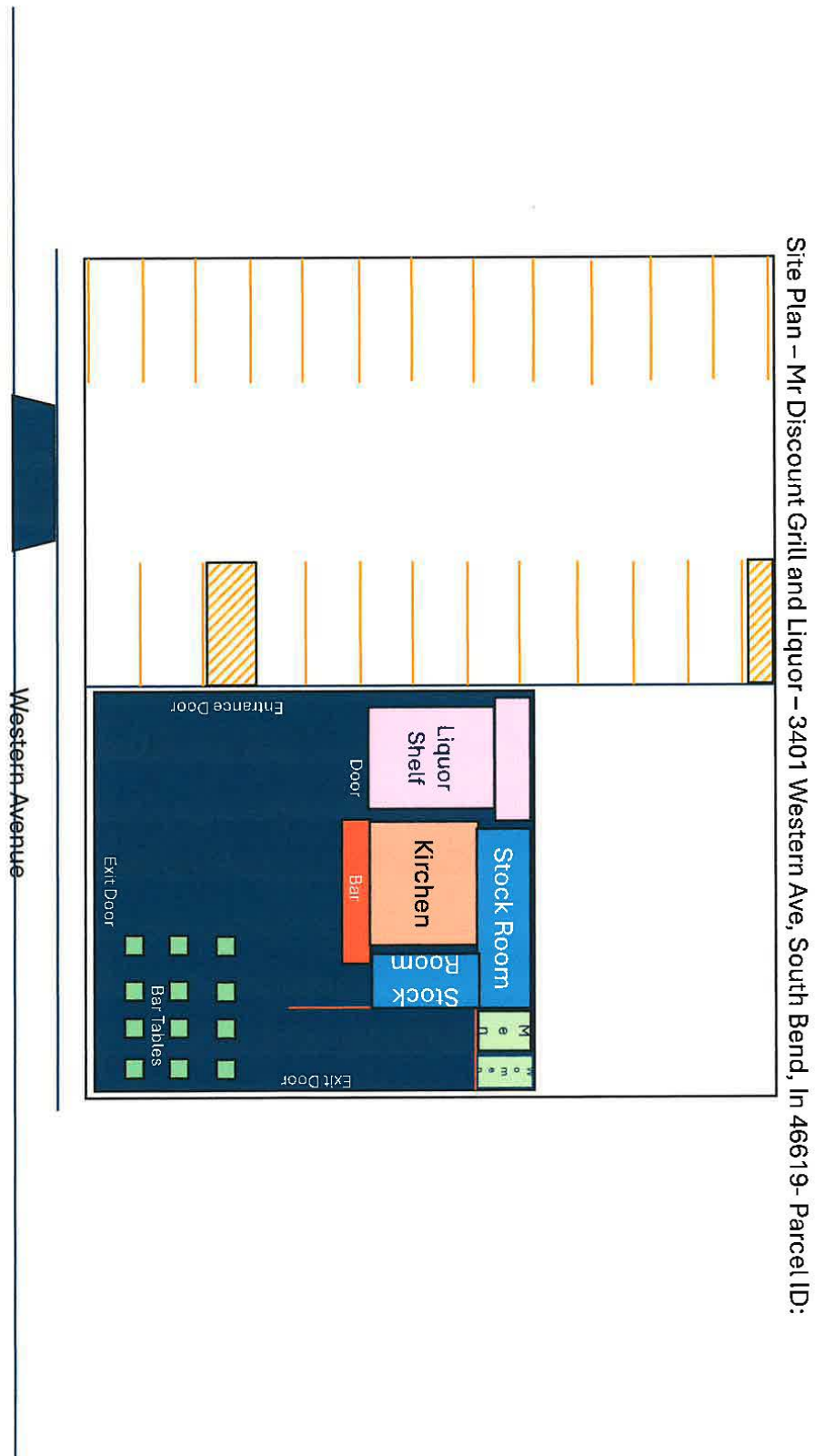
Special Exception: beer/wine/liquor sales

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, with the condition that all improvements to bring the building up to zoning compliance are completed within 6 months.

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 property is currently utilized as a bar along a major commercial corridor and it is not anticipated that allowing beer/wine/liquor sales at the site would be injurious to 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 property is utilized as a bar along a major commercial corridor. Allowing carry out beer/wine/liquor sales should not create additional external impacts to injure or adversely affect the use of the adjacent area or 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;

Located along the Western Avenue commercial corridor, the proposed use is consistent with the form and use of surrounding properties.

(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 2.2: Pursue a mix of land uses along major corridors and other locations identified on the Future Land Use Map.

Analysis & Recommendation

Analysis: Located along the Western Avenue commercial corridor, the proposed use is consistent with the form and use of surrounding properties.

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, with the condition that all improvements to bring the building up to zoning compliance are completed within 6 months.

Property Information

Location: 1701 HICKORY RD and 1709 HICKORY RD
 Owner: EAST SIDE BASEBALL SOFTBALL ASSOC

Project Summary

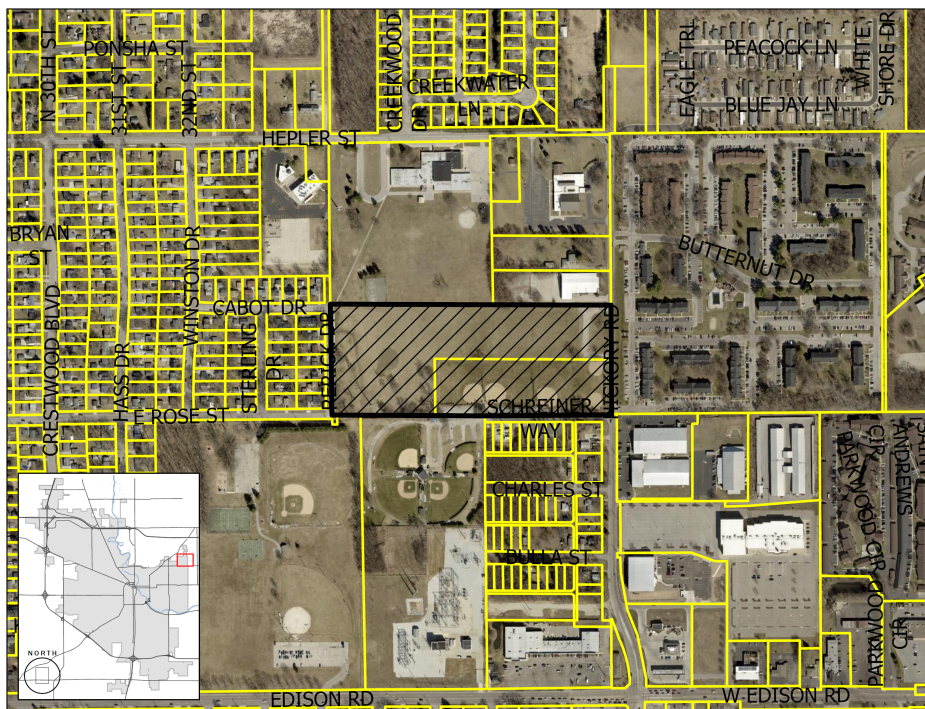
ESBSA to develop a baseball and softball complex with multiple fields and an indoor training facility. The new development will allow for hosting of regional tournaments and offer improved opportunities to the area youth.

Requested Action

Special Exception: to allow Park and Open Space Uses in S1 Suburban Neighborhood 1
 Variance(s):

- 1) Use Variance to allow Entertainment and Recreation, Indoor Use in S1 Suburban Neighborhood 1
- 2) from the minimum side setback in S1 Suburban Neighborhood 1 of 20' to 0'
- 3) from the maximum building height in S1 Suburban Neighborhood 1 of 35' to 56'
- 4) from the minimum parking setback abutting OS Open Space of 20' to 0'
- 5) from the minimum side yard setback in OS Open Space of 10' to 0'
- 6) from a required Building Type or Frontage Type

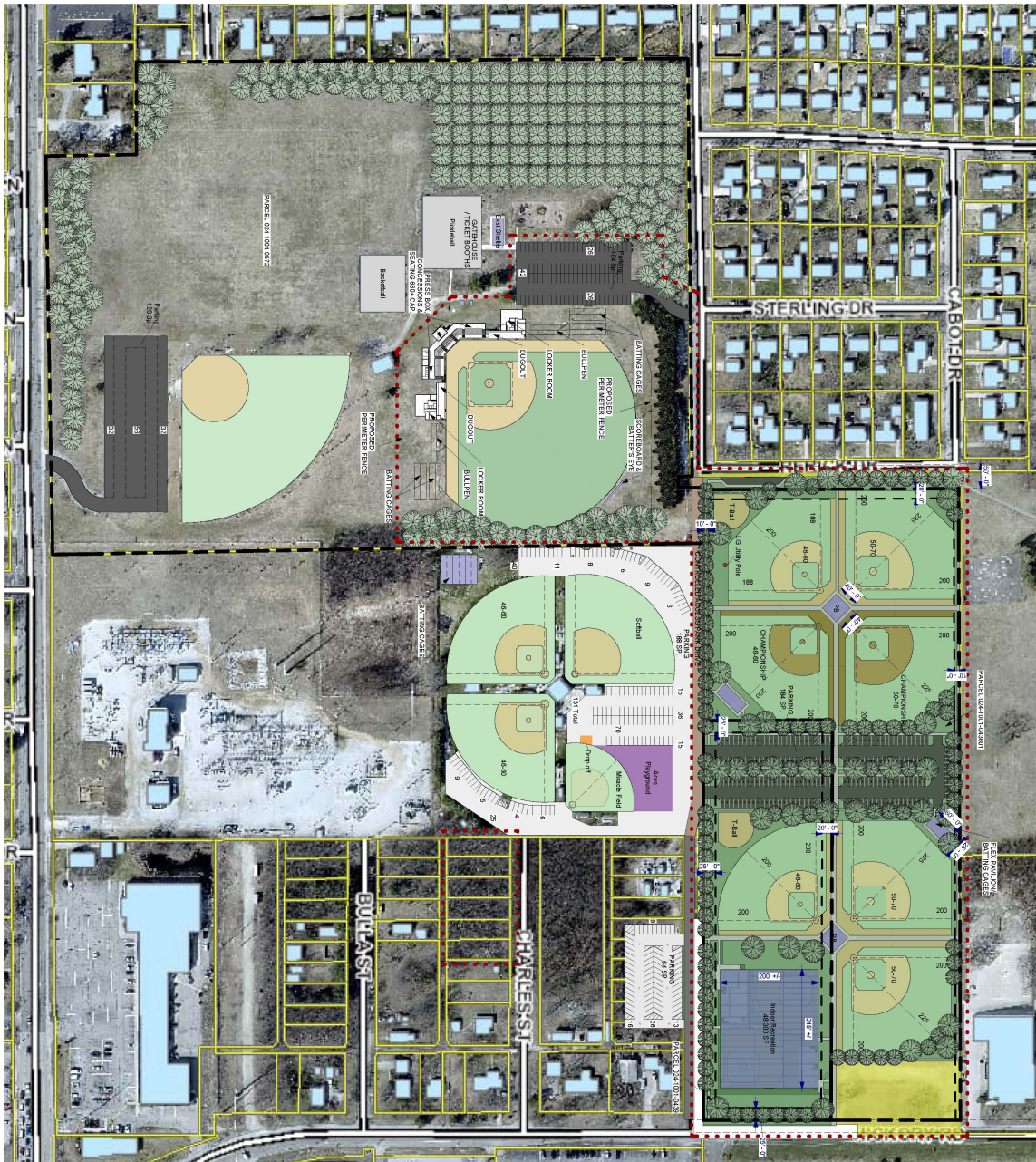
Site Location



Staff Recommendation

Based on the information available prior to the public hearing, Staff recommends the Board approve the variances as presented and send the Use Variance and Special Exception to the Common Council with a favorable recommendation.

Proposed Site Plan



SITE LEGEND

PRIMARY BUILDING	EAST / WEST PARKING AREA
SECONDARY BUILDING	GREEN SPACE / TREE LAWN
SEWER / WATER	CONTROLLED ACCESS PARK
AREA OF IMPACT / FIELD LINE	
PROPERTY LINE	
SETBACK LINE	
FIELD POLE LINE	

EXISTING COUNT:

- 1. TOTAL LOT - 104 SP
- 2. EST. FIELD LOT(S) - 48 SP
- 3. N. BOHEM LOT - 120 SP
- 4. S. BOHEM LOT - 120 SP
- 5. TOTAL EXIST. APPX 408 SP +/-

PROPOSED COUNT:

- 1. TANNINGTON LOT - 184 SP
- 2. TOTAL PROP - 184 SP

TOTAL ON-SITE APPX 408 SP +/-

381 EDISON ROAD:

- 1. ZONING: CS (COMMERCIAL SERVICE)
- 2. SETBACKS (Adjacent to ST. SZ. UY. UZ.)
- 3. FRONT: 0'
- 4. SIDE: 10'
- 5. REAR: 20'

1709 HICKORY ROAD:

- 1. ZONING: CS (COMMERCIAL SERVICE)
- 2. SETBACKS (Adjacent to ST. SZ. UY. UZ.)
- 3. FRONT: 0'
- 4. SIDE: 10'
- 5. REAR: 20'

1709 HICKORY ROAD:

- 1. ZONING: CS (COMMERCIAL SERVICE)
- 2. SETBACKS (Adjacent to ST. SZ. UY. UZ.)
- 3. FRONT: 0'
- 4. SIDE: 10'
- 5. REAR: 20'

CONTEXT KEY PLAN

ARCHITECTURAL SITE PLAN

Schematic Design
DATE: December 09, 2024

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Project Number: KAP-24009

ESBSA MASTER PLAN

BOOTH TANNINGTON PARK
South Bend, IN 46605
South Bend, IN 46617

PRELIMINARY NOT FOR CONSTRUCTION

KILL ARCHITECTURE PLANNING

1709 HICKORY ROAD
SOUTH BEND, IN 46605
574.298.2504
killarchitecture.com

SCALE 1" = 100'-0"

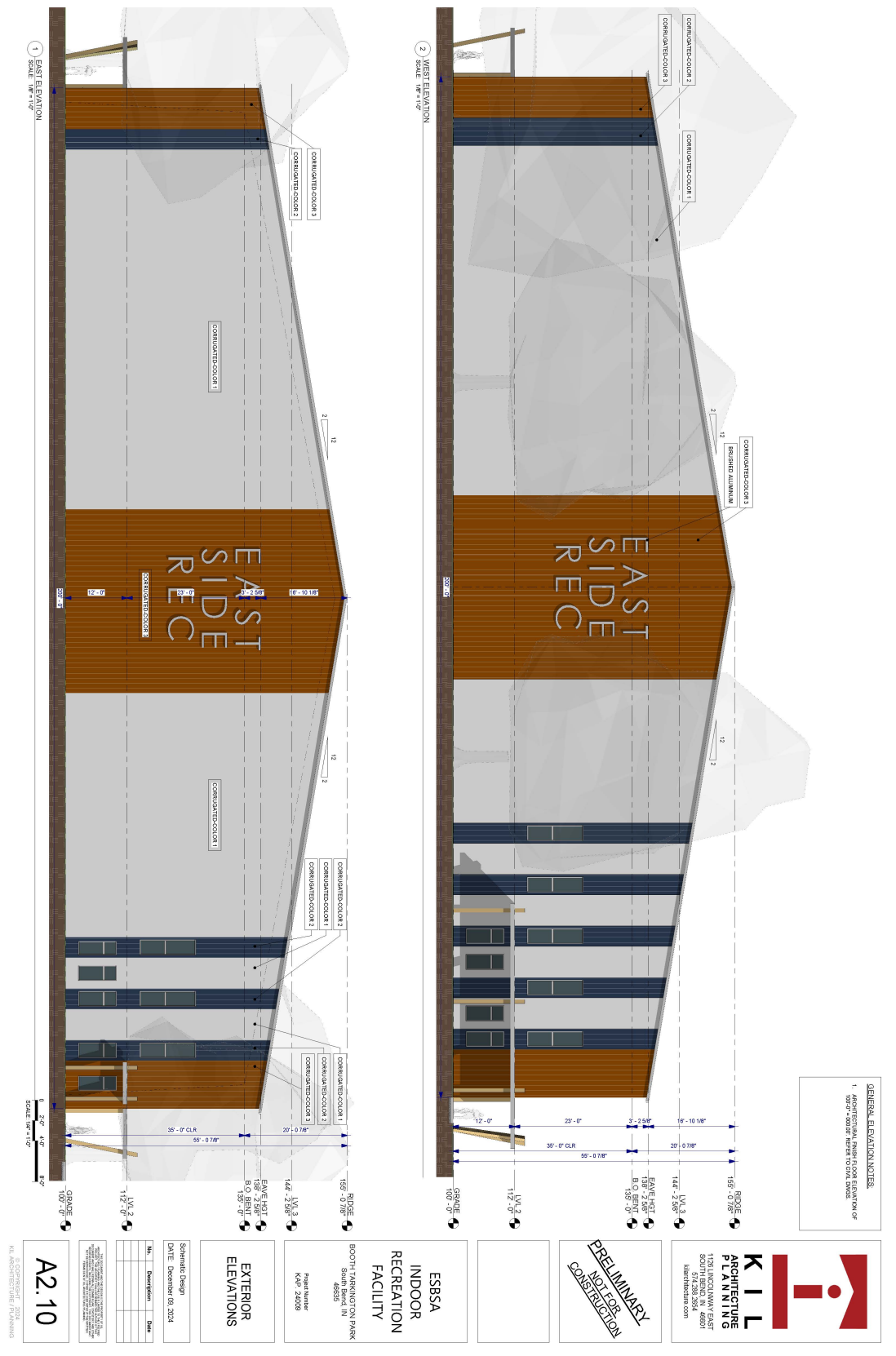
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Proposed Site Plan



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 as a Park and Open Space in an S1 zoned parcel should not be injurious to the general welfare of the community. The use is contextually appropriate, being bounded on 3 sides by City parks, and will foster a public-private partnership designed to serve the community, offering valuable amenities to the public.

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

The proposed use as Park and Open Space allows for the development of park facilities that will complement the use and value of adjacent areas. The property is located in close proximity to indoor recreational spaces and directly abuts City owned public parks. The development will offer amenities to surrounding residential properties and to the general public.

(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 will be consistent in design and use to the surrounding area. Existing baseball fields will be improved and expanded on the property and in the surrounding City owned parks.

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

The proposed use is consistent with City Plan (2006) Objective PF 5.1: Provide and maintain a range of parks and recreational facilities through the City; Policy PF 5.1.2 Provide a balance of active and passive recreation opportunities in the City park system; and Policy PF 5.1.3 Partner with schools, colleges, private organizations, and neighboring jurisdictions to provide adequate recreation facilities for the general public.

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 general welfare of the community. The proposed recreation facility is contextually appropriate in use and design but does not correspond well to the building types or maximum height outlined in the zoning ordinance for an S1 zoned parcel. The setback variances address parking and structures

along a common lot line between the two properties in the petition. All external setbacks, buffers, and other zoning requirements will be met.

(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 proposed recreation facility is contextually appropriate in use and design and should not adversely impact the use and value of adjacent properties. The setback variances address parking and structures along a common lot line between the two properties in the petition. All external setbacks, buffers, and other zoning requirements will be met.

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

The design of the indoor recreation building is contextually appropriate and the added height allows the site to function as an indoor baseball facility. The parking lot and buildings requiring a setback variance straddle the property line between two adjacent parcels being used by a single entity for a coordinated function. Requiring minimum setbacks to be met along the shared property line would limit the overall function of the properties.

(4) The variance granted is the minimum necessary

The variance granted is the minimum necessary. The proposed recreation facility is contextually appropriate in use and design and the height variance allows for the utility of the site in its capacity as an indoor baseball facility. The setback variances address parking and structures along a common lot line between the two properties in the petition.

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

The zoning ordinance does not speak well to a project of this nature, which is contextually appropriate in use and design.

Analysis & Recommendation

Analysis: The proposed recreation facility is contextually appropriate in use and design. The setback variances address parking and structures along a common lot line between two adjacent parcels being used by a single entity for a coordinated function. The proposed special exception for use as Park and Open Space allows for the development of contextually appropriate park facilities, offering valuable amenities to surrounding residential properties and to the general public.

Staff Recommendation: Based on the information available prior to the public hearing, Staff recommends the Board approve the variances as presented and send the Use Variance and Special Exception to the Common Council with a favorable recommendation.

Property Information

Location: 1705 SOUTH BEND AVE
Owner: Brennans Walk Holdings, LLC

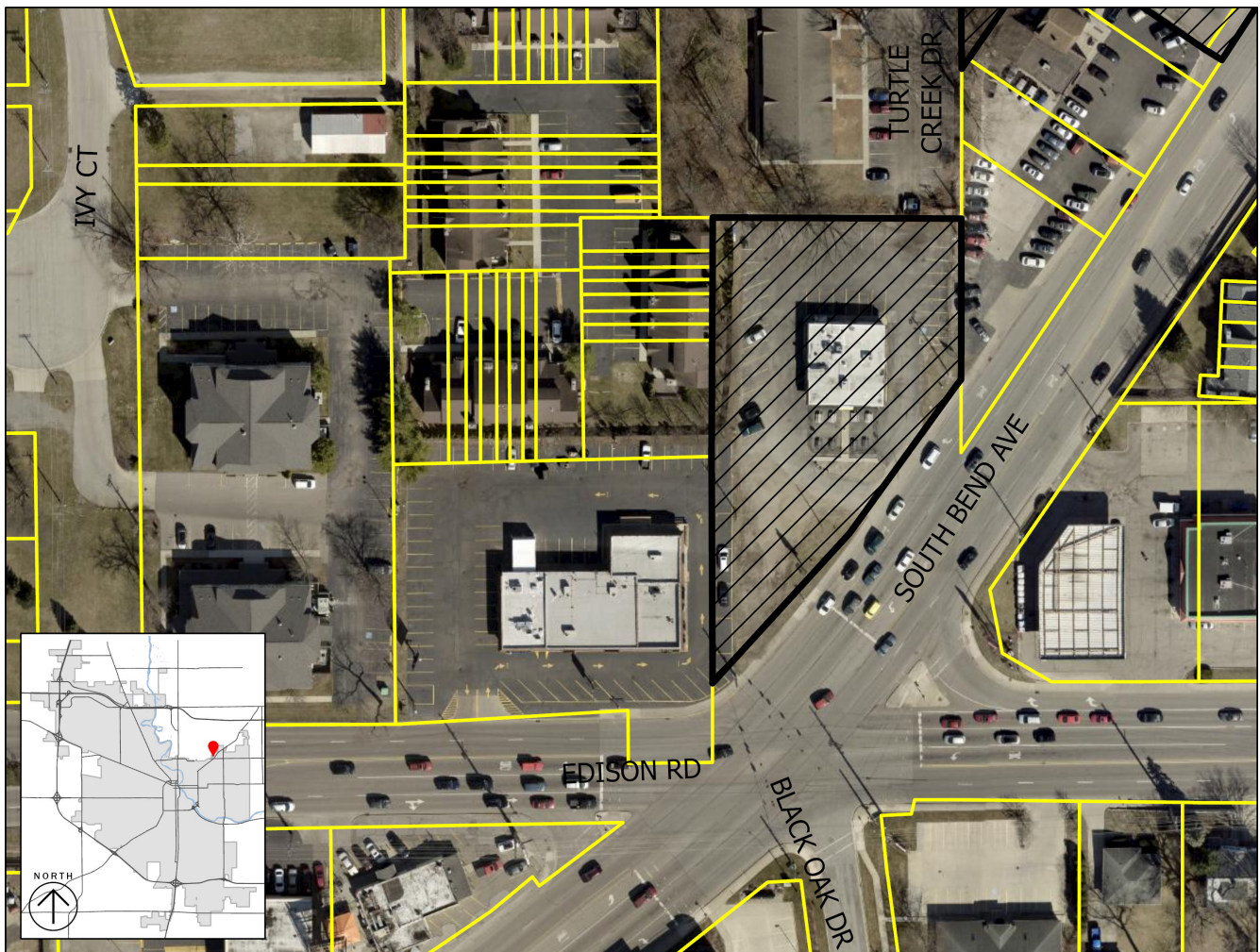
Project Summary

The site is planned to be developed as a stacked flat building with an office and gym on the ground floor and 3 floors of condominium units above

Requested Action

Variance(s):

- 1) from the maximum width of a stacked flat building type in an NC district of 120' to 199'

Site Location**Staff Recommendation**

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

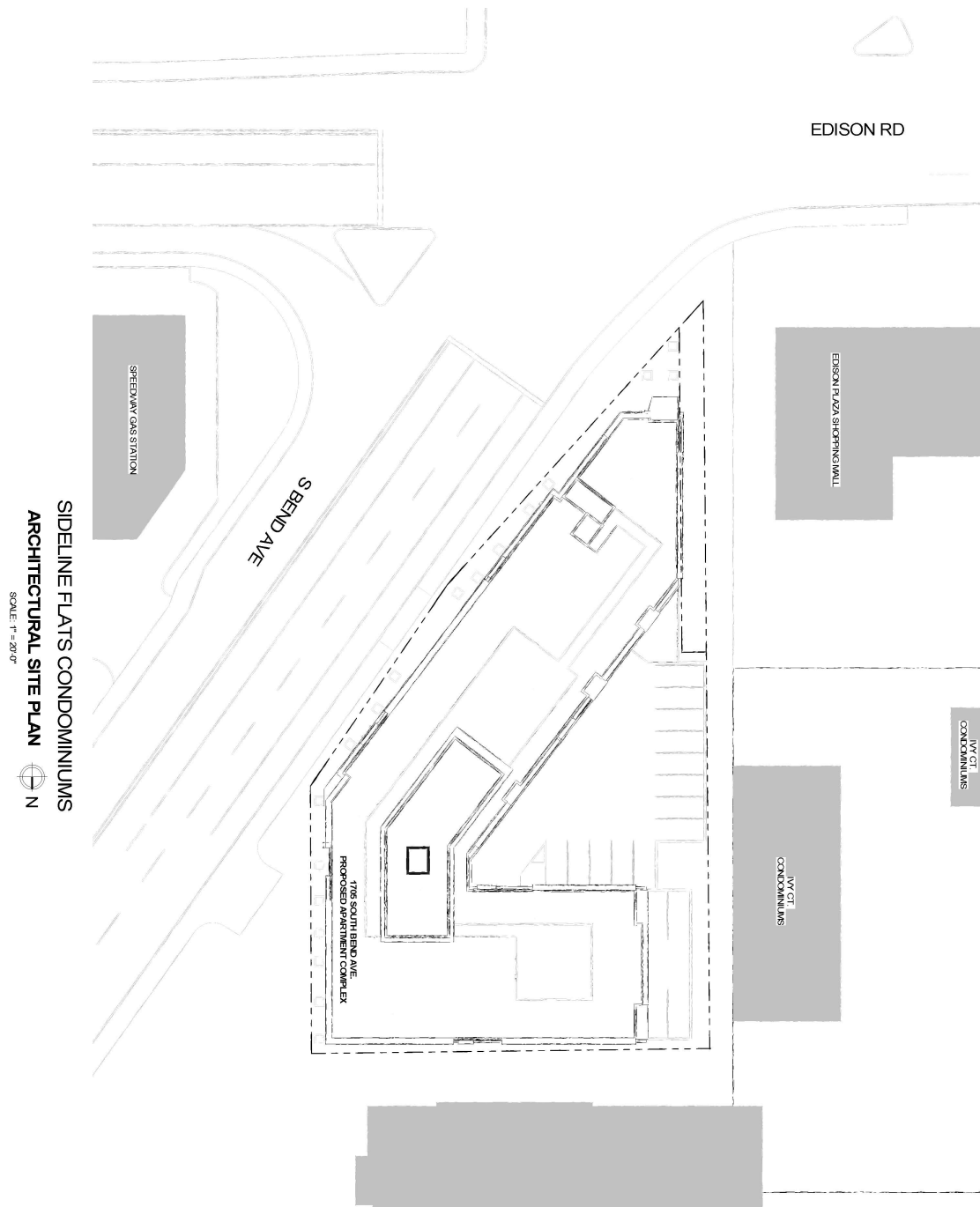
Proposed Site Plan



3D PERSPECTIVE
FROM A DRONE VIEW
SIDELINE FLATS CONDOMINIUMS



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 variance should not be injurious to the general welfare of the community. The building length is contextually appropriate, as the property lies adjacent to a highly trafficked thoroughfare and is surrounded on all sides by medium-to-high density housing and commercial spaces.

(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 adversely affected. The variance will allow for the development of a building that is contextually appropriate along a highly trafficked thoroughfare and abutting medium-to-high density housing/commercial spaces. The angle and shape of the building limit the perceived massing and a variety of functions at the ground floor further limit the perceived length of the building for pedestrians.

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

This parcel is located adjacent to the major intersection of South Bend Avenue and Edison Road near the edge of the University of Notre Dame campus. The area supports a higher density project, but is limited to the NC Neighborhood Center zoning width for a stacked flat building type that is targeted at buildings in a more traditional neighborhood node environment. The 199' width would be compliant for a stacked flat building type in the DT or S2 zoning districts and is contextually appropriate in this setting.

(4) The variance granted is the minimum necessary

The variance granted is the minimum necessary. The building is contextually appropriate along a highly trafficked thoroughfare, surrounded by medium-to-high density housing/commercial spaces. The angle and shape of the building limit the perceived massing. The building would be compliant with the 200' maximum width for a stacked flat in a DT or S2 zoning district.

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

Adjacent to a major intersection of South Bend Avenue and Edison Road near the edge of Notre Dame Campus, this area supports a higher density project, but is limited to the NC Neighborhood Center zoning width for a stacked flat building type of 120' that is targeted at buildings in a more traditional neighborhood node environment.

Analysis & Recommendation

Analysis: The proposed building length is contextually appropriate as the property lies adjacent to a wide and highly trafficked thoroughfare and is surrounded on all sides by medium-to-high density housing and commercial spaces.

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