Carolyn Henry

From: Elizabeth Burman <eburman.mail@gmail.com>
Sent: Sunday, December 03, 2017 4:11 PM
To: Carolyn Henry
Subject: Opposition to Rezoning 806 Howard Street

#7

Dear Carolyn,

Please convey this letter to the South Bend Area Board of Zoning Appeals.

Our names are Thomas and Elizabeth Burman, and we joint own and live in a home that is within 300 feet of the property at 806 Howard Street, which is currently appealing for several zoning variances that you will be considering at this month's hearing.

We OPPOSE these variances.

The reasons for our opposition, in terms of the ABZA's four legal standards:

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

A. The planned expansion and use of the property at 806 Howard Street is completely out of character with its immediate neighbors, and violates the standards that have been carefully agreed upon by the Northeast Neighborhood Community and already accepted as an overlay by the ABZA.

B. Our traffic and parking patterns are already being affected, and our street parking for our own and our guests' cars by the Eddy Street Commons development, the addition of bike lanes, and the expansion of Keller park, all adjacent to 806 Howard Street. There is insufficient margin for the additional street parking being requested in this appeal.

C. The safety of neighborhood children coming and going to Keller park would also be endangered by the requested increase in street parking that the children would now have to traverse.

D. There is already a very carefully planned mixed-use area under development on Eddy Street. By contrast, there has been NO neighborhood discussion or approval for a single, massively over-built, mixed-use building at 806 Howard Street, which is in the middle of a single home residential area.

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

A. Our property value will definitely be affected if the property at 806 Howard Street is made even taller than it already is (which is at least no taller than the two-story houses around it.) With the requested changes, it would loom above everything else around it and be in view directly across the street from the main living area of our house.

B. The value of our home is very much based on its location in a planned, mixed-use community. That community does not allow for haphazard one-offs like the one the owners of 806 would like to develop. Our own recent (2016) purchase of this home was based on our agreement with the vision laid out and already

codified by ND, NENC, and South Bend for this neighborhood, and this vision does NOT include the expanded building size and mixed use proposed for 806 Howard Street.

C. Our own street parking will also be adversely affected by the proposed addition of street parking for 35+ more cars in the vicinity of 806 Howard street.

D. The value and safe use of our neighborhood's Keller Park, by our own as well as our neighbors' children, also will be adversely affected by the additional traffic and street parking.

3. "The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein."

A. The planned expansion and use of the property at 806 Howard Street is completely out of character with its immediate neighbors, and violates the standards that have been carefully agreed upon by the Northeast Neighborhood Community and already accepted as an overlay by the ABZA.

B. The addition of non-primary rental space, particularly space that will be open to undergraduate college students, would both adversely affect the value of of adjacent properties, but also directly contravenes the purposes and plans laid out by the NENC zoning overlay.

C. Finally: There is already a very carefully planned mixed-use area under development on Eddy Street. Meanwhile, there has been NO neighborhood discussion or approval for a single, massively over-built, mixed-use building in the middle of a single home residential area of the neighborhood. Further, The Eddy Street Commons development also adheres to our neighborhood zoning overlays in a way that the proposed plans for 806 Howard do not.

4. "The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan."

A. The City of South Bend and the ABZA have already accepted and codified the northeast neighborhood (NENC) plan as a legal subset of the city's overall plan. The City gives preference to the NENC overlay requirement, for example, that our fences be no taller than 5 feet, even though the City itself allows for 6 foot tall fences. Therefore, the City of South Bend has already demonstrated its acknowledgement that the NENC standards are a legal subset of the City's Comprehensive Plan, and these NENC standards also apply to the property at 806 Howard Street. These standards do not allow for the proposed changes to this property, nor does the City's Comprehensive Plan provide any basis for overturning NENC's standards by default.

B. Finally, we have already had a disturbing precedent in both the original building at 806 Howard Street which was developed despite great opposition in the early 1990's, as well as the more recent development at 1121 North Notre Dame Avenue property, in which the by-now-extant NENC plan was disregarded, and the NENC not given a full chance to review. It is my understanding that even the city has acknowledged that this should not have happened.

It seems that in in the case of 806 Howard Street, the NENC once again has not been given a chance to meet, review or comment on the proposed variances before the ABZA meets to rule on them on December 6.

Every time the neighborhood zoning is ignored and the NENC left out of the vetting process, both the community's and City's plans are further eroded. What a shame, after so many people have spent so much time and money on the vision and plans for our neighborhood, plans in which – Again - mixed use areas of high value to the community and the city have already been included on North Eddy Street.

Thank you for your consideration,

Elizabeth and Thomas Burman

920 North Notre Dame Avenue

South Bend, Indiana 46617

Carolyn Henry

From: Tom Guinan <thomas.guinan@comcast.net>
Sent: Monday, December 04, 2017 5:13 AM
To: Carolyn Henry
Subject: Opposition to expansion of 806 Howard St and addition of third story residential

#7

City of South Bend
Area Board of Zoning Appeals
Attn: Carolyn Henry

Dear Ms. Henry:

I am writing to express my opposition to the planned expansion and change of use of the property located at 806 Howard Street, South Bend, Indiana 46617. My wife and I live at 915 N. Notre Dame Ave. Our house is 3 lots south and 1 lot east of the property in question. We have lived at our current address for nearly 11 years. We believe the property at 806 Howard St. has been an incongruent presence in the neighborhood—both in terms of its architecture and its "purpose"—since even before we built our home as part of the NE Neighborhood redevelopment program. It appears since the sale of the building several months ago, it has sat vacant.

While any improvement to the exterior design of 806 Howard would be welcome, the proposed increase in height from 28.5 ft. to 46ft. and the change of use as a combined residential / office building will make an already out of place structure even more so, regardless of the nature of any exterior improvements. As a property owner within the "appeal area" I would like to register my formal opposition to the planned expansion and change of use for the property at 806 Howard St. for the following reasons:

1. The proposed and expansion use will adversely affect the adjacent area or property values therein and the proposed use will be inconsistent with the character of the district in which it is located and the land uses otherwise authorized therein. A mixed office / residential building at such a height is completely out of scale in this residential neighborhood. It will negatively impact the property values of the homes immediately adjacent to it and will have a negative impact on the value of the homes in the appeal area. This negative impact will arise not only from the mere presence of the structure but also from the increased congestion and parking requirements resulting from the expanded business activity in the building.
2. The proposed use will injurious to the public health, safety, comfort, community moral standards, convenience or general welfare. It should be noted that the intersection of Howard St. and Notre Dame Ave. is an extremely busy 4-way-stop intersection. This is particularly the case on weekdays between 7-8AM and 5-6PM. The requested variance to reduce the required off-street parking from 35 spaces to 4 spaces seems to be the exact opposite of what will be required to ensure that those living and working in the facility would not otherwise be parking on Howard St. right at the Notre Dame Ave. intersection—thus limiting visibility and adding to the congestion—and also along the already limited parking spaces in front of residences on Notre Dame Ave. and St. Peter St.

Again, any improvement to the exterior of 806 Howard St. that would be keep the facility within its current scale would be welcome—as would suitable retail or office activity for which the building was originally zoned. While the appeal to potential residents of an additional floor w/ essentially unobstructed views of the Golden Dome is obvious, those who have invested in this neighborhood, many of whom have lived here for over a decade, would be significantly and negatively impacted for the reasons noted above. While my opposition to the current expansion and change of use plans is firm, I would welcome the opportunity to join with my neighbors and the property owners to see if other plans might be more acceptable to all parties.

Thank you.

Tom Guinan
915 N. Notre Dame Ave.

Carolyn Henry

#7

From: Thomas Mustillo <tmustillo@gmail.com>
Sent: Tuesday, December 05, 2017 9:54 AM
To: Carolyn Henry
Cc: 'Isaacson, Alice, MD'
Subject: FW: Expansion of former Pandora Building; addition of third story residential (ABZA hearing this Wed)

From: Isaacson, Alice, MD [mailto:aisaacson@southbendclinic.com]
Sent: Monday, December 4, 2017 9:10 PM
To: Thomas Mustillo <tmustillo@gmail.com>
Subject: RE: Expansion of former Pandora Building; addition of third story residential (ABZA hearing this Wed)

Good evening.

Thank you for this information. While I will not have the opportunity to attend the hearing, please relay my opinion to the members of the board.

I love living in this neighborhood and am so proud to be part of the growth and diversity this area represents. While the Pandora building was always an eye sore, the proposed plans for a mixed use building is disappointing. I do not understand the rationale of creating a building that is not only physically out of character, but one that is not consistent with the ideals that we share as homeowners. The proposed changes will not only create unwanted traffic but create a potential safety issue. My own daughter, who is 11 years old, enjoys walking/biking to Eddy Street Commons to have lunch or playing in the park when her friends visit. I believe the traffic will be a deterrent in allowing her the freedom that she has always enjoyed.

When I look outside my window, I do not wish to see a mixed use building that is clearly out of place. If the developers wish to create office space, there are other areas in South Bend that would be more suitable to their needs. I feel they are completely infringing upon our rights to enjoy our neighborhood and the APPROPRIATE growth that is ongoing. HOMES, not businesses, are being built-witness the activity on St. Peter Street-which add to the value of our own homes. The proposed building will greatly diminish or property value.

Please forward my opposition to the Board.
Thank you in advance.
Alice Isaacson
909 N. Saint Peter St.

Carolyn Henry

From: Thomas Mustillo <tmustillo@gmail.com>
Sent: Monday, December 04, 2017 5:28 PM
To: Carolyn Henry
Cc: 'Sarah Mustillo'
Subject: opposition to 806 Howard expansion and change of use

#7

Dear Ms. Henry,

We are writing to express our strong opposition to several of the petitions for variance at 806 Howard Street filed by Alliance Architects, on behalf of Pandora Partners, LLC. We own and occupy (with our three children) the adjoining lot, immediately south of the Pandora property, at 926 North Saint Peter Street. Indeed, the structure will stand only about 6 feet from our property line, and only about 12 feet from our own two-story, 2,300 square foot house. Please pass our concerns on to the members of the board for their consideration.

The proposed 9000+ square foot building will loom more than twice the height of our house. Its repurposed function will create two floors of more than 6000 total square feet of office space, one floor of more than 3000 square feet of residence (larger than our finished living space), and another 3000 square feet of basement. A building this immense will diminish the value of our home, and injure the safety, comfort, convenience and general welfare of our family, as well as the neighborhood at large. An expansion and change-in-use of the existing building will create two adverse impacts for us.

First, it will diminish the value of our homes. We have created a neighborhood of mostly owner-occupied single family homes. On the 900 block of North Saint Peter Street, where ¼ of the available land is devoted to a neighborhood park (Kelley Park), 8 of the 9 residential lots are 2-story owner occupied permanent residents. On the contiguous residential lots contained between ND Ave and Saint Peter, all ten are 2-story owner occupied permanent residents. Under the Pandora Partners proposal, a Special Exception Use allowing an 3rd story dwelling unit will undermine the value of our home because we become exposed to the liabilities of 3000+ square feet of potential rental units, with insufficient parking. Our own home has a covenant preventing non-owner occupancy, as do many of the homes around us that were part of the revitalization plan. Thus, this variance is exceptional; as an adjoining lot, it will negatively impact the value of our home and the tax value. We would not have purchased this house at the price we paid if we had known that Pandoras would be expanding and incorporating potential rental space.

Also, we have been reassured by the petitioners that variance request numbers 3, 5, and 7 are required only to maintain the existing arrangement for parking and exit/entry on the east side of the building. Nevertheless, we would like to note that a grant of easement has been recorded with the county on 4/21/2017 which allows all adjoining parties of the former public alley to retain mutual access to that part of the now private alley. These variances, which request reductions in the setbacks to 0' at east, should they allow for any construction within the easement or change of use, would eliminate the only access we have to our garage. If they could be construed to permit such a use, they would violate the easement agreement and could devastate the value of our house; they must be rejected.

Second, the redevelopment of this property as the owner's business offices, plus rental offices, will bring many additional cars to the North West sector of our block and to the alley, which we share via a private easement. During the years we have lived here, Steve Raymond and his assistant, Patty, turned on the lights and the "open" sign every day from noon to five until the summer of 2015. There were never more than 2 or 3 cars at a time. Until Mr. Raymond sold the property, the UPS truck pulled up to the door almost every day. That was the extent of the traffic. Under the Pandoras Partners proposal, the request to reduce the off-street parking by 31 spaces (from 35 to 4) is extreme. By the architect's own estimate (conveyed at a meeting in their offices on 10/19), the 2 floors of office space alone will draw 24 cars. During the ND home football game against Navy, on 11/18, the block of Howard street between ND Ave and Saint Peter Street was filled to capacity with 24 cars. Of course, on a regular day, cars will distribute themselves around the area less densely, leave little or no room for us and our guests, for the two or three homes-to-be on the north side of Howard, and for the patrons of Kelley Park, which the city and neighborhood residents have invested in at considerable cost and effort. Moreover, traffic on Howard Street is already quite aggressive and the addition of so many cars will limit

visibility and raise the risk to pedestrians, especially to the dozens of grade school children (including two of our own children) who routinely cross the streets at and around the intersections of Howard with Saint Peter St. and ND Ave.

We would like to see an investment to improve 806 Howard Street that is compatible with the vision laid out by ND, NENC, and the city; but, we insist that the proposal be to scale, and without the adverse impacts on our home and our neighborhood. In particular, nearly all the adverse effects arise from the ambition to expand the square footage of the existing building by 50%. Should the petitioners be willing to entertain a proposal with a more neutral impact, we would reconsider our opposition.

We will be in attendance at the appeal meeting on 12/6, and look forward to sharing our concerns. Thank you for your consideration.

Sincerely,

Thomas and Sarah Mustillo
926 North Saint Peter St.

Carolyn Henry

From: Ayoka Paek
Sent: Monday, December 04, 2017 2:21 PM
To: Carolyn Henry
Subject: FW: 806 Howard

#1

Email below for you.

Ayoka Paek, MCIP, AICP
Zoning and Business Services Administrator
(574) 235-9554
apaek@southbendin.gov

The information provided in this email is in response to the specific information requested and does not necessarily represent all of the restrictions and allowances applicable to any properties identified in this email.

From: Donald Sniegowski [mailto:Donald.C.Sniegowski.1@nd.edu]
Sent: Monday, December 4, 2017 2:02 PM
To: Ayoka Paek <apaek@southbendin.gov>
Subject: 806 Howard

Caroline Henry

Secretary to the Board

Area Board of Zoning Appeals

South Bend, Indiana

Dear Ms. Henry:

Please forward the following letter to the Area Board of Zoning Appeals. Thank you.

Donald Sniegowski

To the Area Board of Zoning Appeals:

We, the undersigned, have owned and occupied the house at 917 North Saint Peter Street, South Bend, Indiana for eleven years. Prior to our move to St. Peter St., we lived at 1004 Saint Vincent Street, three blocks away. We have lived in the neighborhood for forty-seven years.

Our present house is situated a half-block from 806 Howard Street, the owners of which are appealing for several zoning variances. WE STRONGLY OPPOSE THESE VARIANCES. You will already have received letters from Rita Schmid and Adam Rebolloso, Elizabeth and Thomas Burman, James and Gia Haigh, and Sarah and Tom Mustillo, all of whom oppose the granting of these variances. Rather than repeat their arguments, we wish to underline or add to certain of them.

STYLE. It is difficult for us to believe that the ABZA staff could approve plans for a structure which is so out of keeping with the neighborhood. To the east of the proposed building—on Notre Dame Avenue—are various versions of American four-square architecture. (This is the style which predominates in the SF-1 district bounded by the north side of Corby, the south side of Napoleon, the west side of Frances, and the east side of St. Peter.) On the southeast corner of the Howard/Notre Dame Ave. intersection is a beautiful example of prairie-style architecture. To the south of the proposed building, are variations of bungalow, one of which is in a very attractive version of American Arts and Crafts. To the immediate south of the proposed property is a beautiful version of Georgian architecture, to be found both in England and the United States. It was designed by a faculty member of the Notre Dame School of Architecture. With the occasional exception, the houses in the above-mentioned SF-1 area conform to a broad architectural norm. (It must be said that even the enormous group home in the 1100 block of Notre Dame Ave.,, which we opposed, has tried to conform to this norm.) So, why would the ABZA staff approve a design which, at best, can be called a pseudo-collegiate gothic. That is a style which, in the United States, is reserved almost exclusively for churches and campuses. It is the default style of the whole Notre Dame campus. It does not belong in our residential area!

SCALE. We almost feel that it is an affront for the ABZD staff to approve a building in a style as non-residential as collegiate gothic. But the real affront is to propose such a building AND make it eighteen feet taller than the present structure. Those of us who have lived in the neighborhood for a long time had to accept, because of a weird set of circumstances, the present structure, enormously out-of–scale as it was. Most of us, we're sure, have waited for the day when it would be demolished. Now we may have to look forward to a structure that is increased in height by two fifths! It will dwarf the beautiful Georgian house immediately to the south of it. The present structure already is taller than that house. And if the variance to reduce the side residential buffer yard is granted, the house to the south will be even more dwarfed. This, of course, will reduce the value of the house. Indeed, the whole immediate neighborhood will suffer some financial loss.

If, indeed, the company wants to buy the property and remodel the building for commercial use—a use which it is already zoned for—then why not keep it at the present height as a goodwill gesture to the neighbors and fix it up so that it is not so ugly. What a gift that would be for all of us!

PARKING AND SAFETY. Even keeping the building at its present height and "beautifying" it does not take care of the problems of parking and safety. Thirty-one more parking spaces would be on-street. We have not had time to measure just how many parking places would be on Howard and how many places would be on St. Peter, but both streets would be impacted heavily. This assumes that thirty-one spaces will be used, and that has to be assumed; otherwise, the zoning ordinance would call for fewer.

We wonder why the city says that on-street parking on Howard would help to calm traffic. There is a stop sign at Howard/Notre Dame Ave. and there is a stop sign at Howard/St. Louis two blocks to the west. We have not experienced speeding in that two-block area. The odd jerk who revs his motorcycle in that two-block area will not be "calmed" by cars parked on the street. In fact, on-street parking on Howard makes it more difficult to exit from St. Peter onto Howard. If we are trying to exit onto Howard from St. Peter, we have to , first, stop where we are supposed to so that pedestrians can walk across and then creep forward to see beyond the cars that are often parked in front of the Notre Dame Law building on the northwest corner. The difficulty and danger would be doubled if there were significant on-street parking on Howard between St. Peter and Note Dame Ave. It should be noted that, with the reconfiguration of the "Five Corners"—hallelujah—Howard is now part of the Howard-Corby connector, which has become a main east-west thoroughfare in the northern portion of the city. Traffic can be heavy; having to creep forward in one's car becomes more and more problematic.

Being in a car and trying to navigate this kind of situation is one thing; being on foot is another. The renovation of Kelly Park, thanks to the generous and able direction of a small group of neighbors, is about to be completed. Even with the renovation not completed, more kids were showing up this summer. Some come from the southeast along St Peter, some come from Notre Dame Ave. We're sure that this foot traffic will increase as the park takes its final shape. And the safety of all of the pedestrians, especially the kids, should be a number-one priority.

One wonders, too, about the impact of on-street parking on bicyclists, primarily Notre Dame students and faculty and neighborhood kids, riding along Howard. There are no bike lanes on Howard; on-street parking, especially on both sides of the street will significantly squeeze them, especially on a main thoroughfare.

There are many other issues to comment on, but other members of the neighborhood have covered them very well. We would want to take one parting shot—what becomes of the three-story property, with a residence on top, when the potential owners sell and go elsewhere? Will new owners rent out the residential space and to whom? Will they redo the commercial portion of the building into residences and rent it out? Might it be to students, who have been the bane of our neighborhood for a long time?

Thank you for your consideration and for the important work you do for the community.

Sincerely,

Donald and Barbara Sniegowski

Carolyn Henry

From: Liesbeth Cremers <liesbethcremers@hotmail.com>
Sent: Monday, December 04, 2017 1:27 PM
To: Carolyn Henry
Subject: Opposition to 806 Howard Street

#7

December 4, 2017

Dear Carolyn,

We are Martijn and Liesbeth Cremers we own and live at 914 N North Notre Dame Avenue. Our home is located within 300 feet of the property commonly described as 806 Howard Street, and we would like to express our opposition to the proposed expansion and change of use identified in a recently-filed zoning petition. We ask that you please share our concerns with the Board of Zoning Appeals.

Upon receiving the "Notice to Adjacent Property Owners" we were shocked to see the number of variances requested by Alliance Architects, wondering if the company plans to adhere to any of the requirements that are currently in place. We are hopeful that their petitions will not be granted, since zoning laws exist for a reason. And while we realize that the property is zoned for office use (which is unfortunate), this neighborhood is now primarily residential. However, if an office is to occupy 806 Howard Street, we would like to see these office builders being held to even higher standards than home builders, since an office will create a lot more traffic, with employees and clients using up a lot of residential parking spaces.

A few concerns:

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

   Concern: The reduction in required parking spaces from 35 to 4 would mean that 31 cars may need to park in the area streets. Not only will this reduce parking available for Kelly Park, it will reduce visibility of children potentially crossing the street to use the Park or otherwise. This is definitely a public safety concern. It is also a convenience concern, for it will be more difficult for those visiting homes in the neighborhood to find parking. In addition, the community wants this to be a family friendly neighborhood, and an office does not fit that standard.

2. 2. The owner's petition says the added residential use is "compatible with surrounding land uses".

Concern: Mixed-use (i.e. office & residential) is not compatible with the neighborhood (there are none in the neighborhood that we are aware of, until the Eddy commercial corridor). More importantly, non-primary residence apartment units are not compatible with the neighborhood and have been actively opposed by NENC, ND, and neighbors for years. It is not clear how the residential unit located above the office floors would be used. As a place to stay for game weekends only? Why should there be height requirements for homes built in the area, while Alliance Architects would be allowed to build way higher, creating a penthouse like dwelling with a view of the Golden Dome?

3. 3. "The proposed use will not injure or adversely affect the use of the adjacent area or property values therein."

Concern: Consider how a 10-15 feet taller structure at 806 Howard Street will make neighboring houses look in comparison. Consider also the effect on the skyline of the neighborhood, as the building will become visible not just to immediate neighbors, but to the entire surrounding area. It may be difficult to estimate how exactly this office/home building would negatively affect area property values, but surely common sense tell us that building one taller (office) structure in a residential area does not look good, and will not improve the value of the neighboring properties.

4. 4. "The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein."

Concern: Obviously, there are no other retailers or mixed-use or office/residential buildings in the immediate neighborhood of 806 Howard, so how the proposed use will be consistent with the current character of the district is baffling.

In short, if an office/residential building must be constructed at 806 Howard Street, the architects and builders should be required to strictly adhere to the current zoning laws, and not be permitted any variances, nor be allowed to add residential use to the structure.

We thank you in advance for sharing our concerns with the Board.

Sincerely,

Liesbeth & Martijn Cremers

Carolyn Henry

From: Jim Farrington <jfarring@nd.edu>
Sent: Monday, December 04, 2017 8:15 PM
To: Carolyn Henry
Subject: Re: 806 Howard Street Variance Petition

#7

Revised to add my address.

On Mon, Dec 4, 2017 at 17:13 Jim Farrington <jfarring@nd.edu> wrote:

I am writing to object to the petition of Pandora Partners seeking various variances in respect of its property at 806 Howard Street.

I urge you to use the experience gained from last decade in the many wise and forward looking decisions that the ABZA made to continue to enhance our neighborhood and not make a horrible situation worse.

The existing two story "office" property is a horrible eye sore in this terrific neighborhood. I realize this property is already zoned for office use. However, that decision was made when this was a very different neighborhood. I know what it was like decades ago when I frequented the local bars during my student days at Notre Dame. The combined efforts of South Bend, NENC and ND have worked hard in the last 10 years or more to transform this neighborhood of bars, barely habitable student housing, and abandoned properties into a terrific neighborhood with homes valued at $1 million or more that provide an increasing tax base to South Bend.

Granting these variances would:

(1) Allow the building's height to increase by 61% (from 28.5' to about 46'), which would be more than 30% above the height to which all current properties are subject;

(2) Increase traffic along a busy throughfare where east-west traffic is not controlled by stop signs;

(3) Continue and exacerbate a use without adequate off-street traffic; and

(4) Continue and exacerbate a use that is already not consistent with the residential use of the neighborhood.

These consequences would be injurious to the public safety, comfort, convenience and general welfare, adversely affect the use and values of adjacent properties and not be consistent with the character of the district in which this property is located.

Thank you.

Jim Farrington
1032 St. Peter St.
South Bend, IN 46617

Jim Farrington | Adjunct Professor
University of Notre Dame | The Law School
Colleges of Business, Science & Engineering ESTEEM Graduate Program

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Carolyn Henry

From: gia haigh <giaandjamey@gmail.com>
Sent: Monday, December 04, 2017 7:51 PM
To: Carolyn Henry
Subject: Opposition to 806 Howard/Pandora expansion and change of use

#7

Ms. Henry,

We write in opposition to the requests for variance made by the owners of the former Pandora building, located at 808 Howard. We would very much appreciate if you forwarded this letter to the Area Board of Zoning Appeals.

We own two properties adjacent to the former Pandora building: a single-family, owner-occupied residence at 925 N. Notre Dame Ave, and (through the Sasman LLC) a parcel of property directly to the east of the building, on the corner of ND Ave and Howard. We purchased our home at 925 N. Notre Dame 8 years ago and we purchased the corner lot about a year ago, in order to fix up the lots and adjacent sidewalks and curbs and to ensure that it would someday be occupied by a nice single-family, owner-occupied home in the character of the neighborhood.

We are happy that the investment fund has purchased the building and will fix it up commensurate it with its nice offices in Boston, Chicago, and Eddy St. However, as the owner of two adjacent properties, we wanted to register our strong objections to the proposed variances, with objections broken down by the special exception approval standards:

1. "The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare."
    a. The owner's petition says that on-street parking is sufficient for the 31-car variance, and that on-street parking will "calm" traffic along Howard. With 7 children of our own, and numerous other children living on ND Ave, who all use Kelly Park (located across St. Peter from the Pandora building), we disagree. We believe that more parked cars will reduce parking available for Kelly Park and will reduce visibility of children crossing the street to use the Park and to visit friends' houses in the neighborhood. The comfort and convenience of the neighbors will be harmed by additional cars parking in front of houses, making visitors have to park away from our houses. The parking situation is particularly significant as half the parking along ND Ave was recently lost due to bike lanes. The addition of the top level residential unit for an out-of-town Notre Dame donor will mean far more parking on game and event weekends, when neighborhood parking is already particularly scarce.

    b. The owner's petition says the added residential use is compatible with surrounding land uses. It is not. Some residential use is compatible with the neighborhood, and some is not. For example, student housing and apartments in the neighborhood have been actively opposed by NENC, ND, and neighbors for years. Apartment/condo residences for Notre Dame donors like this owner have been limited to the Eddy St corridor and the area east of the Notre Dame campus. There is "Office" of "Office/Residential" use near this building.

2. "The proposed use will not injure or adversely affect the use of the adjacent area or property values therein."
    a. The owner's petition says that property values will not be adversely affected because the owner will improve the exterior appearance of the property. We disagree that fixing up the appearance of a property justifies zoning variances, as that would justify zoning variances throughout our neighborhood to the point where the exceptions trump the rules. The point is that the requested new "use" (residential) is inextricably tied to increasing the height of the property by about 18 feet, which will adversely affect property values. Our view, and the view of neighbors (from everything we've heard), is that as bad as the building looks currently, status quo is much preferable to the proposed use.

b. This structure is already too-large and out-of-place in the residential neighborhood and the scale dwarfs neighboring houses. When people find out where I live they inevitable remark on the Pandora building, and how out-of-place it is, and ask how it was allowed to be built in that neighborhood. It is an obvious failure in zoning, though I understand the building was permitted over strong neighborhood objection in the early 1990s in part based on the idea that a local bookstore would benefit a community of professors and students and in part to resolve litigation against the city relating to another property. But let's please not double-down on bad zoning variances to change a smaller bookstore into a much larger mixed use building even more out-of-character with the neighborhood.

c. A building 45-50 feet tall will affect the skyline of the neighborhood, as the building will become visible over houses to neighbors who don't currently see the building. A collegiate gothic, mixed-use structure visible throughout the neighborhood will adversely affect property values.

d. As proof that tall structures adjacent to homes adversely affect the values of the homes, consider that the South Bend Code for residential houses specifies a maximum height of 35', and even then limits the height to 2.5 stories, so that the height of the building is at the center of the property. With appropriate setbacks required by zoning, the adverse effect on neighbors is minimized. Here, we have zero setback from a neighbor, and a 45-50 structure. It will block the view of the sky from my kitchen and will block the sky and sun from the backyard and rear of the future house on our property on the corner of Howard and ND Ave.

e. We've spoken to numerous people, including various friends and people with backgrounds in architecture, as a check to determine whether our concerns are unfounded. The feedback from these people—to a person—has confirmed and strengthened our view of how detrimental the proposed changes to the building and its use would be to the value of our house and our lot that will be occupied by a house some day. We would not have paid what we paid for that lot if this propsed building were built, because anyone would insist on a discount to purchase a house with a large mixed-use building looming behind it.

3. "The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein."
    a. The owner's petition says that the proposed use (office and residential) is generally considered to be less intensive than the current use (retail). This may be true generally, but not in our neighborhood. If the current office building was proposed to be converted to apartments, the neighborhood objection be extremely strong. We prefer office use to apartment/residential use. Student residences in the past, and Notre Dame donor vacation/rental use now, have been strongly resisted in the neighborhood by NENC, Notre Dame, and neighbors.

    b. As noted above, the building (zoned "Office") is already completely out-of-character for the neighborhood (no other parcels zoned "Office" much less "Office and Residential" or "Mixed Use"), and increasing its mass and changing its character to mixed use makes it even more inconsistent with the neighborhood. To say this building is consistent with the neighborhood would be cited as precedent for more buildings like this in our neighborhood. That would be exactly the wrong direction for our neighborhood.

4. "The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan."
    a. The owner's petition says that proposed use is compatible with the Plan because it involves adaptive reuse of an existing structure and includes residential above office space. The building property is currently zoned office, so its use as office is consistent with that and is certainly fine. There is insufficient off-street parking (per zoning rules) to add another story of office space. I'm not sure the adaptive use

referenced. The addition of residential is not adapting office to residential, it is adding an entire new story.

b. Not being an expert on the Plan, I briefly reviewed it and I saw nothing to suggest that a large mixed-use building within our neighborhood is consistent with the Plan; those structures, and Notre Dame donor apartments, are focused on commercial corridors like Eddy/23 and east of ND's campus.

Thanks very much for your consideration, and we look forward to discussing these issues further at the hearing on Wednesday.
Jamey and Gia Haigh
925 N. Notre Dame Ave and 920 N. Notre Dame Ave.

#7

Area Board of Zoning Appeals
C/O Ms Carolyn Henry

Dear Ms. Henry,

Our names are Geraldine Meehan and Cyril O'Regan and we live in, and own, the property at 907 N. Notre Dame Avenue, which is located within 300 feet of 806 Howard Avenue. We are writing to express our opposition to the proposed enlargement and change of use for the Howard Avenue property and our specific opposition to the applications for zoning variances which will be reviewed at the South Bend Area Board of Zoning Appeals on December 6, 2017. Please convey our objections to the Board by providing them with this letter.

The reasons for our opposition are as follows and fall within the 4 legal standards of the ABZA:

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

The reduction in required parking from 35 to 4 is so excessive that it can only be referred to as an extreme variance from the standard. Without the 31 off-street parking spots, street parking will be the only possibility. Reduced visibility will be a safety concern as will the inevitable concerns about the potential behavior of any number of strangers in a neighborhood where parents currently enjoy their young children playing outside in a space close to 806 Howard Avenue. Parked cars will also reduce the number of parking spots available for guests of ND Avenue residents. Residents in a neighborhood should not have to scramble for parking spots for their visitors.

B. The owner's petition says that the added residential use is "compatible with surrounding land uses"

This is clearly not the case. There is no mixed use buildings (residential and office) adjacent to 806 Howard Avenue.

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

The suggested changes to 806 Howard Avenue will impact the number of people interested in buying houses adjacent to it and by implication will decrease the competitiveness of the home prices.

3. The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein.

As there are no such mixed use buildings in the neighborhood, it is not consistent with the use in the area.

4. The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan

The proposed plan for 806 Howard is not consistent with plans for the area in Howard Street and Notre Dame Avenue.

Thank you for taking our concerns to the Board

Yours faithfully

Geraldine Meehan & Cyril O'Regan
907 North Notre Dame Avenue
South Bend, IN 46617

Carolyn Henry

From: Robert Kossler <robkossler@alumni.nd.edu>
Sent: Monday, December 04, 2017 10:13 PM
To: Carolyn Henry
Subject: Petition for variances 806 Howard St

#7

Dear Carolyn,

Our names are Rob and Catherine Kossler and we would like to convey to you our opposition to the requested variances for the property at 806 Howard Street (we recently received the "Notice to Adjacent Property Owners" related to this petition). We reside at 1020 N. Saint Peter Street which is within 300 feet of the property. We ask that you please convey this email and our opposition to the petition to the attention of the Area Board of Zoning Appeals.

Our primary objection relates to the increased size of the building. In particular, the proposed height increase is not in character with this residential neighborhood and we believe it will negatively impact property values of the surrounding residences. Specifically, we disagree that the petition meets the following standards

- The proposed use will not injure or adversely affect the use of the adjacent area or property values therein
- The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein

Our secondary objection relates to the reliance on on-street parking. We believe that added traffic and parked cars in the immediate vicinity will impact visibility at this corner and be a potential hazard to the neighborhood children – especially those taking advantage of the park located directly across the street. Thus, we disagree that the petition meets the following standard

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

Thank you for sharing our concerns with the board.

Sincerely,

Rob and Catherine Kossler

1020 N Saint Peter St, South Bend IN 46617

Carolyn Henry

From: Robert Bretz <rbretz@nd.edu>
Sent: Monday, December 04, 2017 4:21 PM
To: Carolyn Henry
Subject: Opposition to Expansion of former Pandora Bookstore Building

#1

Dear Ms. Henry,

I am Bob Bretz. I live at 1029 N. Notre Dame Ave and recently became aware of the proposal to expand the size and proposed uses of the former Pandora building. I am strongly opposed and ask that you convert my strongest possible opposition to the zoning board and all others who will be involved in making the decision about the proposal.

The building is already inconsistent with the nature and purpose of the neighborhood. The proposed expansion would serve to make it even more out of line with the neighborhood. This is a neighborhood that is specifically residential, single family, and owner occupied. Any use beyond that does irreparable damage to both the neighborhood culture, and to the property values of the other residents. I won't leave not have purchased a home here without the zoning protections being in place. Mixed use buildings certainly have a place in but that place is not in a residential single family, owner occupied neighborhood. Of particular concern to me, in addition to the proposed use, are the size of the proposed building and the amount of on street parking that the neighborhood would have to absorb. The size and the parking problems would cause significant problems for the current residents and would negatively affect our property values.

Again, I am strongly opposed and ask that you make this known to all those involved in the decision making process.

Thank you,

Bob Bretz
1029 N. Notre Dame Ave

Carolyn Henry

#1

From: Brian Levey <blevey@nd.edu>
Sent: Monday, December 04, 2017 1:41 PM
To: Carolyn Henry
Cc: Alison Levey
Subject: Letter in opposition to proposed variances for 806 Howard Street
Attachments: Levey letter re 806 Howard v6.pdf

Dear Ms. Henry:

We are writing to oppose the requested variances for 806 Howard Street. We request that you share the enclosed letter with the South Bend Area Board of Zoning Appeals (ABZA).

Thank you,

Brian & Alison Levey
918 North Saint Peter Street
South Bend, IN 46617

Carolyn Henry

From: Jesse Barrett <jmjbarrett@gmail.com>
Sent: Monday, December 04, 2017 2:50 PM
To: Carolyn Henry
Subject: Proposed Expansion of Pandora's

#7

Dear ABZA,

My name is Jesse Barrett. My family lives at 302 Peashway St., South Bend, IN 46617. We live in Harter Heights, just down the street from Pandora's. I understand that there is a proposal to expand the building and make it a multi-use office/residential building.

I strongly oppose this plan. Pandora's is already inconsistent with the residential neighborhood and is already an eyesore. To make it larger would only increase the inconsistency. That area of Howard Street is not commercial, it is residential, and virtually everything around it is residential. It would be ridiculous to take an unattractive building that is out of character with the neighborhood and expand it. I strongly oppose this proposed action.

Please convey this message to the Area Board of Zoning Appeals.

Sincerely,
Jesse Barrett

Carolyn Henry

From: Timothy Matovina <Timothy.Matovina.1@nd.edu>
Sent: Monday, December 04, 2017 1:09 PM
To: Carolyn Henry
Subject: Pandora Partners ABZA requests

#1

Dear Ms. Henry,

We write with regard to the requests that the Area Board of Zoning Appeals is considering from Pandora Partners and their property at 806 Howard Street in South Bend. We ask that you convey our views on this matter to members of the Board.

We live at 1115 N Notre Dame Avenue. Our opposition to the Pandora Partners petitions are as follows:

1. The requested 31-car variance is not conducive to community use of Kelly Park, nor to general public safety. When cars park on both sides of narrower streets like St. Peter St., it is difficult to see children who are crossing the street between the vehicles. Having that many extra cars in the street - especially if they are for residents who would live in the building and leave their vehicles outside overnight - will make the parking situation on the streets around this property more congested and more hazardous than any other streets in the immediate vicinity.

2. The scope of the proposed project is not consistent with the residential development in the neighborhood. This property is not located on a commercial street, nor a street with office space. It is located on a residential street. The city planning has already designated the Eddy Street corridor for those times of developments. Residents agreed to this approach of having offices and business establishments in that corridor, and leaving other parts of the neighborhood residential. The requested use is inconsistent with that agreement and with the character of land use in the neighborhood surrounding 806 Howard Street.

3. The proposed alteration to the property would almost certainly have a negative impact on property values, especially those of homeowners immediately adjacent to the property. Adding an additional story to a building already oversized for the neighborhood would make adjacent properties less attractive and valuable to nearly any buyer we can imagine, and certainly to potential buyers with children.

Thank you for considering our views on this matter and passing them along to the Area Board of Zoning Appeals. If you or any of the Board members have further questions about our views, please do not hesitate to contact us.

Yours sincerely,

Timothy and Elida Matovina
1115 N Notre Dame Ave
South Bend, IN 46617
(574) 283-0737

#7

University of Notre Dame
Institute for Educational Initiatives

December 5, 2017

Dear Area Board of Zoning Appeals Members,

I am writing you this letter to express opposition to the variance being sought by Alliance Architects, at the December 6 meeting of your Board, for the property located at 806 Howard St. in South Bend. I am a homeowner at 928 N. Notre Dame Ave, located within 300 feet of the property for which the seven variances are sought, as described in the November 2017 letter to neighborhood residents from Ms. Carolyn Henry.

I understand that on certain matters (such as front porch setbacks) variances are commonly sought and granted with little need for deliberation. However, what is sought in this case is a radical departure from the neighborhood's zoning regulations. The plan has significant negative impact on the neighborhood as to both general welfare (safety, aesthetics, convenience) and property value. The plan is a laudable one for a different location, but not at in character with the neighborhood. I will address these concerns in more detail, but note them up front to claim the degree of variance in this case places a heavy burden of proof on the part of the petitioner, rather than on those opposing it, to convincingly argue to the contrary. In this case the variances sought are so out of line with zoning regulations as to call into question the very existence of such regulations should a variance be warranted here.

Others have no doubt expressed the specific problems with the proposed variances in more detail, so I will here note only three. First, the parking variance sought would entail this property's absorption of a significantly disproportionate amount of street parking. The fair sharing of street parking is presumably why zoning regulations demand that office spaces have adequate off street parking. Abandoning that zoning regulation in such a radical manner would not only be an issue of fairness and inconvenience to local homeowners (and their guests), but also pose a threat to the safety of the literally dozens of children in the immediately surrounding houses who play on the park and field that surround 806 Howard St.

Second, the height variance would significantly impact the aesthetics of the neighborhood and therefore property value. Again it is worth reflecting on why such a zoning regulation exists in this neighborhood in the first place. The reason for it surely relates to fairness to all neighborhood property owners, aesthetics, and property value. A variance on the height would impact all of these.

Third and finally, the proposal is not at all in line with the character of the neighborhood. The plan entails a significantly more attractive building in its exterior, as well as an exciting commitment to mixed use space that the City rightly supports in areas zoned for

Visitation Hall, Notre Dame, Indiana 46556
P: 574-631-4449 F: 574-631-2833 E: iei@nd.edu W: http://iei.nd.edu

it, such as Eddy St. But this neighborhood is not a mixed use neighborhood. Why have a zoning regulation at all for residence, office or mixed use if one can simply obtain a variance to avoid the regulation? This development in the Northeast Neighborhood has proceeded very deliberately in property use, including a requirement of residence. The proposal not only defies the character of the neighborhood in adding mixed use space at that location (rather than, say, Eddy St.), but also defies efforts to foster permanent residence rather than periodic use for events such as Notre Dame football games. Space is already zoned for this latter purpose at Eddy St.

There are other considerations that surely other residents have addressed. For instance, while a variance from 8' to 5' on a property line could be a judgment that respects the original intent of the zoning regulation, it is hard to see how the elimination of the east setback to 0' could be said to honor that zoning regulation. Similarly, the elimination (by half) of ADA-required disabled parking for no compelling reason other than the requirement's inconvenience calls into question the very existence of the requirement.

Variances are a standard part of zoning regulations and rightly so since good judgment sometimes indicates the legitimacy of a variance without sacrificing the integrity of the area zoning regulations. I can see such a case being made for variances Two and part of Three as described in Ms. Henry's letter (front yard setbacks to 10' at north and 20' at west, and the south residential setback from 8' to 5'). But in all other variances sought I see no way to establish how the proposed variances are anything other than such radical departures from zoning regulations as to call into question very integrity of neighborhood zoning.

Thank you for your consideration.

Sincerely,

William C. Mattison III
Associate Professor, Department of Theology
Senior Advisor: Theological Formation, Alliance for Catholic Education
University of Notre Dame

#7

December 5, 2017

Dear Ms Henry,

We, Ebrahim Moosa and Nisa Moosa, are residents of 1008 N. Saint Peter Street, South Bend IN. We live within 300 feet of the property for which seven variances are sought as the per your November letter to residents.

We write to express our opposition to the variances being sought by Alliance Architects at the 6 December meeting of the Area Board Zoning Appeals.

While run of the mill variances are sought on a regular basis, the current variances will not only alter the character of our neighborhood, affect property values but will overall negatively impact a residential area that has only recently been significantly rehabilitated by the homeowners and a University of Notre Dame plan to upgrade the area.

There are technical matters related to the variances that other neighbors have expressed in detail and submitted to your board and with we concur fully.

We request that you forward our objection to the Board on or before the 6 December meeting.

With best wishes,

Ebrahim & Nisa Moosa

Carolyn Henry

From: Julie Peterson <juliepeterson99@yahoo.com>
Sent: Tuesday, December 05, 2017 12:06 PM
To: Carolyn Henry
Subject: 806 Howard Street

#7

12/5/17

Dear Carolyn,

We are Charles and Julie Peterson, vehemently oppose the variances requested at 806 Howard St. We are residing at 902 N. Saint Peter Street, living within 300 feet of the aforementioned property. We recently purchased our home because of its location in a quiet residential area of single family homes. There is a newly redone Keller Park within easy walking distance for our son to play basketball. Our understanding is that the variances requested, in the center of our neighborhood, will drastically disrupt the character of this previously planned housing district.

The proposed on street parking will increase the traffic pattern, therefore, increasing the risk of accidents to pedestrians. It will also increase the congestion of on street parking in front of our homes.

The building is already out of character for this neighborhood and with the additions of a proposed third story, office space and a larger foot print, it will make it even more obstructive. Those changes would definitely decrease the value of our properties.

Other than the zoning board meeting, there has been no other study or evaluation done by the neighborhood council, or any other advance warning about these proposed changes. There have been major objections to this building's location ever since its inception in 1991. These factors all violate our agreement with the vision that had previously been outlined by Notre Dame, the NENC and the City of South Bend. With the purchase of our house, we agreed to the more stringent codes for building in our neighborhood than even the city of South Bend requires. We needed to be approved by the Notre Dame Council as second owners to this neighborhood, as a single family dwelling. All proposed changes to this building are not consistent with the vision of our neighborhood.

For these reasons, and as well as other pertinent facts and concerns that our other neighbors have voiced, we respectfully request that you vote no to these outlandish requests.

Sincerely,

Charles & Julie Peterson
902 N. Saint Peter Street
South Bend, IN 46617

Carolyn Henry

From: Rudy Reyes Jr. <rreyes@nd.edu>
Sent: Tuesday, December 05, 2017 3:21 PM
To: Carolyn Henry
Subject: RE: Petition from Alliance Architects on behalf of Pandora Partners

#7

5.xiii.17

Dear Ms. Henry,

Please accept this email as a formal expression of opposition to the petition currently on file with the Area Board of Zoning Appeals by by Alliance Architects on behalf of Pandora Partners LLC, for variances on the property commonly described as 806 Howard Street, South Bend, Indiana 46617.

I am the property owner of 1014 North Saint Peter Street, South Bend, Indiana 46617, located within 300 feet of the above named property.

I understand that opposition is wide in this case, but I feel it important to voice my concerns.

. As I understand it, the Area Board of Zoning Appeals exists to ensure that use of various properties is consistent with established norms and thoughtfully done. This is an important element of urban planning.

. The current structure at the property in question stands out as different. While recent improvements – paint and grounds cleanup – have aided the appearance, the structure clearly pre-dates the enormous effort and investment that has been put into the neighborhood.

. The planned increase to the height of the building will adversely affect the rest of the property owners in the vicinity. To be sure, such a move would severely impact the property values of those have made significant investment in revitalizing what was admittedly a depressed area.

. Additionally, the mixed use of the property, along with the addition of residential use and deletion of parking on-property will add to an already congested and dangerous parking situation for the adjacent streets.

. The requested variances are not in keeping with zoning of the area, nor is the intent behind them. The expansion of Eddy Street Commons, as well as the current – only a few blocks away – presents plenty of opportunity for mixed-use. This should not occur in an overwhelmingly residential district.

. If the property owner would like to change from Office District to Residential District, this move would be welcomed by me and I imagine many neighbors. At that time, the Residential District zoning requirements, including those of the overlay should then apply. Any other move, up to and including the granting of these variances, would seem to contribute to and augment what appears to be an errant building of a previous era.

I request that the Board consider why these zoning regulations exist:

. to preserve public health, safety, comfort, community moral standards, convenience or general welfare;
. to prevent injury or adverse effect to the adjacent property and values therein;
. to ensure uses consistent with the character of the district in which the property is located and the land uses therein;
. to ensure uses compatible with the recommendations of the City's comprehensive plan.

I have abided by the terms of the residential and overlay district in the construction of my home and investment in my property because I felt the zoning regulations were sound. I request that the same observance be required by the owner of the above property.

Thank you for your consideration.

Rudy Reyes Jr.

Rudy Reyes Jr.
Director of University Relations, Pacific Northwest
and Concurrent Faculty, First Year of Studies

UNIVERSITY OF
NOTRE DAME

Eddy Street Commons at Notre Dame
1251 N. Eddy Street, Suite 300 | South Bend, Indiana 46617-1403 U.S.A.
Office: 574.631.0694 | **Associate:** 574.631.9945 | **Facsimile:** 574.631.8325
eMail: rreyes@nd.edu | **Twitter:** therealNDRudy | **Web:** http://giving.nd.edu
What Would You Fight For?: http://fightingfor.nd.edu

Omnia disce videbis postea nihil esse superfluum.
Hugonis de S. Victore

Carolyn Henry

From: Jennifer D'Ambrosia <jdambros@nd.edu>
Sent: Tuesday, December 05, 2017 3:51 PM
To: Carolyn Henry
Subject: Area Board of Zoning Appeals: Old Pandora's

#7

Dear Board Members,
I am writing to share my concerns and opposition to the proposed variances that the old "Pandora's" building at 806 Howard Street have requested. My name is Jennifer D'Ambrosia and I've been a resident of Notre Dame Ave for 15 years. I have seen the emence expansion of this area - with Eddy Street, the Triangle, the monstrosity of a building that is Opus Day—Windmoor House (which was passed without any notice to the neighbors due to some high paid lawyers) and now the continued construction of Eddy Street-Phase Two.

People are moving out of the neighborhood because it is becoming difficult to park in front of your own house because of all the cars coming to Eddy Street. Whether to shop or work or go to a Bar/Restaurant; along with the residence in the Foundry that find it easier and closer to park in front of your house than the parking garage, and also most likely they don't have a spot in the garage. This problem is sure to only get worse now with the addition of phase two of Eddy Street. So with that being said, I find it very disconcerting that you would even consider allowing a variance for reduced off-street parking. As it is today, the area has a heightened level of auto brakes-ins, so by allowing more cars to be along the streets just invites more of that type of activity. And it certainly posses a safety and comfort hazard to the homeowners around the said property.

I could continue with how unsettling it is to think about adding to the size of a building that is already so out of place in the neighborhood, and probably never should have been allowed to be built in that location in the first place. However, I will just say that as a resident who grew up in Harter Heights, moved away for some 20 years and then returned to the area, I was pleased to see the vast improvements that were made along Notre Dame Ave. and the adjoining streets. Nevertheless, allowing this building to be added to and then decrease the amount of parking it needs to provide, will take us back a decade to when the Ave. was not a desirable place to live – a neighborhood. The neighborhood has come such a long way from the time of rundown, rental houses and bad activity leading to the campus. You are reversing all the positive improvement that have developed in the neighborhood if you allow these changes to be made to this structure.

Thank you for your time,

Jennifer D'Ambrosia
1104 N. Notre Dame Ave.
574-234-2348

Carolyn Henry

From: Brian Mulhern <brian.p.mulhern@gmail.com>
Sent: Tuesday, December 05, 2017 7:08 PM
To: Carolyn Henry
Subject: 806 Howard Street, South Bend

#7

Dear Carolyn,
My name is Brian Mulhern and I am the owner of 726 Corby Blvd (South Bend—bear the intersection of Corby and St Peter). I am writing because I oppose the petition for 806 Howard Street and wanted to pass this on to the Area Board of Zoning Appeals.

I believe that this proposal would be damaging to neighbors' property values and would be out-of-character with this residential neighborhood. Please pass my opposition on the Area Board of Zoning Appeals.

Thank you
Brian Mulhern
cell phone 917-445-3036

The Forteners

1006 N. Notre Dame Ave, South Bend, IN 46617 | 574-387-5987 | fortenerj@hotmail.com

December 5, 2017

#7

Carolyn Henry
Secretary to the Board
Area Board of Zoning Appeals
125 S. Lafayette Boulevard, Suite 100
South Bend, IN 46617
Via email

Dear Carolyn,

We, Steven & Jennifer Fortener, own and live in the home at 1006 N. Notre Dame Avenue which is located within 300 feet of the property commonly described as 806 Howard Street. **We want to express our opposition to the zoning variances sought by Alliance Architects on behalf of Pandora Partners for 806 Howard Street. We respectfully ask that you convey our opposition to the Area Board of Zoning Appeals ("ABZA").** While there are many reasons we object to these variances, we will frame our concerns within the legal standards the ABZA must hold true to grant the requested variances as outlined below.

We, along with many homeowners in the immediate, area have children who frequent Kelley Park which is adjacent to 806 Howard Street. The requested parking variances present a risk to the safety and comfort of the many neighborhood children and groups from the Robinson Community Learning Center who enjoy the enhanced park amenities. Allowing for the requested parking variances would significantly increase the number of cars parked on the street reducing visibility for and of pedestrians. As a home that has a consistent view of the traffic on Howard Street we do not see how a parking variance will "calm" traffic in any way. Additionally, allowing this building to potentially monopolize street parking that residents and their guests also need to make use of is certainly an inconvenience. The variance to reduce the number of ADA spaces should be frowned upon as clearly injurious to public health, safety and comfort.

Second, to allow a "Dwelling Unit- Upper Level" is outside of the moral character of the neighborhood. Our immediate neighborhood and community has been developed as an area composed of full-time primary residents. We are not aware of any mix-use office and dwelling properties within the area, aside from those on Eddy Street, which were developed for that express intent. Additionally, the development of new non-primary resident apartment units are not compatible with the neighborhood and have been actively opposed by the North East Neighborhood Council, the University of Notre Dame and neighborhood residents.

Third, the building is already an out of place structure that sticks out like a sore thumb in the neighborhood. To add a third story, making it an even taller, out of place structure will certainly injure and adversely affect the use of and property values in adjacent areas.

The structure already takes up much of the lot due to variances granted when it was initially constructed. To make it taller, thereby reducing the amount of natural light available to the surrounding homes and land is detrimental to their value. Additionally, an additional level on the building would reduce the amount of privacy afforded to nearby homes, making them less desirable thereby impacting the value.

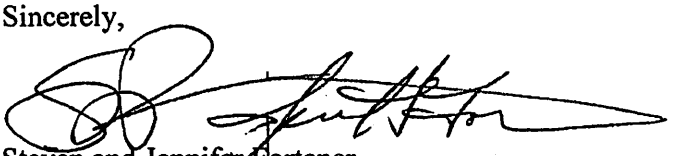
As it currently stands, the building is already completely out of character for our residential neighborhood as the only structure zoned as "Office". To make it a larger, more obtrusive mixed-use building makes it even more inconsistent with the district and neighborhood. To allow such a tall, out of place mixed-use structure in the neighborhood would set a dangerous precedent going forward.

The proposed variances in no way help this building or its land use complement the surrounding parcels of land, nor would the help the building integrate well with its surroundings, both of which are requirements of section E of the City's Comprehensive Plan. The variances only make it a more obtrusive structure, in height and on land, all around.

We have enjoyed seeing the neighborhood grow and expand into a community we are proud to be a part of, however we cannot see how these proposed changes to 806 Howard Street would be beneficial to our community or its development.

Thank you for your consideration and for passing our comments along to the Board.

Sincerely,



Steven and Jennifer Fortener
1006 N. Notre Dame Avenue

Carolyn Henry

From: Jill Bodensteiner <jbodenst@nd.edu>
Sent: Tuesday, December 05, 2017 8:57 PM
To: Carolyn Henry
Cc: James Haigh; Tom Mustillo; Jill.R.Bodensteiner.2
Subject: Zoning Appeal -- 806 Howard Street

#7

Dear Ms. Henry,

My name is Jill Bodensteiner, and I live at 920 North St. Peter Street. Because my home is located within 300 feet of the property located at 806 Howard Street, I received the Notice to Adjacent Property Owners regarding the petition for seven (7) variances to zoning regulations filed by Pandora Partners LLC. Please forward this email detailing my opposition to such variances to the Area Board of Zoning Appeals for consideration.

In light of the overwhelming concern expressed by my neighbors, I am certain that you have received several similar emails or letters. As such, my comments will be brief and focused on two of the legal standards governing the work of the Area Board of Zoning Appeals.

Adverse Affect on Property Values in the Adjacent Area
There is simply no credible argument to be made that the addition of an upstairs dwelling unit (and nearly 15 feet) to the existing structure and the reduction by 31 in the number of off-street parking spots will do anything other than adversely affect the property values in the adjacent areas. The site lines, skyline and residential feel of the entire neighborhood will change. I can't imagine a potential buyer of my bungalow home would want the structure two doors down to tower above their new home. The potential for 30+ additional cars parking in front of our houses will also adversely affect the property value. Finally, any argument that the owner intends to improve the exterior appearance is irrelevant; to my knowledge, there is no related variance in the current petition.

Consistent with the Character of the District
The area surrounding 806 Howard Street is residential with the exception of the structure in question. While already zoned for office use, the addition of significant height and creation of a mixed use office/residential building will render the existing structure even more out of place and will establish bad precedent for the future of the neighborhood. An argument that either phases of the Eddy Street Commons project establishes 806 Howard as part of an existing mixed use district is without merit; a tour of the area would quickly establish the different character of our properties compared to Eddy Street Commons.

In sum, I strongly opposed the zoning variances sought by Pandora Partners LLC related to 806 Howard Street, and look forward to the opportunity to share my views at the hearing.

Jill Bodensteiner
Senior Associate Athletics Director
Notre Dame Athletics

email: jbodenst@nd.edu
cell: (574) 360-9792
office: (574) 631-6721

#7

December 5, 2017

Dear Ms. Henry,

Please pass along our concerns to the Area Board of Zoning Appeals. We are Dan & Kate Kelly of 1011 N. Notre Dame Avenue and are within 300 feet of 806 Howard Street. We are writing to oppose the special exception and variances requested by Alliance Architects on behalf of Pandora Partners, LLC.

The building's appearance, size, and use as a large office space are already out of place for this residential neighborhood. The requested alterations would further separate this building from all the others. Taking a 2-story office building and making it 3 stories—with a significant increase in the height of an already large and bulky building (from approximately 28.5 feet to 46 feet)—not only would make a bigger and taller structure, but would harm the aesthetics of the neighborhood and the property values of the surrounding homes. The expanded building size would dwarf nearby homes; permanently alter the character and sight lines of the community; and decrease access to sunlight for neighbors, while increasing noise and light pollution.

In addition, the variances requested with regard to parking would increase on-street congestion and parking issues and decrease pedestrian and motorist safety. This is problematic because, at present, Howard Street is incredibly busy and dangerous (with one neighbor describing it as the "Indy 500"). Many children, including our own, cross the street and walk by this building to access Kelly Park. We have significant safety concerns that the parking and setback variances would reduce sight lines, increase congestion, and make the walk to Kelly Park for children unsafe. It may make an intersection without a stop sign (Howard & St. Peter's), where one of our children and one of us were nearly struck by a vehicle this summer, even more dangerous.

Neighbors seem uniform in opposing the proposed changes. Dozens of homeowners in the immediate vicinity view it as a bad idea and are actively opposing it. In our view, efforts to improve or change the external appearance of this structure are laudable. But adding a 3rd floor to an already oversized building, dramatically decreasing setbacks (including a setback of 0' on the east side), and creating additional parking and safety issues on an already busy street and at a dangerous intersection are problematic and not in the best interests of the community.

The proposed changes do not appear to satisfy any of the standards for approval. The proposed use would harm public health, safety, comfort, etc.; adversely affect adjacent areas and property values; be inconsistent with the character of the district and the existing land uses; and be incompatible with the City of South Bend's comprehensive plan, as well as the many efforts by and on behalf of homeowners, both longstanding and new, to redevelop this area over the past two decades. An even larger office building, with reduced setbacks and less off-street parking, is not consistent with the interests of the neighborhood or the surrounding homeowners.

Thank you for your consideration.

Sincerely,
Katherine O. Kelly & Daniel B. Kelly

Carolyn Henry

From: Joseph Powers <powers@nd.edu>
Sent: Sunday, December 03, 2017 12:28 PM
To: Carolyn Henry
Cc: jhaigh@lck-law.com; tmustillo@gmail.com; Jo Broden
Subject: former Pandora's

#7

Dear Ms. Henry,

I was given your name and email address by James Haigh. I write with regard to something to which he alerted me: a proposed re-purposing of the old Pandora's bookstore building. I live nearby at 1026 N. St. Peter Street, having recently built a new house and moved here in May 2016.

My understanding is the proposal is to significantly expand the Pandora's site to include new residential units in a new floor. I oppose this. It is out of character with the neighborhood, and expands upon a bad decision made in the 1990s.

I placed a significant investment in a new home in a neighborhood with the expectation that it would remain a neighborhood of single-family dwellings. Part of the advantage of living in a city is that there are rules and expectations that allow people to make informed decisions. I followed the rules when I built, and I expect my neighbors to do so as well. The investors in the former Pandora's building knew the rules when they invested in it.

Please do not grant the variance.

Joseph M. Powers
1206 N. St. Peter Street
South Bend, Indiana 46617

Carolyn Henry

From: John McGreevy <John.T.McGreevy.5@nd.edu>
Sent: Sunday, December 03, 2017 2:54 PM
To: Carolyn Henry
Subject: proposed zoning variance

#7

Dear Ms. Henry,

We write in regard to the proposed zoning variance for the structure formerly known as the Pandora Books building on the corner of St. Peter and Howard Avenue.

We have lived in the neighborhood at 1010 N. Notre Dame Avenue since 2002 and we are within three hundred feet of the structure. We are, frankly, shocked by the proposal. The existing structure has always been out of place with the character of the neighborhood. The recent development of the neighborhood with blocks of single family homes has made this problem only more acute. Adding a residential floor to the top of the building only accentuates this problem, however enticing the proposition is to the building's owners. In addition, parking for the building is insufficient even now and this problem will be exacerbated by the request to have virtually all of the parking on the street.

One of us will be at the zoning meeting to express our objections in person. We have never protested a variance in our time in South Bend and never anticipated doing so. But this proposal works against the efforts of many over a long period of time to build a more coherent neighborhood . We wish to register our opposition in the strongest terms and that you convey this note to the board.

Sincerely,

John McGreevy
Jean McManus

1010 N. Notre Dame Avenue
574-232-1153

--
John T. McGreevy
I.A. O'Shaughnessy Dean of the College of Arts and Letters and Professor of History
University of Notre Dame
100 O'Shaughnessy Hall
Notre Dame, IN 46556
(574)631-6642
American Jesuits and the World: How an Embattled Religious Order Made Modern Catholicism Global
(Princeton University Press, available May 2016)
http://press.princeton.edu/titles/10678.html

Carolyn Henry

From: Rita Schmid <schmidrita@gmail.com>
Sent: Sunday, December 03, 2017 9:31 PM
To: Carolyn Henry
Subject: Neighborly considerations for ABZA on 806 Howard St. petition

#7

Dear Carolyn,

My name is Rita Schmid, and I live at 919 North Notre Dame Avenue. As our home is located within 300 feet of the property commonly described as 806 Howard Street, I'd like to express our opposition to the proposed expansion and change of use identified in a recently-filed zoning petition, and if you could pass these thoughts to the board for consideration, I would greatly appreciate your help..

While it came as a surprise that anyone would seek to expand and amplify such an example of structural incongruity in our neighborhood, I thought it best to approach the matter through the frame of the City of South Bend's Comprehensive Plan (which I understand is a critical factor in ABZA's recommendation as they assess a proposal's compatibility). Though it should be noted, I do concur wholeheartedly with my adjacent neighbors, the Haighs and Mustillos, in their overall assessments and personal impressions.

In regard to Chapter 3: Land Use and Growth, Sections D and E of the City Plan, I disagree that the proposed changes support and abide by the city's stated objectives. In section D, the plan states that mixed-use developments can " benefit a community by helping create a sense of place" and "encourage the kind of pedestrian activity people enjoy about city life."

It goes on to say that "housing units on a building's upper floors provide population density, encouraging retail development on the ground floor...attracting more people to the area; more pedestrian activity helps create street life, an essential element of urban living."

While these points may not contradict the proposal's validity, they certainly don't support it either. These benefits are already well in place for our neighborhood thanks to many key factors, including the support of Notre Dame, the positive (and well-deliberated) development plans along Eddy Street, the city of South Bend, and our wonderful community of neighbors.

Section E of the City's Comprehensive Plan on ensuring land compatibility, however, seems to express guidelines that this petition does not comply with.

It states:

"Ensuring compatibility of land uses helps maintain the quality of life of a community. Since a land use decision on any individual parcel will affect surrounding parcels of land, sound decisions have to be made to ensure that different land uses complement each other and create the best urban form... ***City government, land use experts, and the general public recognize that new developments need to integrate well with their surroundings****.*

This is achieved by following a plan, ***incorporating characteristics of the surrounding area into the development, and establishing appropriate buffers****, for example, green space and less intensive uses, to reduce land use conflicts."*

This building already does not integrate well into its surroundings. Adding 18 feet to the height and widening its allowable structural presence will certainly not help it to do so.

Thank you for your consideration, and we look forward to discussing the matter further on December 6.

Sincerely,

Rita Schmid and Adam Rebolloso
919 North Notre Dame Avenue
South Bend, IN 46617

NNRO
Northeast Neighborhood Revitalization Organization
803 Lincoln Way West ◆ South Bend, Indiana 46616 ◆ Phone: 574-289-1066 ◆ Fax: 574-289-4550

December 1, 2017

#7

South Bend-St. Joseph County Area Board of Zoning Appeals (ABZA)
125 S. Lafayette Blvd. • Suite 100
South Bend, Indiana 46601

RE: 806 Howard Street Variance Request for December 6, 2017 ABZA Agenda

Dear Area Board of Zoning Appeals:

The purpose of this letter is to inform you that several members of the Northeast Neighborhood Revitalization Organization (NNRO) are aware of and have briefly discussed the proposal to expand the building located at 806 Howard St. in the Northeast Neighborhood. However, the full board of the NNRO has not reviewed the request. Moreover, the NNRO does not meet until December 13 wherein the full board intends to address the proposal. Therefore, at this time the NNRO is not in support or opposition to the petitioner's request.

Please know that the NNRO recognizes this is a critical matter for the neighborhood as the building has been a longstanding problem property. It is important to note that in partnership with the City of South Bend, Northeast Neighborhood residents and funding partners (South Bend Clinic, The University of Notre Dame, Beacon Health System, St. Joseph Regional Medical Center), the NNRO has directly facilitated roughly 30 million in housing production value in neighborhood since 2003. The NNRO has been very active in all aspects of development in the neighborhood and works to achieve the best possible outcomes.

Please know that NNRO representatives will be in attendance at December 6 ABZA meeting regarding this matter. On behalf of the NNRO Board of Directors, we look forward to a decision regarding this request soon. If you have questions, please contact me directly. Thank you.

Sincerely,

Marco Mariani
NNRO Authorized Representative

CC: NNRO
Building Dept.
APC

#7

THE PERRET GROUP, L.L.C.
A PRIVATE HOLDING COMPANY

December 6, 2017

Area Board of Zoning Appeals
C/O Ms. Carolyn Henry
chenry@southbendin.gov

Dear Area Board of Zoning Appeals Members,

My name is Hunter Perret. I own the property located at 1004 North St. Peter Street, 1005 North Notre Dame Avenue, and 1003 North Notre Dame Avenue, South Bend, Indiana. I would like to express my opposition to the expansion and proposed variances being sought by Alliance Architects for the property located at 806 Howard Street. The subject property is located within 50 feet of my property and I would greatly appreciate my opinion being considered by the board.

Please let me know what I need to do further to express my great opposition to these proposed development variances.

Respectfully,

D. Hunter Perret

501 WEST SAINT MARY BOULEVARD, SUITE 210 · LAFAYETTE, LA 70506 · 337.233.1114 (TELEPHONE) · 337.456.5474 (FACSIMILE)

AREA BOARD OF ZONING APPEALS
125 S. Lafayette Blvd., Suite 100, South Bend, Indiana 46601
574-235-9554 • (Fax) 574-235-5541 •
building@southbendin.gov
www.southbendin.gov

SPECIAL EXCEPTION & VARIANCE PETITION
ABZA DATE: **Wednesday, December 6, 2017**

PETITIONER

Alliance Architects	(574) 288-2052	mmurphy@alliarch.com	
Name	Phone	Email	
929 Lincolnway East, Suite 200	South Bend	IN	46601
Address	City	ST	Zip

PROPERTY OWNER (IF DIFFERENT THAN PETITIONER)

Pandora Partners, LLC	(574) 339-0275	chris.shepherd1@me.com	
Name	Phone	Email	
1251 N. Eddy Street, Suite 200	South Bend	IN	46617
Address	City	ST	Zip

PRESENTER (IF DIFFERENT THAN PETITIONER)

Name	Phone	Email	
Address	City	ST	Zip

PROPERTY INFORMATION

O Office	Portage		
Zoning	Township		
806 Howard Street	South Bend	IN	46617
Address	City	ST	Zip

Legal Description

PARCEL I: A lot or parcel of land, 74 feet in length, East and West, taken off of and from the entire width of the West end of the Lot Numbered One Hundred and Twenty-Five (125) as shown on the recorded Plat of Edward Sorin's Second Addition to the Town of Lowell, now within and a part of the City of South Bend, in St. Joseph County, Indiana.

PARCEL II: Part of Lot Numbered One Hundred Twenty-Five (125) as shown on the recorded Plat of Sorin's Second Addition to Lowell, now a part of the City of South Bend, described as beginning 74 feet East of the Northwest corner of said lot; thence running South 66 feet; thence East 45 feet to an alley; thence North 12 feet; thence West 25.5 feet; thence North 54 feet; thence West 19.5 feet to the place of beginning.

PARCEL III: Part of Lot Numbered One Hundred Twenty-Five (125) as shown on the recorded Plat of Sorin's Second Addition to Lowell, now a part of the City of South Bend, described as commencing on the North line of said Lot 125, 93.6 feet East of the Northwest corner of said lot; thence South 54 feet; thence East 26 feet; thence North 54 feet; thence West 26 feet to the place of beginning. Together with the West Half of the vacated alley lying East of and adjacent to Parcels II and III.

PARCEL IV: Grant of Easement recorded April 21, 2017 as Instrument No. 1709777 in the Office of the Recorder of Saint Joseph County, Indiana.

SPECIAL EXCEPTION & VARIANCE(S)

Seeking Special Exception Use to allow a "Dwelling Unit - Upper Level" within the O Office District and Variances to include:

1) Variance to reduce the required front yard and building setback from 25' to 10' at north and from 25' to 20' at west;
2) Variance to reduce the required side residential buffer yard and building setback from 8' to 5' at south and from 8' to 0' at east;
3) Variance to reduce the required off-street parking from 35 spaces to 4 spaces;
4) Variance to delete off-street parking area screening at east side yard;
5) Variance to reduce the required minimum number of ADA parking spaces from 2 spaces to 1 space; and
6) Variance to reduce the minimum width of parking lot maneuvering aisle from 24' to 0'.

REASON FOR REQUEST(S)

These approvals are necessary in order for the existing building to be renovated as planned by Superior Property Holdings, LLC.

SPECIAL EXCEPTION APPROVAL STANDARDS

1. The approval will not be injurious to the public health, safety, morals and general welfare of the community because the proposed residential use is compatible with surrounding land uses.

2. The proposed use will not injure or adversely affect the use of the adjacent area or property values therein because the owner will make a significant financial investment and improve the exterior appearance of the property.

3. The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein. It should also be noted that the proposed uses (office and residential) are generally considered to be less intensive than the current use (retail).

4. The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan because it involves the adaptive reuse of an existing structure and includes an upper floor dwelling unit above office space.

VARIANCE APPROVAL STANDARDS

1. The approval will not be injurious to the public health, safety, morals and general welfare of the community because on-street parking will be available to supplement the existing on-site parking. The on-street parking will also serve as "traffic calming" along Howard Street.

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 on-site parking is existing and will remain in place. Also, the building setback variances are necessary in order for the existing building walls to be compliant with the current ordinance. The north building setback variance will also permit the construction of a new deck/porch which will project approximately 6' beyond the existing wall.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because a similar parking variance was granted when the existing building was constructed in 1992. The South Bend Building Department has confirmed that the parking requirements for the existing retail use and proposed office use are identical: 3.5 spaces per 1,000 GSF. The parking requirement for the Dwelling Unit - Upper Floor is two spaces.

APPLICANT SIGNATURE

11/8/17

Date

Martin J. Murphy, RA
Alliance Architects

Name

AREA BOARD OF ZONING APPEALS
125 S. Lafayette Blvd., Suite 100, South Bend, Indiana 46601
574-235-9554 • (Fax) 574-235-5541 •
building@southbendin.gov
www.southbendin.gov

NOTICE OF PUBLIC HEARING

Notice is hereby given to all interested persons that the Area Board of Zoning Appeals will hold a public hearing in the Council Chambers on the 4th Floor of the County-City Building, 227 W. Jefferson Blvd., South Bend, Indiana, on the 6th day of December, 2017, at 1:30 p.m., or as soon thereafter as the matter can be heard. This hearing is for the purpose of considering a petition that was filed by:

Alliance Architects, on behalf of Pandora Partners, LLC, 929 Lincolnway East, Suite 200, South Bend, IN 46601

Seeking:

1) Special Exception Use allowing "Dwelling Unit - Upper Level" within O Office District.
2) Variance to reduce the required front yard and building setback from 25' to 10' at north and from 25' to 20' at west.
3) Variance to reduce the required side residential buffer yard and building setback from 8' to 5' at south and from 8' to 0' at east.
4) Variance to reduce the required off-street parking from 35 spaces to 4 spaces.
5) Variance to delete off-street parking area screening at east side yard.
6) Variance to reduce the required minimum number of ADA parking spaces from 2 spaces to 1 space.
7) Variance to reduce the minimum width of parking lot maneuvering aisle from 24' to 0'.

On real estate commonly described as:

806 Howard Street, South Bend, Indiana 46617

and is legally described as follows:

PARCEL I: A lot or parcel of land, 74 feet in length, East and West, taken off of and from the entire width of the West end of the Lot Numbered One Hundred and Twenty-Five (125) as shown on the recorded Plat of Edward Sorin's Second Addition to the Town of Lowell, now within and a part of the City of South Bend, in St. Joseph County, Indiana.

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PARCEL IV: Grant of Easement recorded April 21, 2017 as Instrument No. 1709777 in the Office of the Recorder of Saint Joseph County, Indiana.

Dated this 9th day of Nov. 2017.

AREA BOARD OF ZONING APPEALS

Carolyn A. Henry

Carolyn A. Henry
Secretary to the Board

TO THE PETITIONER: It is your responsibility to complete this form correctly and deliver it to the Secretary of the Board of Zoning Appeals with the other papers at the time of original filing. Once it is signed by the Secretary, then it is your responsibility to make arrangements to have publication of notice made in a local newspaper having general circulation in St. Joseph County. Such notice must be published one (1) time, being at least ten (10) days prior to the date on which the public hearing is to be held. Proof of publication must be presented to the Board at the time of public hearing.

AREA BOARD OF ZONING APPEALS
FILED
Date: 11/9/17

AREA BOARD OF ZONING APPEALS
125 S. Lafayette Blvd., Suite 100, South Bend, Indiana 46601
574-235-9554 • (Fax) 574-235-5541 •
building@southbendin.gov
www.southbendin.gov

NOTICE TO ADJACENT PROPERTY OWNERS

You are hereby notified that a public hearing will be held by the Area Board of Zoning Appeals on Wednesday, the 6th day of December, 2017, at 1:30 p.m. in the Council Chambers on the 4th Floor of the County-City Building, 227 W. Jefferson Blvd., South Bend, Indiana

A petition is on file by: Alliance Architects, on behalf of Pandora Partners, LLC, 929 Lincolnway East, Suite 200, South Bend, IN 46601.

Seeking:

1) Special Exception Use allowing "Dwelling Unit - Upper Level" within O Office District.
2) Variance to reduce the required front yard and building setback from 25' to 10' at north and from 25' to 20' at west.
3) Variance to reduce the required side residential buffer yard and building setback from 8' to 5' at south and from 8' to 0' at east.
4) Variance to reduce the required off-street parking from 35 spaces to 4 spaces.
5) Variance to delete off-street parking area screening at east side yard.
6) Variance to reduce the required minimum number of ADA parking spaces from 2 spaces to 1 space.
7) Variance to reduce the minimum width of parking lot maneuvering aisle from 24' to 0'.

On property commonly described as: 806 Howard Street, South Bend, Indiana 46617.

Said public hearing will be held as authorized by the applicable Zoning Ordinance and Chapter 138, Acts of 1957 of the General Assembly of the State of Indiana.

As a property owner within the immediate appeal area, this notice is sent to you as a courtesy. Sometimes, for reasons beyond our control, property owners within the immediate area of the subject property will not receive a copy of this notice. If you know of someone who should have received notice but didn't, please inform them of this hearing. Any persons desiring to oppose or support this petition will be heard at the time of the hearing.

AREA BOARD OF ZONING APPEALS

Carolyn A. Henry

Carolyn A. Henry
Secretary to the Board

RESOLUTION NO. _____

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE AREA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT

806 Howard Street, Portage Township, South Bend, Indiana 46617

WHEREAS, Indiana Code Section 36-7-4-918.6, requires the Common Council to give notice pursuant to Indiana Code Section 5-14-1.5-5, of its intention to consider Petitions from the Board of Zoning Appeals for approval or disapproval; and

WHEREAS, the Common Council must take action within sixty (60) days after the Board of Zoning Appeals makes its recommendation to the Council; and

WHEREAS, the Common Council is required to make a determination in writing on such requests pursuant to Indiana Code Section 36-7-4-918.4; and

WHEREAS, the Area Board of Zoning Appeals has made a recommendation, pursuant to applicable state law.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA as follows:

SECTION I. The Common Council has provided notice of the hearing on the Petition from the Area Board of Zoning Appeals pursuant to Indiana Code Section 5-14-1.5-5, requesting that a Special Exception be granted for the property located at:

806 Howard Street, Portage Township, South Bend, Indiana 46617

in order to permit

Special Exception Use: "Dwelling Unit - Upper Level"

SECTION II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the petition of the Area Board of Zoning Appeals, a copy of which is on file in the Office of the City Clerk.

SECTION III. The Common Council of the City of South Bend, Indiana, hereby finds that:

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

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

3. The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein; and

4. The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan.

SECTION IV. Approval is subject to the Petitioner complying with the reasonable conditions established by the Area Board of Zoning Appeals which are on file in the Office of the City Clerk.

SECTION V. The Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

_____

Member of the Common Council

1st READING
PUBLIC HEARING
3rd READING
NOT APPROVED
REFERRED
PASSED

Filed in Clerk's Office

NOV 09 2017

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

PANDORA PARTNERS LLC

1251 N. EDDY ST, SUITE 200
SOUTH BEND, IN 46617
(574) 339-0275
CHRIS.SHEPHERD1@ME.COM

October 31, 2017

To Whom it May Concern,

Pandora Partners, LLC hereby authorizes Alliance Architects to serve as its representative during the submission and public hearings related to the petition for a special exception use and variances for the property commonly described as 806 Howard Street, South Bend, Indiana 46617.

Sincerely,

Christopher Shepherd
Member

Type: Filing_Fees
Payor: ALLIANCE ARCHITECTS
License Number:
Address: 806 HOWARD
SP EXCEPTION & VARIANCES

11/9/2017 9:10:49 AM
Filing_Fees $570.00
Check 013148 $570.00
chenry 10124

Legend

- SJC Parcel Dimensions
- SJC Parcels
- ELK Parcels
- SJC Street
- ELK Street
- Building Footprint
- Railroad
  - Railroad
  - Abandoned Railroad
- Road Centerline
- Railroad Bridge

Michiana Regional GIS Website

txtSubTitle

Map Generated By: Public

Date Printed: 11/3/2017

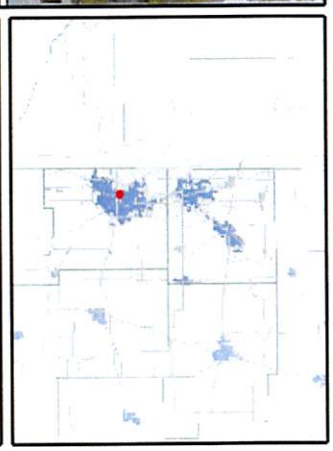
1 inch = 75.00 feet

N

0 0.00 0.01 0.01 Miles

Coordinate grid is based on Indiana East State Plane Coordinate System 1983 North American Datum.

Information shown on this map is not warranted for accuracy or merchantability. Reproduction or distribution of this material is not authorized without the express written permission of MACOG.



Alice H Isaacson
909 N. St. Peter St.
South Bend, IN 46617
Parcel # 018-5107-3766

Robert D and Katherine C Kossler
1020 N. St. Peter St.
South Bend, IN 46617
Parcel # 018-5104-3651

Pandora Partners LLC
51720 Bluffside Court
Granger, IN 46530
Parcel #018-5107-3768; #018-5107-3770

The University of Notre Dame
725 Grace Hall
Notre Dame, IN 46556
Parcel #018-5107-3772; #018-5104-3632
#018-5104-3631

Perret D Hunter
1301 Camelia Blvd., Ste 400
Lafayette, LA 70508
Parcel #018-5104366101; #018-5104-3661
#018-5104-3662

ND 2019 LLC
c/o Kendall Gray
64 Florence Ave
New Providence, NJ 07974
Parcel # 018-5107-376601

James and Gia Haigh
925 N. Notre Dame Ave.
South Bend, IN 46617
Parcel #018-5107-3776; #018-5107-3775

South Bend Housing Authority
501 S. Scott St.
South Bend, IN 46613
Parcel #018-5107-3756

Mathew M and Elizabeth Sanford
1013 N. St. Peter St.
South Bend, IN 46617
Parcel #018-5104-3629

John B. Swarbrick and Kimberly A Hudgens-Swarbrick
1016 N Notre Dame Ave.
South Bend, IN 46617
Parcel #018-5105-3672

Sasman Enterprises LLC
925 N. Notre Dame Ave.
South Bend, IN 46617
Parcel #018-5107-3771

Hansen Syrus White
922 N. St. Louis
South Bend, IN 46617
Parcel #018-5107-3798

Scott R. Appleby
912 N. St. Peter St.
South Bend, IN 46617
Parcel #018-5107-3783

Julie A. Peterson
902 N. St. Peter St.
South Bend, IN 46617
Parcel #018-5107-3786

Brian R. and Alison K Levey
918 N. St. Peter St.
South Bend, IN 46617
Parcel #018-5107-3778

Rita A. Schmid
919 N. Notre Dame Ave.
South Bend, IN 46617
Parcel #018-5107-3780

Rudy N. Reyes
1014 N. St. Peter St.
South Bend, IN 46617
Parcel # 018-5104-3654

Stephen C Smith
4404 Technology Dr.
South Bend, IN 46617
Parcel #018-5104-3630

Thomas E and Elizabeth R Burman
920 N. Notre Dame Ave.
South Bend, IN 46617
Parcel #018-5106-3721

Barbara Virginia Sniegowski as Trustee of Barbara Virginia
917 N. St. Peter St.
South Bend, IN 46617
Parcel #018-5107-3763; #018-5107-3762

Megan M Kolaczyk
918 N. St. Louis Blvd.
South Bend, IN 46617
Parcel #018-5107-3755

Jill R. Bodensteiner
920 N. St. Peter St.
South Bend, IN 46617
Parcel # 018-5107-3778

Sara and Thomas Mustillo
926 N. St. Peter St.
South Bend, IN 46617
Parcel #018-5107-3774

Robert J. and Deborah S. Bernhard
1019 N. Notre Dame Ave.
South Bend, IN 46617
Parcel #018-5104-3653

Ebrahim I Moosa
Moosa Family 2016 (Trust)
1008 N. St Peter St.
South Bend, IN 46617
Parcel #018-5104-3658; #018-5104-3657

John T. McGreevey and Jean C. Mamanus
1010 N. Notre Dame Ave.
South Bend, IN 46617
Parcel # 018-5105-3673

Ani Apbrahamian (Trust)
936 N. Notre Dame Ave.
South Bend, IN 46617
Parcel #018-5106-3713

Thomas J. and Shannon E. Guinan
807 Grace Hall
Notre Dame, IN 46556
Parcel #018-5107-3782

William C. III and Courtney D. Mattison
313 Visitation Hall
Notre Dame, IN 46556
Parcel # 018-5106-3717; #018-5106-3718

Highsmith Avance
924 St. Louis Blvd.
South Bend, IN 46637
Parcel #018-5107-3797

Willie and Brenda J. Martin-Groves
713 Howard St.
South Bend, IN 46617
Parcel #018-5104-3616

Mark Kurtis
702 E Howard St.
South Bend, IN
Parcel #018-5107-3789

Thomas Stroka
1017 N. St Peter St.
South Bend, IN 46617
Parcel #018-5104-3628

Marc D. and Jeanette M. Burdell
901 N. Notre Dame Ave.
South Bend, IN 46617
Parcel #018-5107-3788

Irish Homestead LLC
150 Carondelet Plz. #2601
Saint Louis, MO 63105
Parcel #018-5106-3750

Steven T. and Jennifer H. Fortener
1006 Notre Dame Ave.
South Bend, IN 46617
Parcel #018-510-367302

Daniel B. and Kelly O. Kelly
18471 Spring Mist Ct.
South Bend, IN 46637
Parcel #018-5401-3659; #018-5401-3660

Christine M. Boetticher (Trust)
1017 Notre Dame Ave.
South Bend, IN 46601
Parcel #018-5104-3655

Cyril J. Oregon and Geraldine Meehan
907 N. Notre Dame Ave.
South Bend, IN 46617
Parcel #018-5107-3784

Jan Martin Klass Cremers and Lisbeth Marieke Misdorp
914 N. Notre Dame Ave.
South Bend, IN 46617
Parcel #018-5106-3725

City of South Bend
227 West Jefferson Blvd.
South Bend, Indiana 46601
Parcel #018-5107-3800; #018-5107-3794

Available
574.271.4060

St. Peter
Available
574.271.4060

Peter

Peter

Ceres Partners

806 HOWARD STREET RENOVATIONS

South Bend, Indiana

ALLIANCE
ARCHITECTS

NOTICE OF PUBLIC HEARING

Notice is hereby given to all interested persons that the Area Board of Zoning Appeals will hold a public hearing in the Council Chambers on the 4th Floor of the County-City Building, 227 W. Jefferson Blvd., South Bend, Indiana on the **6th of December, 2017** at 1:30 p.m. or as soon thereafter as the matter can be heard. This hearing is for the purpose of considering a petition that was filed by **Alliance Architects, on behalf of Pandora Partners LLC**, 929 Lincolnway East, Suite 200, South Bend, IN 46601

Seeking:

1) Special Exception Use allowing "Dwelling Unit – Upper Level" within O Office District.

2) Variance to reduce the required front yard and building setback from 25' to 10' at north and from 25' to 20' at west.

3) Variance to reduce the required side residential buffer yard and building setback from 8' to 5' at south and from 8' to 0' at east.

4) Variance to reduce the required off-street parking from 35 spaces to 4 spaces.

5) Variance to delete off-street parking area screening at east side yard.

6) Variance to reduce the required minimum number of ADA parking spaces from 2 spaces to 1 space.

7) Variance to reduce the minimum width of parking lot maneuvering aisle from 24' to 0'.

On real estate commonly described as: **806 Howard St, South Bend, IN 46617**

And is legally described as follows:

Parcel I: A lot or parcel of land, 74 feet in length, East and West, taken off of and from the entire width of the West end of Lot Numbered One Hundred and Twenty-five (125) as shown on the recorded Plat of Edward Sorin's Second Addition to the Town of Lowell, now within and a part of the City of South Bend, in St. Joseph County, Indiana.

Parcel II: Part of Lot Numbered One Hundred Twenty-five (125) as shown on the recorded Plat of Edward Sorin's Second Addition to the Town of Lowell, now within and a part of the City of South Bend, described as beginning 74 feet East of the Northwest corner of said lot; thence running South 66 feet; thence East 45 feet to an alley; thence North 12 feet; thence West 25.5 feet; thence North 54 feet; thence West 19.5 feet to the place of beginning.

Parcel III: Part of Lot Numbered One Hundred Twenty-five (125) as shown on the recorded Plat of Edward Sorin's Second Addition to the Town of Lowell, now within and a part of the City of South Bend, described as commencing on the North line of said Lot 125, 93.6 feet East of the Northwest corner of said lot; thence South 54 feet; thence East 26 feet; thence North 54 feet; thence West 26 feet to the place of beginning. Together with the West Half of the vacated alley lying East of and adjacent to Parcels II and III.

Parcel IV: Grant of Easement recorded April 21, 2017 as Instrument No. 1709777 in the Office of the Recorder of St. Joseph County, Indiana.

Dated this 9th day of November 2017
Area Board of Zoning Appeals
Carolyn A. Henry
Secretary to the Board

22

State of Indiana St. Joseph County

Personally Appeared Before Me The Undersigned:

Nancy Nich

Legal Clerk of the **MISHAWAKA ENTERPRISE**, a public newspaper of general circulation, published in the city of Mishawaka in the County aforesaid, who being duly sworn, upon her oath saith, that the notice of which she attached is the true copy, was duly published in the **Mishawaka Enterprise** for:

__XX__ One __ TWO __THREE

times successively to-wit:

On the __16th__ day of __November__, 2017, and

On the _____ day of _____, 2017, and

On the _____ day of _____, 2017

Nancy Nich

Subscribed & Sworn To Before Me
This __16th__ day of __November__, 2017

William L. Nich

William L. Nich, Notary Public
Residing in Elkhart County
My Commission Expires 5/30/2019

CHARGES: $ 50.00

7

Ceres Partners

806 HOWARD STREET RENOVATIONS

South Bend, Indiana

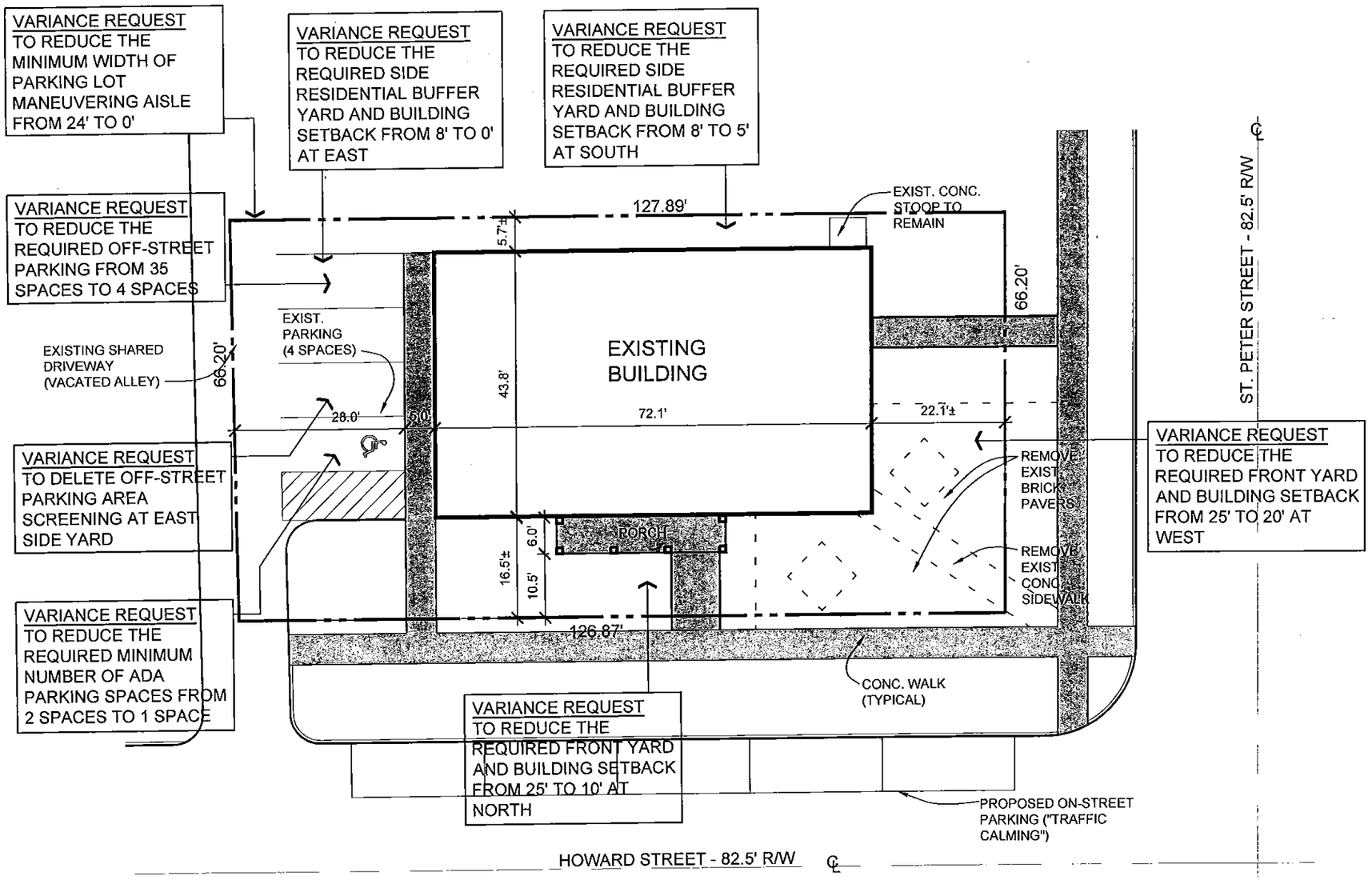
ALLIANCE
ARCHITECTS

Ceres Partners

806 HOWARD STREET RENOVATIONS

South Bend, Indiana

ALLIANCE ARCHITECTS



NORTH

SITE PLAN

SCALE: 1" = 20.0' (AT 11"x17")

TABULATED DATA

1. APPLICABLE ZONING ORDINANCE: CITY OF SOUTH BEND ZONING ORDINANCE, EFFECTIVE DATE 5/7/04.

   NORTHEAST NEIGHBORHOOD OVERLAY ZONING DISTRICT IS NOT APPLICABLE.

2. ZONING DISTRICT: O OFFICE
   OFFICE/PROFESSIONAL SERVICES IS PERMITTED, PRIMARY USE
   DWELLING UNIT - UPPER LEVEL IS PERMITTED, SPECIAL EXCEPTION USE

3. MINIMUM YARDS AND SETBACKS
   FRONT YARD AND BUILDING SETBACK: 25' FROM ROW
   SIDE YARD AND BUILDING SETBACK: 8'
   REAR YARD AND BUILDING SETBACK: NOT APPLICABLE ON A CORNER LOT

   PARKING AREAS AND DRIVEWAYS ARE PERMITTED IN MINIMUM SIDE YARDS. PARKING AREAS MAY NOT BE CLOSER THAN 15' TO ROW IN FRONT YARDS.

4. MAXIMUM BUILDING HEIGHT: 50', NOT TO EXCEED FOUR (4) STORIES

5. MAXIMUM GROSS FLOOR AREA: UNLIMITED

6. SIGNS: WALL SIGNS ARE PERMITTED ON NORTH AND WEST FACADES. TOTAL SIGN SURFACE AREA SHALL NOT EXCEED FIVE (5) PERCENT OF TOTAL FACADE AREA.

7. OFF-STREET PARKING
   REQUIRED PER ORDINANCE: OFFICE USE (3.5 SPACES PER 1,000 GSF) 33
   RESIDENTIAL USE (2 SPACES PER DWELLING UNIT) 2
   35

   A PARKING VARIANCE WAS GRANTED IN 1992 FOR THE EXISTING RETAIL USE. IT IS ASSUMED THAT THE VARIANCE REDUCED THE REQUIRED AMOUNT OF 31 SPACES TO THE PROVIDED AMOUNT OF 4 SPACES. NOTE THAT THE ORDINANCE REQUIRES THE SAME 3.5 SPACES PER 1,000 GSF FOR BOTH RETAIL AND OFFICE.

8. OFF-STREET LOADING: NOT REQUIRED (OFFICE USE LESS THAN 10,000 SF).

ALLIANCE ARCHITECTS
929 Lincolnway East, Suite 200 | South Bend, Indiana 46601

BOARD OF ZONING APPEALS SUBMITTAL

CERES PARTNERS OFFICE RENOVATION
806 HOWARD STREET
SOUTH BEND, INDIANA

DATE: 11/14/17

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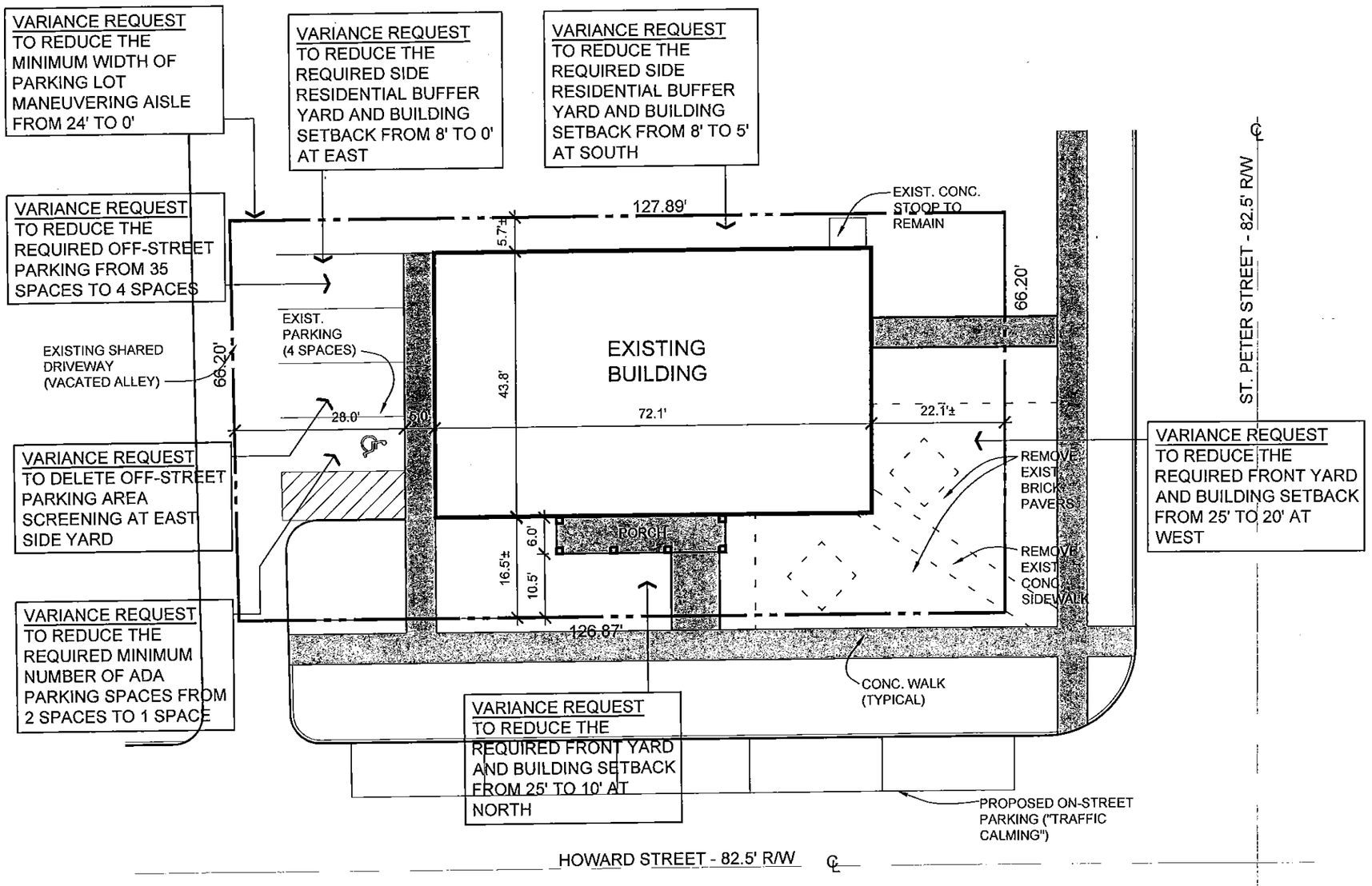
SHEET NO. C1.0



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