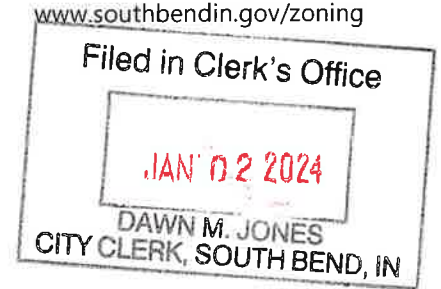




City of South Bend PLAN COMMISSION

County-City Building
227 W. Jefferson Blvd. 1400S
South Bend, IN 46601
(574) 235-7627
www.southbendin.gov/zoning



December 19, 2023

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

RE: 1610 and 1612 Hilde Court – PC#0188-24

Dear Committee Chair Hamann:

Enclosed is an Ordinance for the proposed Zone Map Amendment at the above referenced location. Please include the attached Ordinance on the Council agenda for first reading at your January 8, 2024, Council meeting, and set it for public hearing at your January 22, 2024, Council meeting. The petition is tentatively scheduled for public hearing at the January 16, 2024, South Bend Plan Commission meeting. The recommendation of the South Bend Plan Commission will be forwarded to the Office of the City Clerk by noon on the day following the public hearing.

The petitioner provided the following to describe the proposed project:

Rezone property from U1 Urban Neighborhood 1 to UF Urban Flex

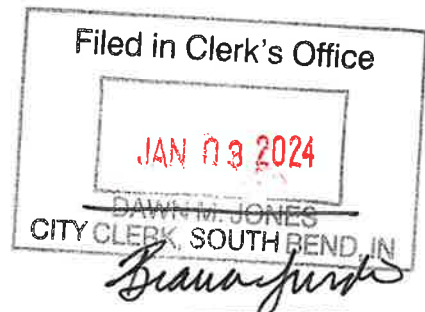
If you have any questions, please feel free to contact our office.

Sincerely,

A handwritten signature in black ink that reads "Kari Myers".

Kari Myers
Zoning Specialist

CC: Bob Palmer



BILL NO. 04-24

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 1610 AND 1612 HILDE COURT COUNCILMANIC DISTRICT NO. 3 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Rezone properties from U1 Urban Neighborhood 1 to UF Urban Flex

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of South Bend, Indiana, as follows:

SECTION I. Ordinance No. 10689-19, which ordinance is commonly known as the Zoning Ordinance of the City of South Bend, Indiana, be and the same hereby amended in order that the zoning classification of the following described real estate in the City of South Bend, St. Joseph County, State of Indiana:

A PARCEL OF GROUND IN THE NORTHWEST AND SOUTHWEST QUARTERS OF SECTION 18, TOWNSHIP 37 NORTH, RANGE 3 EAST, PORTAGE TOWNSHIP, CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA, BEING A PART OF LOT "A" OF THE PLAT OF "KLINE'S ADDITION TO THE CITY OF SOUTH BEND" AS RECORDED BY DOCUMENT NUMBER 1901003 IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA RECORDER'S OFFICE AND MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE SOUTHWEST CORNER OF LOT # 2 OF THE PLAT OF "WEINLIN ADDITION" AS RECORDED BY DOCUMENT NUMBER 9033840 IN THE RECORDS OF SAID RECORDER'S OFFICE: THENCE ALONG THE SOUTH LINE OF SAID LOT FOR THE NEXT TWO (2) COURSES: SOUTH 88°38'52" EAST, A DISTANCE OF 37.00 FEET MORE OR LESS AND SOUTH 78°31'37" EAST, A DISTANCE OF 40.82 FEET MORE OR LESS TO THE SOUTHEAST CORNER OF SAID LOT AND A POINT OF THE EAST LINE OF LOT "A" OF THE PLAT OF "KLINE'S ADDITION TO THE CITY OF SOUTH BEND"; THENCE ALONG THE EAST LINE OF SAID LOT, SOUTH 00°00'00" EAST, A DISTANCE OF 106.00 FEET MORE OR LESS; THENCE NORTH 90°00'00" WEST, A DISTANCE OF 77.00 FEET MORE OR LESS TO THE EAST RIGHT-OF-WAY LINE OF HILDE COURT; THENCE NORTH 00°00'00" WEST ALONG SAID EAST LINE, A DISTANCE OF 117.00 FEET MORE OR LESS TO THE POINT OF BEGINNING. CONTAINING 0.20 ACRES MORE OR LESS.

Attest:

Bianca L. Tirado, 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 _____, 2024, at _____ o'clock ____ . m.

Bianca L. Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2024, at ____ o'clock ____ .m.

James Mueller, Mayor
City of South Bend, Indiana

Petition for Rezoning or Combined Public Hearing

Property Information

Tax Key Number: 018-7073-2695 and 018-7073-2696

Address: 1610 and 1612 Hilde

Owner: Theresa Lightner

Legal Description:

A PARCEL OF GROUND IN THE NORTHWEST AND SOUTHWEST QUARTERS OF SECTION 18, TOWNSHIP 37 NORTH, RANGE 3 EAST, PORTAGE TOWNSHIP, CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA, BEING A PART OF LOT "A" OF THE PLAT OF "KLINE'S ADDITION TO THE CITY OF SOUTH BEND" AS RECORDED BY DOCUMENT NUMBER 1901003 IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA RECORDER'S OFFICE AND MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE SOUTHWEST CORNER OF LOT # 2 OF THE PLAT OF "WEINLIN ADDITION" AS RECORDED BY DOCUMENT #

Project Summary

The proposed rezoning is to legalize a parking lot that was installed in 2008.

Requested Action

Application includes (check all that apply)

Rezoning

Current District: U1 Urban Neighborhood 1

Additional Districts, if applicable

Proposed District UF Urban Flex

Additional Districts, if applicable

The Plan Commission and Council will consider the following in the review of a rezoning petition:

- (1) The comprehensive Plan;*
- (2) Current conditions and the character of the current structures and uses in each district;*
- (3) The most desirable use for which the land in each district is adapted;*
- (4) The conservation of property values throughout the jurisdiction; and*
- (5) Responsible development and growth.*

Variance(s) requested:

Variance(s) - *List variances below, complete and attach Criteria for Decision Making*

- 1) From the required streetscape trees on Hilde to none
- 2) From the minimum parking setback of 5' the corner facade and 5' from the side lot line to 2' behind the corner facade on the west and 0' on the south.
- 3) From the required Type 1 parking area screening on the west and south to a 6' solid fence
- 4) From the 3' maximum height for a solid fence in the established corner yard to 6'.

Required Documents

- Completed Application (including Contact Information)
- Site Plan drawn to scale
- Filing Fee
- Additional documents as noted above

Contact information

Property owner(s) of the petition site:

Name: Theresa Lightner

Address: 524 W LaSalle
Mishawaka, IN 46545

Name: _____

Address: _____

Name: _____

Address: _____

Contact Person:

Name: Danch, Harner & Associates, Attn: Angela Smith

Address: 1643 Commerce Drive
South Bend, IN 46628

Phone Number: 574-234-4003

E-mail: asmith@danchharner.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:

Theresa A. Lightner _____

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:

Hilde Court is a narrow 20' right-of-way that dead ends into the railroad tracks. The road appears and functions more like an alley than a street, so approving variances to allow for it to be treated as such would not be injurious to the health, safety, or 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, because:

Granting the variances will actually allow for improved screening for the few houses that exist on the block. If the variances are denied and the 6' screening fence has to be removed and replaced by 2' tall shrubs, the use and value of adjacent properties will be negatively impacted.

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

The Ordinance is intended to improve buffering along public streets. Although Hilde Court is technically a street, the width and improvements of the right-of-way function more as an alley that warrants the treatment as such. The southern portion of the parking lot existed in its current configuration since before 1985. The northern portion was redone with the assistance of a contractor and in a way to match the existing parking area. The fence was legally installed in compliance with the Ordinance and should be allowed to continue as a legal non-conforming structure. While saw cutting the parking lot would not be difficult, the underlying base and oils from the asphalt will make planting in this area extremely difficult, thus making the exercise pointless. Strict application will require a 6' fence be removed and replaced with 2' tall shrubs, which will ultimately provide less screening to the adjoining neighbors.

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

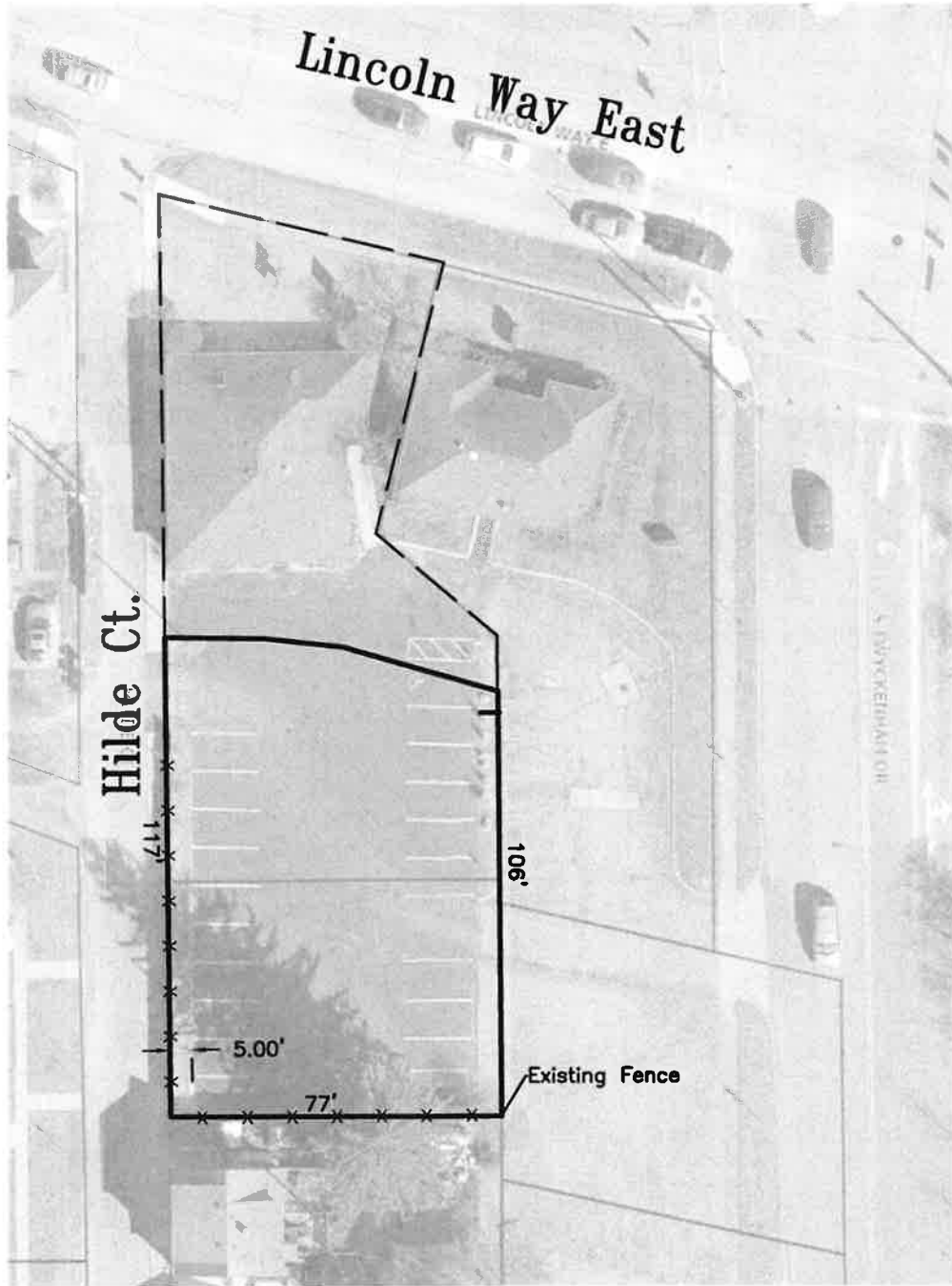
The variance requested is the minimum necessary to support maintaining the property in the same way it has existed for more than 15 years. Financial institutions are unwilling to lend on the property since the parking lot portion of the lot is still zoned residential, which is the basis for the request. The property is maintained in good condition. The variances will allow for the reuse of the building in a way consistent with the intent of the Ordinance.

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

The layout and condition of Hilde Court is not caused by the current or former owner. The property has clear frontage and interaction with Lincoln Way East. The fact that Hilde is technically a street, even though it functions as an alley, created an undue hardship on the property owner which was not created through any of their actions.

12/13/2023 2:47 PM

Site Plan.dwg



DHA

Danch, Harner & Associates, Inc.

Land Surveyors • Professional Engineers
Landscape Architects • Land Planners

Office: (574)234-4003 / (800)594-4003 • Fax: (574)234-4119
1643 Commerce Drive • South Bend, IN 46628

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