

City of South Bend

BOARD OF ZONING APPEALS

AGENDA

Monday, February 3, 2025 - 4:00 p.m.

County-City Building
Fourth-Floor Council Chambers
<https://tinyurl.com/sbbza-2025>

PUBLIC HEARING:

1. **Location:** 520 S. FRANCES ST BZA#0300-25
Owner: EAC SOUTH BEND LLC
Requested Action:
Variance(s):
 1) To allow a deck over 30" tall within the front setback
Zoning: U1 Urban Neighborhood 1
2. **Location:** 3201 W CALVERT BZA#0307-25
Owner: SOUTH BEND ETHANOL LLC
Requested Action:
Variance(s):
 1) From the maximum height of 60' to 160' 5"
Zoning: I Industrial
3. **Location:** 505 LAFAYETTE BLVD BZA#0308-25
Owner: MICHAEL AND JESSICA VOLL
Requested Action:
Variance(s):
 1) To allow a single unit dwelling directly along a street frontage
Zoning: NC Neighborhood Center
4. **Location:** 3624 MCKINLEY AVE BZA#0309-25
Owner: SINGH JANPAL
Requested Action:
Variance(s):
 1) To allow 3 waiting spaces for a drive through facility in the front yard
 2) To allow 0.5 waiting spaces for a drive through facility in the corner yard
Zoning: C Commercial

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

5. **Location:** 2245 E MADISON BZA#0310-25
Owner: JOHNSON JENNIFER HUNT
Requested Action:
Variance(s):
1) From the 3' maximum fence height in an established front/corner yard to 6'
Zoning: S1 Suburban Neighborhood 1
6. **Location:** 1412 SOUTH BEND AVE BZA#0311-25
Owner: PARISI ROBERTO A REV TRUST & AS TRUSTEE
Requested Action:
Variance(s):
1) From the maximum building width of a Stacked Flats building type in UF Urban
Neighborhood Flex of 120' to 198'
Zoning: UF Urban Neighborhood Flex

ITEMS NOT REQUIRING A PUBLIC HEARING:

1. Findings of Fact – January 6, 2025
2. Minutes – January 6, 2025
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

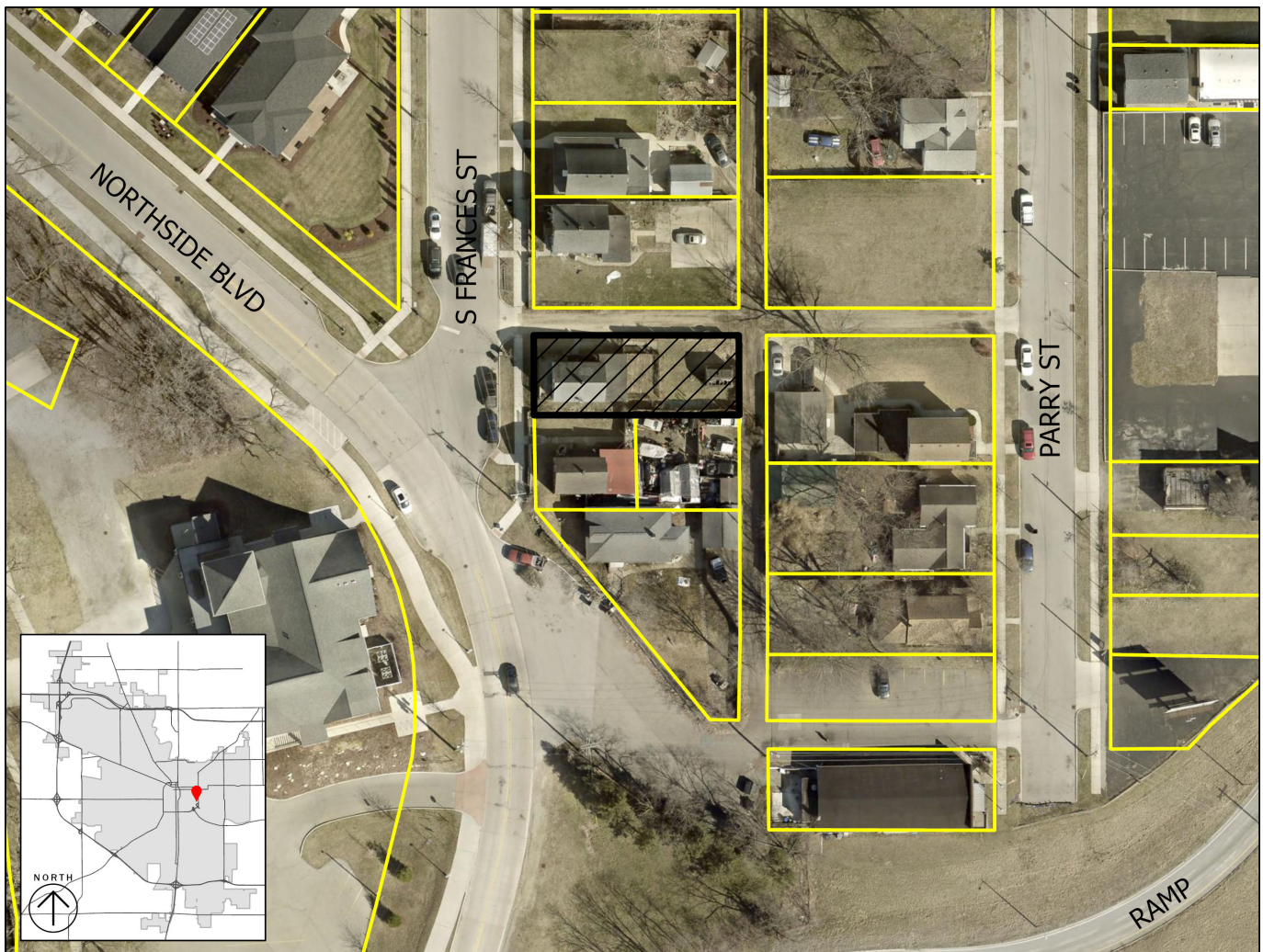
Location: 520 S. FRANCES ST
Owner: EAC SOUTH BEND LLC

Project Summary

A new deck in front of the house, 18' wide and 7' deep, located 7'6" from the sidewalk.

Requested Action

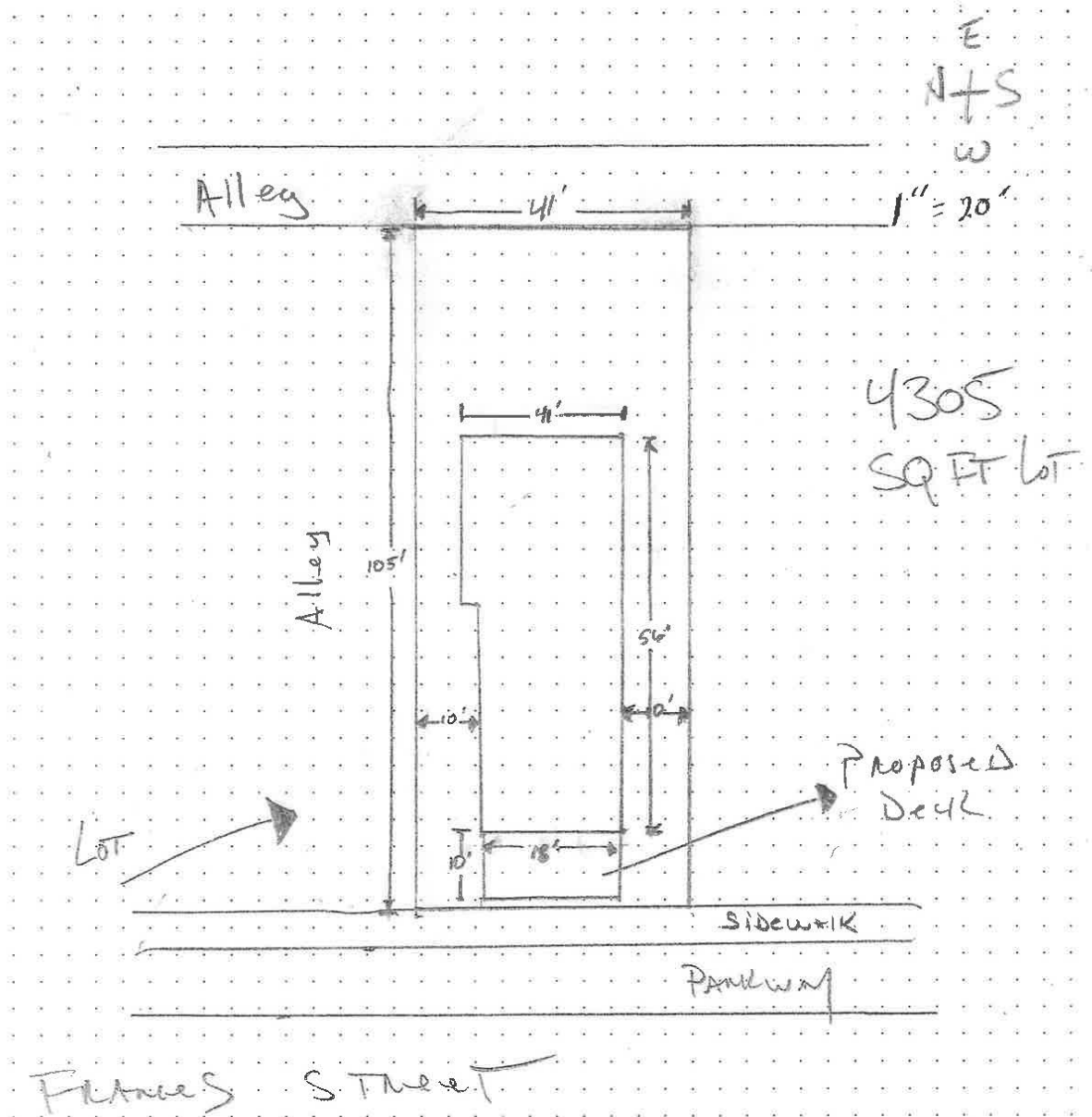
Variance(s):
1) To allow a deck over 30" tall within the front setback

Site Location

Staff Recommendation

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

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 approval should not be injurious to the general welfare of the community as the deck will function like a frontage type providing a distinct entry into the house and clearly defining public and private space.

(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 should not be affected in an adverse manner if the variance is granted. The deck, serving as a frontage type, meets the intent of the ordinance in providing a clear entrance to the house that defines the public and private space clearly.

(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 result in practical difficulties in the use of the property. The deck will be designed as a frontage type with a connection to the City sidewalk that meets the intent of the Ordinance. A variance would be required for any frontage type built between the house and the street because the house is constructed 10' from the property line.

(4) The variance granted is the minimum necessary

The variance granted is the minimum necessary. The deck, serving as a frontage type, meets the intent of the Ordinance.

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

The house was constructed in 1882 with a small setback to the street. Any frontage type built between the house and the street would require a variance. The deck, serving as a frontage type, also requires a variance while meeting the intent of the Ordinance.

Analysis & Recommendation

Analysis: The deck will be designed as a frontage type with a connection to the City sidewalk, meeting the intent of the Ordinance.

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

Property Information

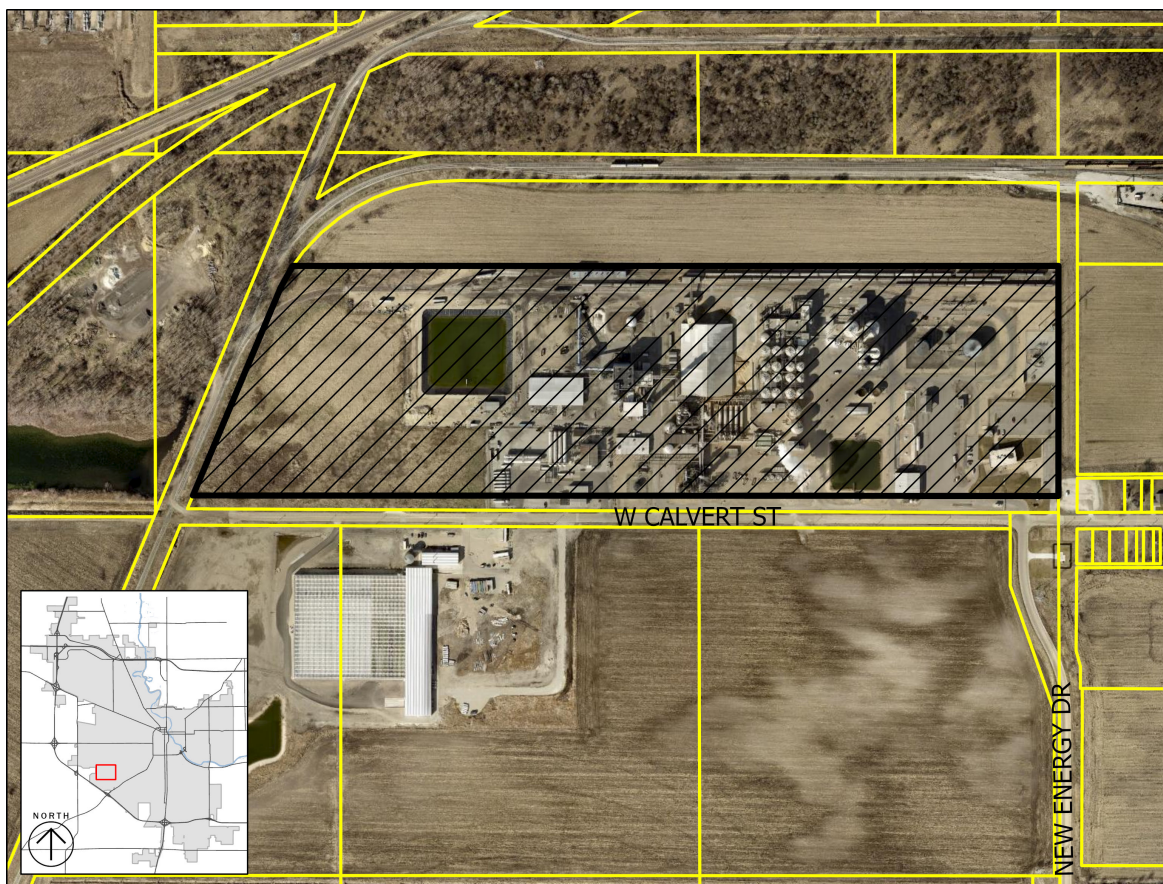
Location: 3201 W CALVERT
Owner: SOUTH BEND ETHANOL LLC

Project Summary

Verbio has started construction of a \$230 M project to produce renewable natural gas (RNG) from a co-product of the existing ethanol process. The first phase of construction is approved and in progress for the 15 digester foundations. New equipment will include gas cleaning equipment (74'/92'), an oxidizer stack (160' 5"), flares (78'), digester tanks (83'), and liquid fertilizer tanks (83').

Requested Action

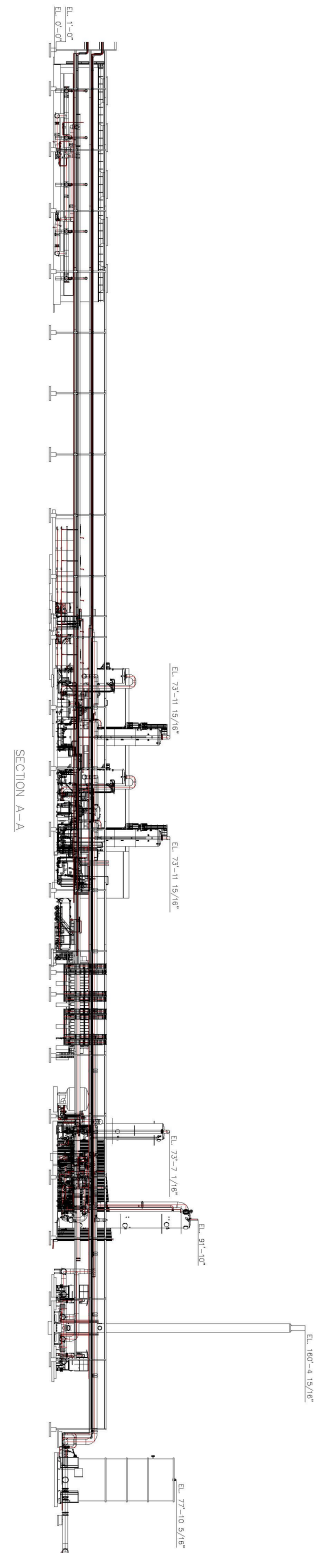
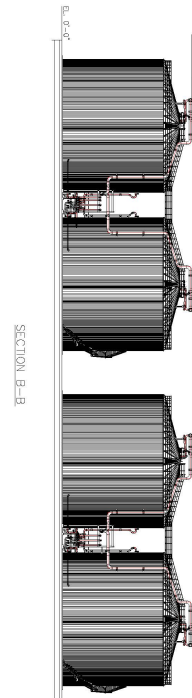
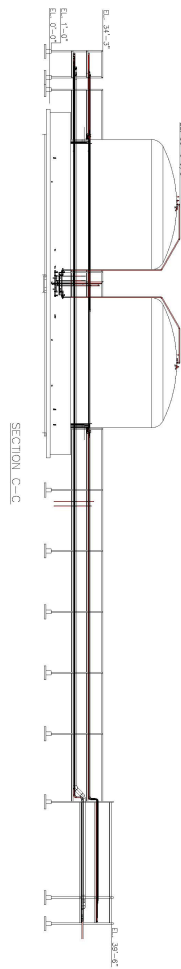
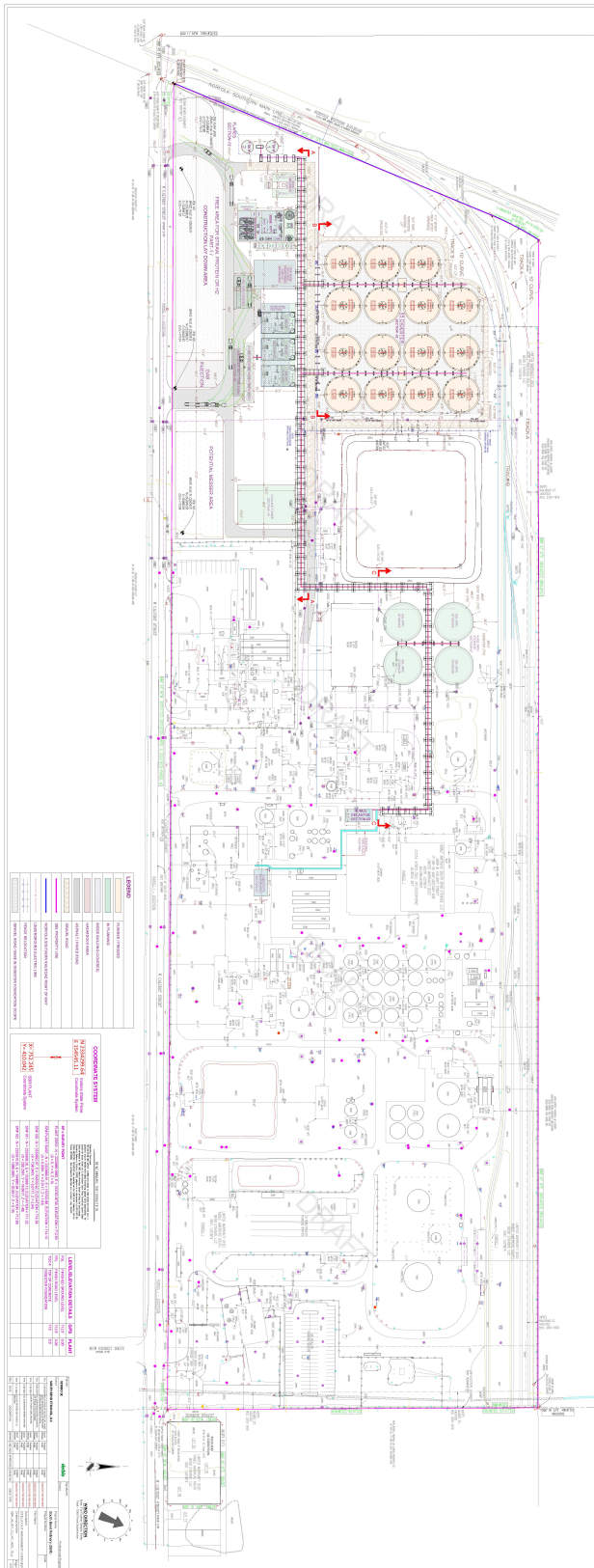
Variance(s):
1) From the maximum height of 60' to 160' 5"

Site Location

Staff Recommendation

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

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 approval should not be injurious to the general welfare of the community. The structures will be set back over 150' from the front property line and will be surrounded by I Industrial zoned parcels. The tallest structures will be narrow towers with limited massing and none of the structures over 60' tall will be buildings.

(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 adjacent properties should not be adversely affected. The surrounding properties are zoned I Industrial and the structures are located on the west side of the parcel, over 2000' from the nearest residential properties. The tallest structures will be narrow towers with limited massing and none of the structures will be buildings.

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

A strict application of the the Ordinance would result in practical difficulties in the use of the property. Established standards, codes, engineering practices, and technical reports have been utilized to design the Verbio renewable natural gas (RNG) process, which warrants equipment of this height. Without the variance, the chemical process could not be performed and the project could not be executed.

(4) The variance granted is the minimum necessary

The variance granted is the minimum necessary. The heights have been determined as necessary for the RNG process, the tallest structures will have minimal massing with a narrow footprint, and the structures have been located over 2000' from the nearest residential properties.

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

The variance granted does not correct a hardship caused by the former or current owner. The structures are appropriate in this I Industrial context and the height is necessary for the successful operation of the RNG process. The project meets the intent of the Ordinance.

Analysis & Recommendation

Analysis: Established standards, codes, engineering practices, and technical reports have been utilized to design the Verbio renewable natural gas (RNG) process, which warrants equipment of this height. The tallest structures will have minimal massing with a narrow footprint, and the structures will be located over 2000' from the nearest residential properties.

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

Property Information

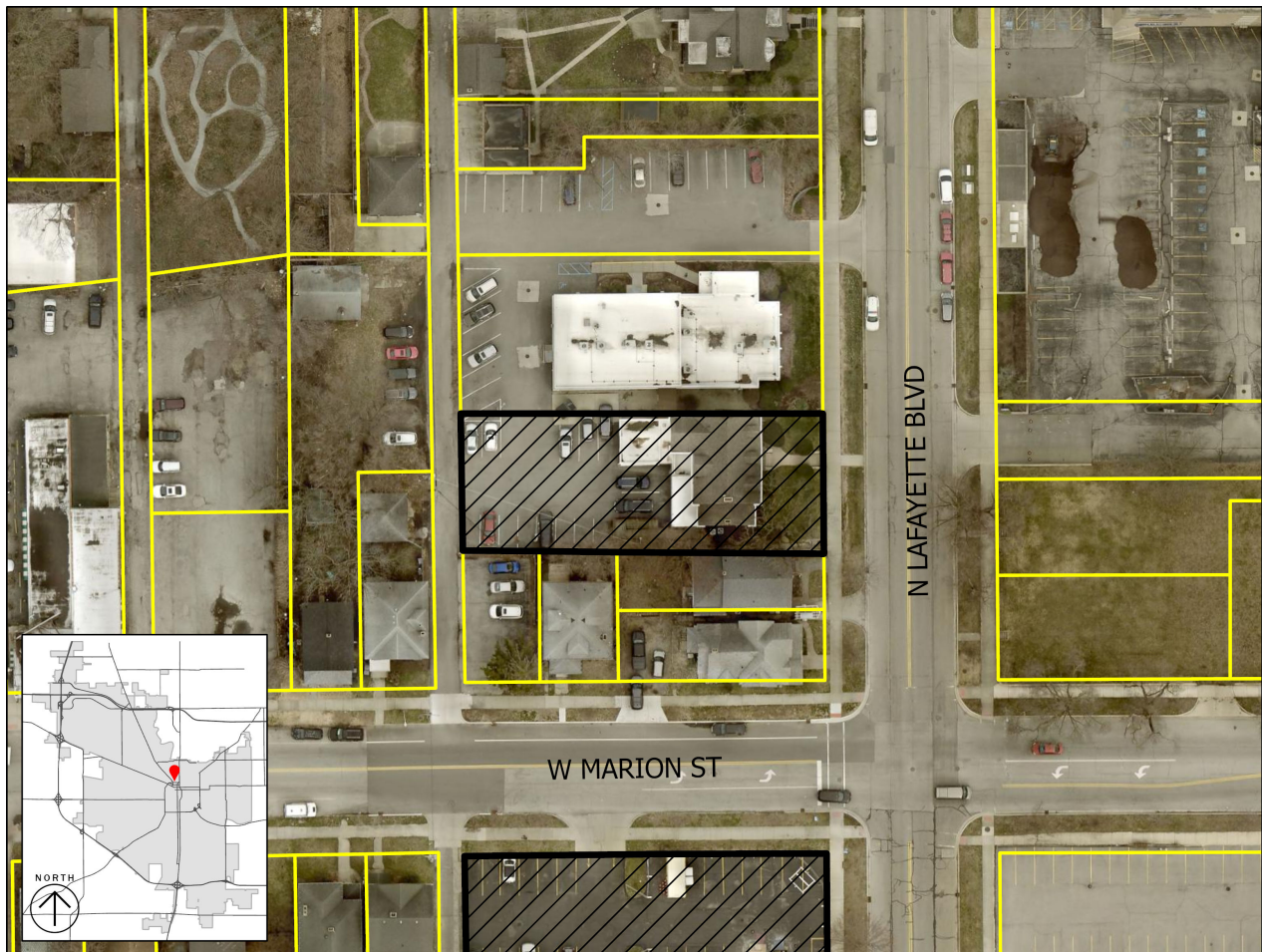
Location: 505 LAFAYETTE BLVD
Owner: MICHAEL AND JESSICA VOLL

Project Summary

The historic building was originally constructed in 1916 as a single family residence. It was converted to a business in the 70's and maintained as various business entities. The owners seek to preserve the historic nature of the property by converting it back to a single family residence.

Requested Action

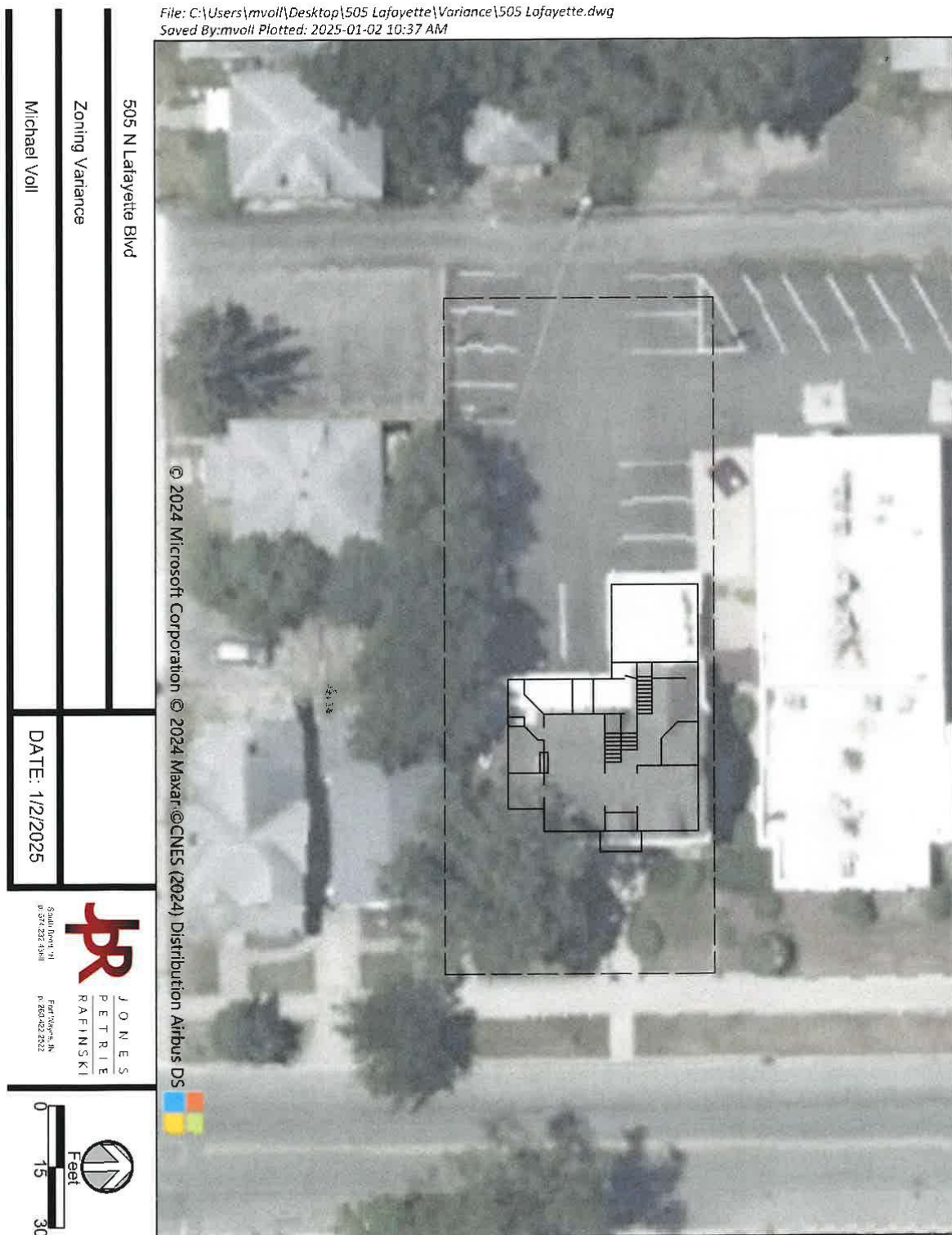
Variance(s):
1) To allow a single unit dwelling directly along a street frontage

Site Location

Staff Recommendation

Based on the information available prior to the public hearing, 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

The approval should not be injurious to the public health, safety, morals, and general welfare of the community as its proposed use as a one unit dwelling will be a less intensive use than that of an office building.

(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 included in the variance should not be affected in a substantially adverse manner as the house matches the character of the historic Chapin Park district of which it is a part.

(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 could result in practical difficulties in the use of the property as the NC Neighborhood Center district does not permit a dwelling unit to be located directly along the street frontage except for an existing detached house building type that has not been converted previously to a non-residential use. The house was converted to commercial use in the 1970's and the new owners are proposing to convert back to a one unit dwelling.

(4) The variance granted is the minimum necessary

The variance granted is the minimum necessary. Allowing the structure to be converted back to a one unit dwelling will preserve the character of the original house design.

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

The property was used as a daycare from 1971 to 1996, and has been an office since 2013. Allowing the conversion back to a residential use will preserve the historic nature of the property.

Analysis & Recommendation

Analysis: Built as a single family residence in 1916 and converted to commercial use in the 1970's, conversion back to a one unit dwelling is desirable and preserves the historic nature of the property.

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

Property Information

Location: 3624 MCKINLEY AVE
Owner: SINGH JANPAL

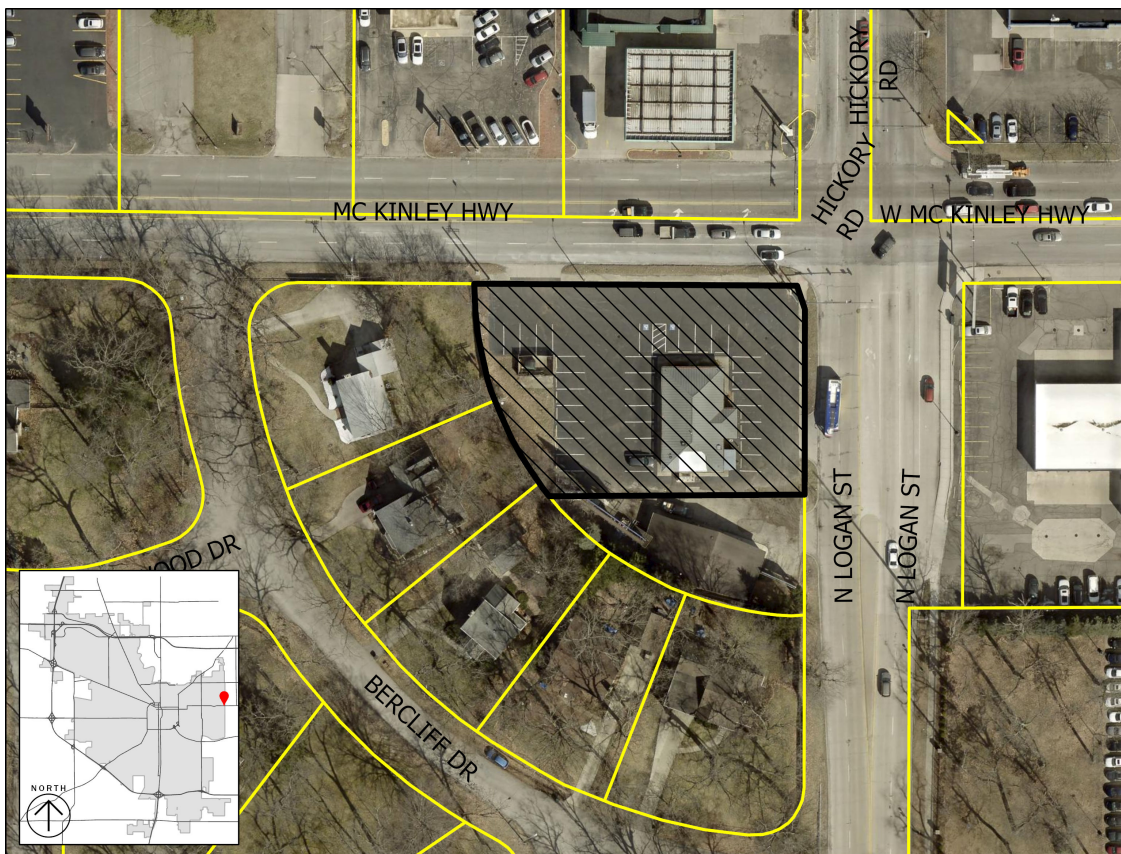
Project Summary

Improvements to include new drive up service window on west side of building with stacking along west and north sides of building. Work includes modifications to the parking lot to include Type 1 buffers on McKinley and Logan sides of site, Type 2 buffer along western side of site and markings.

Requested Action

Variance(s):

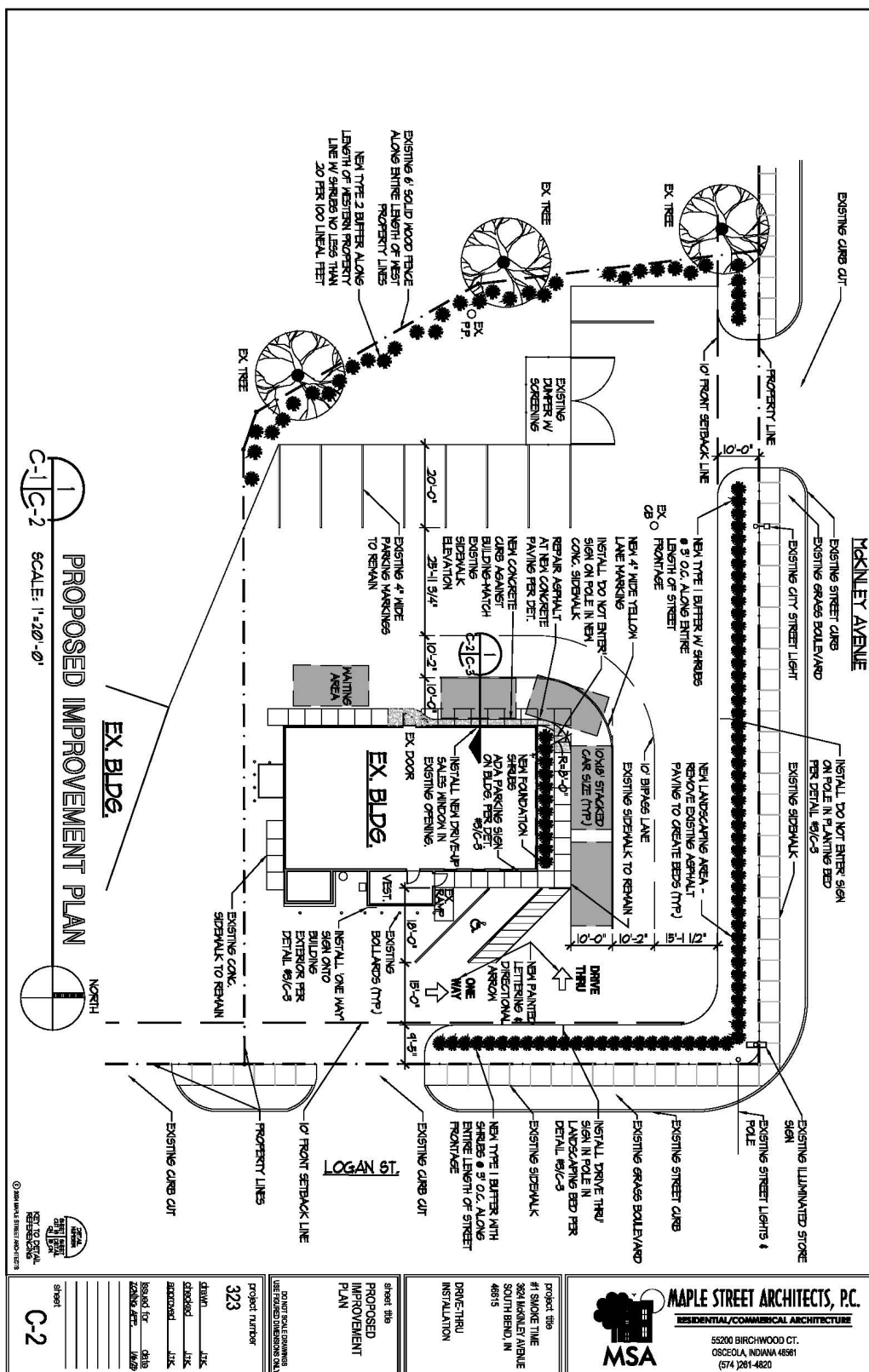
- 1) To allow 3 waiting spaces for a drive through facility in the front yard
- 2) To allow 0.5 waiting spaces for a drive through facility in the corner yard

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 conditions that streetscape trees be planted along McKinley Avenue and Logan Street at approximately 30' intervals and that an access easement is established with the property to the south.

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 approval of the variances should not be injurious to the public health, safety, morals and general welfare of the community. The waiting spaces in the front yard will be 35' from the front property line and, with the added street trees and Type 1 buffer, will have a minimal impact on surrounding properties and pedestrians. The waiting space in the corner yard extends roughly 8', or half a car, into the corner yard and will have a minimal impact on adjacent properties. The waiting spaces should not impact the right-of-way.

(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 approval of the variances should not adversely impact the use or value of adjacent properties. Drive through facilities are permitted by right in the C Commercial zoning district, where uses are largely auto-oriented, and the waiting spaces in the front/corner yard will be buffered with landscaping and street trees.

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

A strict application of the ordinance would result in practical difficulties in the use of the property as a drive through facility. The lot is shallow for an auto-oriented parcel and is located on the corner of an intersection. The existing building location at the south side of the lot results in waiting spaces north of the building, in the front yard.

(4) The variance granted is the minimum necessary

The variance granted is the minimum necessary. The waiting spaces in the front yard will be 35' from the front property line and, with the added street trees/landscaping, will have a minimal impact on surrounding properties and pedestrians. The waiting space in the corner yard extends roughly 8', or half a car, into the corner yard and will have a minimal impact on adjacent properties.

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

The variance granted does not correct a hardship caused by the current owner of the property. Drive through facilities are permitted by right in the C Commercial zoning district, but the shallow configuration of the corner lot and the location of the existing building at the southern end of the lot creates design challenges that will be mitigated by buffering and street trees.

Analysis & Recommendation

Analysis: Drive through facilities are permitted by right in the C Commercial zoning district, but the shallow configuration of the corner lot and the location of the existing building create design challenges for the proposed use. The waiting spaces in the front/corner yard will be buffered by landscaping, limiting the impact on surrounding properties and pedestrians.

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 conditions that streetscape trees be planted along McKinley Avenue and Logan Street at approximately 30' intervals and that an access easement is established with the property to the south.

Property Information

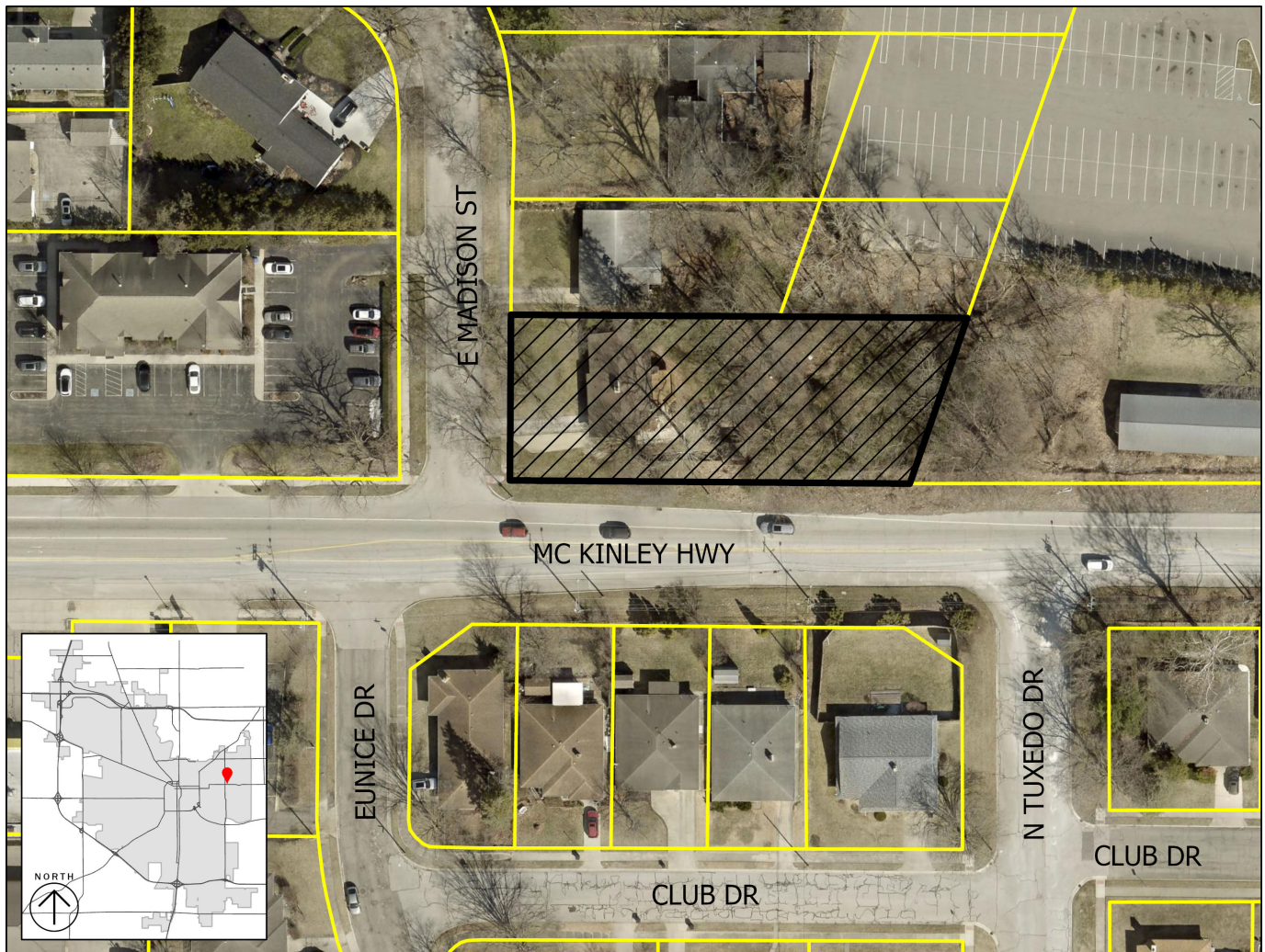
Location: 2245 E MADISON
Owner: JOHNSON JENNIFER HUNT

Project Summary

Replacement of 6' wood privacy fence

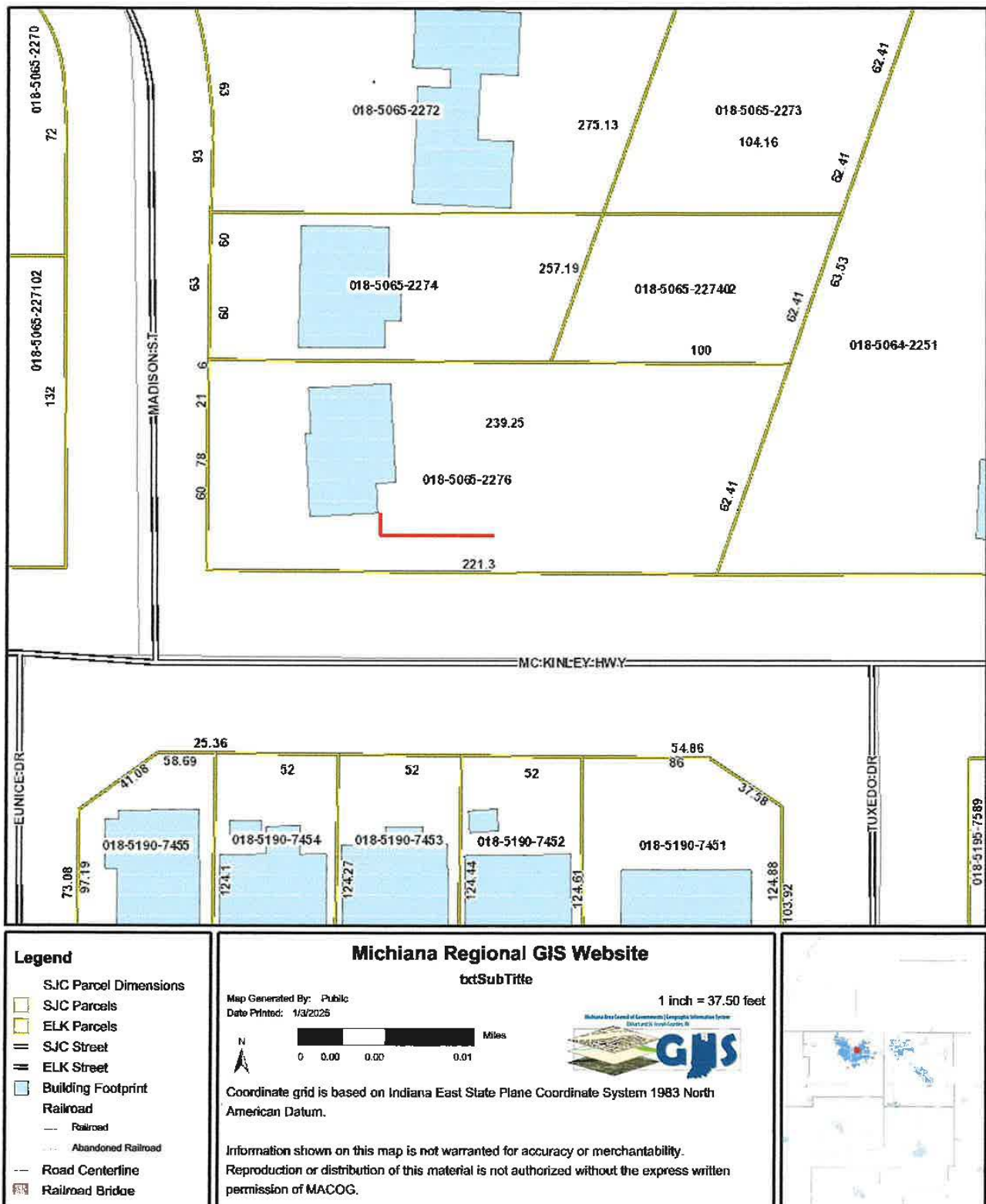
Requested Action

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

Site Location**Staff Recommendation**

Based on the information available prior to the public hearing, 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

The approval of the variance may not be injurious to the public health, safety, morals, and general welfare of the community if the sight visibility at the intersection 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 included in the variance should not be affected in a substantially adverse manner as the new fence will be erected in the same location and is generally consistent with the intent of the Ordinance.

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

Due to the incline in the rear yard and a stairway to enter the rear yard, strict application of the terms of this Chapter could result in practical difficulties in the use of the property. The Petitioner is requesting to replace the existing fence located approximately 11' from the property line and 25' from the McKinley Avenue pavement.

(4) The variance granted is the minimum necessary

The request is the minimum necessary to allow for a privacy fence on the property. Its location of approximately 11' from the property line and 25' from the McKinley Avenue pavement would not impede the visibility of vehicles exiting Madison Street onto McKinley Avenue.

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

The hardship exists in the topography of the back yard and the location of stairs leading to the rear yard making it impractical to erect a code compliant fence.

Analysis & Recommendation

Analysis: Due to the topography of the rear yard, and McKinley Avenue being a busy street without sidewalks, approving a privacy fence in the established corner yard with an 11' setback from the property line and 25' setback from McKinley Avenue would allow the property owner adequate use of the lot while meeting the intent of the Ordinance.

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

Property Information

Location: 1412 SOUTH BEND AVE
Owner: PARISI ROBERTO A REV TRUST & AS TRUSTEE

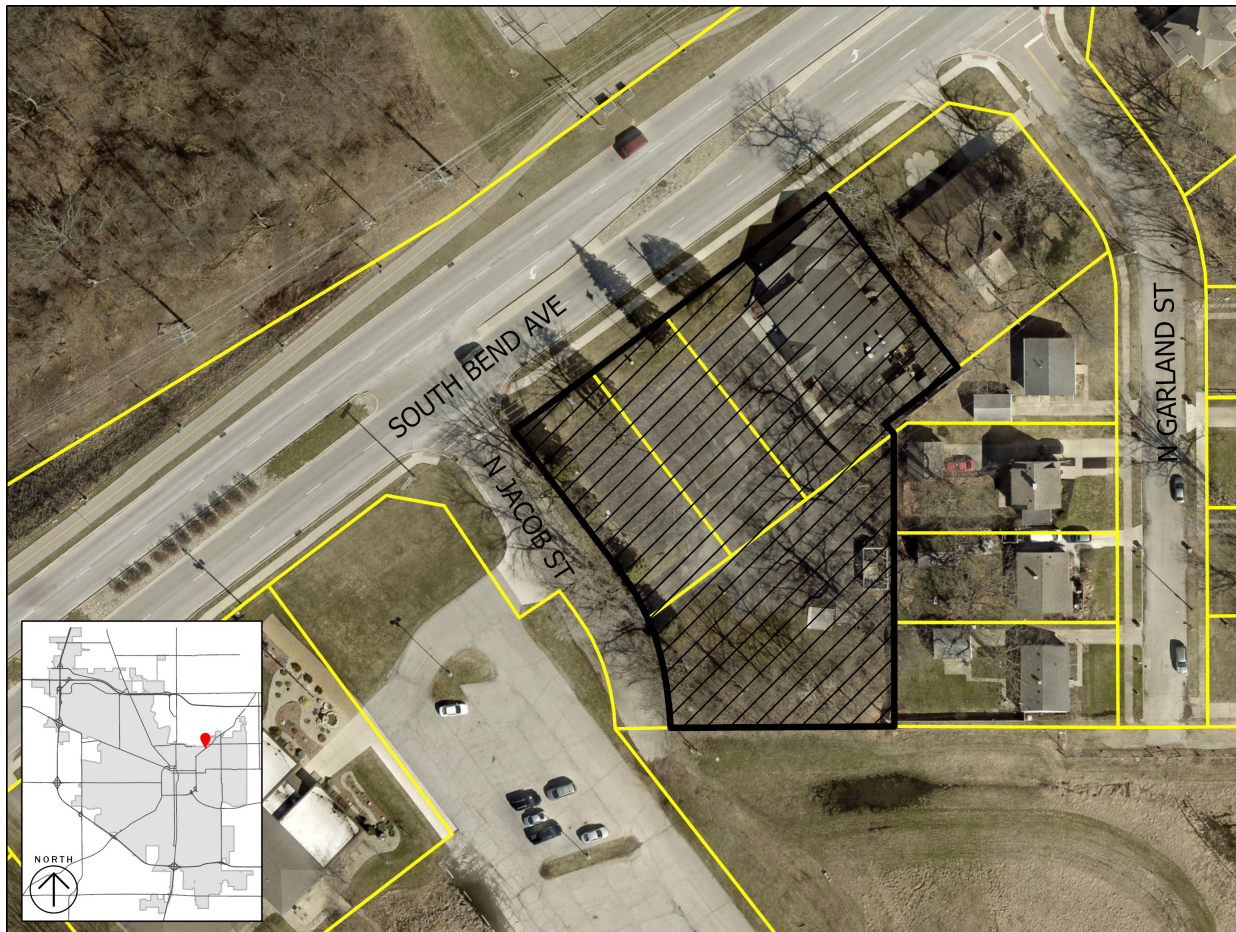
Project Summary

A 4 story, multi-unit condominium project featuring a hallway connection between buildings. The first floor of the east and west wings of the building is connected with a vestibule as opposed to the previous variance that referenced the east and west wing of the building as open at the first floor.

Requested Action

Variance(s):

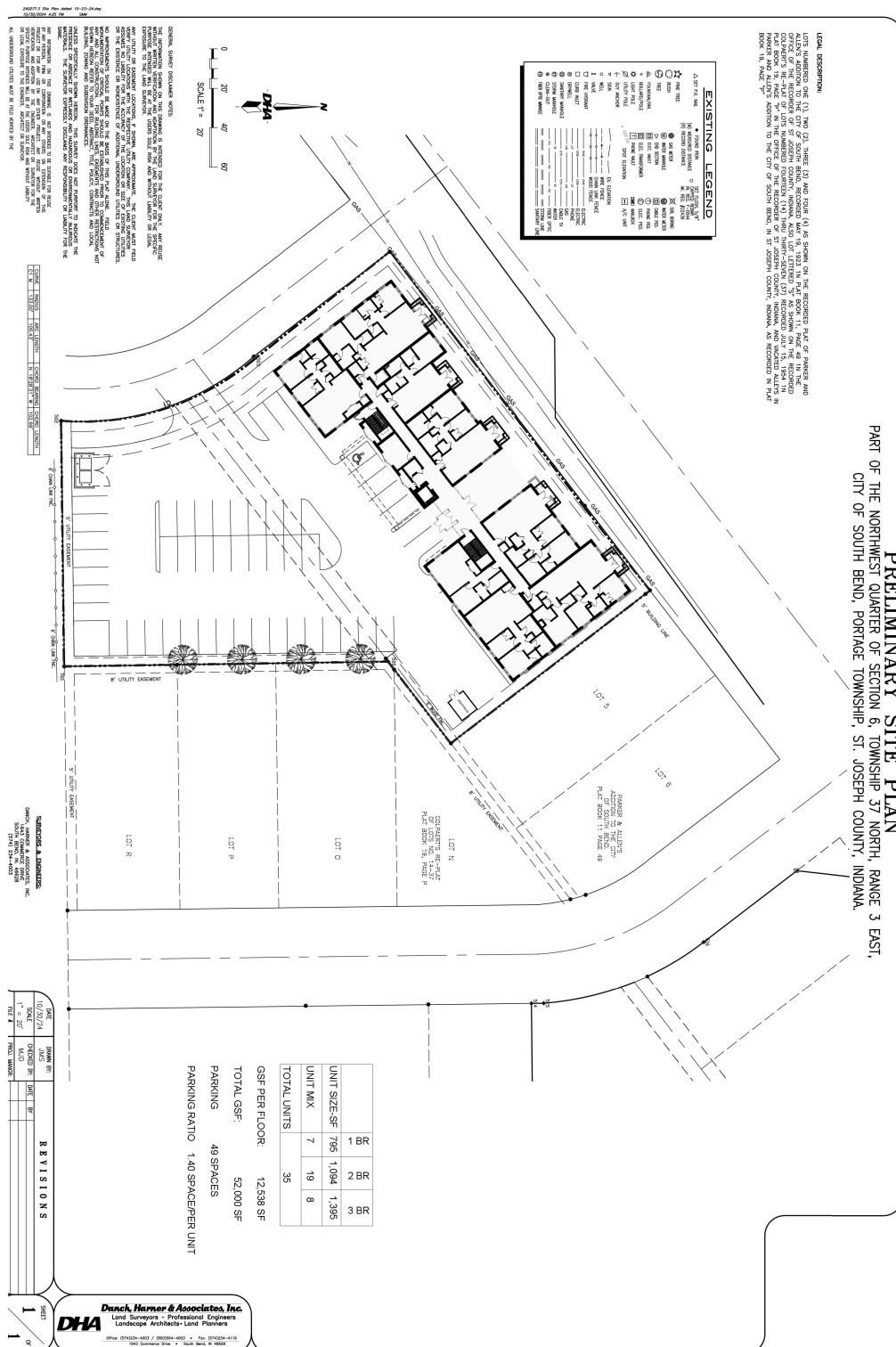
- 1) From the maximum building width of a Stacked Flats building type in UF Urban Neighborhood Flex of 120' to 198'

Site Location

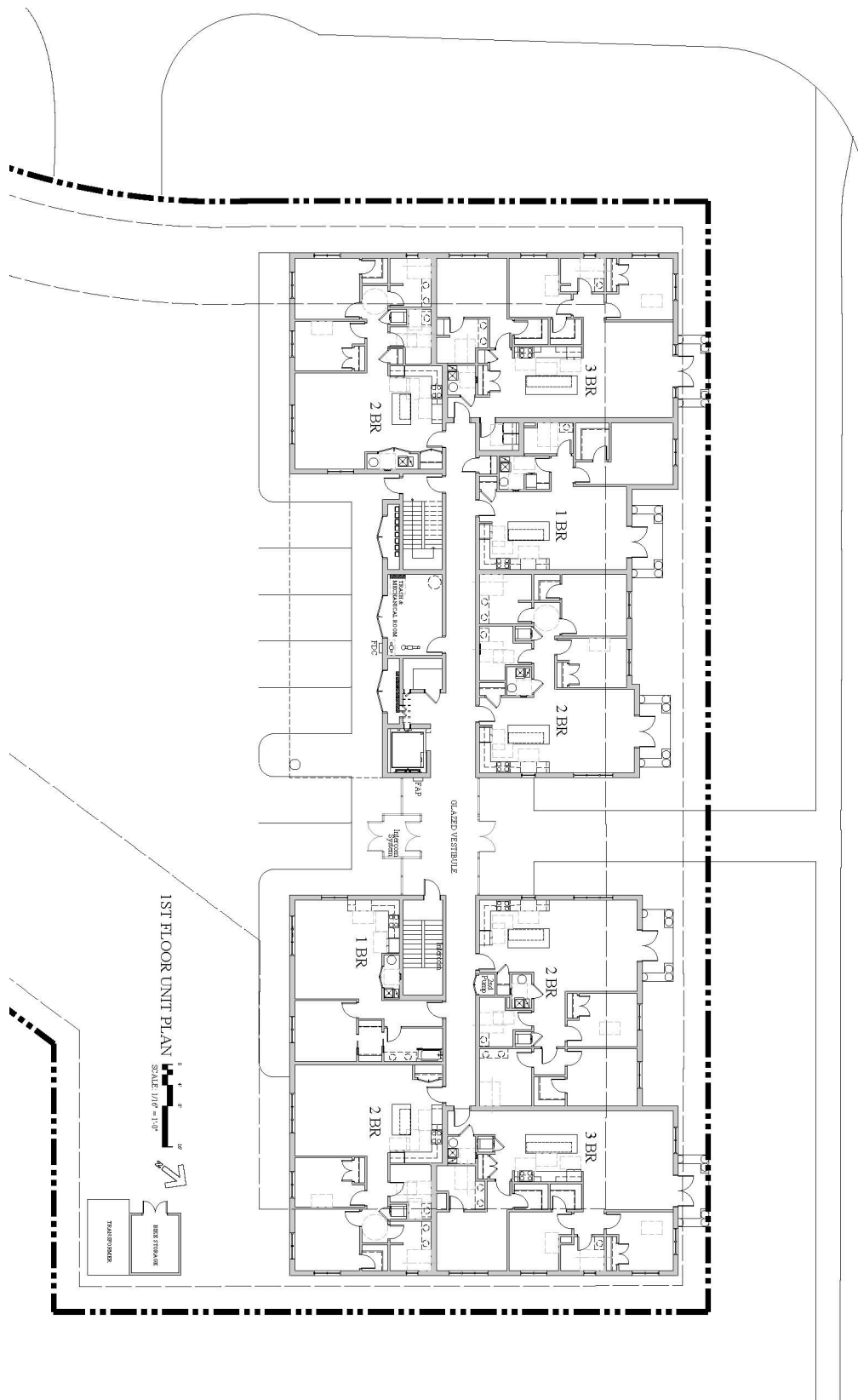
Staff Recommendation

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

Proposed Site Plan



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 approval should not be injurious to the general welfare of the community. The building width variance will allow for an exterior hallway connection between two structures that read as separate, zoning-compliant buildings.

(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 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.

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

A strict application the ordinance would not allow for the building in its current design, although the building reads as two separate and zoning compliant structures and meets the intent of the ordinance.

(4) The variance granted is the minimum necessary

The variance granted would be the minimum necessary. The hallway connection would allow for a building that reads as two separate and zoning compliant structures with appropriate massing along the street.

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

The 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.

Analysis & Recommendation

Analysis: The building width variance allows for an exterior hallway connection between two structures that read as separate and zoning compliant buildings with appropriate massing along the street.

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