

City of South Bend

BOARD OF ZONING APPEALS

AGENDA

Monday, October 4, 2021 - 4:00 p.m.

County-City Building

Fourth-Floor Council Chambers

www.tinyurl.com/sbbza

PUBLIC HEARING:

1. **Location:** 1152 BOWMAN ST BZA#0080-21
Owner: ESTELA MACEDO CARRANZA
Requested Action: Variance(s): 1) from the minimum 5' side setback to 2'
Zoning: U1 Urban Neighborhood 1
2. **Location:** 1224 SUNNYMEDE AVE BZA#0082-21
Owner: JOHN & LAURIE PINTER
Requested Action: Variance(s): 1) From the minimum 5' side setback to 0'
Zoning: U1 Urban Neighborhood 1
3. **Location:** 1032 NAPIER ST BZA#0083-21
Owner: SOUTH BEND PENTECOSTAL CHURCH OF GOD IN CHRIST
Requested Action: Variance(s): 1) to allow an accessory structure on a lot without a primary building
Zoning: U1 Urban Neighborhood 1
4. **Location:** 1710 Turtle Creek Drive BZA#0081-21
Owner: 1710 TURTLE CREEK LLC
Requested Action: Variance(s): 1) From the 120' maximum building width to 350'
Special Exception: Shared Housing
Zoning: U3 Urban Neighborhood 3

ITEMS NOT REQUIRING A PUBLIC HEARING:

1. Findings of Fact – September 7, 2021
2. Minutes – September 7, 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

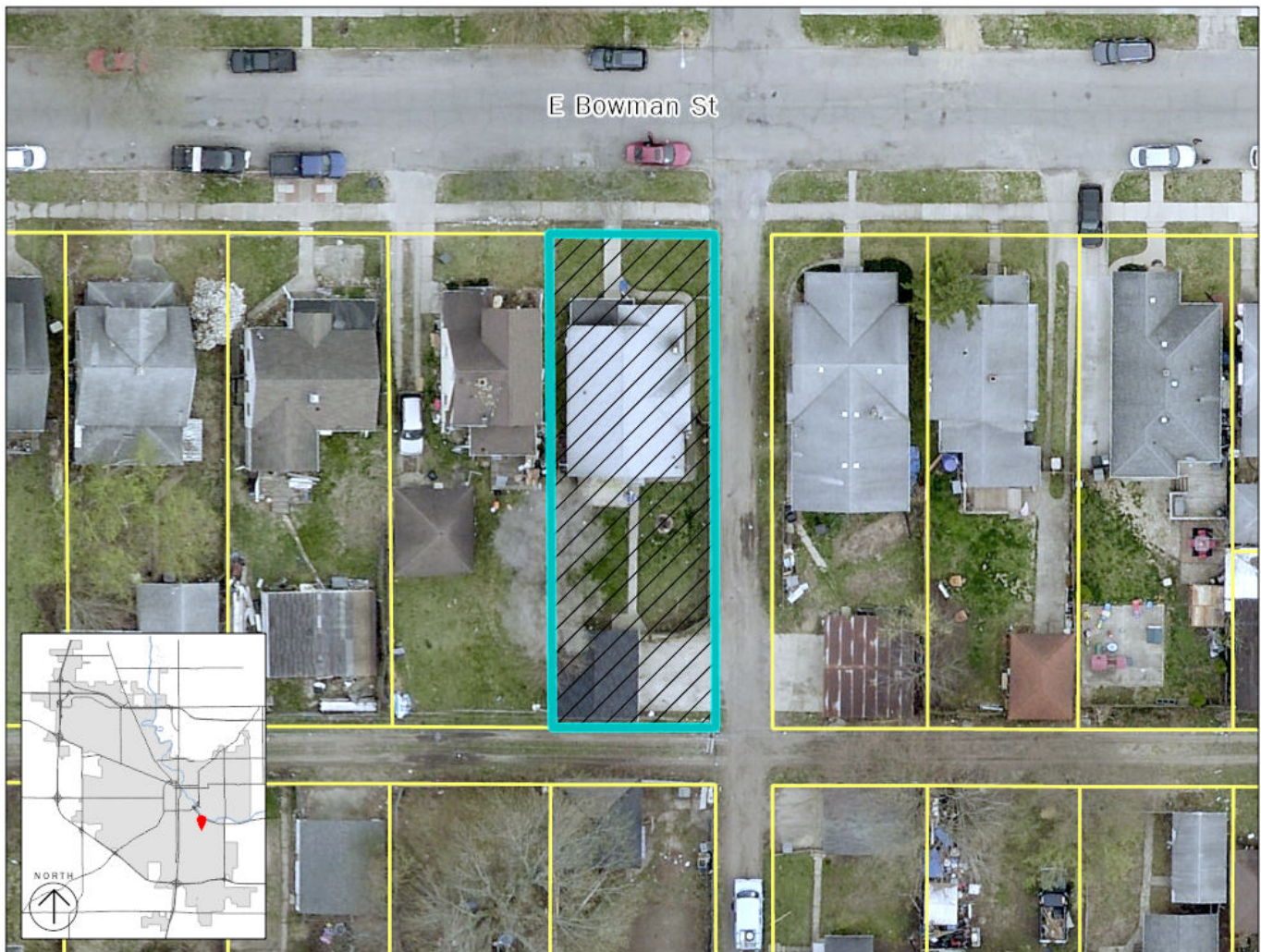
Location: 1152 BOWMAN ST
Owner: ESTELA MACEDO CARRANZA

Project Summary

Addition to existing garage within the side setback.

Requested Action

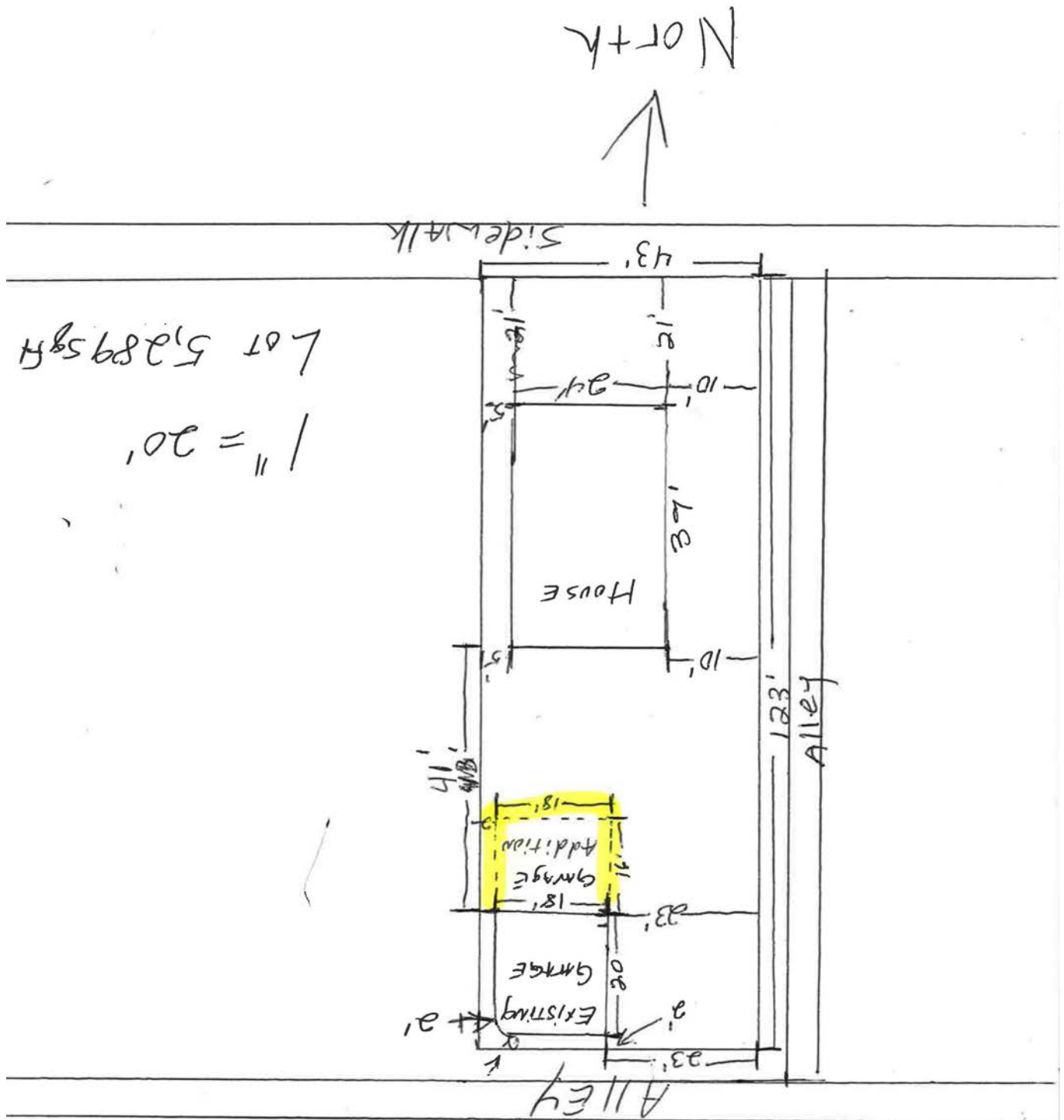
Variance(s): 1) from the minimum 5' side setback to 2'

Site Location

Staff Recommendation

Based on the information available prior to the public hearing the staff recommends the Board approve the variance as presented, subject to ensuring there are no encroachments on adjacent properties and retaining all water run-off on site.

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. The garage already exists at the 2' setback. The proposed variance is requested to allow the petitioner to expand the garage at its current setback.

(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 a substantially adverse manner. The garage already exists at the desired setback and is simply being extended. The neighborhood developed with a pattern of detached garages being installed at or near the property line. This is not out of character for the existing neighborhood.

(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 Zoning Ordinance would prohibit for the expansion of an existing structure. However, maintaining the same setback will allow the improvement to look more cohesive and simplify the roof line.

(4) The variance granted is the minimum necessary

The variance granted is the minimum necessary to extend the garage without encroaching further into the side setback than already exists.

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

The garage being extended was built in 1929 when the house was constructed. Both were permitted at the time at their existing setbacks.

Analysis & Recommendation

Analysis: Provided the owner can retain the water run-off from the roof, extending the existing garage at the same setback should not adversely impact the surrounding properties or the general welfare of the community. The surrounding neighborhood developed with a pattern of a detached garages installed at or near the property lines.

Staff Recommendation: Based on the information available prior to the public hearing the staff recommends the Board approve the variance as presented, subject to ensuring there are no encroachments on adjacent properties and retaining all water run-off on site.

Property Information

Location: 1224 SUNNYMEDE AVE
Owner: JOHN & LAURIE PINTER

Project Summary

The detached garage at this property was severely damaged in the storm of Jun 27, 2021 and needs to be replaced. Will reuse existing concrete pad. The garage is within five (5) feet of the property line and needs a variance to be rebuilt.

Requested Action

Variance(s): 1) From the minimum 5' side setback to 0'

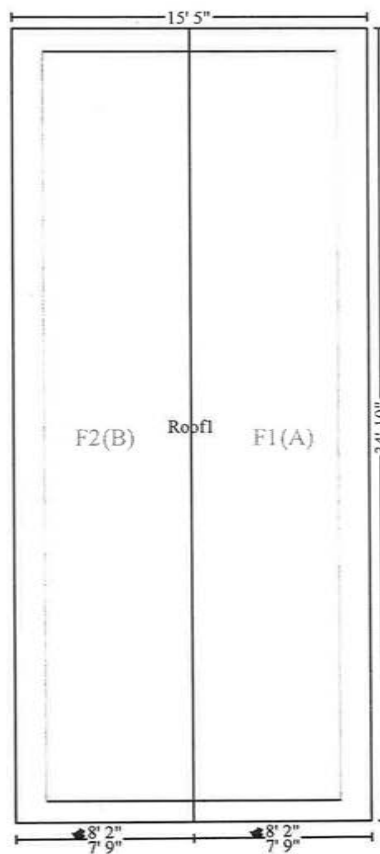
Site Location

Staff Recommendation

Based on the information available prior to the public hearing, the staff recommends the Board approve the variance as presented, subject to ensuring there are no encroachments on adjacent properties and retaining all water run-off on site.

Proposed Site Plan

Level 2



Level 2

PINTER-GARAGE

8/26/2021

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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

Because this is a replacement of an existing garage in a near identical side setback, it should not affect the general welfare of the community. Allowing the setback variance will preserve the historical development pattern of the neighborhood.

(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 current structure was damaged in a storm. Replacing the damaged garage with a new structure should not adversely affect the use or value of the adjacent property.

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

Due to the original placement of the house, garage, and driveway a strict adherence to the side setback would force the garage into an impractical location making maneuverability of the cars difficult and dangerous.

(4) The variance granted is the minimum necessary

The neighborhood developed with a pattern of detached garages being installed at or near the property line. In order to reuse the existing foundation and due to the physical constraints of the site, the 0' setback is the minimum necessary.

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

The garage being replaced was built in 1928 when the house was constructed. Both were permitted at the time.

Analysis: Provided the owner can retain the water run-off from the roof, building a new garage at a similar side setback as the existing garage should not adversely impact the surrounding properties or the general welfare of the community. The surrounding neighborhood of Sunnymede developed with a pattern of detached garages being installed at or near the property lines. Approving the variance would be in line with the established neighborhood development.

Staff Recommendation: Based on the information available prior to the public hearing, the staff recommends the Board approve the variance as presented, subject to ensuring there are no encroachments on adjacent properties and retaining all water run-off on site.

Property Information

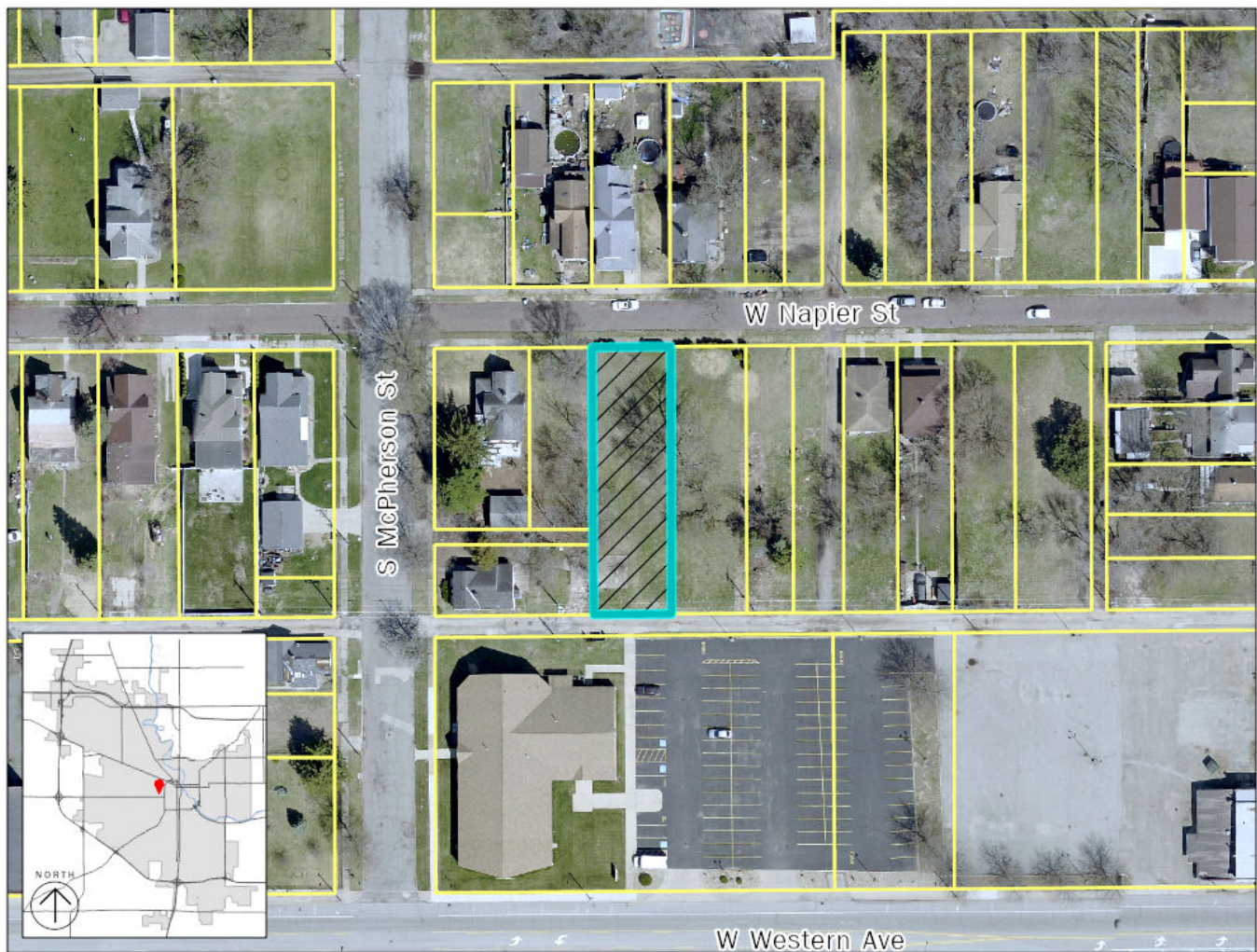
Location: 1032 NAPIER ST
Owner: SOUTH BEND PENTECOSTAL CHURCH OF GOD IN CHRIST

Project Summary

To allow the church to build a garage on the vacant lot for a church bus.

Requested Action

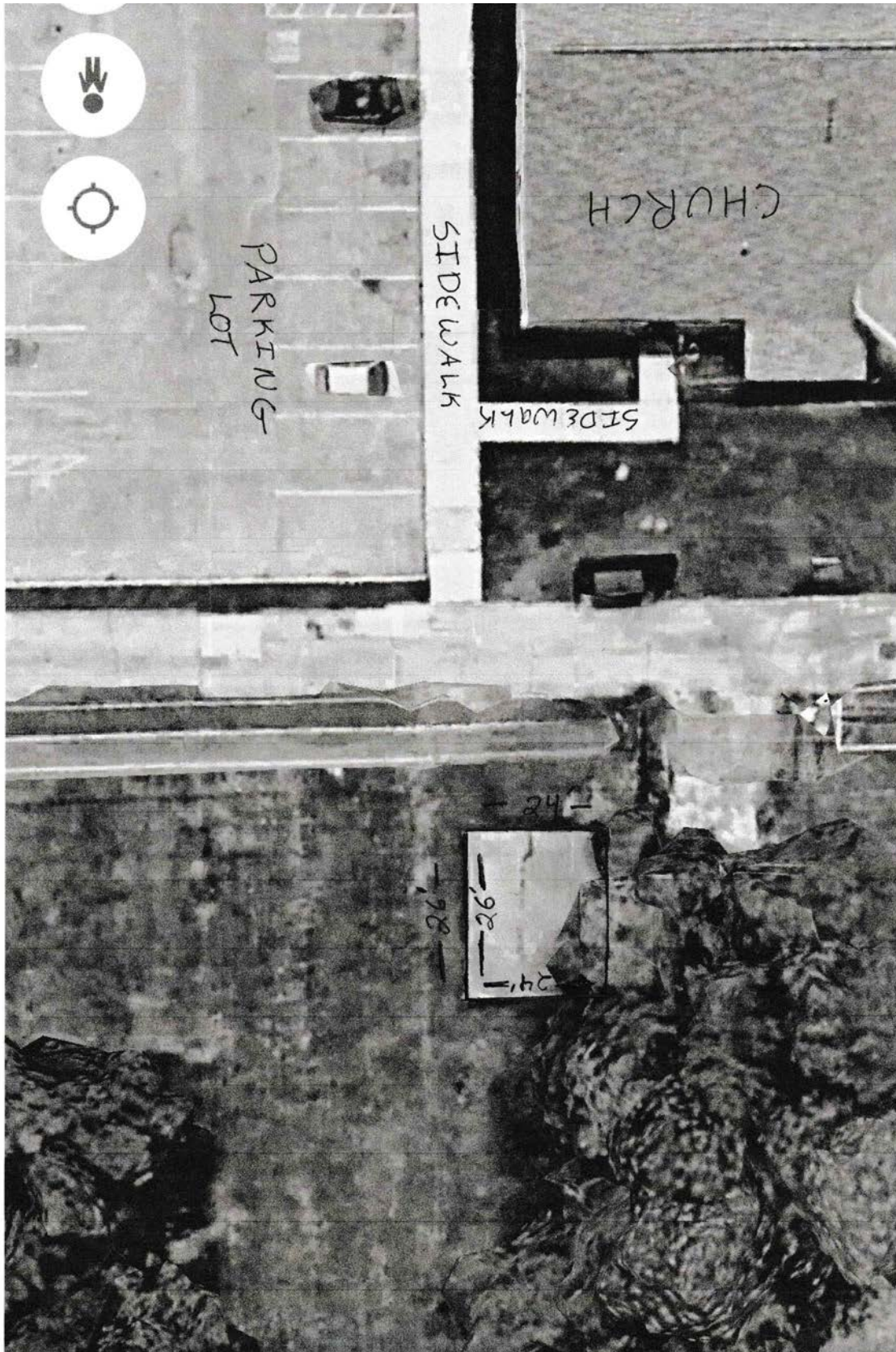
Variance(s): 1) to allow an accessory structure on a lot without a primary building

Site Location

Staff Recommendation

Based on the information available prior to the public hearing, the staff recommends the Board approve the variance as presented, subject to the garage being a minimum of 75' from the front lot line.

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 should not be injurious to the public health, safety, morals and general welfare of the community. If approved the placement of the garage will be in a similar placement of a garage at the location if a single family house existed on the site. By accessing the alley the garage should have minimal impacts on any surrounding properties.

(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 a substantially adverse manner. By using the rear of the lot for a garage, this location will return to a use which it previously held when a garage was located on the property. As the petitioner owns the property immediately to the south, the garage will be monitored and maintained as if the garage was on the same parcel as the primary use.

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

An alley separates the two properties under common ownership creating a practical difficulty in the use of the property. Strict application of the Zoning Ordinance would not allow for the petitioner to place a garage on their property even though their primary use of a church is immediately across the alley.

(4) The variance granted is the minimum necessary

The variance granted is the minimum necessary to allow the petitioner to use the property.

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

The variance does not correct a hardship caused by a former or current owner. The variance is necessitated by the existence of the alley which was not established by any existing or previous property owners.

Analysis & Recommendation

Analysis: The petitioner owns property immediately south of the subject property for the primary use of a church. The placement of the garage on the vacant parcel is technically an accessory structure on a lot without a primary structure, but in practice the relationship between the garage and the church will be the same as if the two were on the same parcel.

Staff Recommendation: Based on the information available prior to the public hearing, the staff recommends the Board approve the variance as presented, subject to the garage being a minimum of 75' from the front lot line.

Property Information

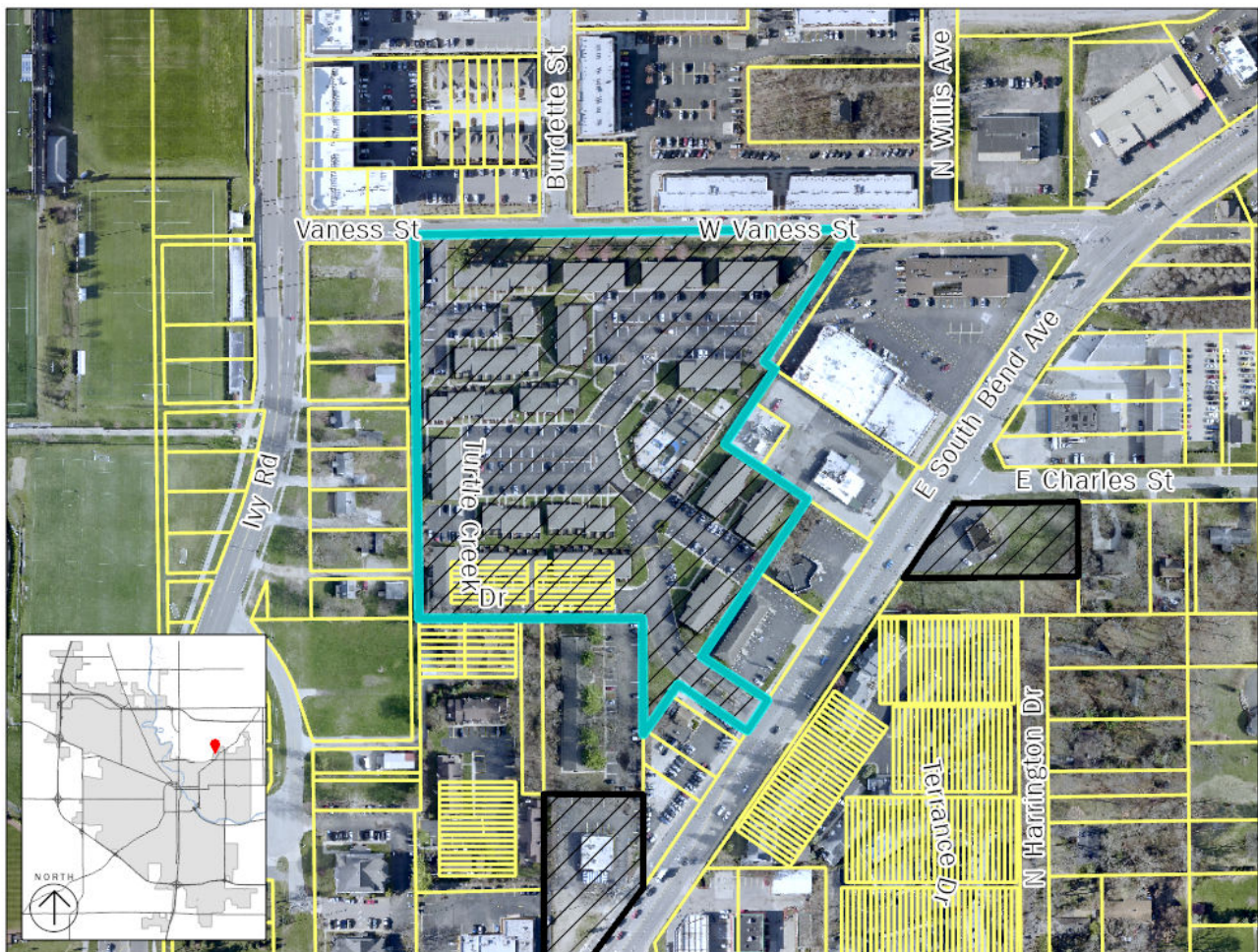
Location: 1710 Turtle Creek Drive
Owner: 1710 TURTLE CREEK LLC

Project Summary

Proposed redevelopment of 1710 North Turtle Creek Drive (Campus View). The proposed project includes townhouses, three-story garden buildings, three-story wrapped buildings, and a three and a half story parking garage. The project would include a mix of studios, one, two, and four bedroom units.

Requested Action

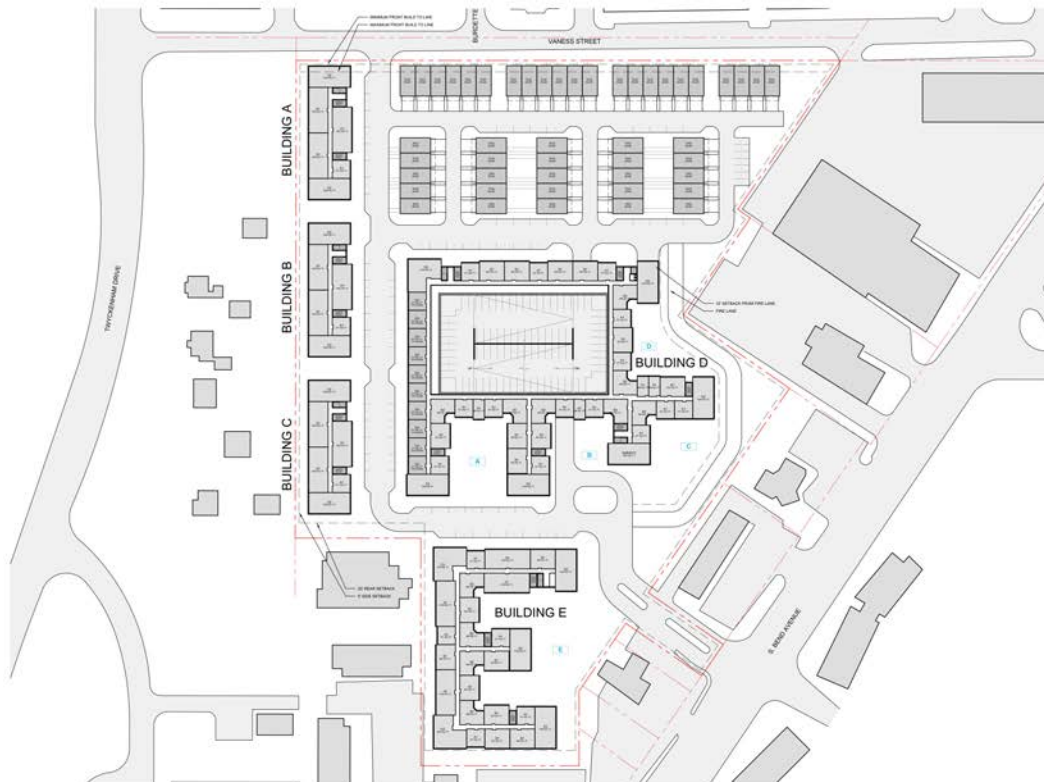
Special Exception: Shared Housing
Variance(s): 1) From the 120' maximum building width to 350'

Site Location

Staff Recommendation

Based on the information available prior to the public hearing, the Staff recommends the Board send the Special Exception to the Common Council with a favorable recommendation. The staff recommends approval of the variance for buildings not fronting on a public street.

Proposed Site Plan



Criteria for Decision Making: Special Exception

A Special Exception may only be granted upon making a written determination, based upon the evidence presented at a public hearing, that:

(1) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;

The proposed use should not be injurious to public health, safety, or general welfare of the community. The site is well suited for Shared Housing as it is near to the Notre Dame campus. This site is currently being used for student rentals, with the majority of the units occupying more than 2 unrelated individuals. The demolition of the current older units for new apartments used in a similar manner should not have an injurious impact on the general welfare of the community.

(2) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein;

The proposed use will lead to a large investment in a property which is nearing the end of its forecasted life cycle. The proposed use of Shared Housing is consistent with the use currently on the site. Developed in compliance with the ordinance, the proposed development will allow reinvestment in the property, which should not adversely impact use or value of surrounding properties.

(3) The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein;

The proposed use of Shared Housing is consistent with the character of the surrounding area which has a large presence of existing apartments and student rentals. The redevelopment of the site will further bring the property inline with the new zoning standards in place since 2020.

(4) The proposed use is compatible with the recommendations of the Comprehensive Plan.

The proposed use is compatible with the Comprehensive Plan. The Comprehensive Plan recommends "Encourage residential developments to contain a mix of housing types, densities, price ranges, and amenities. (Policy H1.1) This proposed development is in line with the recommendation from the Comprehensive Plan by helping establish a mix of housing types across several different size options ranging from studios to four bedroom apartments.

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 variance should not affect the public health, safety or general welfare of the community. The proposed variances are for portions of the site not visible from public right-of-way. All buildings will be designed to current building and fire codes.

(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 by the variance to allow the interior buildings to exceed 120' maximum width. This is a primarily commercial, mixed-use, and multi-family residential area. The proposed development is consistent with the surrounding area.

(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 ordinance would make it difficult to develop the interior portion of the sign in a way that allows an adequate mix of parking and residential units. The largest building interior to the lot surrounds a parking garage and will not be visible from the public right-of-way.

(4) The variance granted is the minimum necessary

The variance requested is based on the interior building, which is designed around a parking garage. The buildings adjacent to the public right of way have been designed to comply with the ordinance.

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

The hardship is generally created by the overall size of the parcel. The proposed variance will allow the efficient development of the site without impacting the portion of the site visible from the public street.

Analysis & Recommendation

Analysis: Allowing the proposed use of Shared Housing will further the ability to redevelop the site and add investment to the area. The site is currently used as student housing in a development nearing the end of its life cycle. The proposed use will lead to a large investment into the area without significantly changing the current land use. The redevelopment will bring this 11 acre parcel into compliance with the updated development standards established in the current Zoning Ordinance. Approving the variance for the interior portion of the site will allow for more flexibility in design and support the construction of a garage to support the increased density. By maintaining code compliant buildings on the interior of the lot, the development reflects the intent of the Ordinance to the general public.

Staff Recommendation: Based on the information available prior to the public hearing, the Staff recommends the Board send the Special Exception to the Common Council with a favorable recommendation. The staff recommends approval of the variance for buildings not fronting on a public street.

