

City of South Bend

BOARD OF ZONING APPEALS

AGENDA

Monday, May 5, 2025 - 4:00 p.m.

County-City Building

Fourth-Floor Council Chambers

www.tinyurl.com/sbbza-2025

PUBLIC HEARING:

1. **Location:** 207 E CALVERT ST **BZA#0326-25**
Owner: Mohamed Nafti
Requested Action:
Variance(s):
1) From the maximum encroachment of a frontage type into a front yard of 5' to 14'
Zoning: U1 Urban Neighborhood 1
2. **Location:** 1333 WILBER ST **BZA#0327-25**
Owner: PROJECT IMPACT SOUTH BEND INC
Requested Action:
Variance(s):
1) From the maximum encroachment of a frontage type into a front yard of 5' to 9'
Zoning: U1 Urban Neighborhood 1
3. **Location:** 3401 WESTERN AVE **BZA#0322-25**
Owner: LAKSHMI PRIYA & KAUR RAVNEET & MR DISCOUNT GRILLE & LIQUOR LLC
Requested Action:
Special Exception: beer/wine/liquor sales
Zoning: NC Neighborhood Center
4. **Location:** 906, 912, 914, 918 DUBAIL AVE and 1703, 1705 DALE AVE, **BZA#0321-25**
1711 DALE AVE
Owner: 2010 INVESTMENT GROUP
Requested Action:
Special Exception: a two unit dwelling on each lot in U1 Urban Neighborhood 1
Zoning: U1 Urban Neighborhood 1
5. **Location:** 1702 WESTERN AVE **BZA#0325-25**
Owner: A & M WIRELESS INC
Requested Action:
Special Exception: a Restaurant use
Zoning: UF Urban Neighborhood Flex

ITEMS NOT REQUIRING A PUBLIC HEARING:

1. Findings of Fact - April 7, 2025
2. Minutes – April 7, 2025
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: 207 E CALVERT ST
Owner: Mohamed Nafti

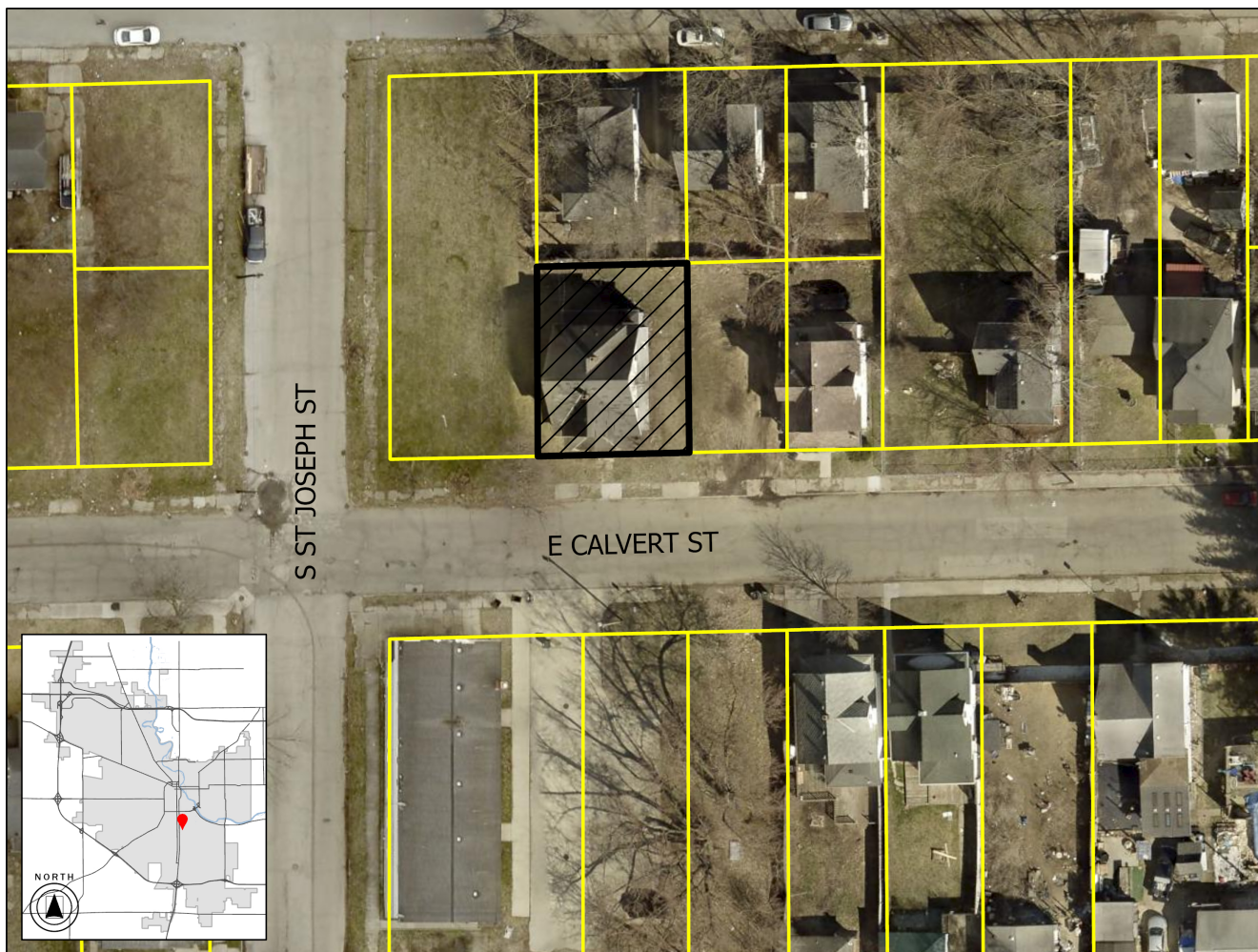
Project Summary

Removing and rebuilding the front porch for safety and durability, the new porch will match the design of the previous porch

Requested Action

Variance(s):

- 1) From the maximum encroachment of a frontage type into a front yard of 5' to 14'

Site Location

Staff Recommendation

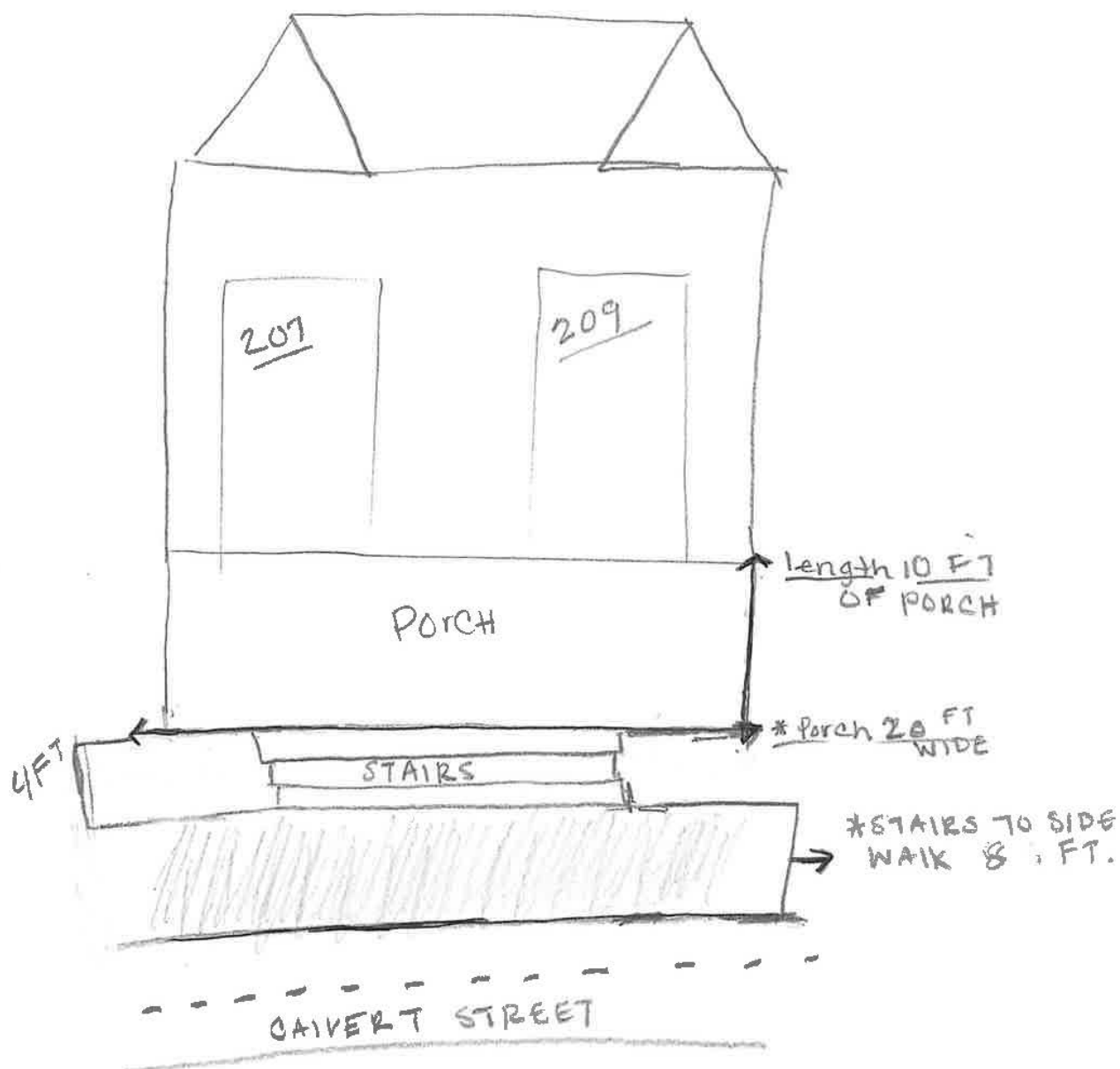
Based on the information provided prior to the public hearing, the staff recommends the Board approve the variance as presented.

Proposed Site Plan



Proposed Site Plan

207 E. Calvert St.
South Bend



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 front porch and overhang will match the built form and setbacks of the surrounding neighborhood and will restore the porch to its original footprint created in 1907.

(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 porch will match the built form of the surrounding area and will be a restoration to its original configuration.

(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 in this Chapter could result in difficulties restoring the porch to its existing layout. Contextual setback language only applies to new buildings and not existing structures, leading to existing and older buildings to have to request a variance to replace existing frontages. In this case, the dwelling is about nine feet (9') within the front setback, making any application of a frontage type require a variance.

(4) The variance granted is the minimum necessary

The variance granted is the minimum necessary. The roofed porch will be in the same location as when originally built, matching the design of the original house. It does not feature any expansion of the porch as it existed. The porch will be 6' deep, the minimum depth for a porch as defined by the zoning ordinance.

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

The building was built in 1907 and was built close to the street keeping in line with the neighborhood layout at the time. This created a non-conforming condition as the zoning was applied to the area.

Analysis & Recommendation

Analysis: Built in 1907, prior to any zoning laws, the house and the property to its east were sited with no setback from the lot line. The porch deteriorated over the years and needs to be replaced to be a functional frontage. Replacing the porch with one that fills the same footprint helps maintain the historic built form of the neighborhood and provides an effective frontage for the property.

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

Property Information

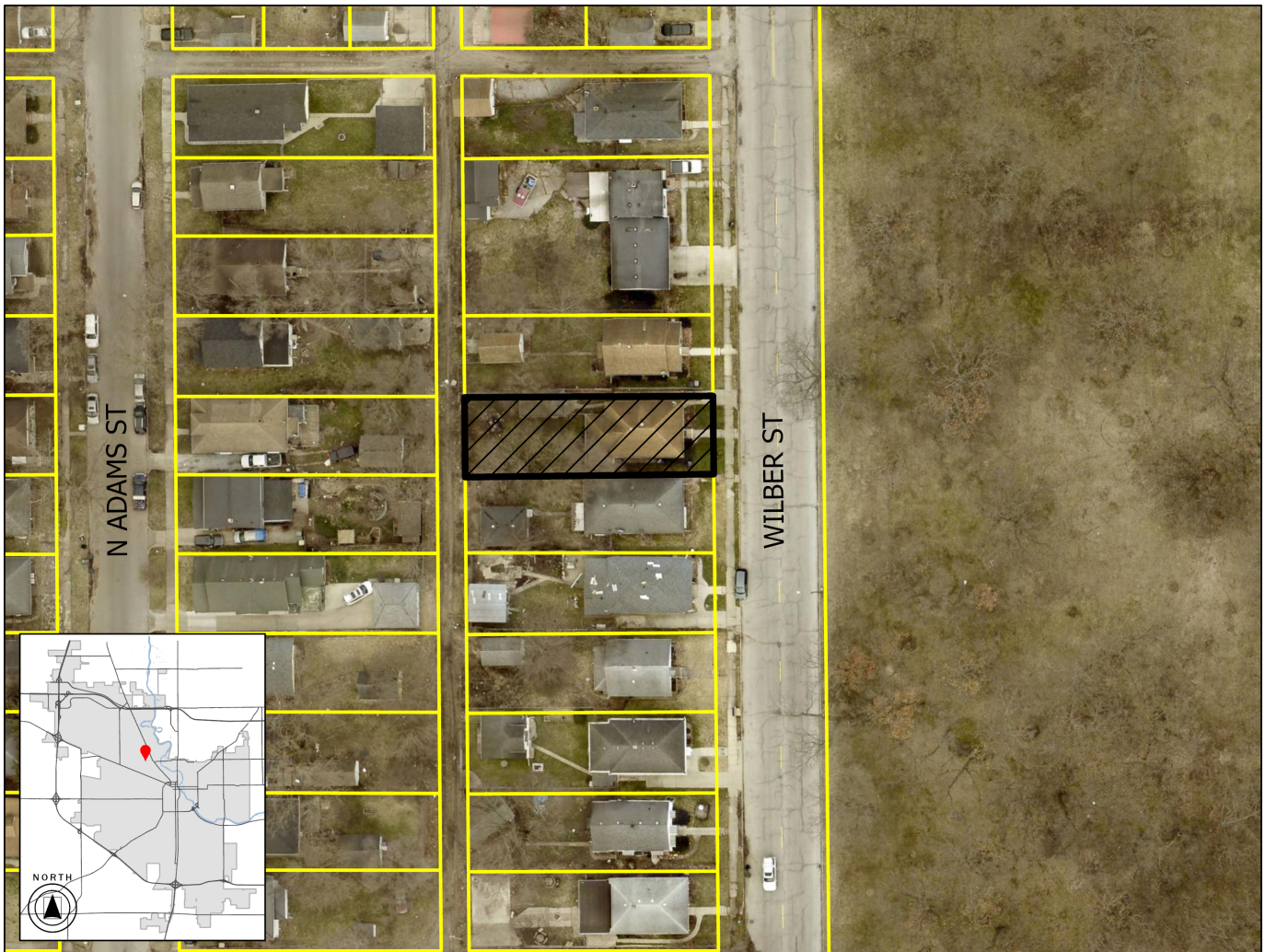
Location: 1333 WILBER ST
Owner: PROJECT IMPACT SOUTH BEND INC

Project Summary

Adding a porch to the front of the house

Requested Action

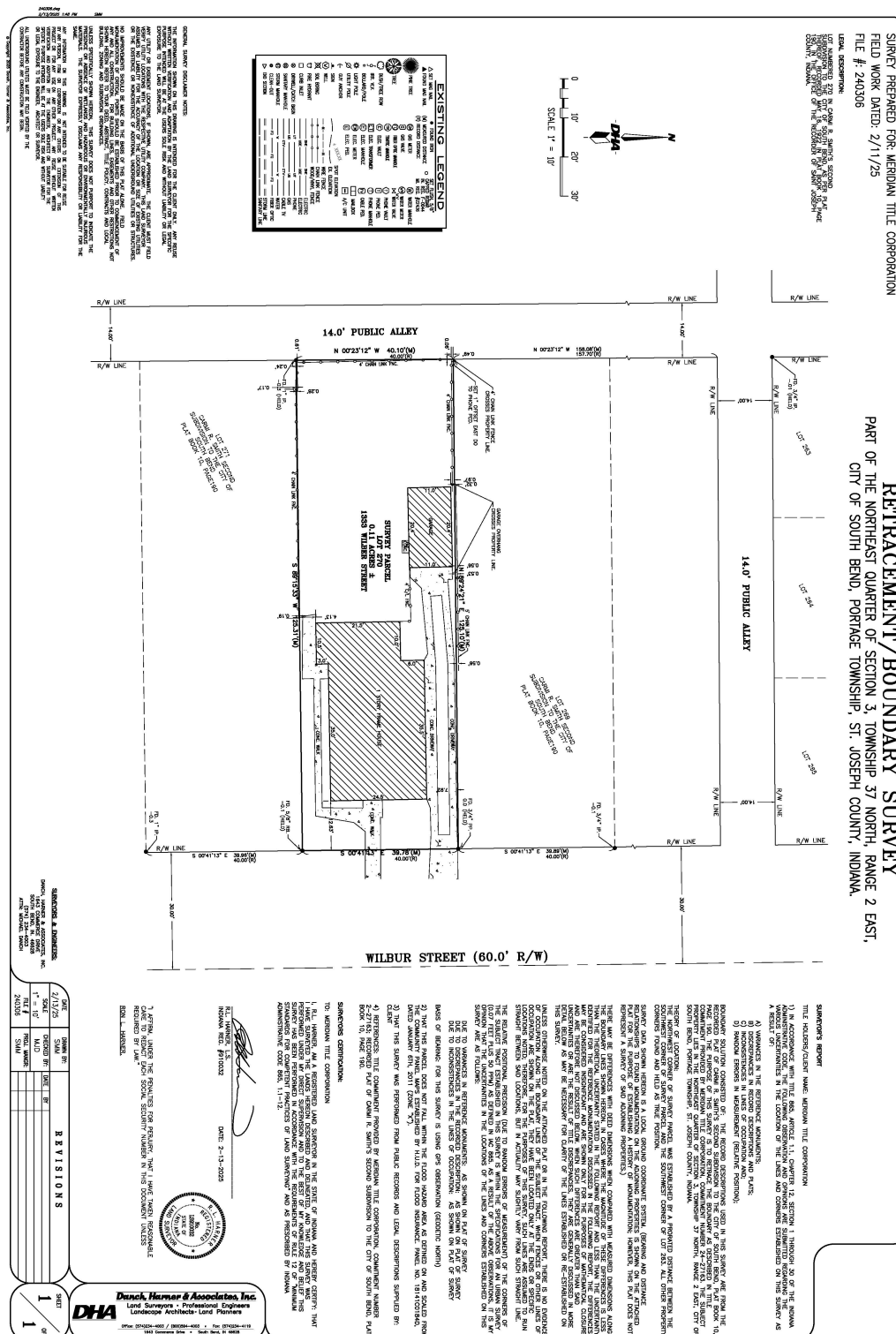
Variance(s):
1) From the maximum encroachment of a frontage type into a front yard of 5' to 9'

Site Location

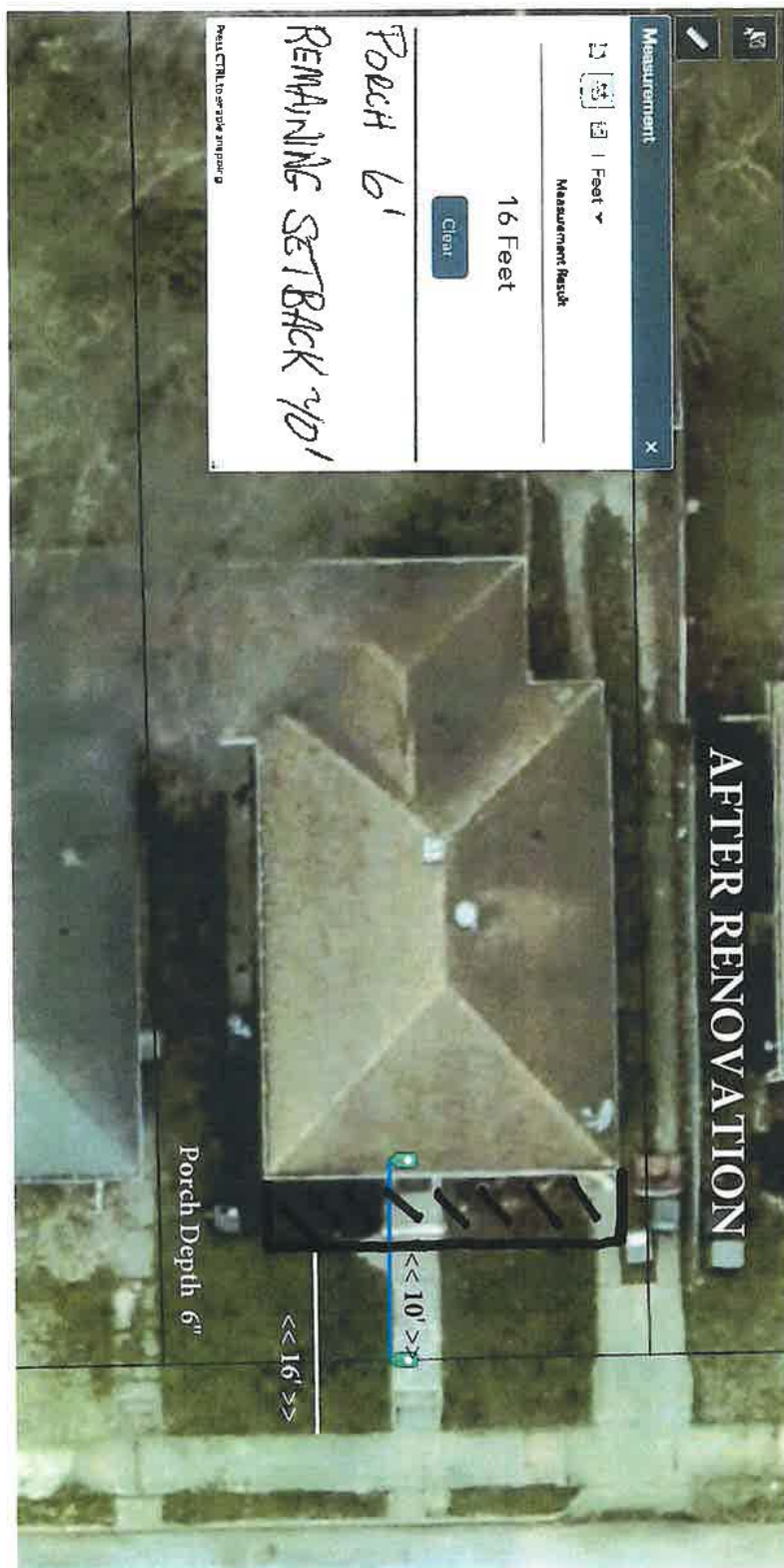
Staff Recommendation

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



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.

(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. The zoning ordinance generally encourages frontage types to act as an interface between the public and private sphere. This should make the area more welcoming and active.

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

The strict application of the terms of this Chapter would result in practical difficulties in installing the porch. As the facade of the dwelling is twelve feet (12') from the lot line, it makes it impossible to construct any frontage type permitted within the zoning district.

(4) The variance granted is the minimum necessary

The variance granted is the minimum necessary. The variance is meant to permit the minimum depth required for a porch frontage type. A variance would be required to build any frontage type given the building's front setback. This variance will allow for a frontage type that replaces a stoop with a non-conforming depth.

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

The structure has existed without a porch as its frontage type for between 30 and 60 years. As the structure is sited, it would be impossible to establish a required frontage type without the need for a variance.

Analysis & Recommendation

Analysis: In 1960, 10 of the 11 homes on Wilber had full front porches while only one has a full porch in 2022. The petitioner is seeking a variance to construct a porch that will restore that former condition to their home and improve the block face. Additionally, the variance should bring the frontage type for the house into greater compliance from the stoop which is non-conforming in depth.

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: 3401 WESTERN AVE

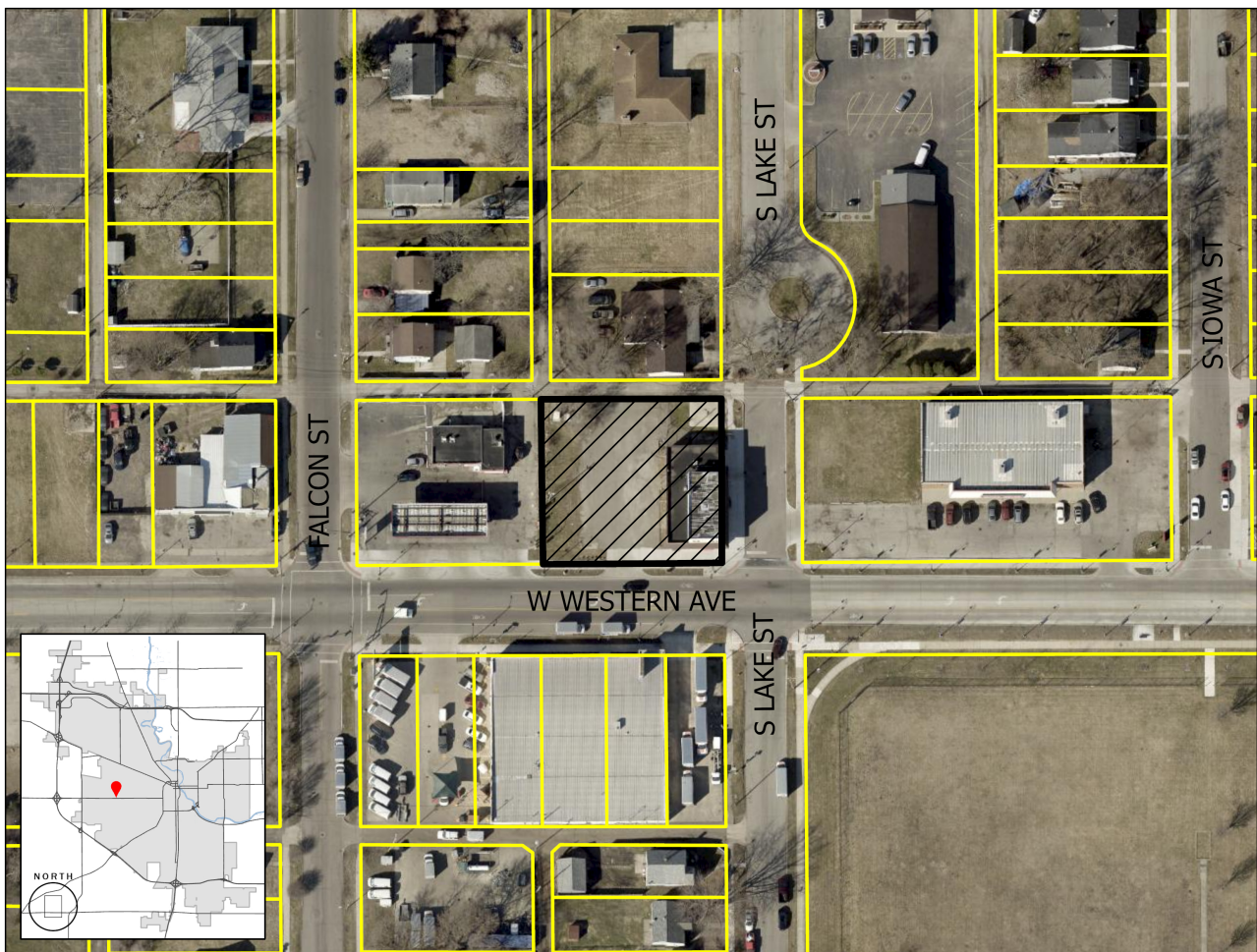
Owner: LAKSHMI PRIYA & KAUR RAVNEET & MR DISCOUNT GRILLE & LIQUOR LLC

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: To allow beer/wine/liquor sales

Site Location

Staff Recommendation

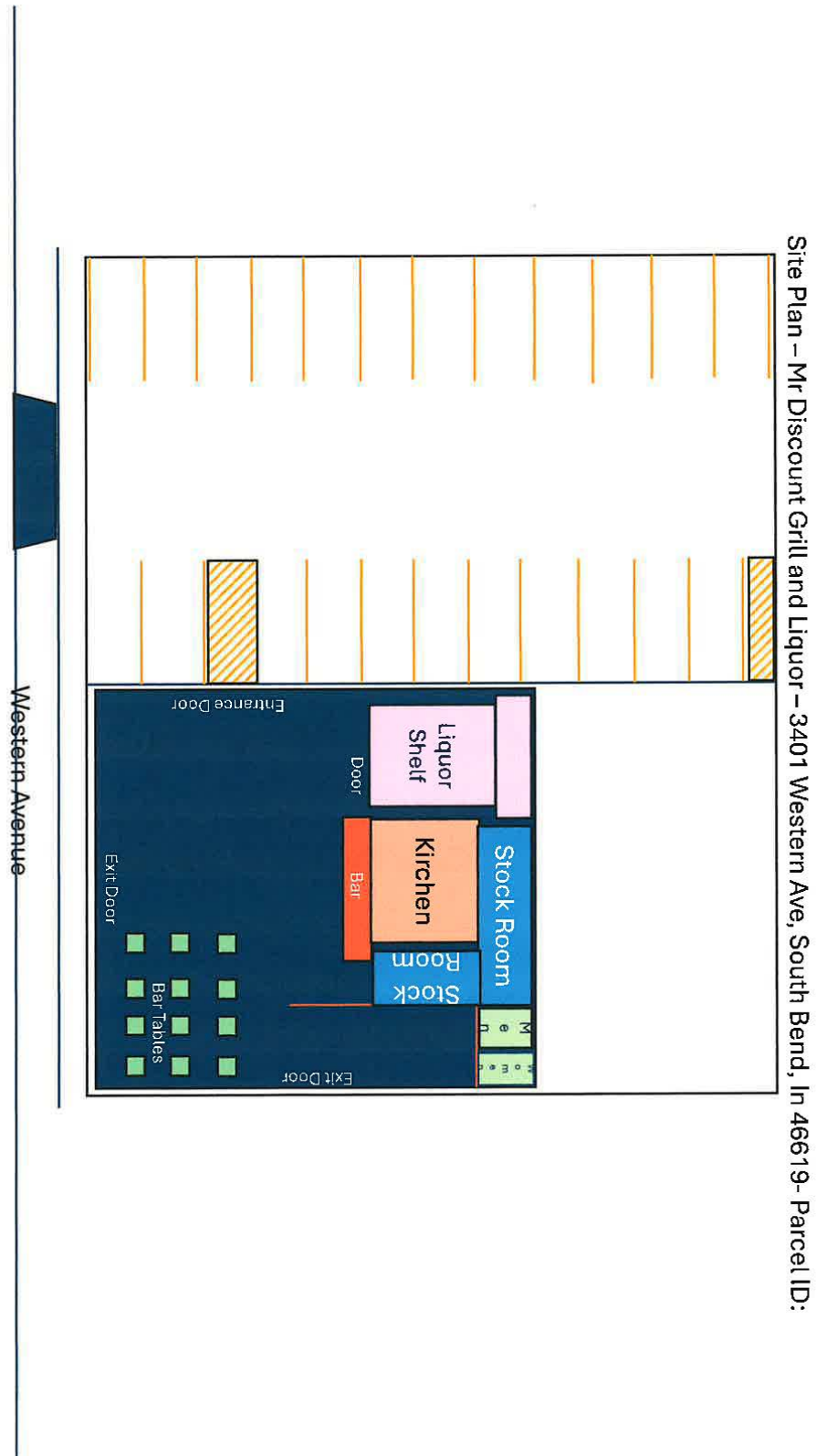
Based on the information provided prior to the public hearing, the staff recommends the Board send the petition to the Common Council with a favorable recommendation, with the condition that all improvements to bring the building up to zoning compliance are completed within 6 months.

Proposed Site Plan



Mr. Discount Grill and Liquor – 3401 Western Ave, South Bend, In 46619-

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

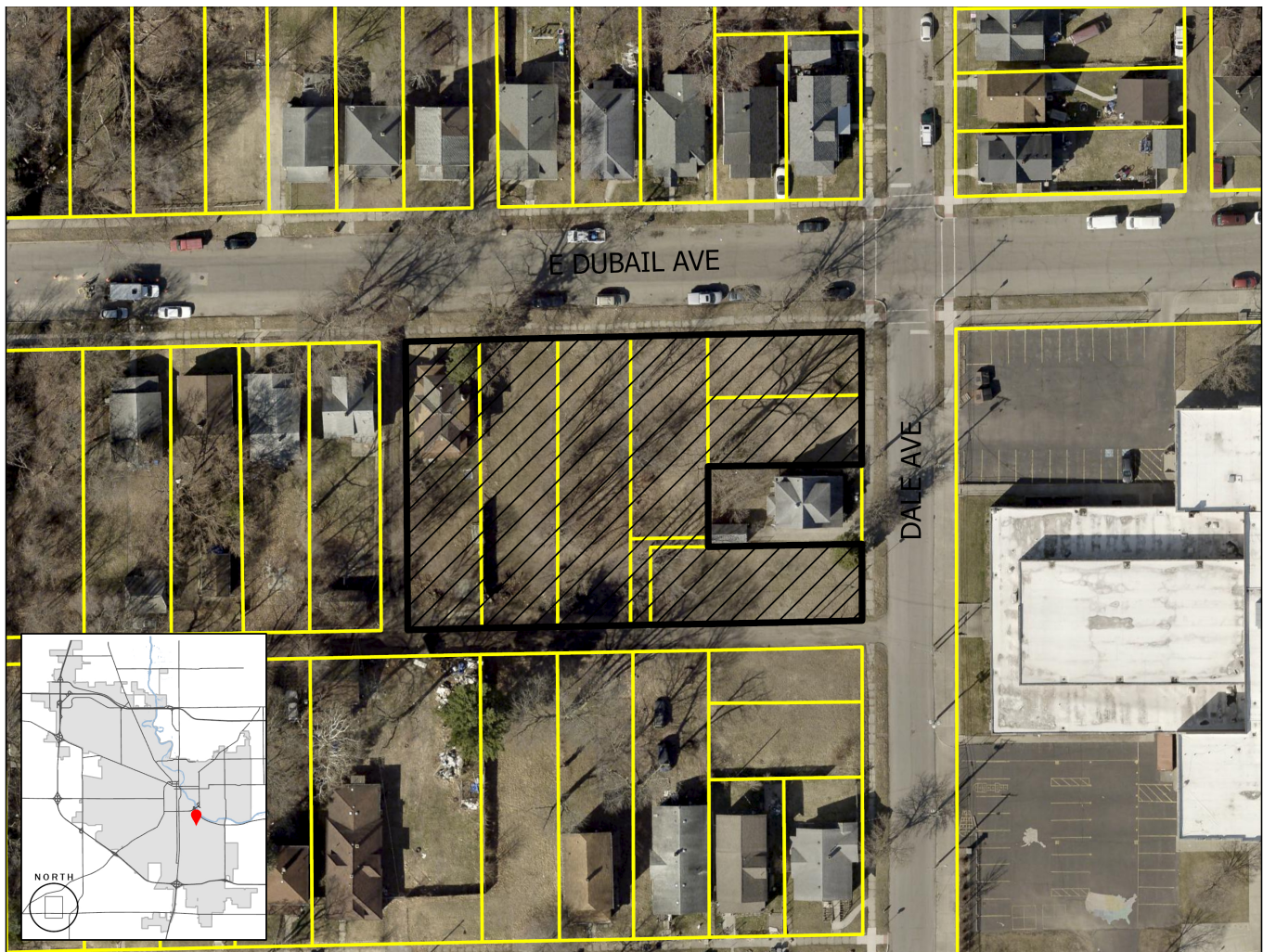
Location: 906, 912, 914 DUBAIL, 918 DUBAIL AVE and 1703, 1705, 1711 DALE AVE
Owner: 2010 INVESTMENT GROUP

Project Summary

New duplex construction on vacant lots at the corner of Dale and Dubail.

Requested Action

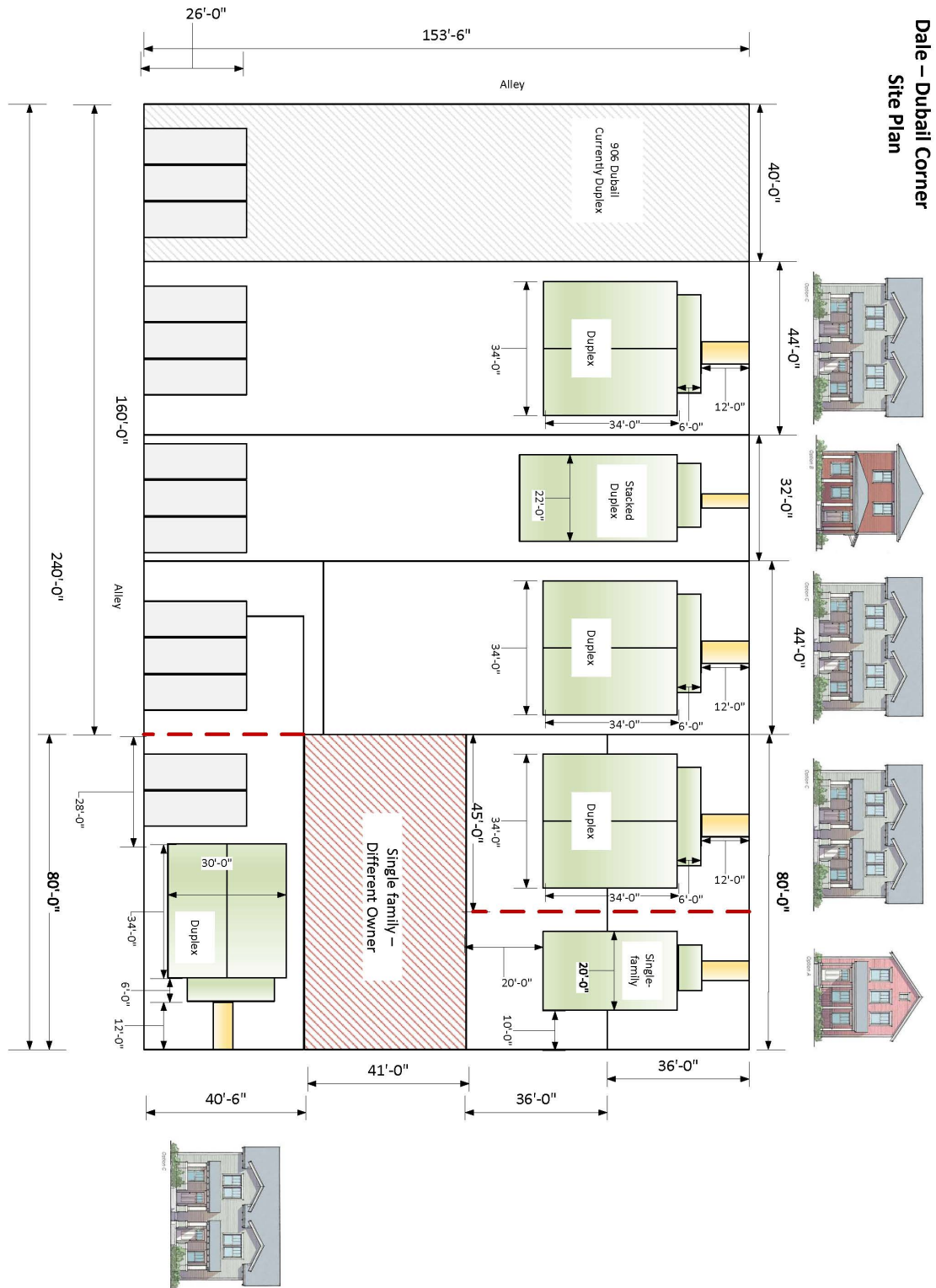
Special Exception: to allow a two unit dwelling on each lot in U1 Urban Neighborhood 1

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 this Special Exception should not be injurious to the public health, safety, morals, and general welfare of the community. The project will feature newly constructed duplexes designed to be similar to the built form of the surrounding area. The construction of two unit dwellings on vacant parcels 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;

New duplex construction should not injure or adversely affect the uses or values of adjacent properties and the area around the buildings. The project is designed to blend with the built form of the surrounding area and will bring new residents to the area, providing housing on lots that are 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, matching the scale and built form of the neighborhood and providing infill housing on vacant lots. 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 new duplexes that are consistent with the built form of the surrounding neighborhood will bring new residents to the area and provide additional housing on lots that are 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

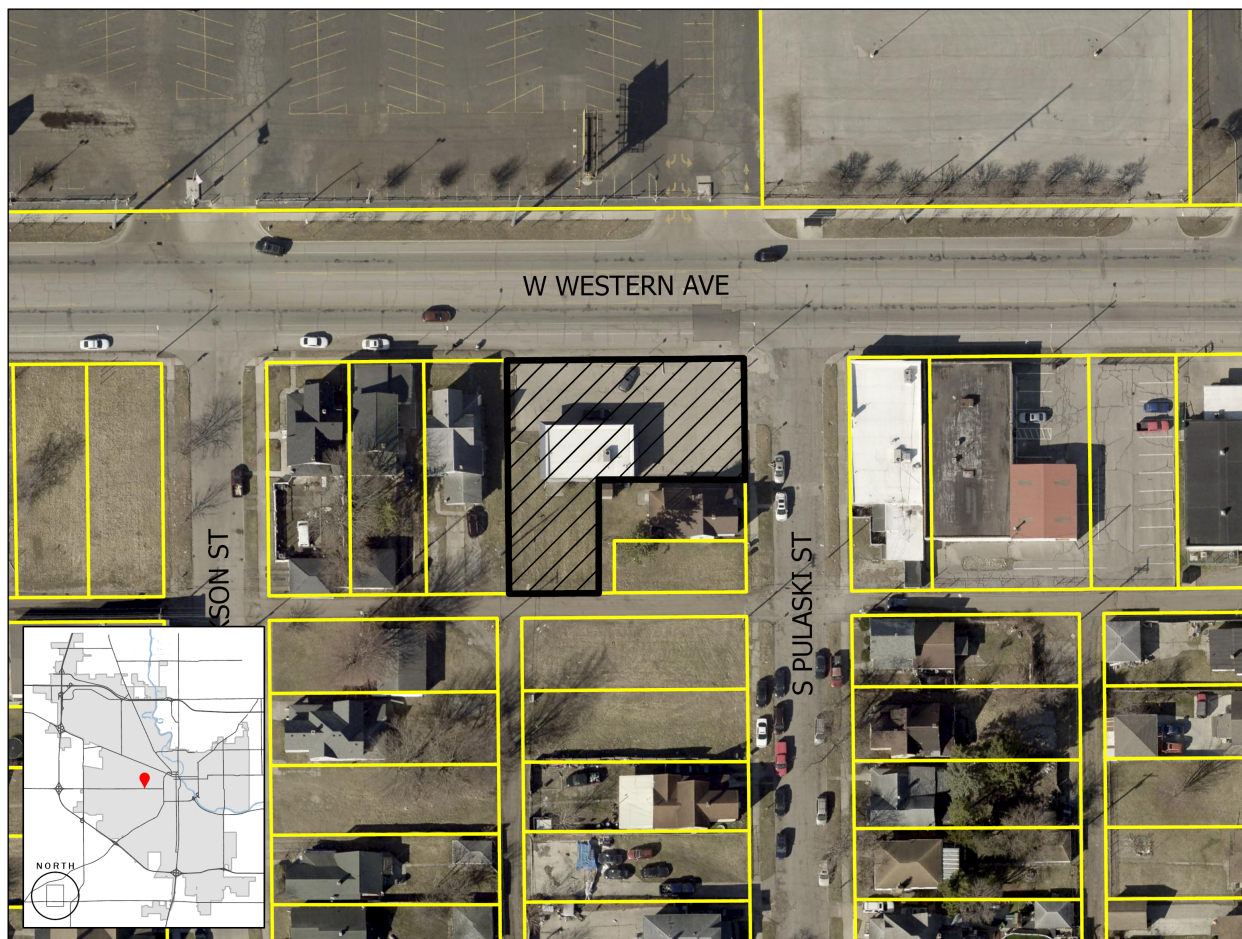
Location: 1702 WESTERN AVE
Owner: A & M WIRELESS INC

Project Summary

The property consists of two store fronts. One store front is vacant. The owner is in negotiations with a tenant to fill the vacancy with an ice cream shoppe and restaurant.

Requested Action

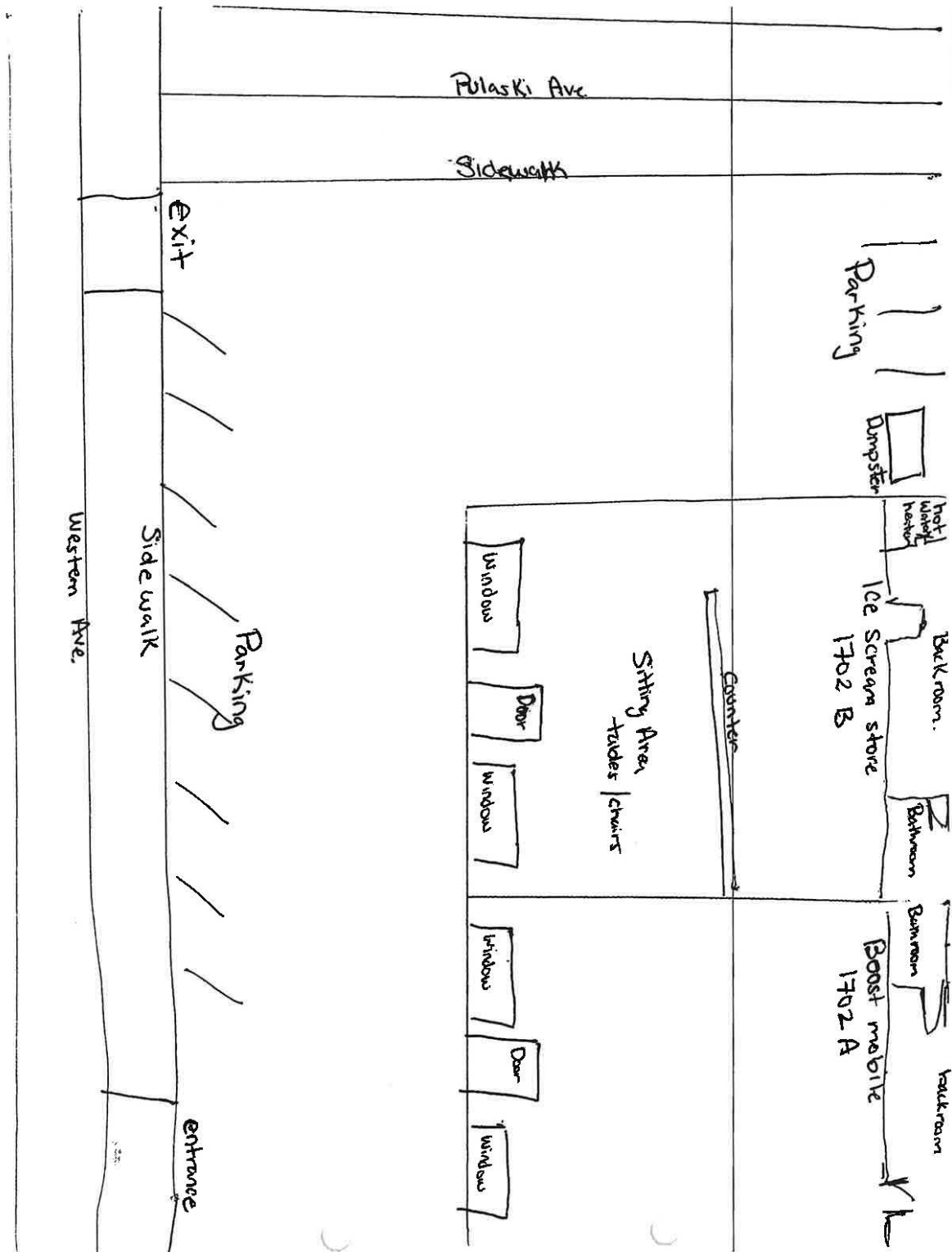
Special Exception: to allow a Restaurant use

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 and site up to zoning compliance are completed within 6 months of approval.

Proposed Site Plan



Criteria for Decision Making: Special Exception

A Special Exception may only be granted upon making a written determination, based upon the evidence presented at a public hearing, that:

(1) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;

The proposed use should not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare as any proposed restaurant will meet all applicable building and fire safety codes.

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

The proposed use should not injure or adversely affect the use of the adjacent area or property values. The building was designed and has historically been utilized as retail/service space and the introduction of a restaurant will activate the building and enhance the neighborhood by offering a new local amenity.

(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 parcel is located on busy Western Avenue across the street from large retail and industrial uses. The proposed use as a small scale restaurant is consistent with the surrounding traditional neighborhood development pattern of UF and U3 and will serve to enhance the area.

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

The proposed use is consistent with City Plan (2006), Objective LU2.2: Pursue a mix of land uses along major corridors and other locations identified on the Future Land Use Map.

Analysis & Recommendation

Analysis: The building was designed and has historically been utilized as retail/service space. Introducing a restaurant will activate the building and enhance the neighborhood by offering a new local amenity.

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 and site up to zoning compliance are completed within 6 months of approval.