

City of South Bend

BOARD OF ZONING APPEALS

AGENDA

Monday, April 3, 2023 - 4:00 p.m.
County-City Building
Fourth-Floor Council Chambers
www.tinyurl.com/sbbza

PUBLIC HEARING:

1. **Location:** 1021 and 1025 THOMAS ST BZA#0180-23
Owner: YAKIRA MCLEOD
Requested Action:
Variance(s):
1) From the maximum one detached accessory structure to two
Zoning: U1 Urban Neighborhood 1

2. **Location:** 2618 DUNHAM ST BZA#0182-23
Owner: KANKAKEE WETLANDS ORGANIC GARDENS INC
Requested Action:
Variance(s):
1) To allow an accessory structure on a lot without a primary structure;
2) From the maximum one detached accessory structure to two
Zoning: U1 Urban Neighborhood 1

3. **Location:** 2046 SOUTH BEND AVE BZA#0184-23
Owner: DEV H12 LLC
Requested Action:
Variance(s):
1) From the 15' maximum sign height to 18'-4"
Zoning: C Commercial

4. **Location:** 3202 PLEASANT ST BZA#0187-23
Owner: CARL EVERETT
Requested Action:
Variance(s):
1) From the 3' maximum fence height in an established corner yard to 6'
Zoning: U1 Urban Neighborhood 1

5. **Location:** 502 SAMPLE BZA#0188-23
Owner: BOYS & GIRLS CLUB OF ST JOSEPH COUNTY
Requested Action:
Variance(s):
1) To allow parking in the established front yard
Zoning: U3 Urban Neighborhood 3

City of South Bend **BOARD OF ZONING APPEALS**

6. **Location:** 1330 HIGH ST, 1306 HIGH ST & 909 E BROADWAY ST BZA#0183-23
Owner: RED TAIL PROPERTIES LLC
Requested Action:
Special Exception: Heavy Industrial
Zoning: I Industrial
7. **Location:** 439 DUNDEE ST BZA#0185-23
Owner: REDDLINE PROPERTY LLC
Requested Action:
Special Exception: a 2 Unit Dwelling
Zoning: U1 Urban Neighborhood 1
8. **Location:** 1602 MICHIGAN ST BZA#0186-23
Owner: JMJ GROUP LLC
Requested Action:
Variance(s):
1) to allow parking in the established corner yard
Special Exception: a Group Residence
Zoning: NC Neighborhood Center
9. **Location:** 1910 LINCOLNWAY BZA#0148-23
Owner: LAMAR ADVERTISING COMPANY
Requested Action:
Variance(s):
1) From the 300 sq.ft. maximum sign surface area for an off-premise sign to 494.5 sq.ft.
Zoning: C Commercial
10. **Location:** 1072 LINCOLNWAY BZA#0149-23
Owner: LAMAR ADVERTISING COMPANY
Requested Action:
Variance(s):
1) From the 300 sq.ft. maximum sign surface area for an off-premise sign to 494.5 sq.ft.;
2) From the 750' minimum linear spacing between off-premise signs to 15';
3) From the 300' minimum radial spacing between off-premise signs to 102';
4) From the 100' minimum radial spacing to a residential use or U3 District to 75'
Zoning: C Commercial
11. **Location:** 1704 LINCOLNWAY BZA#0150-23
Owner: LAMAR ADVERTISING COMPANY
Requested Action:
Variance(s):
1) From the 750' minimum linear spacing between off-premise signs to 450';
2) From the 200' minimum linear spacing to a school to 0';
3) From the 100' minimum radial spacing to a residential use or U2 District to 30'
Zoning: C Commercial

City of South Bend **BOARD OF ZONING APPEALS**

12. **Location:** 208 SAMPLE ST BZA#0152-23
Owner: LAMAR ADVERTISING COMPANY
Requested Action:
 Variance(s):
 1) From the 750' minimum linear spacing between off-premise signs to 465'
Zoning: C Commercial
13. **Location:** 2713 BENDIX DR BZA#0153-23
Owner: LAMAR ADVERTISING COMPANY
Requested Action:
 Variance(s):
 1) From the 300 sq.ft. maximum sign surface area for an off-premise sign to 494.5 sq.ft.;
 2) From the 200' minimum linear spacing to residential use or U1 District to 0'
Zoning: I Industrial
14. **Location:** 259 N LOGAN ST BZA#0178-23
Owner: LAMAR ADVERTISING COMPANY
Requested Action:
 Variance(s):
 1) From the 200' minimum linear spacing to residential use or 21 District to 13';
 2) From the 100' minimum radial spacing to a residential use or S1 District to 13';
 3) From the 750' minimum linear spacing between off-premises signs to 0';
 4) From the 300' minimum radial spacing between off-premise signs to 65'
Zoning: C Commercial
15. **Location:** 323 SHERIDAN ST BZA#0179-23
Owner: LAMAR ADVERTISING COMPANY
Requested Action:
 Variance(s):
 1) From the 10' minimum front setback to 0'
Zoning: C Commercial

ITEMS NOT REQUIRING A PUBLIC HEARING:

1. Findings of Fact – March 6, 2023
2. Minutes – March 6, 2023
3. Other Business
4. Adjournment

NOTICE FOR HEARING AND SIGN IMPAIRED PERSONS

Auxiliary Aid or other services may be available upon request at no charge. Please give reasonable advance request when possible.

Property Information

Location: 1021 and 1025 THOMAS ST
Owner: YAKIRA MCLEOD

Project Summary

Allow an accessory structure in the front yard.

Requested Action

Variance(s): 1) From the maximum one detached accessory structure to two

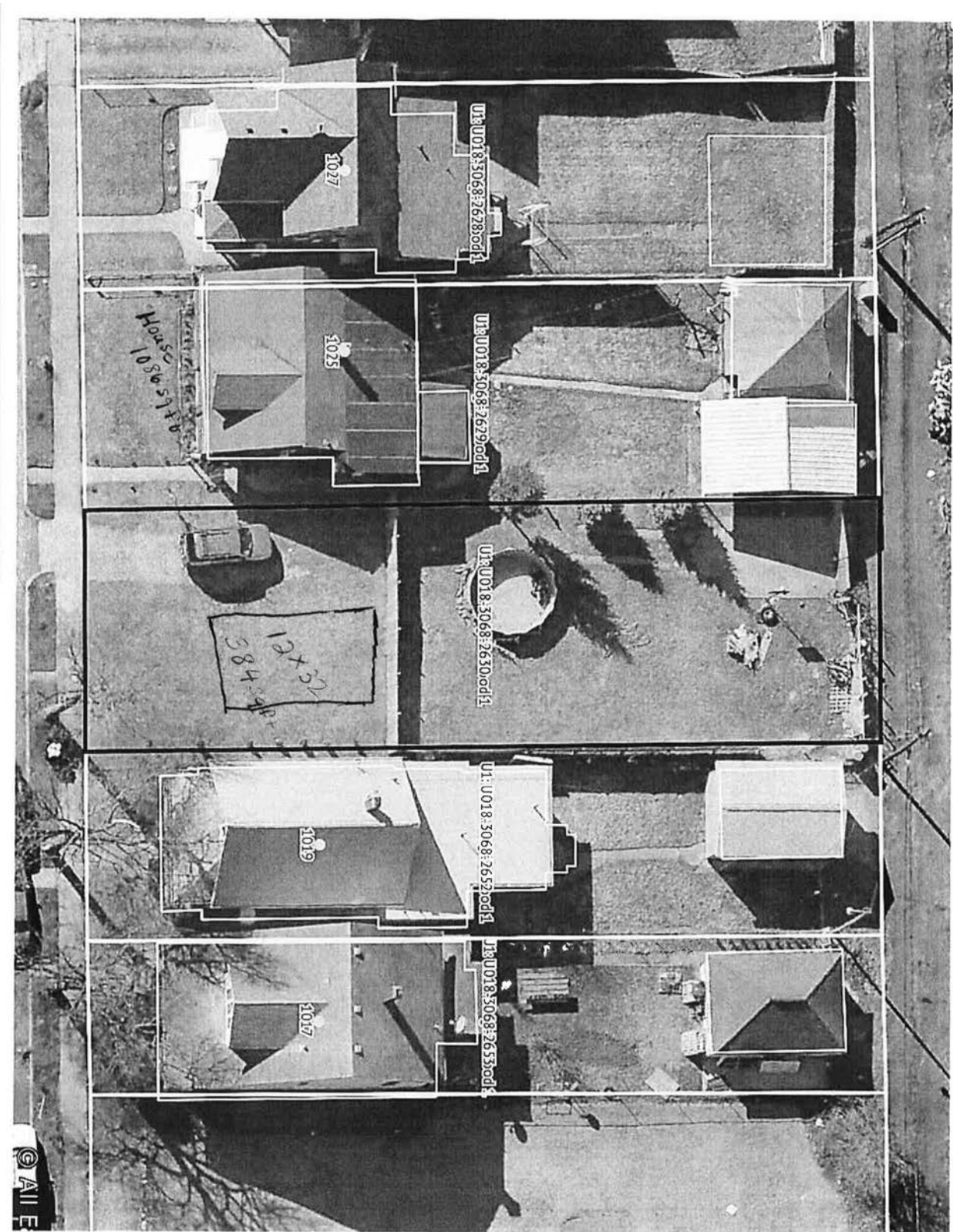
Site Location



Staff Recommendation

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

Proposed Site Plan



Criteria for Decision Making: Variance(s)

State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. The standards and their justifications are as follows:

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community

The proposed variance is out of character with the area, which may impact the general welfare of the community.

(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner

The proposed variance is out of character for this area, which could have an impact on the value of surrounding properties. Houses in this neighborhood only have one accessory structure that is located at the rear of their properties. The property owner already has a large accessory structure in the rear of the property.

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

The strict application of the terms of this Chapter would not result in practical difficulties in the use of the property. The residential use is not impacted by the number of accessory structures.

(4) The variance granted is the minimum necessary

Since there is no practical difficulty to overcome, the variance requested is not the minimum necessary. The new structure could be moved and attached to the existing accessory structure.

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

There is no hardship on the property. Had the applicant applied for a building permit, they would have been made aware of the applicable regulations.

Analysis & Recommendation

Analysis: There are no practical difficulties for the petitioner that would necessitate the additional accessory structure. The proposed variance is out of character for the area and not consistent with the intent of the Ordinance.

Staff Recommendation: Based on the information provided prior to the public hearing, the Staff recommends the Board deny the variance as requested.

Property Information

Location: 2618 DUNHAM ST
Owner: KANKAKEE WETLANDS ORGANIC GARDENS INC

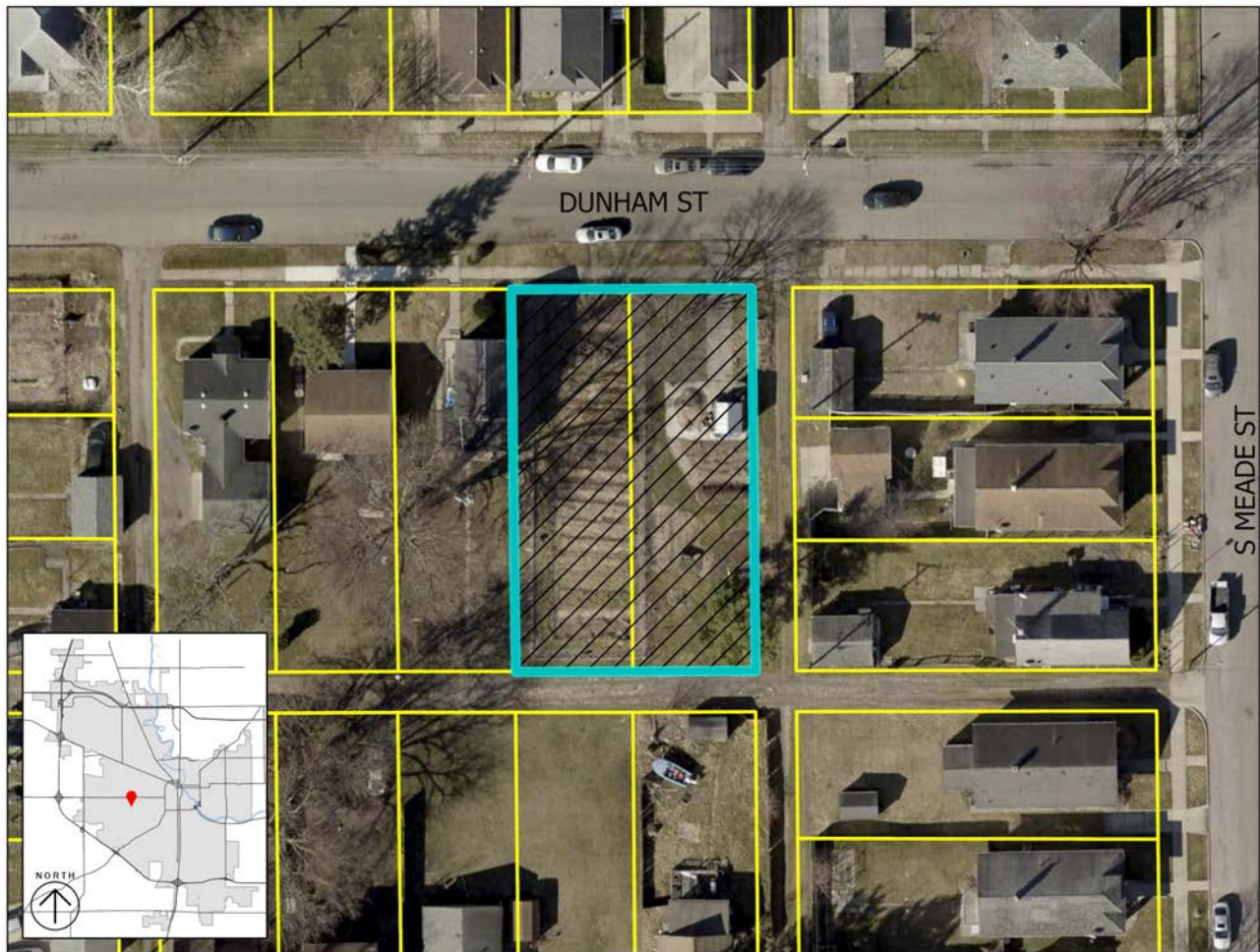
Project Summary

Build a larger shed next to the existing shed.

Requested Action

Variance(s): 1) To allow an accessory structure on a lot without a primary structure
2) From the maximum one detached accessory structure to two

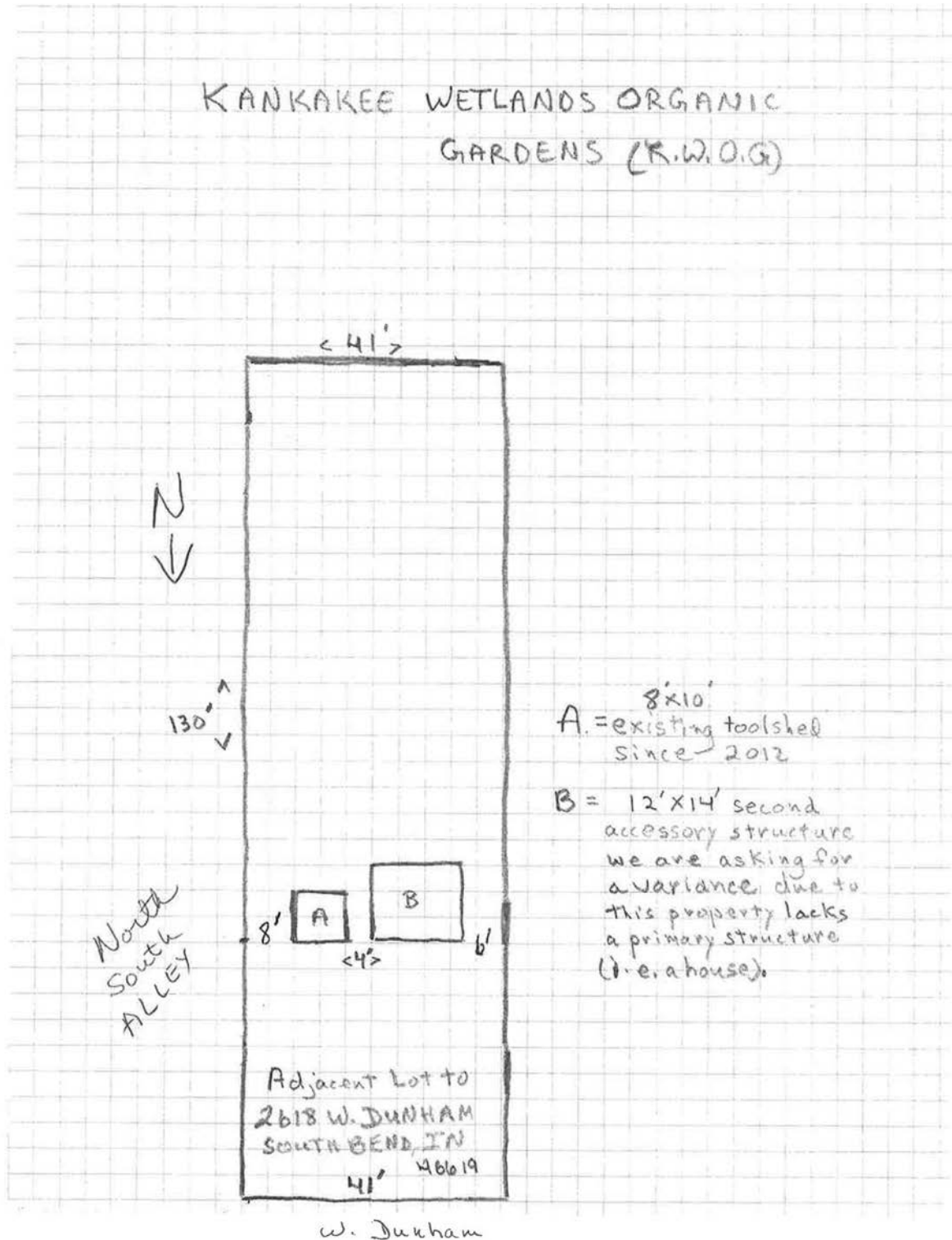
Site Location



Staff Recommendation

Based on the information available prior to the public hearing, the Staff recommends the Board approve variance 1) to allow an accessory structure on a lot without a primary structure, and; deny variance 2) for the second accessory structure.

Proposed Site Plan



Criteria for Decision Making: Variance(s)

State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. The standards and their justifications are as follows:

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community

The proposed variance is out of character with the area, which may impact the general welfare of the community.

(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner

The construction of an additional accessory structure could adversely affect the use and value of the adjacent properties. Allowing an additional structure without a practical difficulty could set a precedence for more in the area, thus affecting the value of properties in the area.

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

The strict application of the Ordinance would not result in practical difficulties in the use of the property. There is nothing unique about the property that creates difficulty in the agricultural use of the property, and allowing two (2) accessory structures will not help in the administration of the property as an agricultural endeavor.

(4) The variance granted is the minimum necessary

Since there is no practical difficulty to overcome, the variance requested is not the minimum necessary. The desired outcome could be achieved with a single, larger structure or they could add on to the existing shed in compliance with the Ordinance.

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

There is no hardship on the property to correct.

Analysis & Recommendation

Analysis: There are no practical difficulties for the petitioner which would necessitate a second accessory structure at this location. The strict application of the terms of this Chapter would not result in practical difficulties in the use of the property and the proposed accessory structure would not be consistent with the intent of the ordinance. The petitioner's property can still be secured by removing the existing structure and building new or adding on to the existing structure.

Staff Recommendation: Based on the information available prior to the public hearing, the Staff recommends the Board approve variance 1) to allow an accessory structure on a lot without a primary structure, and; deny variance 2) for the second accessory structure.

Property Information

Location: 2046 SOUTH BEND AVE
Owner: DEV H12 LLC

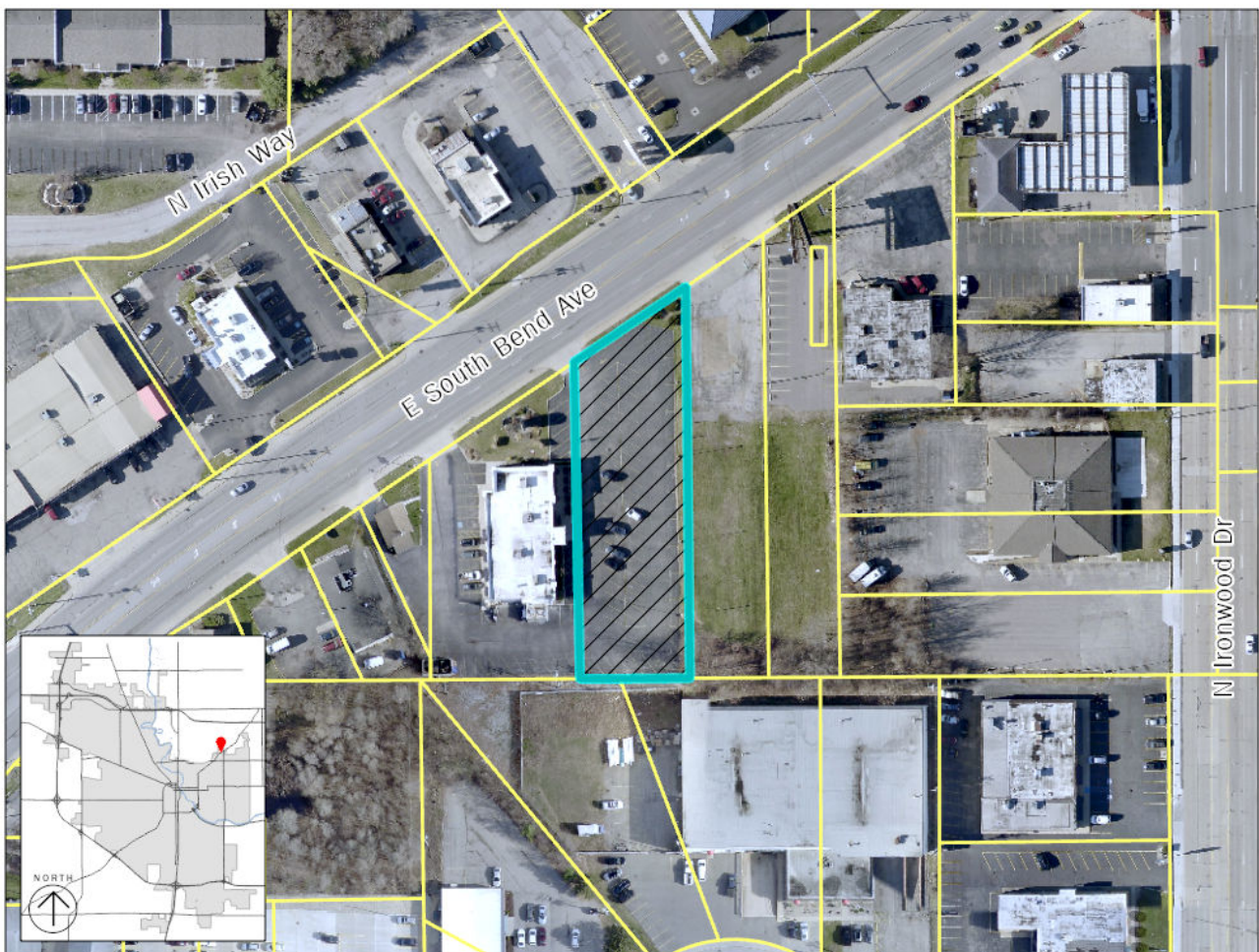
Project Summary

Relocate the existing sign with the proper setback.

Requested Action

Variance(s): 1) From the 15' maximum sign height to 18'-4"

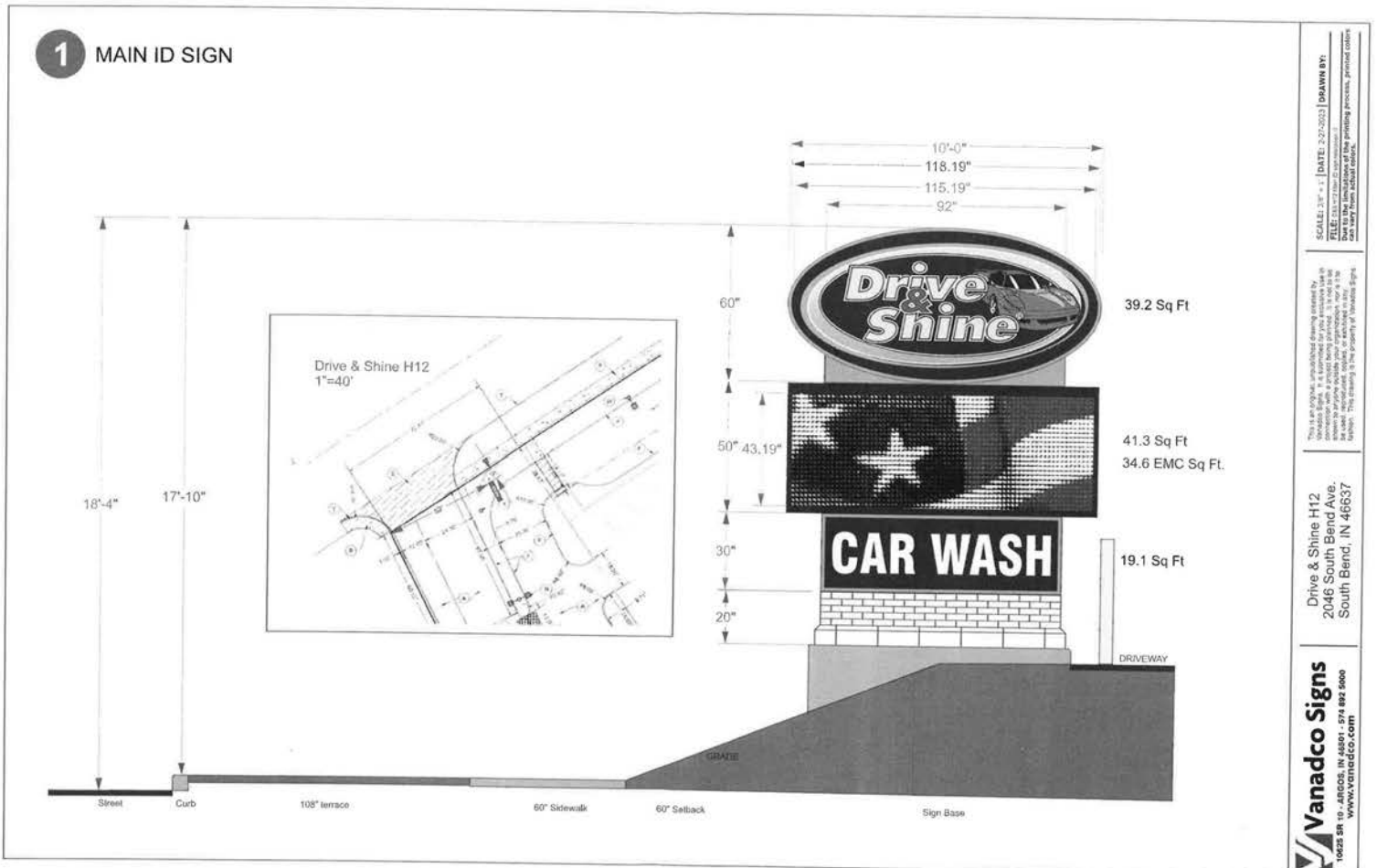
Site Location



Staff Recommendation

Based on the information available prior to the public hear, the Staff recommends the Board approve the variance as requested.

Proposed Site Plan



Criteria for Decision Making: Variance(s)

State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. The standards and their justifications are as follows:

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community

With the appropriate 5' setback, the sign should not be injurious to the general welfare of the community. While the proposed sign is slightly taller than what is allowed by the Ordinance, it is not out of character for the area.

(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner

The property is located along a commercial corridor. The proposed sign should not adversely impact the use or value of adjacent properties.

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

Prior to construction, the property was graded to respond to both the change in elevation of the property and street. The result is a change in elevation at the same corner of the property where the sign is located. Moving the sign to another location, away from the drive, would create a traffic safety issue. The property is located on a curve in the road. The slight increase helps align the sign within the line of site of motorist traveling northeast on SR-23.

(4) The variance granted is the minimum necessary

The variance requested is the minimum necessary to address the hardship created by the elevation change and curve of the road. The sign structure itself is 13'-6". Installing the sign at the 5' setback places it on an incline, which is what results in the required variance.

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

The curvature of the road and change in road elevation are not self-created.

Analysis & Recommendation

Analysis: The site is located on a busy commercial corridor, just past a significant curve. The proposed variance is not out of character for the area and meets the general intent of the Ordinance.

Staff Recommendation: Based on the information available prior to the public hear, the Staff recommends the Board approve the variance as requested.

Property Information

Location: 3202 PLEASANT ST
Owner: CARL EVERETT

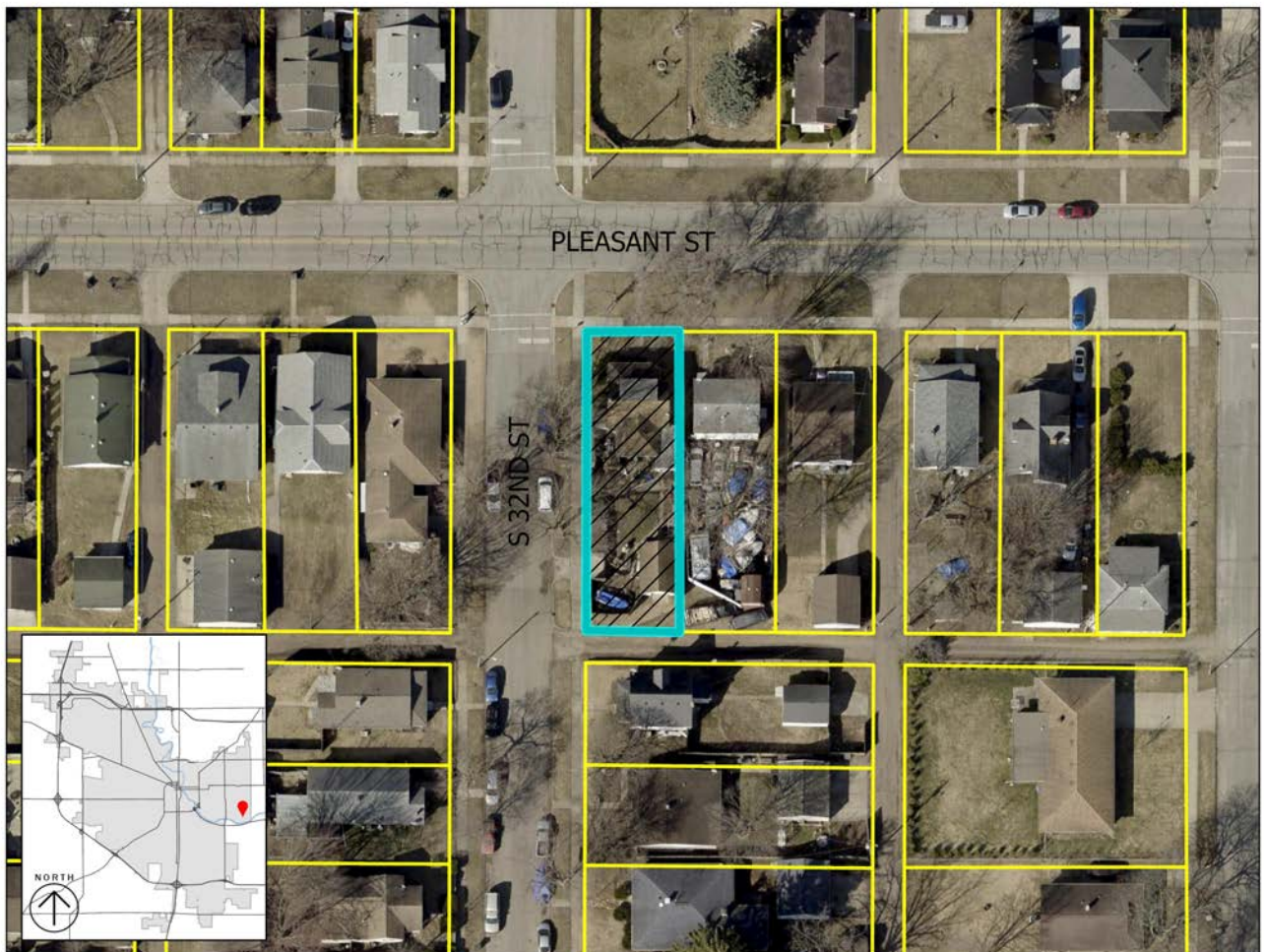
Project Summary

Installation of a privacy fence in the corner yard.

Requested Action

Variance(s): 1) From the 3' maximum fence height in an established corner yard to 6'

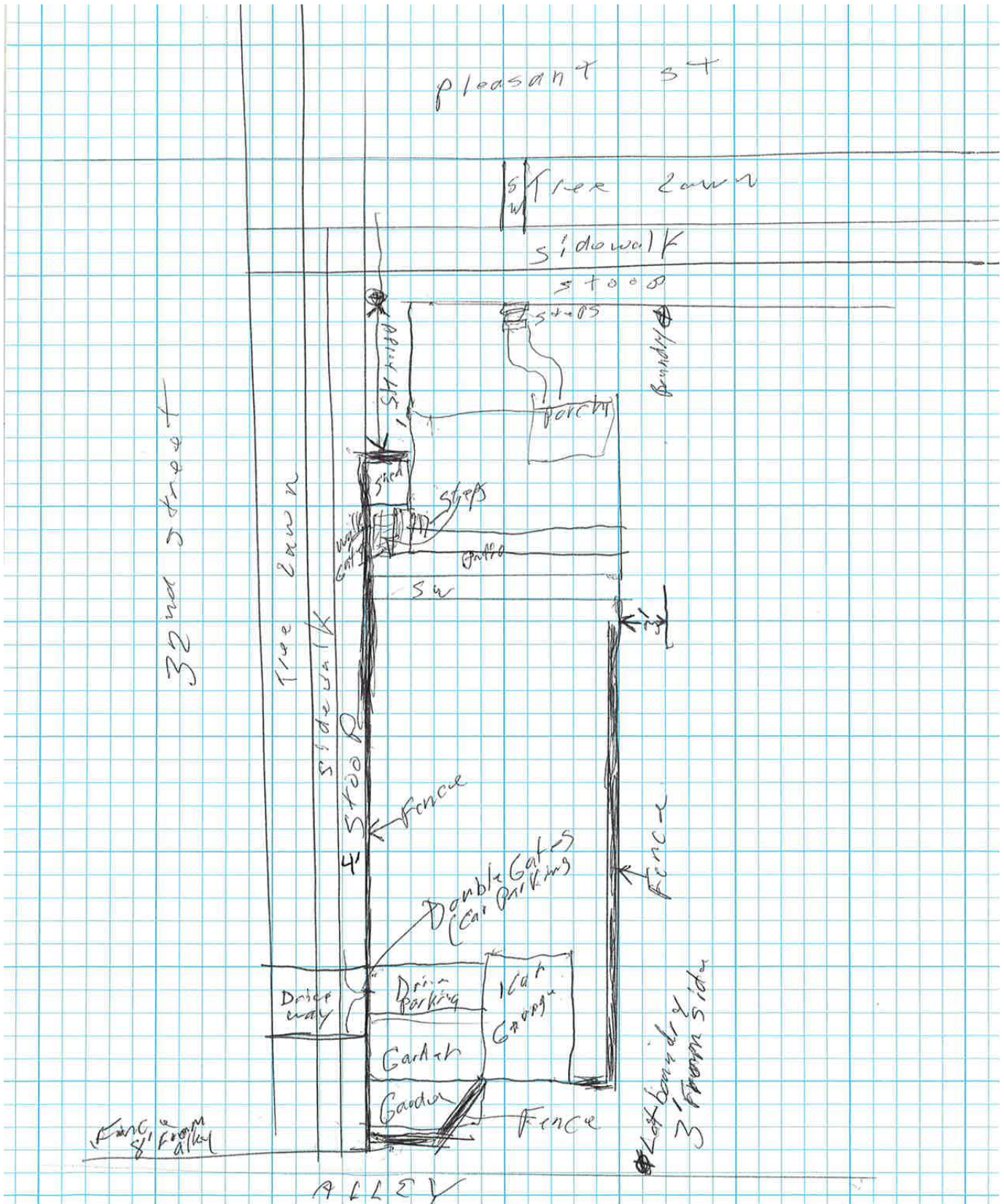
Site Location



Staff Recommendation

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

Proposed Site Plan



Criteria for Decision Making: Variance(s)

State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. The standards and their justifications are as follows:

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community

Allowing a fence in an established corner yard at this height could be injurious to the general welfare of community because it will be out of character and will not meet the intent of the ordinance.

(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner

The use and value of the area adjacent to the property could be affected in an adverse manner if the variance was granted. Approving a fence that is 6' tall on top of a hill that is already above grade would create a large enclosed space that would be out of character for the area and contrary to the intent of the ordinance, having an impact on surrounding properties.

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

The strict application of the Ordinance would not result in practical difficulties in the use of the property. A shorter, code compliant fence can provide security and privacy of the property, especially because the site is already elevated from the public sidewalk.

(4) The variance granted is the minimum necessary

Since there is no practical difficulty to overcome, the variance requested is not the minimum necessary. The petitioner could install the fence in compliance with the ordinance and still retain about the same amount of usable yard space with the desired privacy.

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

There is no hardship on the property. The fence was installed without the appropriate permit. If a permit was requested before the fence was installed, the property owner would have been aware of the development standards.

Analysis & Recommendation

Analysis: There are no practical difficulties for the petitioner that would necessitate a 6' fence in this location. The proposed fence is not consistent with the intent of the ordinance. The site is already elevated above the street. A code compliant fence could provide the security and privacy desired by the applicant.

Staff Recommendation: Based on the information provided prior to the public hearing, the Staff recommends the Board deny the variance as requested.

Property Information

Location: 502 SAMPLE
Owner: BOYS & GIRLS CLUB OF ST JOSEPH COUNTY

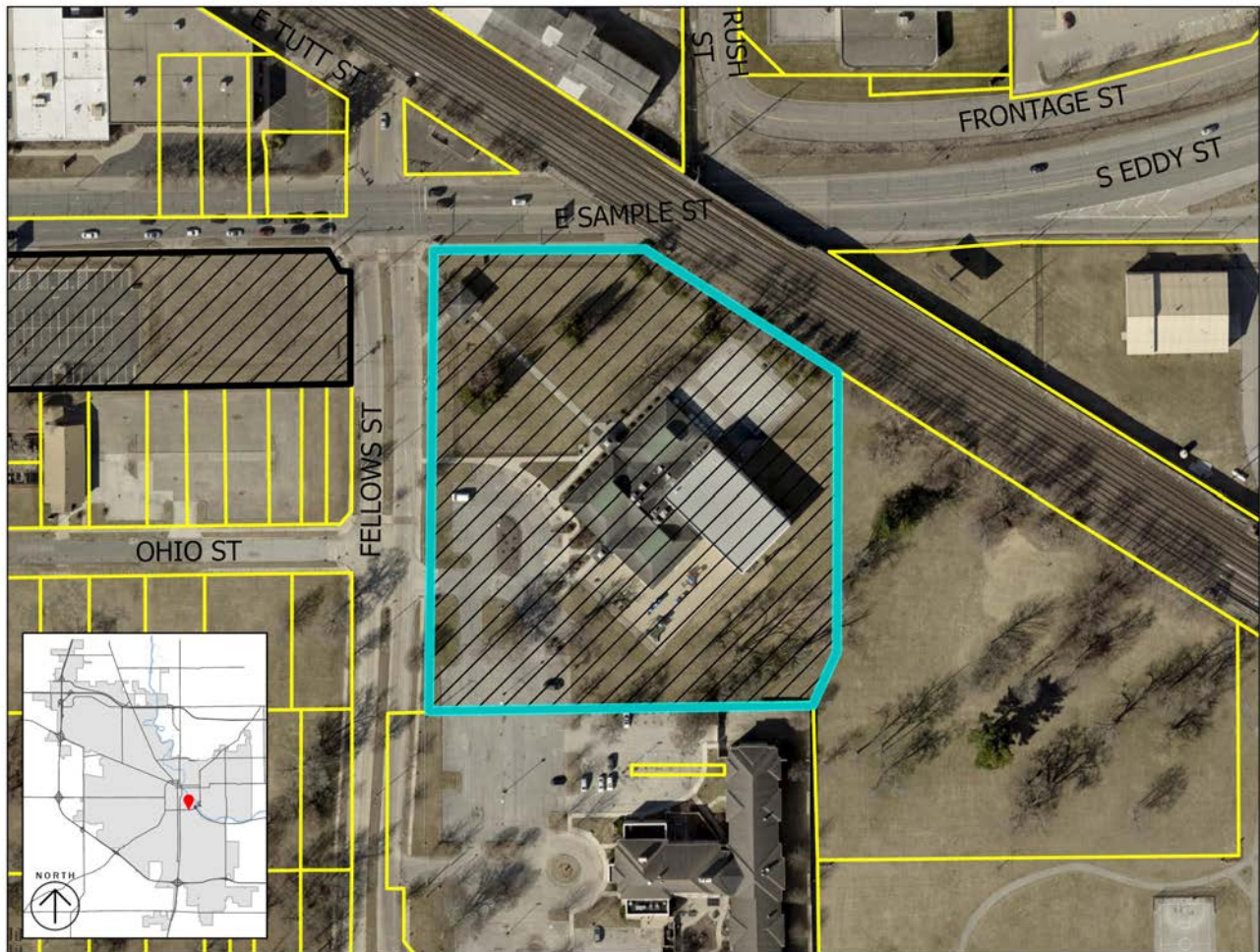
Project Summary

Interior remodel of existing facility, with expansion of existing parking lot to the North to allow for improved bus drop off and student safety.

Requested Action

Variance(s): 1) To allow parking in the established front yard

Site Location



Staff Recommendation

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

Criteria for Decision Making: Variance(s)

State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. The standards and their justifications are as follows:

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community

The approval of the variance should not be injurious to the public health, safety or general welfare of the community. The expansion will allow for better circulation of the buses on site, which will create a safer drop off for the school and the traffic along Fellows St.

(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

With proper screening, the use and value of the area adjacent should not be affected in an adverse manner. The parking currently exists in the established front yard, the variance will allow for a reconfiguration and the addition of approximately 20 more parking spaces. The variance would allow improved circulation.

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

The strict application of the Ordinance could result in practical difficulties in the use of the property. The parking is already located in the front yard with no drive access to the side/rear of the building. The majority of the parking impacted are ADA spaces that are required to be near the door.

(4) The variance granted is the minimum necessary

The variance is the minimum necessary to provide accessible parking on the site, and improve safety during drop-off.

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

The variance does not correct a hardship caused by the current owner. When the site was developed, the parking lot was established legally under the active Zoning Ordinance at the time.

Analysis & Recommendation

Analysis: The parking currently exists in the established front yard. The variance will allow for a reconfiguration and the addition of a bus drop off area. The variance should reduce the impact to the surrounding properties by improving site circulation. When the site was developed, the parking lot was established legally under the active Zoning Ordinance at the time.

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

Property Information

Location: 1306, 1330 HIGH ST, & 909 E BROADWAY ST
Owner: RED TAIL PROPERTIES LLC

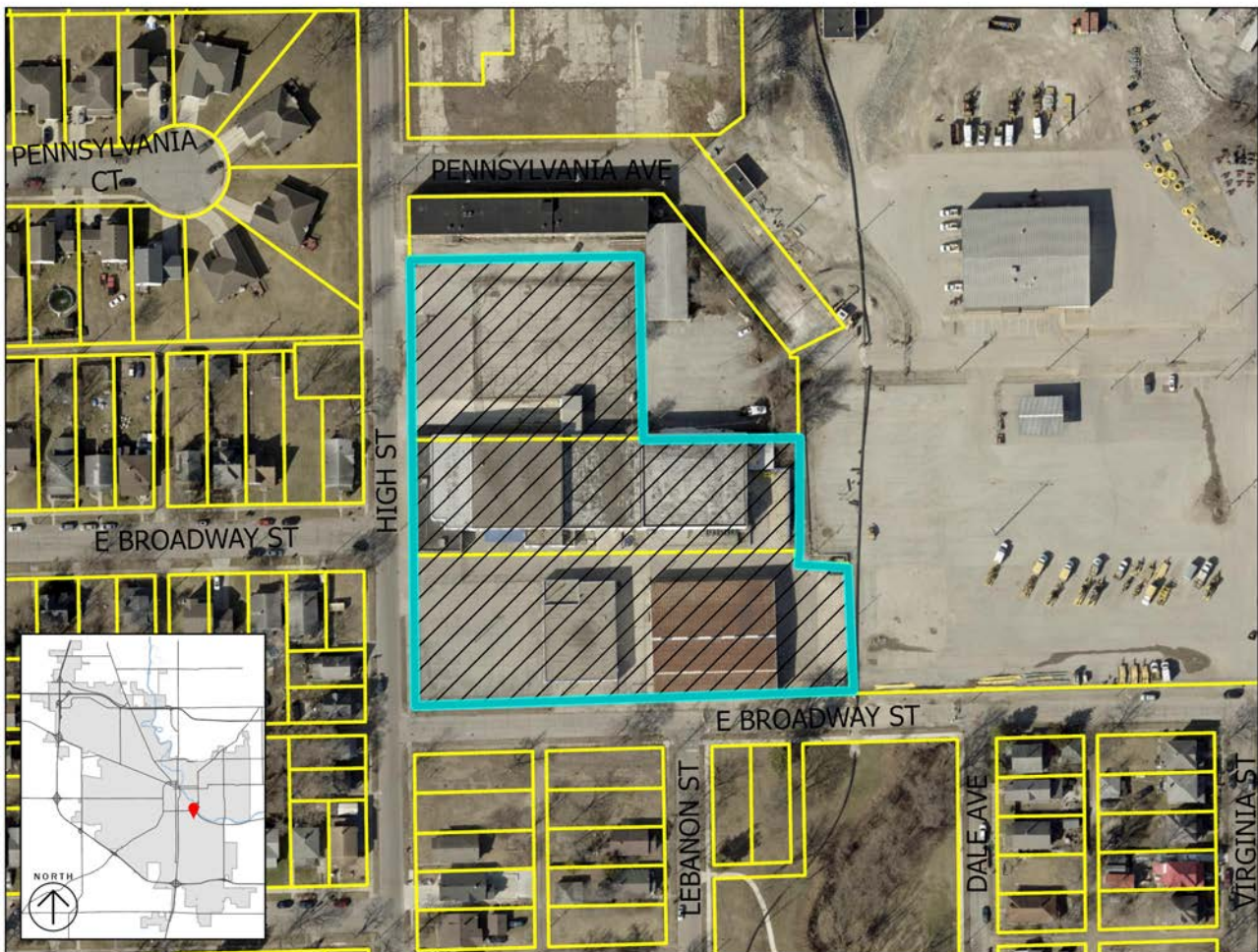
Project Summary

Vehicle towing, dismantling and auto repair. 2 fenced in lots on property for storage of vehicles.

Requested Action

Special Exception: Heavy Industrial

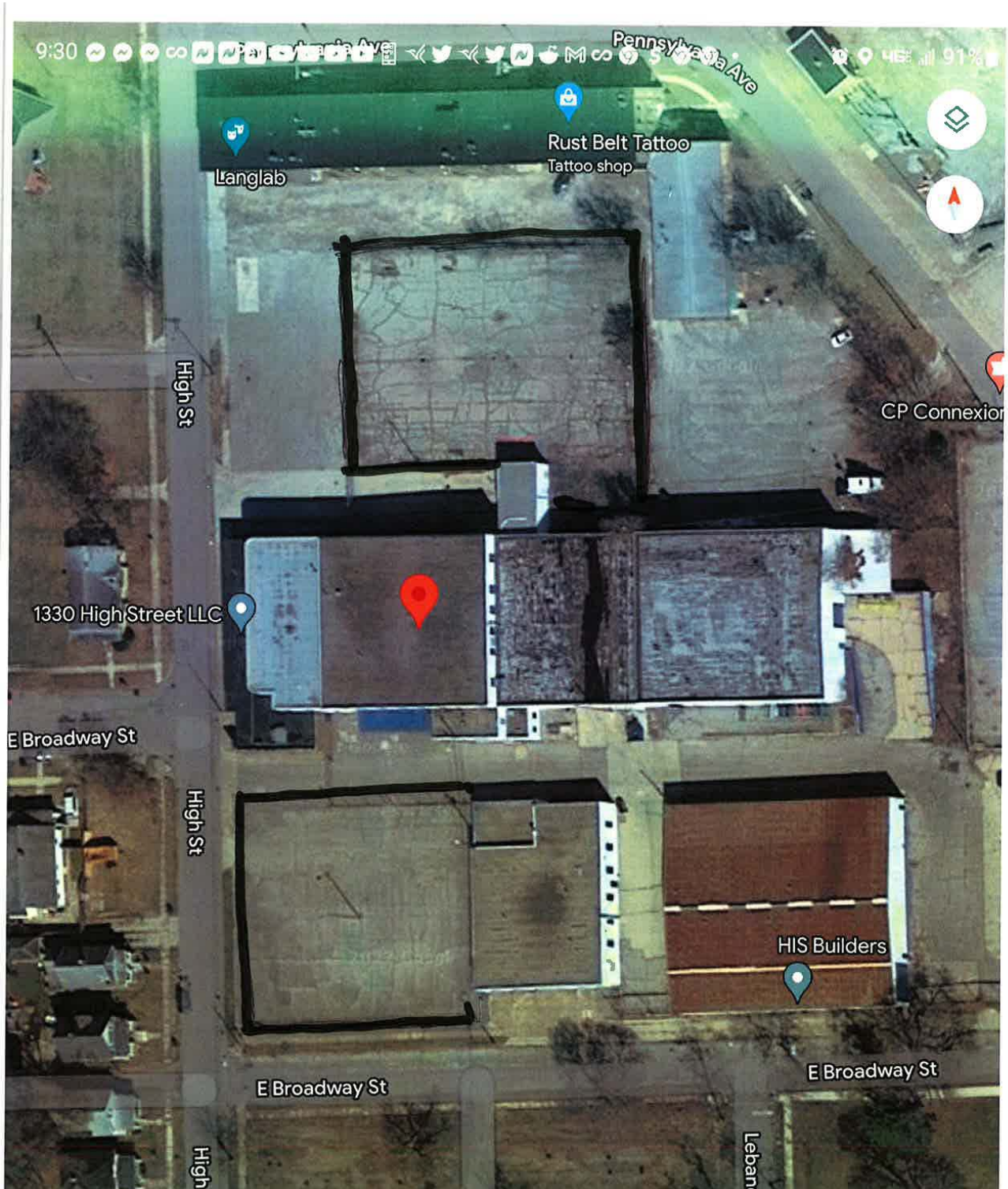
Site Location



Staff Recommendation

Based on the information provided prior to the public hearing, the Staff recommends the Board send the petition to the Common Council with an unfavorable recommendation.

Proposed Site Plan



Criteria for Decision Making: Special Exception

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

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

The proposed use could be injurious to the public healthy, safety and general welfare of the community. The area is largely residential with small scale commercial surrounding the immediate property. Auto services and repair would be allowed by right, however, those services would be performed inside the buildings with restrictions on how long vehicles can remain on the lot.

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

The proposed use could adversely affect the use and values of the adjacent properties and area. Heavy Industrial uses are not appropriate when adjacent to or located within a residential neighborhood. Heavy Industrial uses can have a negative impact on future residential development.

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

The proposed use of Heavy Industrial is not consistent with the character of the surrounding neighborhood. The site is zoned I Industrial but Heavy Industrial is not appropriate located in the middle of a neighborhood.

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

The proposed use is not compatible with the recommendations of the Comprehensive Plan. The Southeast Neighborhood Master Plan (2015) specifically states this location should be a mixed use community center to expand upon LangLab and the amenities offered to the neighborhood.

Analysis & Recommendation

Analysis: Heavy Industrial uses are not appropriate when adjacent to, or located within, a residential neighborhood. The area is largely residential with small scale commercial surrounding the immediate property

Staff Recommendation: Based on the information provided prior to the public hearing, the Staff recommends the Board send the petition to the Common Council with an unfavorable recommendation.

Property Information

Location: 439 DUNDEE ST
Owner: REDDLINE PROPERTY LLC

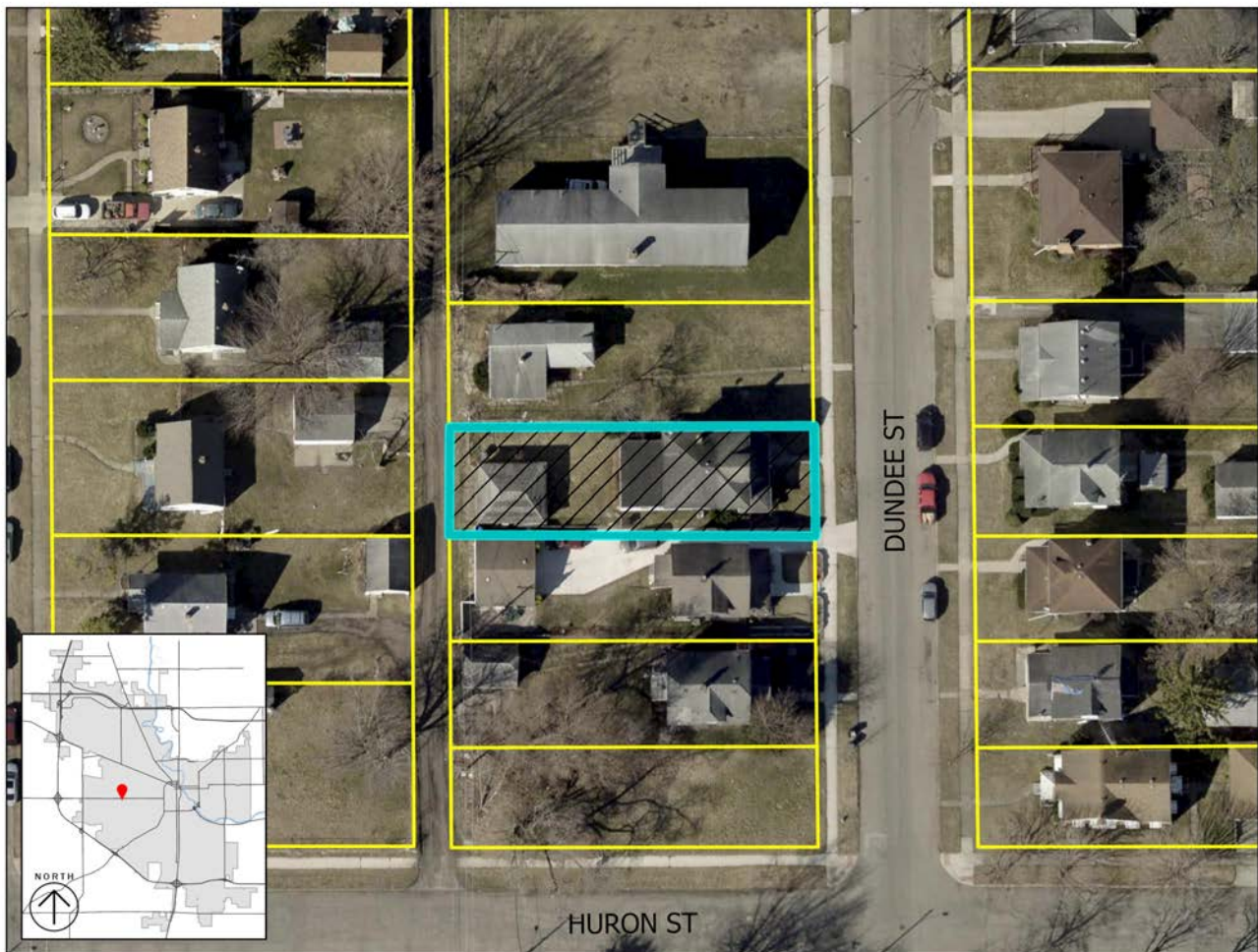
Project Summary

Request a special exception to allow for the use of a duplex.

Requested Action

Special Exception: a 2 Unit Dwelling

Site Location



Staff Recommendation

Based on the information provided prior to the public hearing, the staff recommends the Board send the petition to the Common Council with a favorable recommendation, as presented.

Proposed Site Plan

Zoning Districts (effective 01/01/2020)

439 S dundee

Show search results for 439 S ...

Parcel: REDDLINE PROPERTY LLC

PARCELID	018-4051-1888
PARCELSTAT	71-08-10-301-010.000-026
PARCPRC	More info
GISWEBLK	More info
PAYTAXURL	More info
TAXINFOURL	More info
OWNER	REDDLIN PROPERTY LLC

[Zoom to](#)

W Huron St

S Dundee St

60ft

157,478.809 2,340,018.428 Feet

Criteria for Decision Making: Special Exception

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

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

Approval of the Special Exception will not be injurious to the public health, safety, morals, and general welfare of the community. The loss of population - a decline of approximately 26% - that the neighborhood has experienced over the past 60 years has led to a decrease in the stability and general welfare of the community. The neighborhood has seen a decline of over 120 households over this same period. Stabilizing both the population and the number of households is vital to the future of the neighborhood. Renovating the building will add more residents to the neighborhood, which will increase safety and general welfare.

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

Adding an additional unit to an existing building should not injure or adversely affect the use or value of the adjacent area or property values, provided the current residential character is maintained. Renovation of the building should strengthen nearby property values and prevent the building from deteriorating.

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

The two unit dwelling will be consistent with the character of the district and neighborhood in both use and style of construction. Given that the house has two entry doors suggests it might have been used as a two unit dwelling at some time in the past. There is a two unit dwelling in the neighborhood two parcels north of this location.

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

The petition is consistent with the City Plan, South Bend Comprehensive Plan (2006) Objective H1.1: Encourage residential developments to contain a mix of housing types, densities, price ranges, and amenities.

Analysis & Recommendation

Analysis: The conversion and rehab of a current one unit dwelling to a two unit dwelling will further complement the existing housing stock in the surrounding area and be visually indistinguishable from nearby one unit dwellings. The proposed use will provide more housing options for residents.

Staff Recommendation: Based on the information provided prior to the public hearing, the staff recommends the Board send the petition to the Common Council with a favorable recommendation, as presented.

Property Information

Location: 1602 MICHIGAN ST
Owner: JMJ GROUP LLC

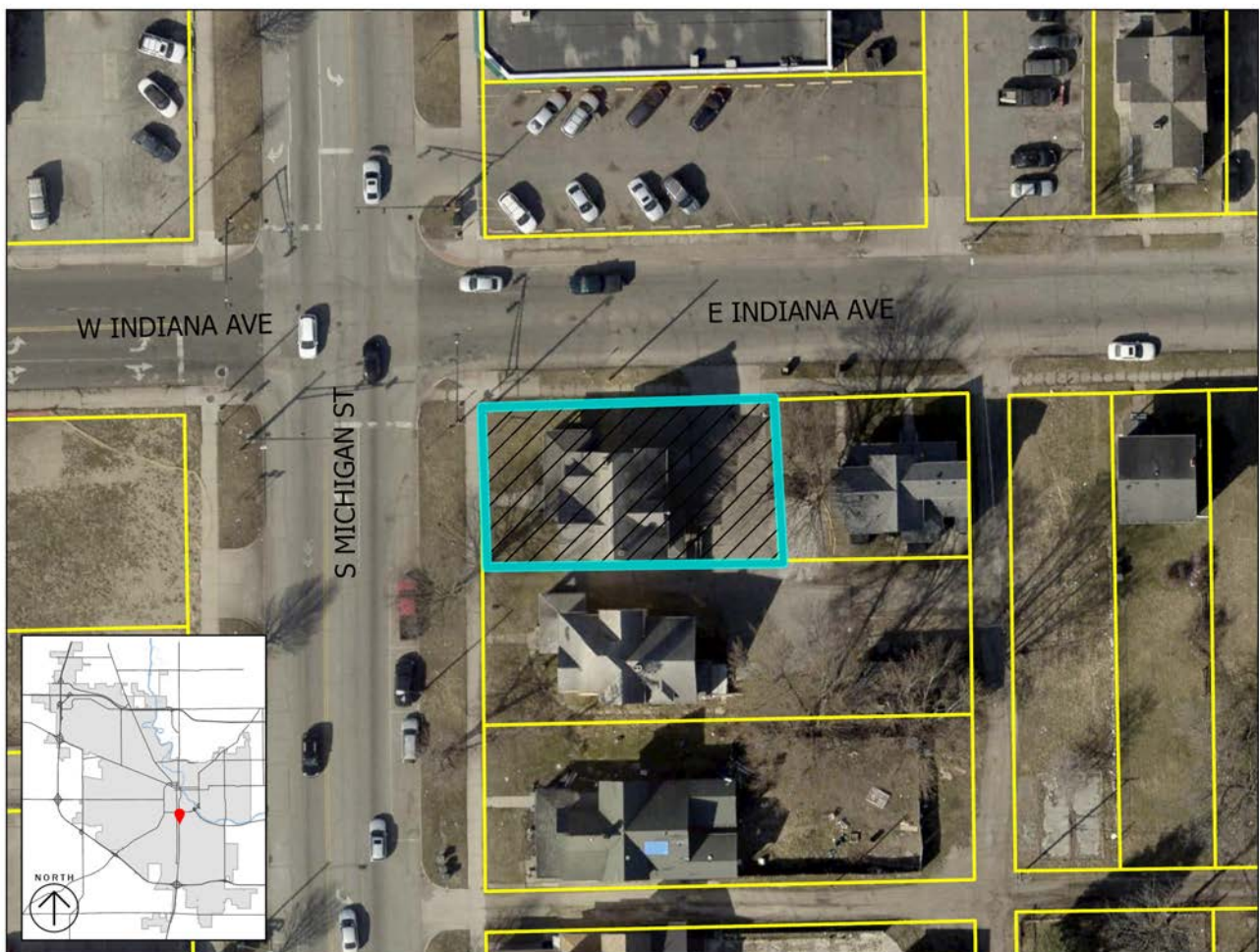
Project Summary

Request a special exception to allow for the use of a Group Residence.

Requested Action

Special Exception: a Group Residence
Variance(s): 1) to allow parking in the established corner yard

Site Location

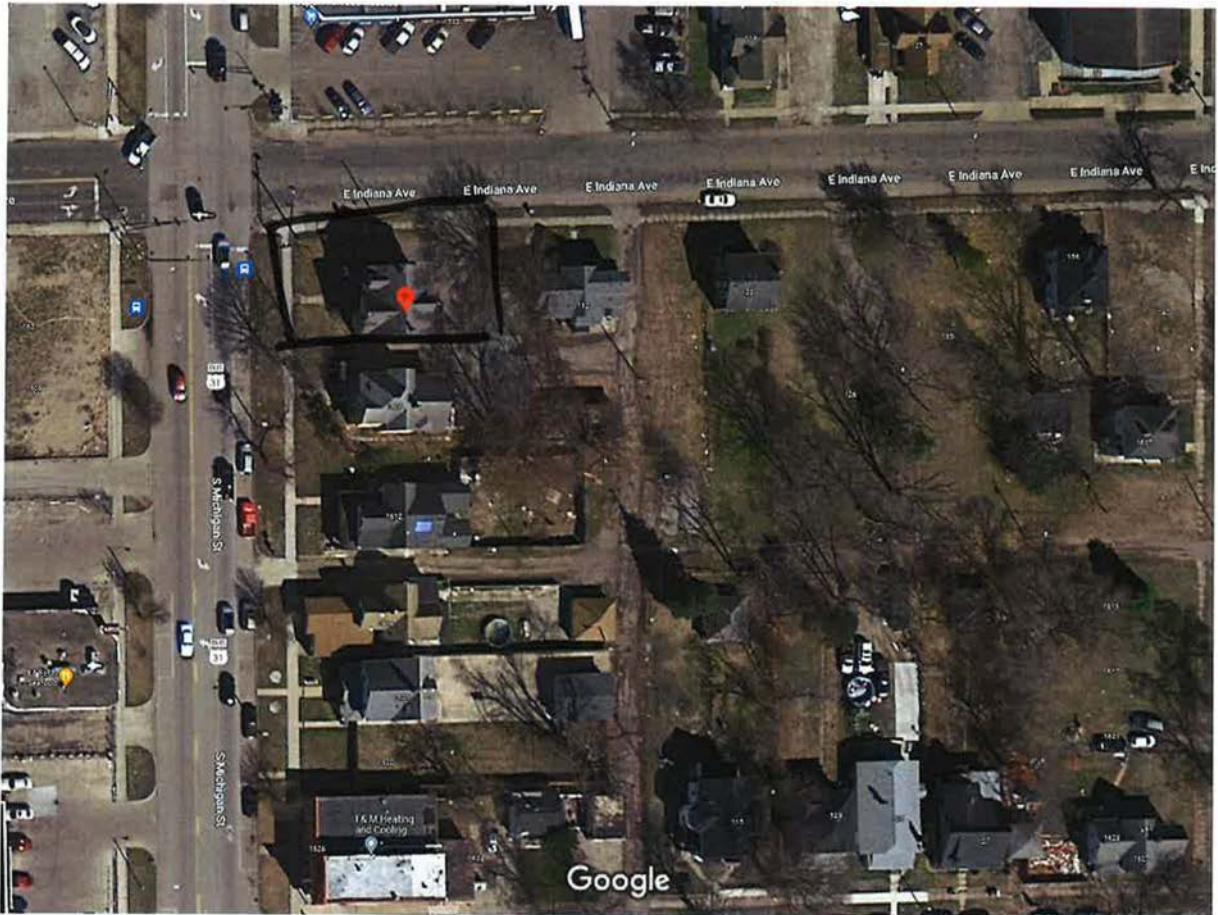


Staff Recommendation

Based on the information provided prior to the public hearing, the Staff recommends the Board send the petition to the Common Council with a favorable recommendation. The Staff recommends the Board deny the variance as presented.

Proposed Site Plan

Google Maps 1602 S Michigan St



Map data ©2023, Map data ©2023 Google 20 ft

Criteria for Decision Making: Special Exception

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

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

The proposed use should not be injurious to the public health, safety, comfort or general welfare of the community. A group residence aligns with the residential character of the immediate surrounding properties. The property is located on a mixed use corridor with several commercial uses nearby.

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

The proposed use should not injure or adversely affect the use of the adjacent area or property values. The property will still function as a residential dwelling unit, which will prevent a vacant building from existing in the area.

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

This group residence will be consistent with the character of the district and neighborhood in both use and style of construction. South Michigan is a mixed use corridor. The current structure is large residential building suitable for multiple individuals.

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

The petition is consistent with the City Plan, South Bend Comprehensive Plan (2006) Objective H1.1: Encourage residential developments to contain a mix of housing types, densities, price ranges, and amenities.

Criteria for Decision Making: Variance(s)

State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. The standards and their justifications are as follows:

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community

The proposed variance is out of character with the area, which may impact the general welfare of the community. The approval of this variance may not be injurious to the public health or safety of the community as long as site visibility at the curb cut is preserved.

(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner

The use and value of the area adjacent to the property could be affected in an adverse manner if the variance was granted. Approving parking in the corner yard, would be out of character for the area and contrary to the intent of the ordinance, having a significant impact on surrounding properties.

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

The strict application of the terms of this Chapter would not result in practical difficulties in the use of the property. There is parking provided at the rear of the property as well as on street parking along Indiana Ave and Michigan St.

(4) The variance granted is the minimum necessary

Since there is no practical difficulty to overcome, the variance requested is not the minimum necessary. When a Special Exception is requested it is understood that the whole site will be brought into conformance. The petitioner could utilize the parking provided at the rear of the site or the on street parking without needing to park in the corner/front yard.

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

The variance would not correct a hardship caused by the current owner, however, with the request of the Special Exception the parking can be established in a code compliant location on site.

Analysis & Recommendation

Analysis: Granting the Special Exception will allow for a residential use, which will prevent a vacant building from existing in the area. South Michigan St. is a commercial corridor with a mix of commercial intensities along the surrounding stretch. The property is currently zoned for multifamily use which would allow for an apartment complex. The dwelling is consistent with the character of the district in the housing style. When a Special Exception is requested it is understood that the whole site will be brought into conformance. The petitioner could utilize the parking provided at the rear of the site or the on street parking without needing to park in the corner/front yard.

Staff Recommendation: Based on the information provided prior to the public hearing, the Staff recommends the Board send the petition to the Common Council with a favorable recommendation. The Staff recommends the Board deny the variance as presented.

Property Information

Location: 1910 LINCOLNWAY
Owner: LAMAR ADVERTISING COMPANY

Project Summary

Alteration of an off-premise sign.

Requested Action

Variance(s): 1) From the 300 sq.ft. maximum sign surface area for an off-premise sign to 494.5 sq.ft.

Site Location

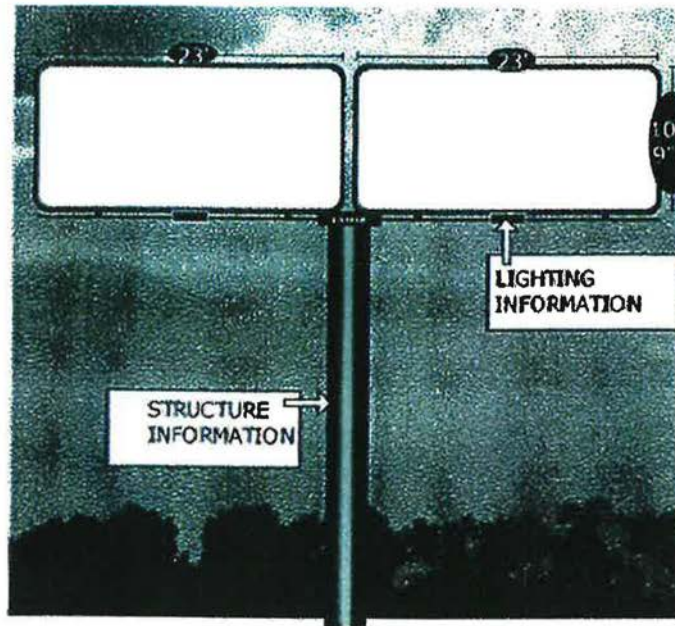


Staff Recommendation

Based on the information available prior to the public hearing, the Staff recommends the Board deny the variance as requested.

Proposed Site Plan

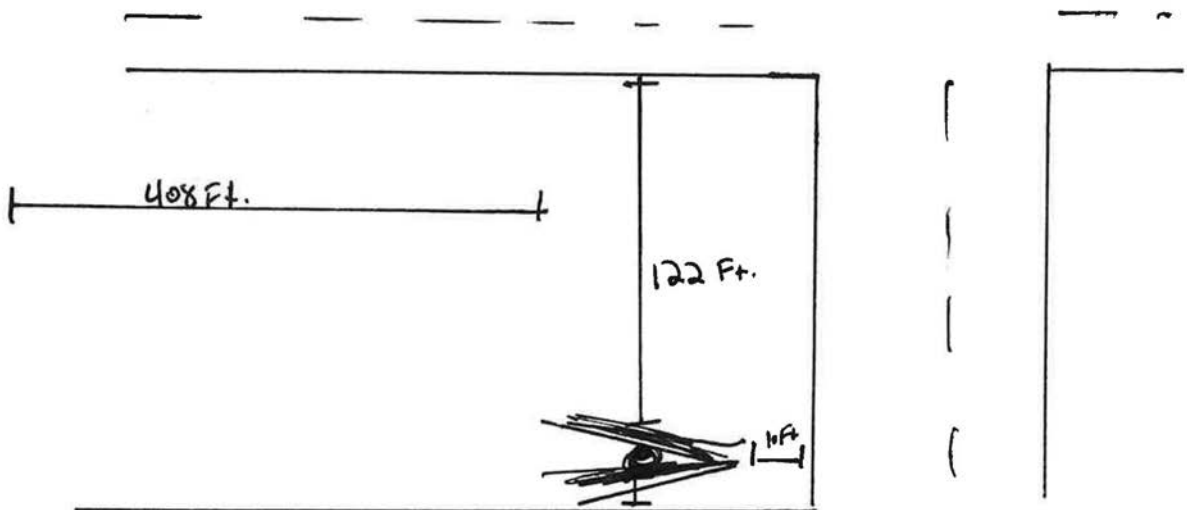
1910 Lincolnway South Bend IN



HAGL 18 Ft

OVERALL HEIGHT 32 Ft

ADDITIONAL COMMENTS: • Nearest Residential 400 Ft
 SIDE BY SIDE POSTERS • No other off premise w/CI 1750 ft
 CENTER MOUNT • 10 Feet to South Property Line
 SINGLE POLE



Criteria for Decision Making: Variance(s)

State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. The standards and their justifications are as follows:

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community

Approval of the variance could be injurious to the community because it would legalize a sign not otherwise permitted, and violate the intent of the Ordinance. The intent of the sign regulations include eliminating excessive and confusing sign displays, improving the appearance of the city, enhancing property values by minimizing the possible adverse effects of signs, protecting the public and private investment in building and open space, and eliminating potential hazards to motorist and pedestrians resulting from signs. The legal nonconforming provision of the Ordinance state that the intent it to allow legally established to remain, but not encourage their survival. Granting a variance will legalize the sign and allow it remain indefinitely, even allowing it to be completely replaced in the future. Granting a variance for a legal nonconforming sign that exceeds the maximum area allowed would be contrary to the intent of the Ordinance and could be injurious to the welfare of the community, and potentially the safety as well.

(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner

The surrounding area is primarily commercial and industrial, so the value of surrounding properties at this location may not be impacted.

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

Strict application would not result in any practical difficulties in the use of the property for commercial purposes. The primary commercial use of the property can remain without the approval of a variances to allow for an off-premise sign. The off-premise sign is an accessory use not related to the use of the property. The petitioner could display an off-premise sign in this location at the maximum 300 sq.ft., which would still allow for one portion of the structure to remain.

(4) The variance granted is the minimum necessary

The variance granted is not the minimum necessary. There are no practical difficulties on the property that would result in the petitioners inability to abide by the Ordinance.

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

Because the sign was changed as part of a rebranding and not as normal maintenance or repair, the hardship is created by the property owner. There are not other hardships or practical difficulties associated with the property.

Analysis & Recommendation

Analysis: There are no practical difficulties that warrant the request for the variance. Allowing a variance for a sign that exceeds the maximum area allowed would be contrary to the intent of the Ordinance and could be injurious to the welfare of the community.

Staff Recommendation: Based on the information available prior to the public hearing, the Staff recommends the Board deny the variance as requested.

Property Information

Location: 1072 LINCOLNWAY
Owner: LAMAR ADVERTISING COMPANY, SLM MANAGEMENT LLC

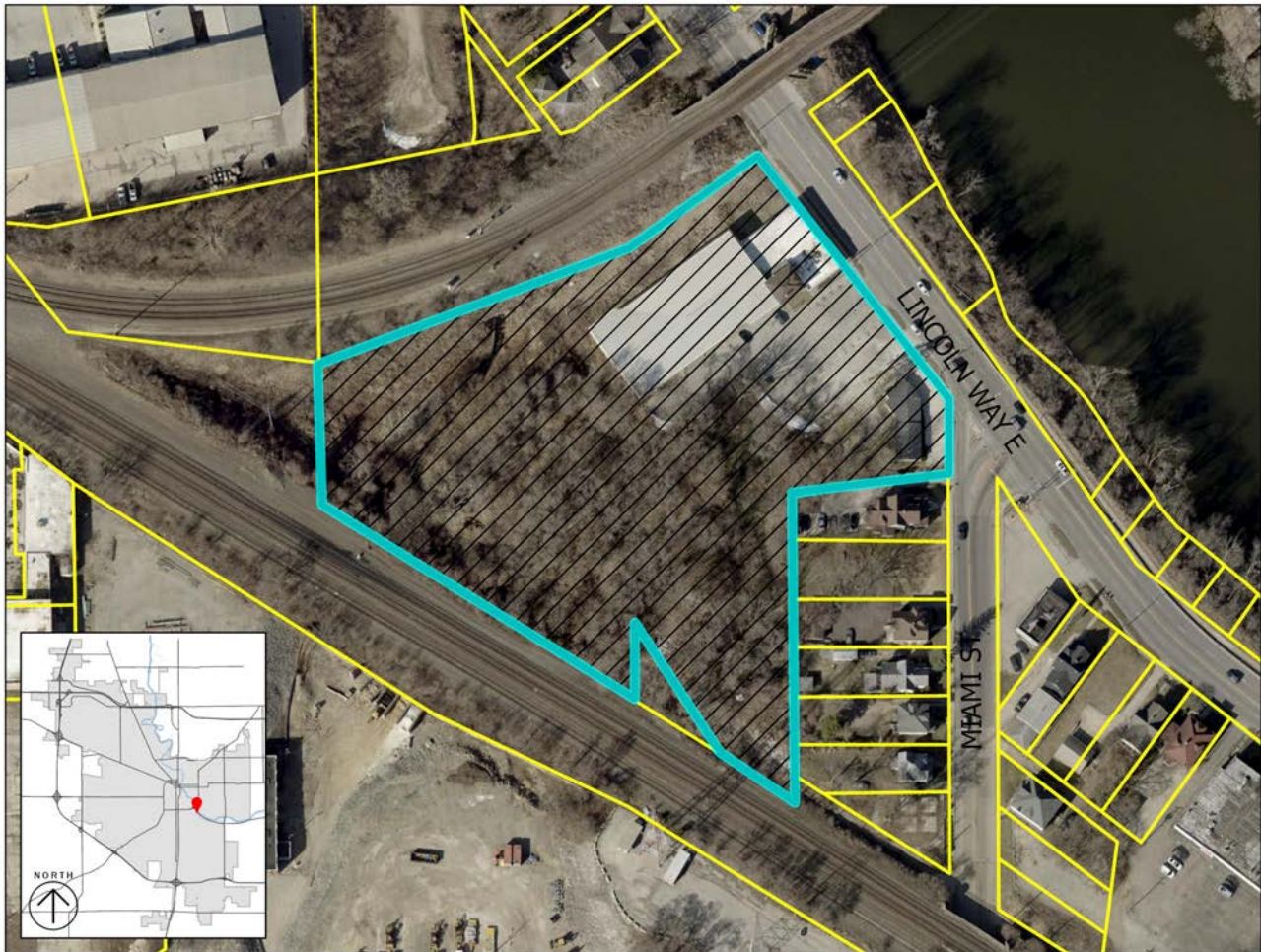
Project Summary

Alteration of an off-premise sign

Requested Action

Variance(s): 1) From the 300 sq.ft. maximum sign surface area for an off-premise sign to 494.5 sq.ft.; 2) From the 750' minimum linear spacing between off-premise signs to 15'; 3) From the 300' minimum radial spacing between off-premise signs to 102'; 4) From the 100' minimum radial spacing to a residential use or U3 District to 75'

Site Location

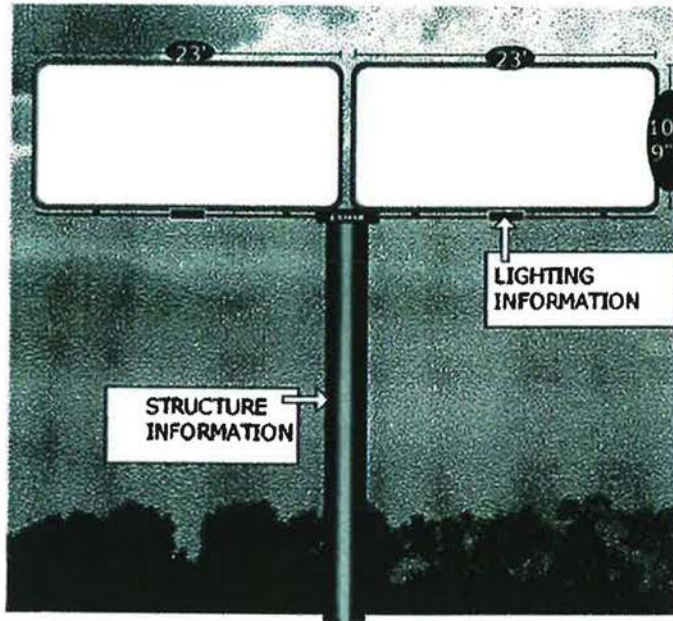


Staff Recommendation

Based on the information available prior to the public hearing, the Staff recommends the Board deny the variances as requested.

Proposed Site Plan

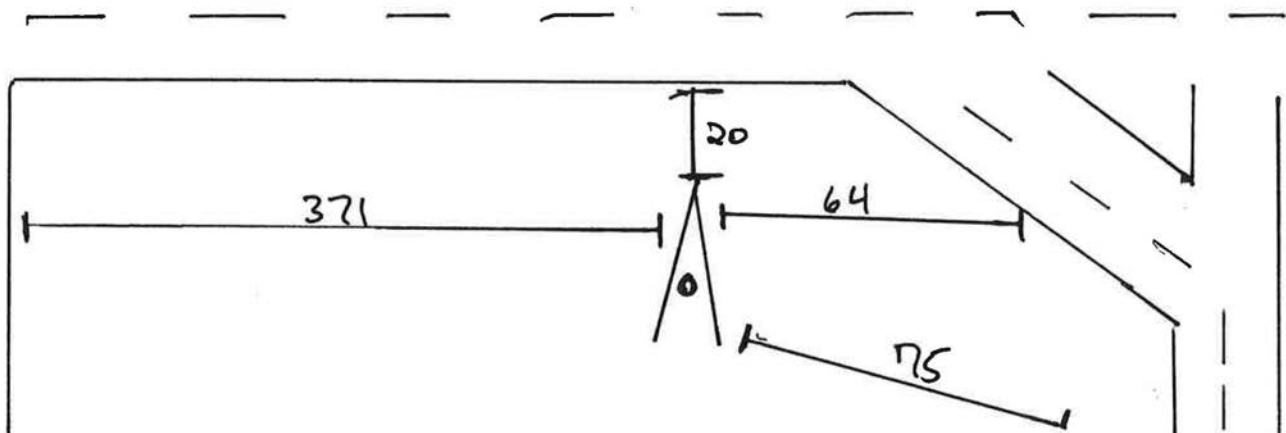
1072 Lincolnway East. South Bend



HAGL 21 Ft

OVERALL HEIGHT 31'9 Feet

- ADDITIONAL COMMENTS:
- 75 Ft to Residential
 - 102 Ft to nearest off Premise
 - 64 Ft to East Property line
 - 371 Ft to West Property Line
 - 20 Feet set back from Lincolnway
- SIDE BY SIDE POSTERS
CENTER MOUNT
SINGLE POLE



Criteria for Decision Making: Variance(s)

State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. The standards and their justifications are as follows:

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community

Approval of the variances could be injurious to the community because it would legalize a sign not otherwise permitted, and violate the intent of the Ordinance. The intent of the sign regulations include eliminating excessive and confusing sign displays, improving the appearance of the city, enhancing property values by minimizing the possible adverse effects of signs, protecting the public and private investment in building and open space, and eliminating potential hazards to motorist and pedestrians resulting from signs. The legal nonconforming provision of the Ordinance state that the intent it to allow legally established to remain, but not encourage their survival. Granting variances will legalize the sign and allow it remain indefinitely, even allowing it to be completely replaced in the future. Granting variances for a legal nonconforming sign that exceeds the maximum area allowed and does not meet the spacing requirements would be contrary to the intent of the Ordinance and could be injurious to the welfare of the community, and potentially the safety as well.

(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

Separation requirements between off-premise signs, and from other districts or uses, are specifically designed to eliminate excess signs and improve the appearance of the City. Granting the variance could adversely impact the use and value of the property by impairing future development or limiting its ability to bring the site into conformance with current development standards, such as landscaping or building placement.

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

Strict application would not result in any practical difficulties in the use of the property for commercial purposes. The primary commercial use of the property can remain without the approval of a variances to allow for an off-premise sign. The spacing requirements are a critical element for off-premise signs, because they function as a second use on the property (i.e. they are not accessory to the primary use). In setting spacing requirements between other off-premise signs, specific districts, and specific uses, the City is stating they are not appropriate in locations that do not meet these criteria.

(4) The variance granted is the minimum necessary

The variances requested are not the minimum necessary. There is no justification for a sign that exceeds the maximum 300 sq.ft., which would still allow for one portion of the structure to remain. Likewise, the petitioner could remove other off-premise signs in the area to eliminate variances number 2 and 3. The spacing requirements are a critical element for off-premise signs. By the adoption of the Ordinance, the City has determined signs that do not meet these requirements should not be permitted.

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

Because the sign was changed as part of a rebranding and not as normal maintenance or repair, the hardship is created by the petitioner. There are not other hardships or practical difficulties associated with the property.

Analysis & Recommendation

Analysis: There are no practical difficulties that warrant the request for the variances. Allowing variances for a sign that exceeds the maximum area allowed and does not meet the minimum separation requirements established would be contrary to the intent of the Ordinance and could be injurious to the welfare of the community.

Staff Recommendation: Based on the information available prior to the public hearing, the Staff recommends the Board deny the variances as requested.

Property Information

Location: 1704 LINCOLNWAY
Owner: LAMAR ADVERTISING COMPANY

Project Summary

Alteration of an off-premise sign.

Requested Action

- Variance(s): 1) From the 750' minimum linear spacing between off-premise signs to 450'
2) From the 200' minimum linear spacing to a school to 0'
3) From the 100' minimum radial spacing to a residential use or U2 District to 30'

Site Location

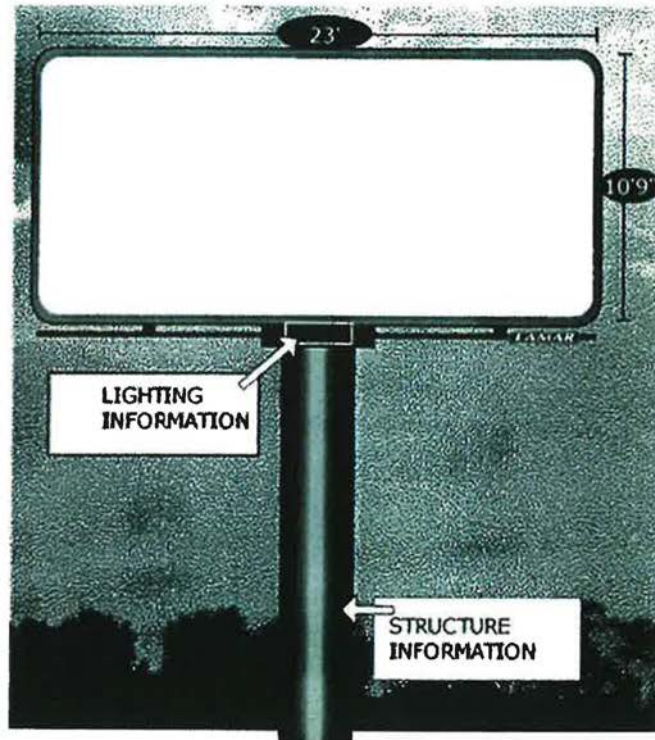


Staff Recommendation

Based on the information available prior to the public hearing, the Staff recommends the Board deny the variances as requested.

Proposed Site Plan

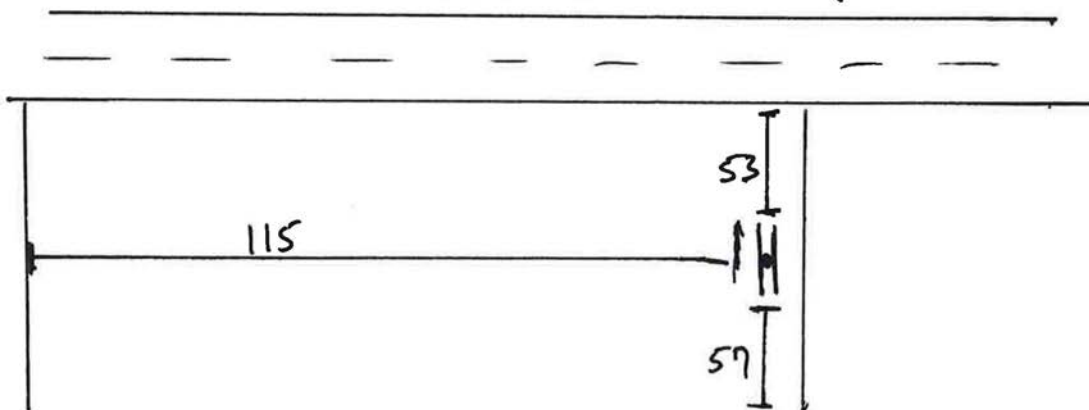
1704 Lincolnway East South Bend



HAGL 21

OVERALL HEIGHT 32'9"

- ADDITIONAL COMMENTS:
- 57 Ft to Residential
 - 450 Ft to nearest off Premise
 - 3 Ft to East Property line
 - 53 Ft to Lincolnway
 - 115 Ft to west Property line
- POSTER
CENTER MOUNT
SINGLE POLE



Criteria for Decision Making: Variance(s)

State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. The standards and their justifications are as follows:

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community

Approval of the variances could be injurious to the community because it would legalize a sign not otherwise permitted, and violate the intent of the Ordinance. The intent of the sign regulations include eliminating excessive and confusing sign displays, improving the appearance of the city, enhancing property values by minimizing the possible adverse effects of signs, protecting the public and private investment in building and open space, and eliminating potential hazards to motorist and pedestrians resulting from signs. The legal nonconforming provision of the Ordinance state that the intent it to allow legally established to remain, but not encourage their survival. Granting variances will legalize the sign and allow it remain indefinitely, even allowing it to be completely replaced in the future. Granting variances for a legal nonconforming sign that does not meet the minimum spacing requirements would be contrary to the intent of the Ordinance and could be injurious to the welfare of the community, and potentially the safety as well.

(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

Separation requirements between off-premise signs, and from other districts or uses, are specifically designed to eliminate excess signs and improve the appearance of the City. Granting the variance could adversely impact the use and value of the property by impairing future development or limiting its ability to bring the site into conformance with current development standards, such as landscaping or building placement. The spacing requirements are a critical element for off-premise signs. By the adoption of the Ordinance, the City has determined off-premise signs that do not meet these requirements should not be permitted. The sign being located without meeting the minimum spacing requirements could affect the use and value of the residential property to the south.

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

Strict application would not result in any practical difficulties in the use of the property for commercial purposes. The primary commercial use of the property can remain without the approval of a variances to allow for an off-premise sign. The off-premise sign is an accessory use not related to the use of the property.

(4) The variance granted is the minimum necessary

Strict application would not result in any practical difficulties in the use of the property for commercial purposes. The primary commercial use of the property can remain without the approval of a variances to allow for an off-premise sign. The off-premise sign is an accessory use not related to the use of the property. There are other properties zoned C Commercial where the sign could be placed without violating the spacing requirements.

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

Because the sign was changed as part of a rebranding and not as normal maintenance or repair, the hardship is created by the petitioner. There are not other hardships or practical difficulties associated with the property.

Analysis & Recommendation

Analysis: There are no practical difficulties that warrant the request for a variances. Allowing variances for a sign that does not meet the minimum separation requirements established would be contrary to the intent of the Ordinance and could be injurious to the welfare of the community.

Staff Recommendation: Based on the information available prior to the public hearing, the Staff recommends the Board deny the variances as requested.

Property Information

Location: 208 SAMPLE ST
Owner: LAMAR ADVERTISING COMPANY

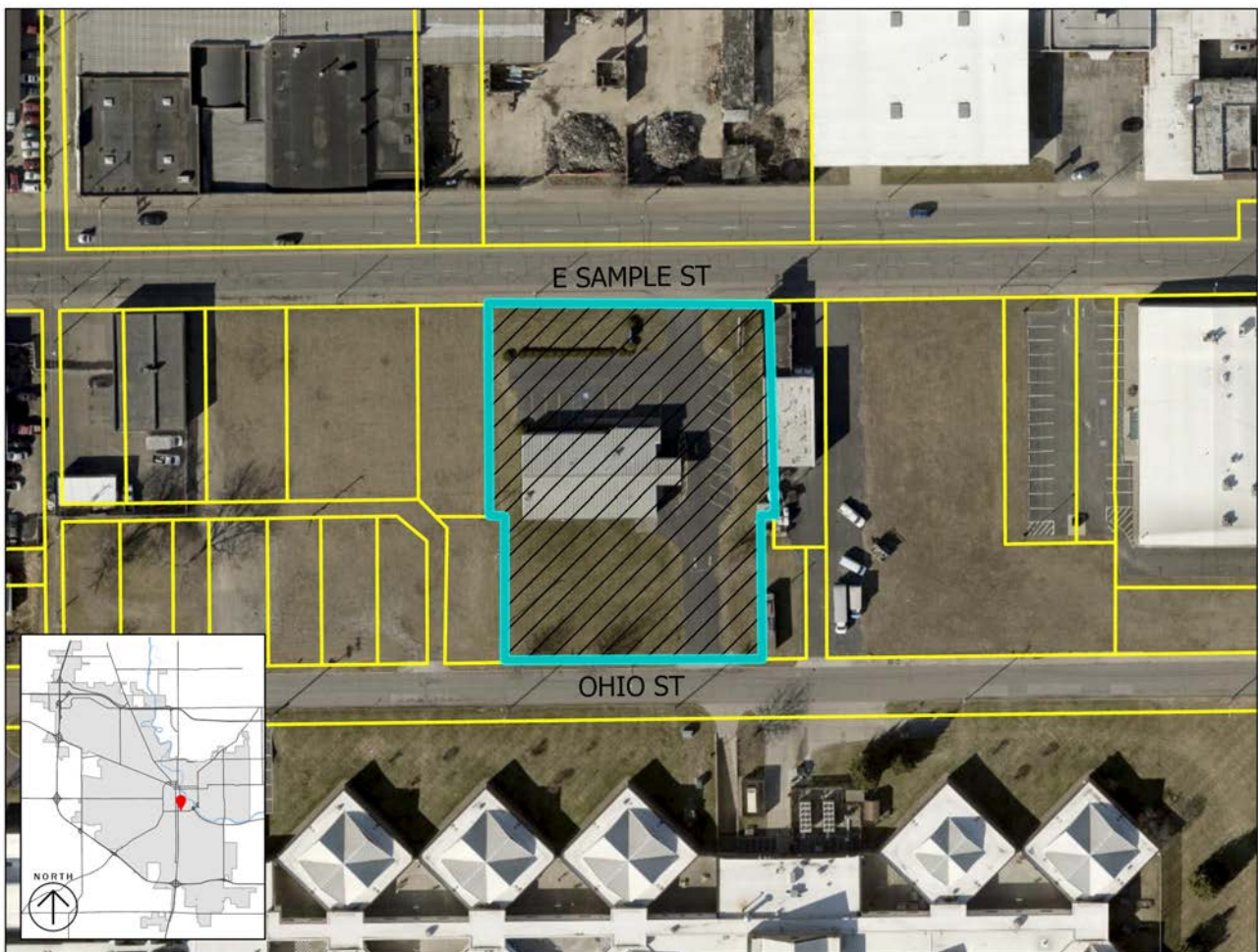
Project Summary

Alteration of off-premise sign.

Requested Action

Variance(s): 1) From the 750' minimum linear spacing between off-premise signs to 465'

Site Location

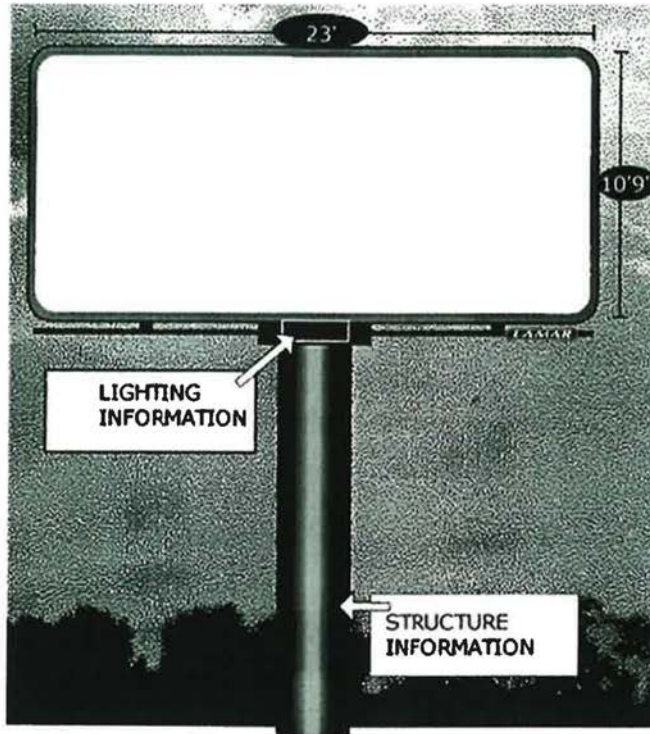


Staff Recommendation

Based on the information available prior to the public hearing, the Staff recommends the Board deny the variance as requested.

Proposed Site Plan

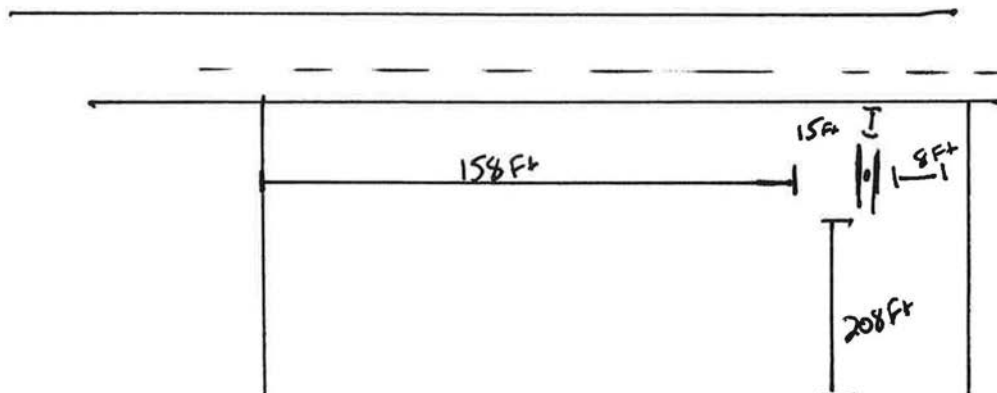
208 Sample St
South Bend



HAGL 21

OVERALL HEIGHT 31'9"

- ADDITIONAL COMMENTS:
- 468 TO NEAREST OFF PREMISE
 - 15 Feet from Sample
 - 8 Feet from East property line
 - 208 Feet from South property line
 - 158 Feet from West property line
- POSTER
CENTER MOUNT
SINGLE POLE



Criteria for Decision Making: Variance(s)

State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. The standards and their justifications are as follows:

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community

Approval of the variance could be injurious to the community because it would legalize a sign not otherwise permitted, and violate the intent of the Ordinance. The intent of the sign regulations include eliminating excessive and confusing sign displays, improving the appearance of the city, enhancing property values by minimizing the possible adverse effects of signs, protecting the public and private investment in building and open space, and eliminating potential hazards to motorist and pedestrians resulting from signs. The legal nonconforming provision of the Ordinance state that the intent it to allow legally established to remain, but not encourage their survival. Granting a variance will legalize the sign and allow it remain indefinitely, even allowing it to be completely replaced in the future. Granting a variance for a legal nonconforming sign that does not meet the minimum separation requirements would be contrary to the intent of the Ordinance and could be injurious to the welfare of the community, and potentially the safety as well.

(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner

The surrounding area is primarily commercial and industrial, so the value of surrounding properties at this location may not be impacted. However, the sign may adversely impact any future development and use of the site.

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

Strict application would not result in any practical difficulties in the use of the property for commercial purposes. The primary commercial use of the property can remain without the approval of a variances to allow for an off-premise sign. The off-premise sign is an accessory use not related to the use of the property.

(4) The variance granted is the minimum necessary

The variance requested is not the minimum necessary. The petitioner could remove a nearby off-premise signs in the area in order to meet the minimum spacing requirements. The spacing requirements are a critical element for off-premise signs. By the adoption of the Ordinance, the City has determined off-premise signs that do not meet these requirements should not be permitted.

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

Because the sign was changed as part of a rebranding and not as normal maintenance or repair, the hardship is created by the petitioner. There are not other hardships or practical difficulties associated with the property.

Analysis & Recommendation

Analysis: There are no practical difficulties that warrant the request for the variance. Allowing a variance for a sign that exceeds the minimum spacing requirements would be contrary to the intent of the Ordinance and Could be injurious to the welfare of the community.

Staff Recommendation: Based on the information available prior to the public hearing, the Staff recommends the Board deny the variance as requested.

Property Information

Location: 2713 BENDIX DR
Owner: LAMAR ADVERTISING COMPANY

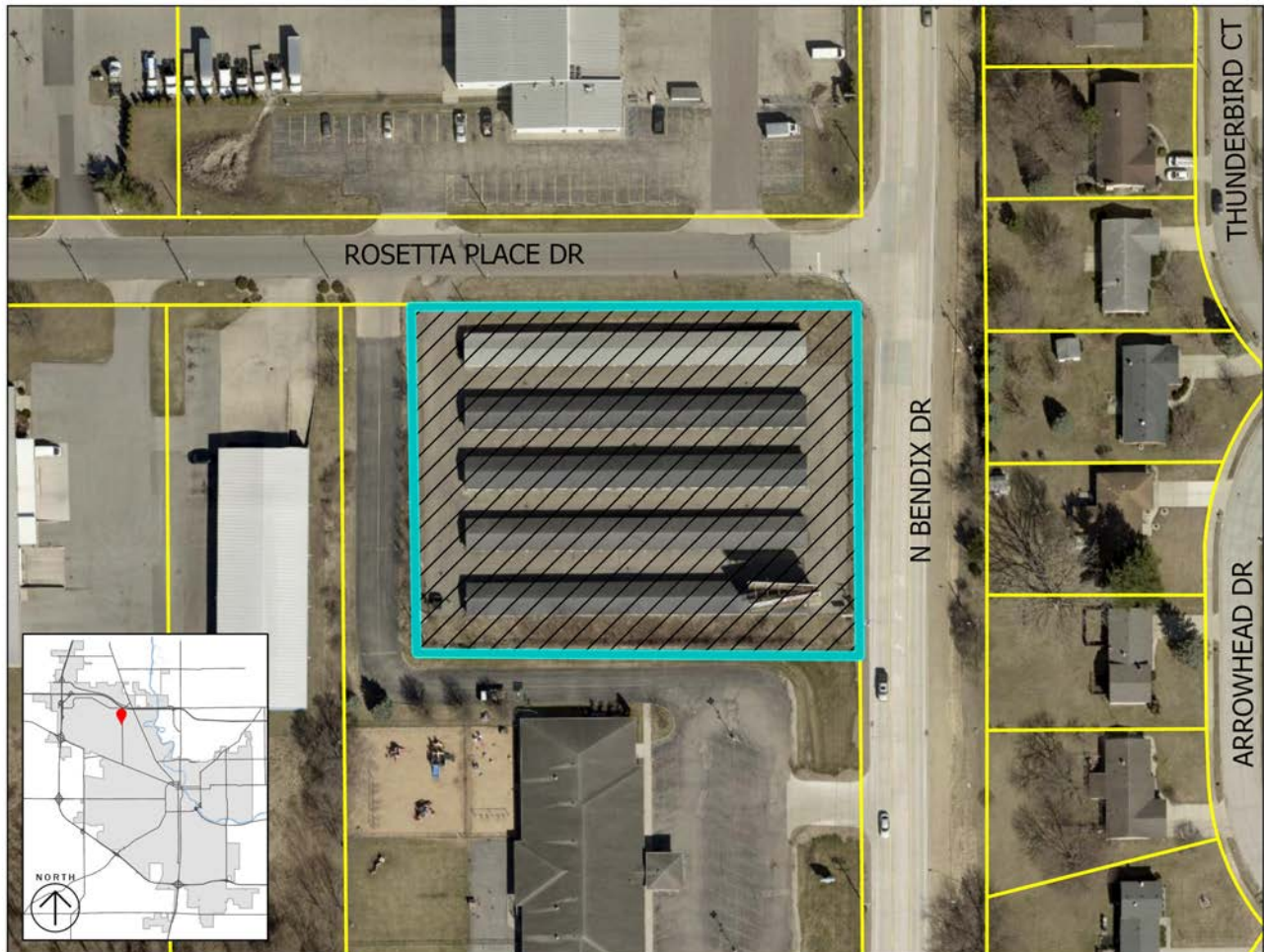
Project Summary

Alteration of an off-premise sign

Requested Action

Variance(s): 1) From the 300 sq.ft. maximum sign surface area for an off-premise sign to 494.5 sq.ft.
2) From the 200' minimum linear spacing to residential use or U1 District to 0'

Site Location

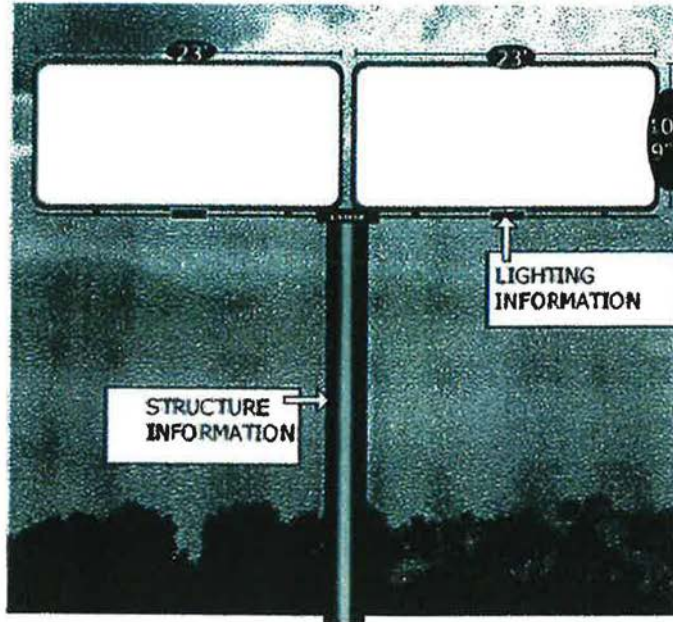


Staff Recommendation

Based on the information available prior to the public hearing, the Staff recommends the Board deny the variances as requested.

Proposed Site Plan

2713 BENDIX South Bend IN



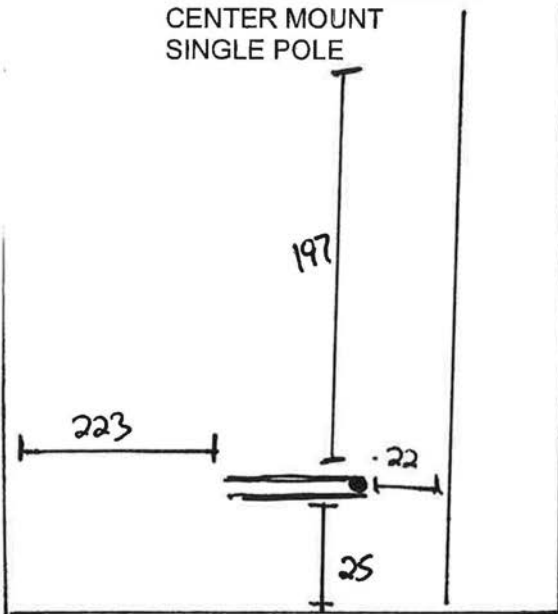
HAGL 24 Ft

OVERALL HEIGHT 34.9

ADDITIONAL COMMENTS:

SIDE BY SIDE POSTERS
CENTER MOUNT
SINGLE POLE

- 113 Ft to Residential
 - Nearest off Premise N/A
 - 25 Ft to South Property Line
 - 197 Ft to North Property Line
 - 223 Ft. to west Property line
- 22 Feet to Bendix



Criteria for Decision Making: Variance(s)

State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. The standards and their justifications are as follows:

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community

Approval of the variances could be injurious to the community because it would legalize a sign not otherwise permitted, and violate the intent of the Ordinance. The intent of the sign regulations include eliminating excessive and confusing sign displays, improving the appearance of the city, enhancing property values by minimizing the possible adverse effects of signs, protecting the public and private investment in building and open space, and eliminating potential hazards to motorist and pedestrians resulting from signs. The legal nonconforming provision of the Ordinance state that the intent it to allow legally established to remain, but not encourage their survival. Granting variances will legalize the sign and allow it remain indefinitely, even allowing it to be completely replaced in the future. Granting variances for a legal nonconforming sign that exceeds the maximum area allowed and does not meet the separation requirements would be contrary to the intent of the Ordinance and could be injurious to the welfare of the community, and potentially the safety as well.

(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

While the west side of Bendix is primarily commercial and industrial, the east side of Bendix in this area is single family residential. The City has recently made an effort to minimize the impact of Bendix on the use and value of the adjacent properties by reducing the number of travel lanes and adding sidewalk. Legalizing a sign in a location without meeting the spacing requirement adopted in the South Bend Zoning Ordinance would be detrimental to the efforts being made by the City to improve the use and value of the adjacent properties.

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

Strict application would not result in any practical difficulties in the use of the property for commercial purposes. The primary commercial use of the property can remain without the approval of variances to allow for an off-premise sign. The off-premise sign is an accessory use not related to the use of the property.

(4) The variance granted is the minimum necessary

The variances requested are not the minimum necessary. There is no justification for a sign that exceeds the maximum 300 sq.ft Also, the spacing requirements are a critical element for off-premise signs. By the adoption of the Ordinance, the City has determined off-premise signs that do not meet these requirements should not be permitted. There are other industrial or commercial zoned properties where the sign could be placed without violating the spacing requirements.

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

Because the sign was changed as part of a rebranding and not as normal maintenance or repair, the hardship is created by the petitioner. There are not other hardships or practical difficulties associated with the property.

Analysis & Recommendation

Analysis: There are no practical difficulties that warrant the request for the variances.

Staff Recommendation: Based on the information available prior to the public hearing, the Staff recommends the Board deny the variances as requested.

Property Information

Location: 259 N LOGAN ST
Owner: LAMAR ADVERTISING COMPANY

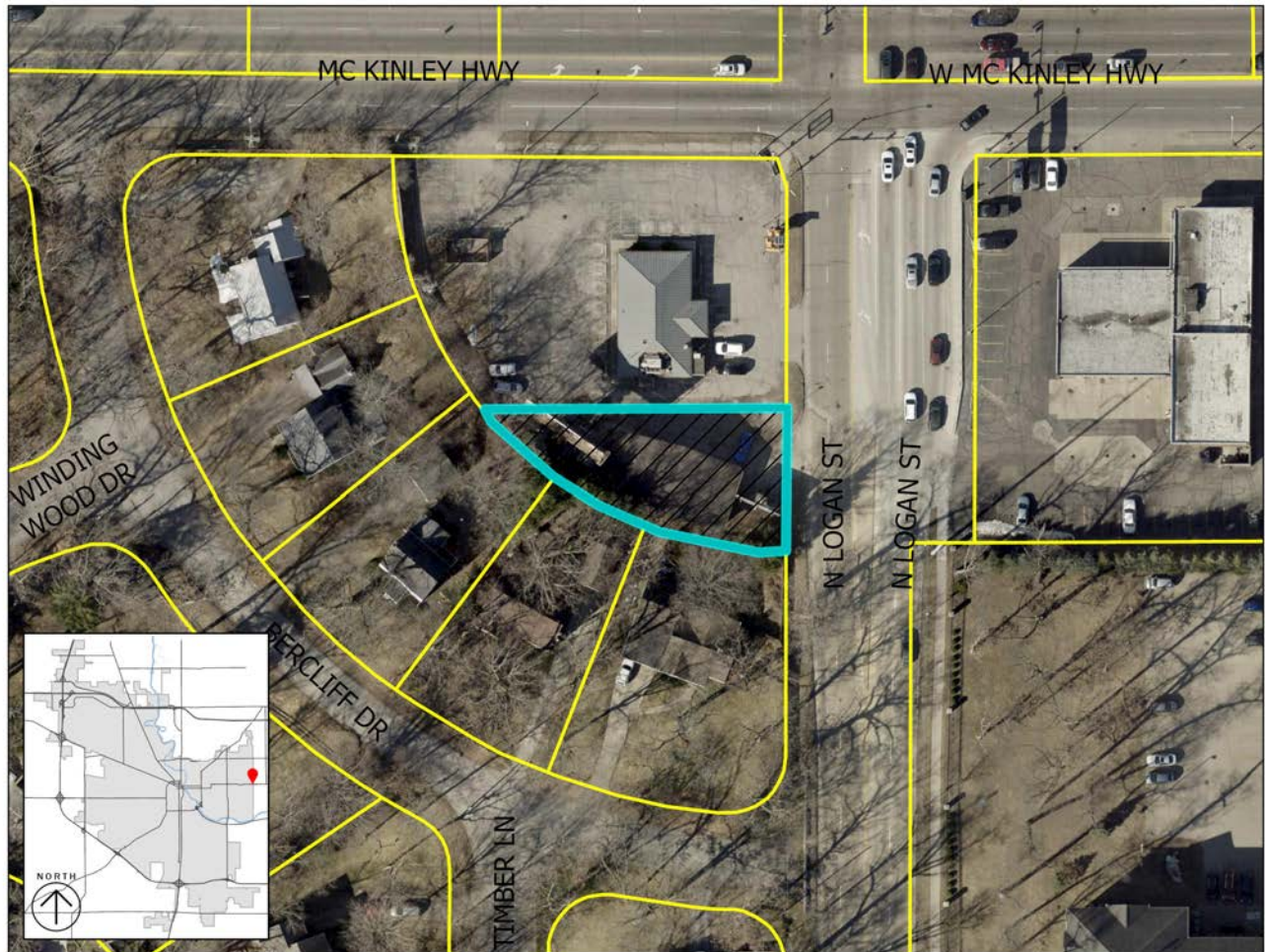
Project Summary

Alteration of an off-premise sign.

Requested Action

Variance(s): 1) From the 200' minimum linear spacing to residential use or 21 District to 13'; 2) From the 100' minimum radial spacing to a residential use or S1 District to 13'; 3) From the 750' minimum linear spacing between off-premises signs to 0'; 4) From the 300' minimum radial spacing between off-premise signs to 65'

Site Location



Staff Recommendation

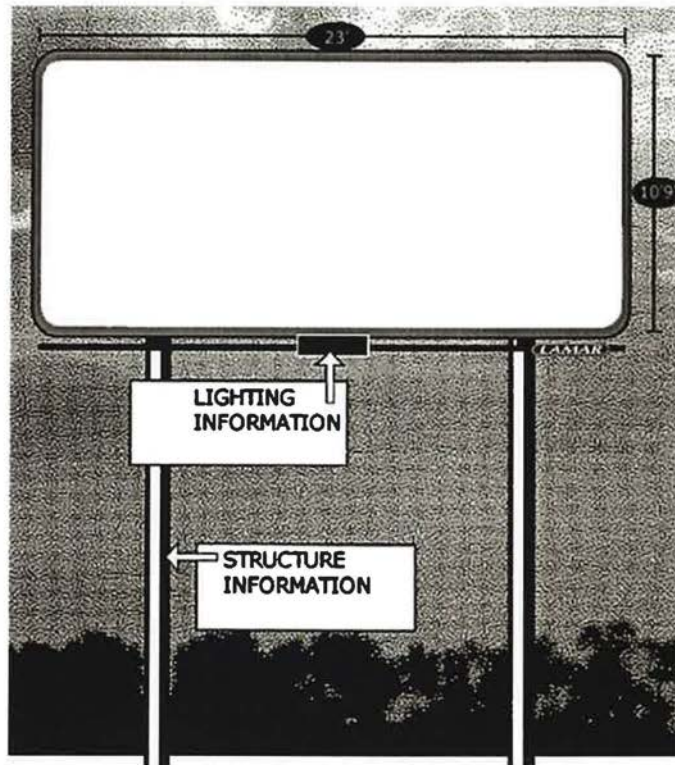
Based on the information available prior to the public hearing, the Staff recommends the Board deny the variances as requested.

Proposed Site Plan

259 N. Logan



RECEIVED FEB 09 2023



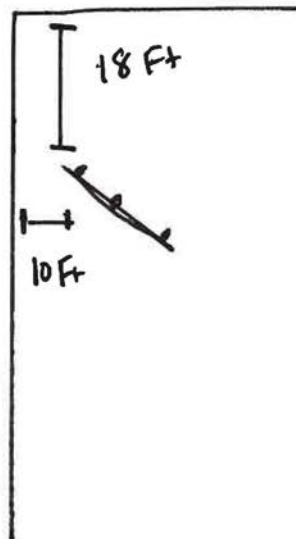
HAGL 5 Ft

OVERALL HEIGHT 15'9

ADDITIONAL

POSTER
I-BEAM

10 Ft From Logan
18 Ft From Res to
the south - Not
Reading that way



Criteria for Decision Making: Variance(s)

State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. The standards and their justifications are as follows:

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community

Approval of the variances could be injurious to the community because it would legalize a sign not otherwise permitted, and violate the intent of the Ordinance. The intent of the sign regulations include eliminating excessive and confusing sign displays, improving the appearance of the city, enhancing property values by minimizing the possible adverse effects of signs, protecting the public and private investment in building and open space, and eliminating potential hazards to motorist and pedestrians resulting from signs. The legal nonconforming provision of the Ordinance state that the intent it to allow legally established to remain, but not encourage their survival. Granting variances will legalize the sign and allow it remain indefinitely, even allowing it to be completely replaced in the future. Granting variances for a legal nonconforming sign that does not meet the minimum spacing requirements would be contrary to the intent of the Ordinance and could be injurious to the welfare of the community, and potentially the safety as well.

(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

This property is located at a commercial node with residential just to the north. The proposed variances could negatively impact the value of the property to the north. In addition, the sign may adversely impact any future development and use of the site.

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

Strict application would not result in any practical difficulties in the use of the property for commercial purposes. The primary commercial use of the property can remain without the approval of a variances to allow for an off-premise sign. The off-premise sign is an accessory use not related to the use of the property. With the other off-premise sign at the same quadrant of the intersection, the petitioner would still have the ability to advertise at this location even if the sign in question was removed.

(4) The variance granted is the minimum necessary

The variance requested is not the minimum necessary. The spacing requirements are a critical element for off-premise signs. By the adoption of the Ordinance, the City has determined off-premise signs that do not meet these requirements should not be permitted. There is no practical difficulty that warrants the requested variances.

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

Because the sign was changed as part of a rebranding and not as normal maintenance or repair, the hardship is created by the property owner. There are not other hardships or practical difficulties associated with the property.

Analysis & Recommendation

Analysis: There are no practical difficulties that warrant the request for the variances. Allowing variances for a sign that does not meet the minimum spacing requirements would be contrary to the intent of the Ordinance and could be injurious to the welfare of the community.

Staff Recommendation: Based on the information available prior to the public hearing, the Staff recommends the Board deny the variances as requested.

Property Information

Location: 323 SHERIDAN ST
Owner: LAMAR ADVERTISING COMPANY

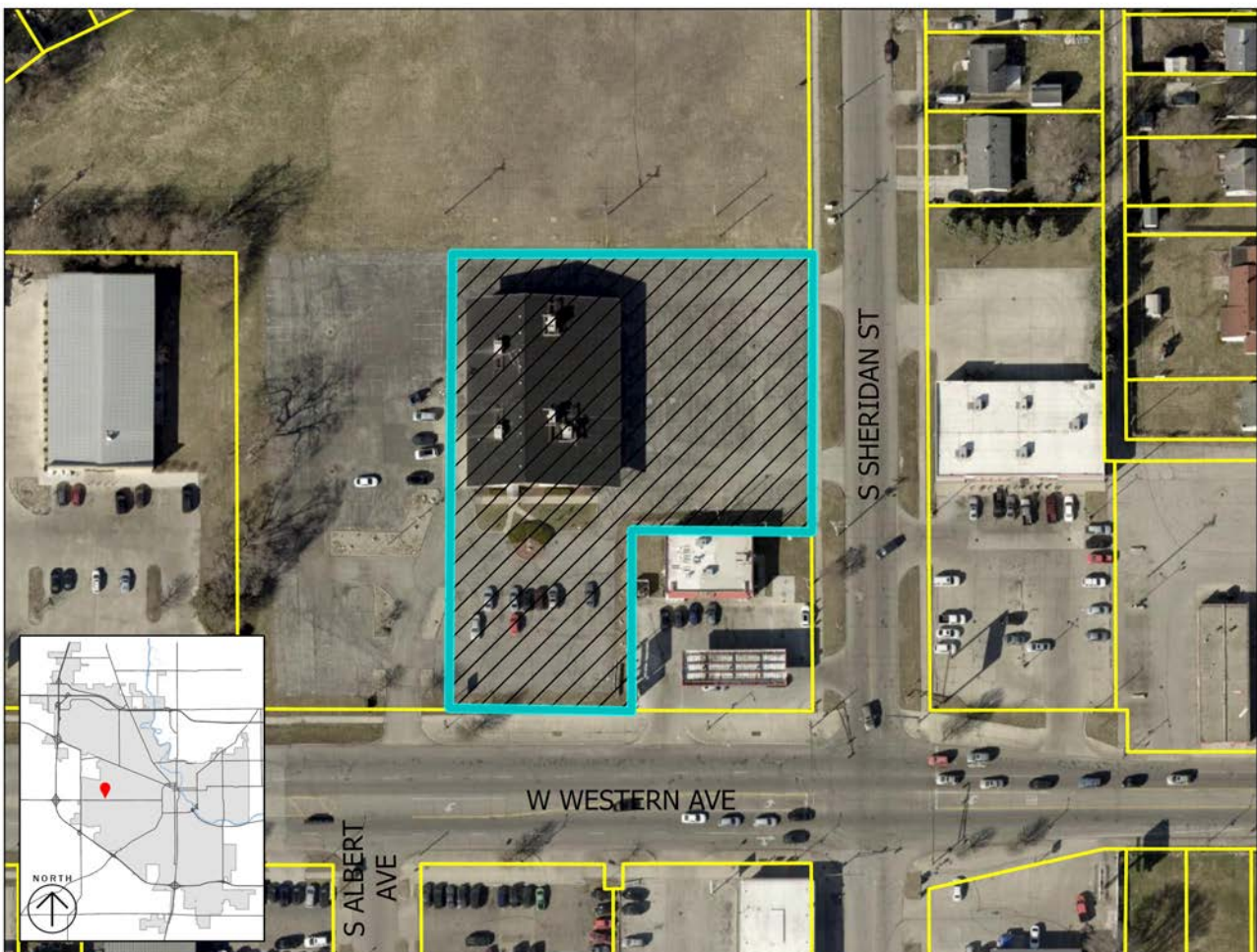
Project Summary

Alteration of an off-premise sign.

Requested Action

Variance(s): 1) From the 10' minimum front setback to 0'

Site Location



Staff Recommendation

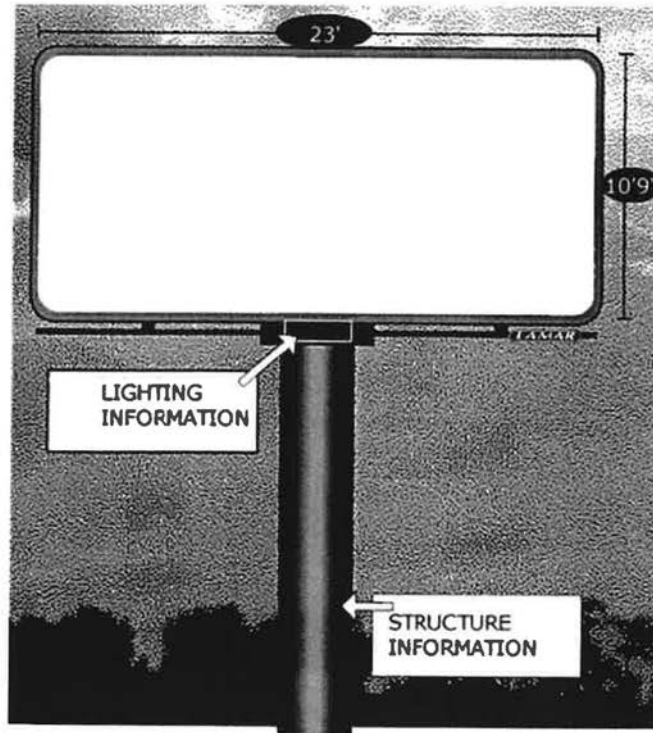
Based on the information available prior to the public hearing, the Staff recommends the Board deny the variance as requested.

Proposed Site Plan



323 Sheridan
South Bend

RECEIVED FEB 09 2023

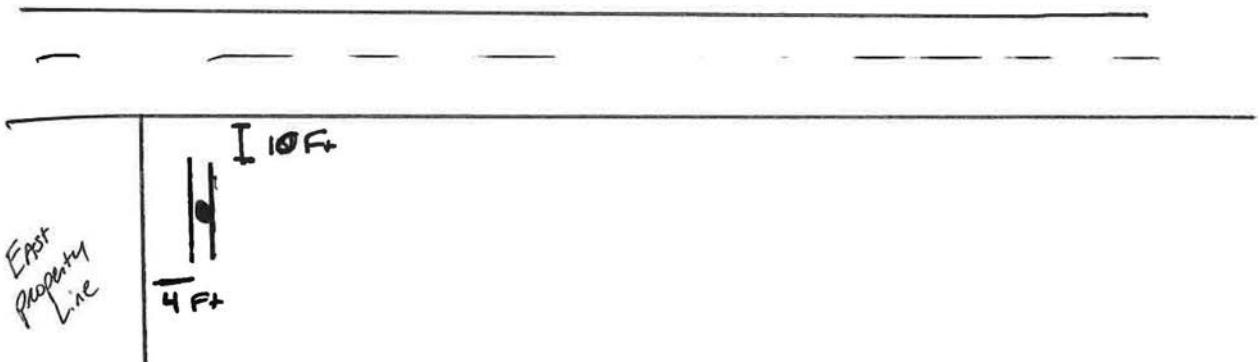


HAGL 20F

OVERALL HEIGHT 30'9

ADDITIONAL COMMENTS:

POSTER
CENTER MOUNT
SINGLE POLE



Criteria for Decision Making: Variance(s)

State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. The standards and their justifications are as follows:

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community

Approval of the variance could be injurious to the community because it would legalize a sign not otherwise permitted, and violate the intent of the Ordinance. The intent of the sign regulations include eliminating excessive and confusing sign displays, improving the appearance of the city, enhancing property values by minimizing the possible adverse effects of signs, protecting the public and private investment in building and open space, and eliminating potential hazards to motorist and pedestrians resulting from signs. The legal nonconforming provision of the Ordinance state that the intent it to allow legally established to remain, but not encourage their survival. Granting a variance will legalize the sign and allow it remain indefinitely, even allowing it to be completely replaced in the future. Granting a variance for a legal nonconforming sign that does not meet the minimum setbacks would be contrary to the intent of the Ordinance and could be injurious to the welfare of the community, and potentially the safety as well.

(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner

The surrounding area is primarily commercial and industrial, so the value of surrounding properties at this location may not be impacted.

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

Strict application of the terms of the Ordinance would not result in practical difficulties. The primary commercial use of the property can remain without the approval of a variances to allow for an off-premise sign. The off-premise sign is an accessory use not related to the use of the property. There appears to be adequate room on the property to install the sign at a code compliant location.

(4) The variance granted is the minimum necessary

The variance requested is not the minimum necessary. There is no justification for a sign that does not meet the setback requirements of the Ordinance. If a survey is conducted that shows the leading edge of the sign meets the 10' setback, no variance is needed. The sign may be able to be modified to meet the setback, or installed at a code compliant location.

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

Because the sign was changed as part of a rebranding and not as normal maintenance or repair, the hardship is created by the petitioner. There are not other hardships or practical difficulties associated with the property.

Analysis & Recommendation

Analysis: There are no practical difficulties that warrant the request for the variance. Allowing a variance for a sign that does not meet the minimum setback would be contrary to the intent of the Ordinance and could be injurious to the welfare of the community.

Staff Recommendation: Based on the information available prior to the public hearing, the Staff recommends the Board deny the variance as requested.