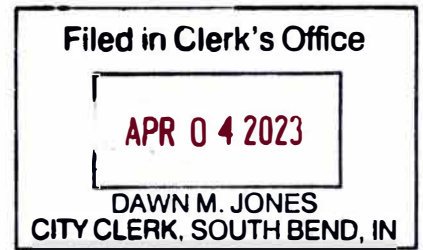


BILL NO. 17-23

City of South Bend BOARD OF ZONING APPEALS



April 4, 2023

Honorable Lori Hamann
4th Floor, County-City Building
South Bend, IN 46601

RE: Use Variance at 751 Cottage Grove Ave.

Dear Committee Chair Hamann:

Enclosed is an Ordinance for the proposed Special Exception Use at the above referenced location. Please include the attached Ordinance on the Council agenda for **first reading** at your **April 10, 2023**, Council meeting and set it for public hearing at your **May 8th, 2023** Council meeting. The petition is tentatively scheduled for public hearing at the May 1st, 2023, South Bend Board of Zoning Appeals meeting. The staff report and recommendation of the South Bend Board of Zoning Appeals will be forwarded to the Office of the City Clerk by noon on the Wednesday following the public hearing.

The petitioner provided the following to describe the proposed project:

A Use Variance to establish a large fruit and vegetable garden, in the Near Northwest Neighborhood of South Bend.

The full petition is attached for your reference. Changes may occur between the filing and the public hearing. Any substantial changes will be identified at the Council meeting.

If you have any questions, please feel free to contact our office.

Sincerely,

A handwritten signature in black ink that reads "Rachel Boyles".

Rachel Boyles
Zoning Specialist

CC:

Filed in Clerk's Office

APR 04 2023

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

BILL NO. 17-23

ORDINANCE NO. _____

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, APPROVING A PETITION OF THE ADVISORY BOARD OF ZONING
APPEALS FOR THE PROPERTY LOCATED AT 751 COTTAGE GROVE AVE**

STATEMENT OF PURPOSE AND INTENT

**A Use Variance to establish a large fruit and vegetable garden, in the Near Northwest
Neighborhood of South Bend.**

Petitioners desire to seek a Use Variance for Urban Agricultural for property located at 751 Cottage Grove Ave.

NOW, THEREFORE, BE IT ORDAINED 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 Advisory Board of Zoning Appeals pursuant to Indiana Code Section 36-7-4-605, requesting that a Use Variance be granted for property located at:

751 Cottage Grove Ave. South Bend, IN 46616. 018-1070-2991

In order to permit a Use Variance for Urban Agricultural

SECTION II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the petition of the Advisory 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 approval will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;
2. The use and value of the area adjacent to the lot included in the variance will not be affected in a substantially adverse manner;
3. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the lot for which the variances is sought;

4. The approval does not interfere substantially with the comprehensive plan;

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

SECTION V. This Ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor, and legal publication, and full execution of any conditions or Commitments placed upon the approval.

Sharon McBride, Council President
South Bend Common Council

Attest:

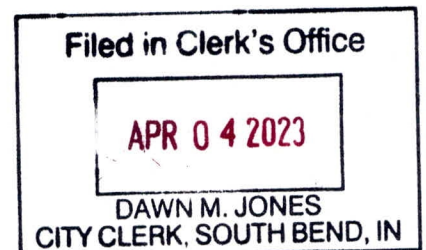
Dawn M. Jones, City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2023, at _____ o'clock ____ . m.

Dawn M. Jones, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2023, at ____ o'clock ____ .m.

James Mueller, Mayor
City of South Bend, Indiana



City of South Bend
BOARD OF ZONING APPEALS

227 W. Jefferson Suite 1406
South Bend, IN 46601
zoning@southbendin.gov
RECEIVED MAR 31 2023

Petition for Variance - Special Exception

Property Information

Tax Key Number: 71-08-02-407-023.000-026
Address: 751 Cottage Grove
Owner: Sunchoke Farms, LLC
Zoning: U1 Urban Neighborhood 1

Project Summary:

Growing Fruits and/or Vegetables for human consumption.

Requested Action

- Special Exception – complete and attach Criteria for Decision Making
Use requested: _____
- Variance(s) - List variances below, complete and attach Criteria for Decision Making
Variance(s) requested:
Use Variance for Urban Agriculture

Required Documents

- Completed Application (including Criteria for Decision Making and Contact Information)
- Site Plan drawn to scale
- Filing Fee

PAID
MAR 31 2023
Per KB
\$ 300

Criteria for Decision Making

Variance(s) - if applicable

State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. Please address how the project meets the following criteria:

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

Communities that have and support urban agriculture benefit in many ways environmentally, economically and socially. By growing fruits and vegetables in urban areas, it places the food closer to the consumer and helps reduce the transport costs and carbon footprint. In my situation, urban agricultural is in a food desert where food insecurity is prevalent.

(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:

Integrating urban farming to an existing neighborhood creates value. Once unused or underutilized areas, these ground spaces now have the opportunity to become a green oasis, where fresh and healthy food grows. In addition to positioning cities and neighborhoods as innovative and sustainable, urban agriculture initiatives benefit not only the occupants of these neighborhoods, but the whole society.

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

No permanent changes to the property will take place by using the property for urban agriculture.

(4) The variance granted is the minimum necessary, because:

The city of South Bend has not yet approved Urban Agriculture Zoning Ordinances.

(5) The variance does not correct a hardship caused by a former or current owner of the property, because:

not applicable

Contact Information

Property owner(s) of the petition site:

Name: Sunchoke Farms, LLC

Address: 824 Lindsey St.
South Bend, IN 46616

Name: _____

Address: _____

Name: _____

Address: _____

Contact Person:

Name: Susan Greutman

Address: 824 Lindsey St.
South Bend, IN 46616

Phone Number: 574-367-0050

E-mail: luczek4him@hotmail.com

By signing this petition, the Petitioner/Property Owners of the above described Real Estate acknowledge they are responsible for understanding and complying with the South Bend Zoning Ordinance and any other ordinance governing the property. Failure of staff to notify the petitioner of a requirement does not imply approval or waiver from anything contained within the ordinance.

The undersigned authorizes the contact person listed above to represent this petition before the South Bend Plan Commission and Common Council and to answer any and all questions related to this petition.

Property Owner (s) Signatures:

Susan M. Greutman



Filed in Clerk's Office
APR 04 2023
DAWN M. JONES
CITY CLERK, SOUTH BEND, IN