

City of South Bend

BOARD OF ZONING APPEALS

AGENDA

Monday, February 1, 2021 - 4:00 p.m.

Virtual Meeting

www.tinyurl.com/sbbza

PUBLIC HEARING:

1. **Location:** 2313 and 2329 Solomon Ave BZA#0042-21
Owner: UNITED MISSIONARY N CENTRAL DIST C/O REDEEMER CHURCH
Requested Action: Variance(s): 1) From the required 20' minimum side setback for a parking lot to 0' on Parcel A; and 2) From the 25' minimum rear building setback to 21' on Parcel B
Zoning: S1 Suburban Neighborhood 1

2. **Location:** 1505 MAGNOLIA ST BZA#0043-21
Owner: JACKSON SERVICES
Requested Action: Variance(s): 1) To allow an accessory structure on a lot without a primary structure; and 2) From the 4' maximum height for an open fence in the front and corner yard to 6'
Zoning: U1 Urban Neighborhood 1

ITEMS NOT REQUIRING A PUBLIC HEARING:

1. Findings of Fact - January 4, 2021
2. Minutes - January 4, 2021
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: 2313 and 2329 Solomon Ave
Owner: UNITED MISSIONARY N CENTRAL DIST C/O REDEEMER CHURCH

Project Summary

The owners desire to separate the church and house onto two separate lots, which creates the need for the listed variances. There are no proposed physical changes to the existing church, parking lot, or house.

Requested Action

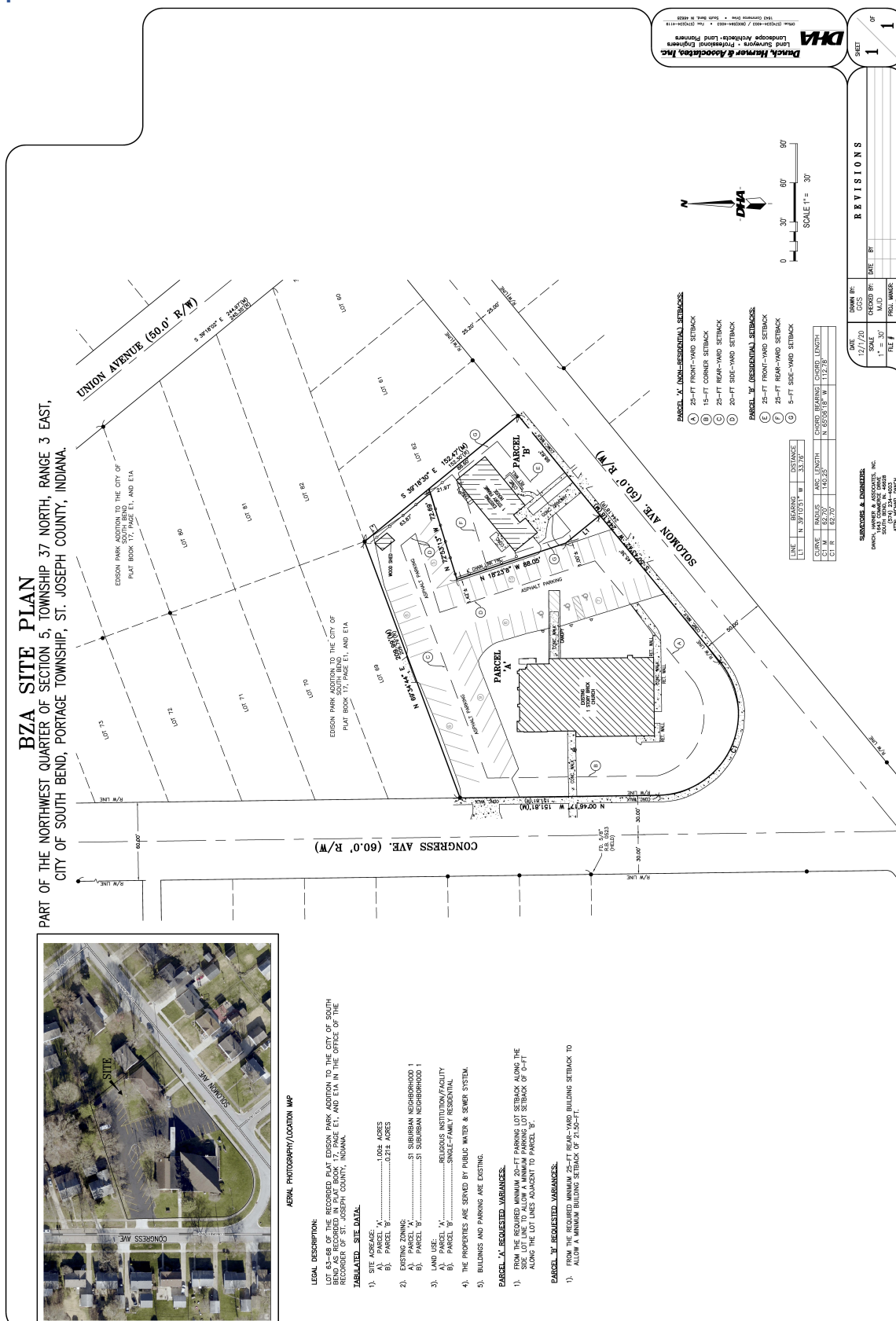
Variance(s): 1) From the required 20' minimum side setback for a parking lot to 0' on Parcel A
2) From the 25' minimum rear building setback to 21' on Parcel B

Site Location

Staff Recommendation

Based on the information provided prior to the public hearing, the staff recommends the Board approve the variances 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

Neither variance should be be injurious to the public health, safety, morals and general welfare of the community. The variances allow the existing house, parking lot, and church to remain as currently sited.

(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 the proposed variances allow the existing structures to remain as currently sited, this should not adversely affect 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 of the ordinance would result in the property owners having to remove already installed parking to meet the ordinance required setbacks. The church parking and the house were constructed before the current ordinance setbacks were established.

(4) The variance granted is the minimum necessary

The proposed variances are the minimum necessary to allow the house to be divided from the church property. The parking setback variance allows the house to maintain the appropriate side setbacks and the minimum variance to meet the rear setback in this district.

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

The construction of the house, parking lot, and church were built as one development. As such, there were no internal setback requirements. However, church operations and common practices have changed over time resulting in churches wishing to sell the residential structures to separate owners. The hardship of now meeting individual lot standards is not created by the current owner.

Analysis & Recommendation

Analysis: The construction of the house, parking lot, and church were developed under previous conditions. The two variances allow for the house and church to be separated onto separate parcels without changing the already existing development on the plots.

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

Property Information

Location: 1505 MAGNOLIA ST
Owner: JACKSON SERVICES

Project Summary

Requesting variances for the purpose of constructing a 6 foot chain link fence around the entire property. This fence is to stop repeated dumping on the property.

Requested Action

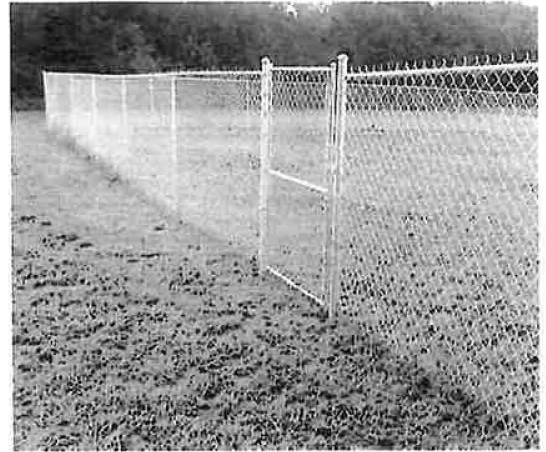
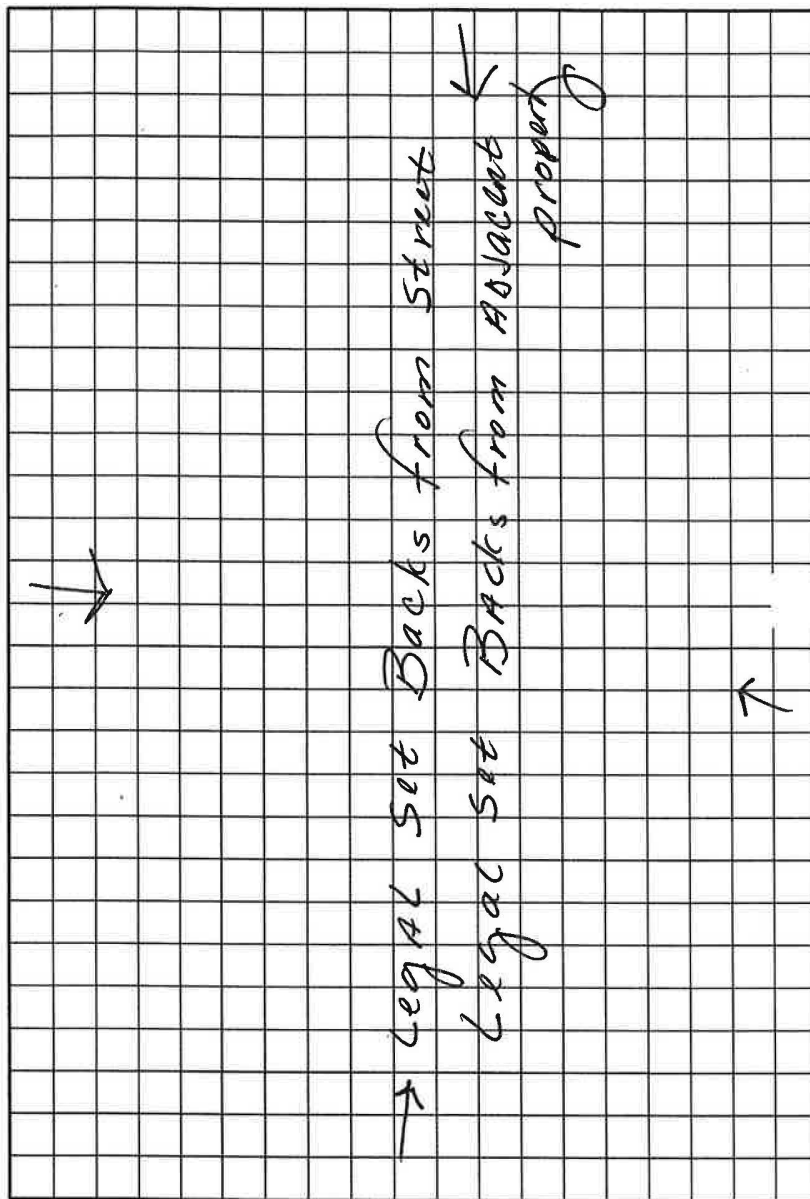
Variance(s): 1) To allow an accessory structure on a lot without a primary structure
2) From the 4' maximum height for an open fence in the front and corner yard to 6'

Site Location

Staff Recommendation

Based on the information provided prior to the public hearing, the staff recommends the Board approve the variances 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 proposed variances should not be injurious to public health, safety, morals, and general welfare of the community. The proposed open fence will allow the property to be secured properly while still allowing for the property to be easily observed. This should lead to an increase in safety and general welfare for 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 use and value of the surrounding area should not be affected in an adverse manner. The immediate surrounding area is largely zoned I Industrial, where a 6' open fence is not out of character. By securing the property and prohibiting illegal dumping on the site, the value and use of adjacent properties should be improved.

(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 ordinance would result in the property remaining in a state that allows the continued illegal dumping. A 4' fence is not sufficient to prevent individuals from dumping on site. Setting the 6' fence at the minimum building setbacks would still allow dumping adjacent to the road.

(4) The variance granted is the minimum necessary

The proposed variances are the minimum necessary to secure the property and preventing dumping on the site. By using a fence that meets the 70% open requirements, it will prevent the site from being used in a manner not consistent with the ordinance by allowing clear visibility.

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

The proposed variances do not correct a hardship caused by a former or current owner. The surrounding area largely consists of I Industrial uses and development standards which the proposed variances allow to occur on this site. The illegal dumping is being done by people other than the owner.

Analysis & Recommendation

Analysis: The proposed variances are the minimum necessary for the property owner to secure the property and prevent dumping while not inhibiting views of the property. The 6' open fence should conform to the character of the surrounding area which is mostly I Industrial.

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