

City of South Bend

BOARD OF ZONING APPEALS

AGENDA

Monday, December 2, 2024 - 4:00 p.m.

County-City Building

Fourth-Floor Council Chambers

www.tinyurl.com/sbbza

PUBLIC HEARING:

1. **Location:** 1406 SOUTH BEND AVE and 1412 SOUTH BEND AVE **BZA#0298-24**

Owner: PARISI ROBERTO A REV TRUST & AS TRUSTEE

Requested Action:

Variance(s):

- 1) from the maximum stories in UF Urban Neighborhood Flex of 4 stories to 5 stories
- 2) from the maximum building width of a Stacked Flats building type in UF Urban Neighborhood Flex of 120' to 198'
- 3) from the requirement in the NNZO Northeast Neighborhood Zoning Overlay district that any portion of a fence that exceeds 5' in height consist of a decorative element at least 50% open for the side and rear fence

Zoning: UF Urban Neighborhood Flex

ITEMS NOT REQUIRING A PUBLIC HEARING:

1. Findings of Fact – November 4, 2024
2. Minutes – November 4, 2024
3. Other Business
2025 Calendar
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: 1406 SOUTH BEND AVE and 1412 SOUTH BEND AVE
Owner: PARISI ROBERTO A REV TRUST & AS TRUSTEE

Project Summary

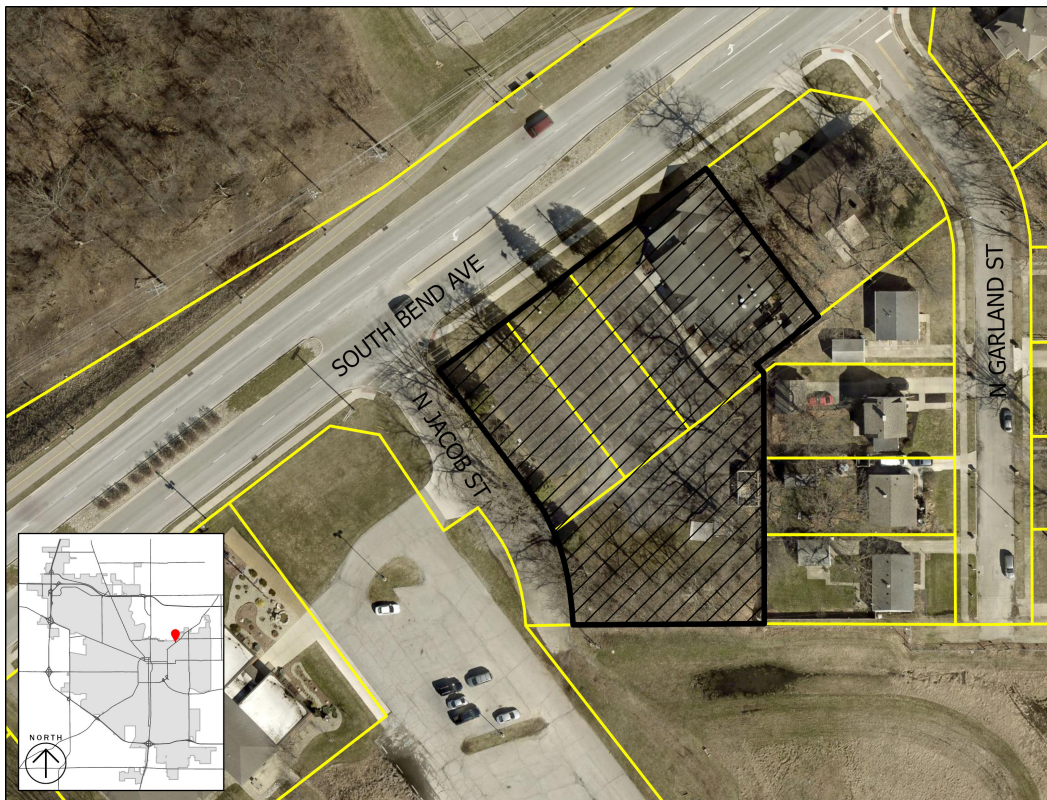
A 4 story, multi-unit condominium project featuring a hallway connection between buildings on the upper floors and an enclosed rooftop area.

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 - 3) from the requirement in the NNZO Northeast Neighborhood Zoning Overlay district that any portion of a fence that exceeds 5' in height consist of a decorative element at least 50% open for the side and rear fence
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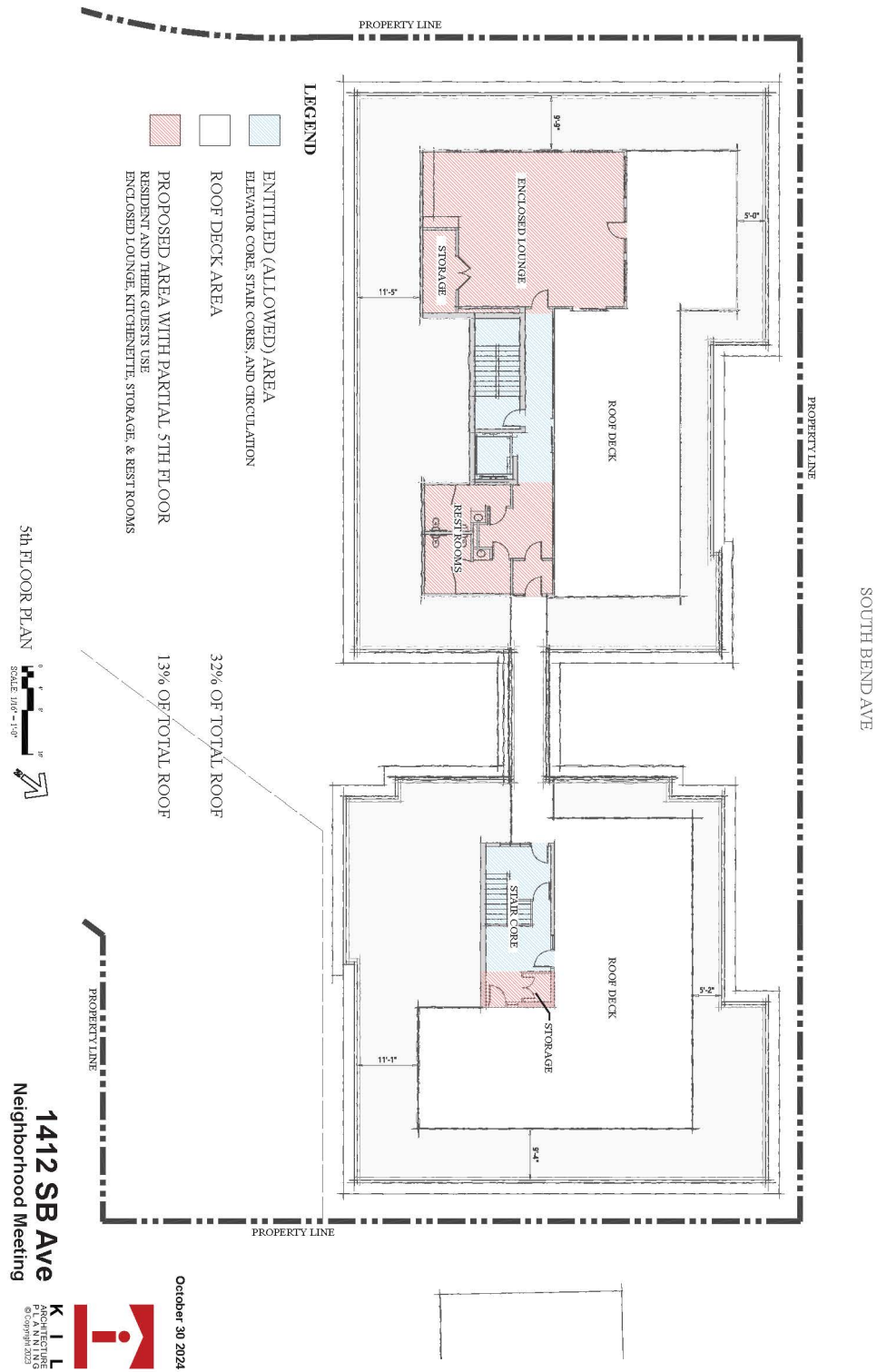
Site Location



Staff Recommendation

Based on the information provided prior to the public hearing, the staff recommends the Board approve the variances as presented subject to the condition that the fence variance will only apply to fencing along the east property line.

Proposed Site Plan



Proposed Site Plan



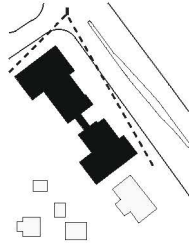
1412 SB AVE
NEIGHBORHOOD INFORMATION MEETING

10.30.2024



October 30, 2024

Proposed Site Plan



3D PERSPECTIVE
 FROM SOUTH BEND AVE
 PEDESTRIAN VIEW LOOKING NORTHEAST
 PROPOSED OPTION WITH 5TH FLOOR DECK

1412 SB Ave
 3D RENDERINGS



October 30, 2024

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 variances should not be injurious to the general welfare of the community. With a limited footprint, the small rooftop space will be minimally visible from the street and will be shifted away from adjacent residential properties, further limiting external impacts. The building width variance will allow for a hallway-only connection on the upper floors between two structures, which will read as separate, zoning-compliant buildings. The variance from the NNZO fence standards will allow for the repair/replacement of any portions of an existing fence that may be damaged during construction.

(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 adjacent properties should not be adversely affected. The small rooftop space will be minimally visible from the street or adjacent properties. The building width variance will allow for an indoor walkway connection between two structures that read as distinct and zoning-compliant buildings with appropriate massing along the street. The fence variance will allow for repair of sections of an existing fence that may be damaged during construction. The fence will allow for additional screening between the new parking lot and the residential properties to the east.

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

This parcel is located along a major thoroughfare near the edge of the Notre Dame campus that supports a higher density project. The height of the rooftop amenity space will fall under the maximum 55' height of a UF zoned property. Further, rooftop decks and elevator/stair towers are permitted in the zoning ordinance, but a strict application of the ordinance would not allow for this small private rooftop space that is minimally visible from the street. A strict application of the ordinance would not allow for the building in its current design, although the building reads as two separate and zoning-compliant structures, thereby meeting the intent of the ordinance.

(4) The variance granted is the minimum necessary

The variances granted are the minimum necessary. The limited footprint of the small rooftop space will not have an impact on the perceived massing of the building from the street. Similarly, the upper floor walkway connection will still allow for a building that reads as two separate and zoning-compliant structures with appropriate massing along the street. The fence variance will allow for the replacement of damaged portions of an existing fence.

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

This area adjacent to a major thoroughfare near the edge of the Notre Dame campus supports a higher density project. The first variance would allow for a small rooftop amenity space that is minimally visible from the street and falls within the maximum height in the UF zoning district. The second variance responds to a unique situation in which two distinct structures connected by an exterior hallway are measured as a single building that exceeds the maximum permitted width while still meeting the intent of the ordinance. The third variance would allow for the replacement of portions of an existing fence damaged during construction, allowing for continued buffering between this project and adjacent residences.

Analysis & Recommendation

Analysis: The variance from 4 to 5 stories will allow for a non-residential, private rooftop space with limited visibility from the street or adjacent properties. The proposed space is contextually appropriate as the property lies adjacent to a wide and highly trafficked thoroughfare, has a view of the Notre Dame campus, and is shifted away from residential properties to the east. The building width variance allows for a skywalk connection between two structures that read as separate and zoning-compliant buildings. The fence variance allows for the replacement of any portions of an existing fence that are damaged during construction.

Staff Recommendation: Based on the information provided prior to the public hearing, the staff recommends the Board approve the variances as presented, subject to the condition that the fence variance will only apply to fencing along the east property line.