

City of South Bend

BOARD OF ZONING APPEALS

AGENDA

Monday, June 2, 2025 - 4:00 p.m.

County-City Building
Fourth-Floor Council Chambers
www.tinyurl.com/sbbza

PUBLIC HEARING:

- . **Location:** 114 POKAGON ST BZA#0330-25
Owner: SELKING AARON
Requested Action: Variance(s): for the living space above the garage from the existing 20 ft rear setback to 5 ft from the rear property line
Zoning: U1 Urban Neighborhood 1

- . **Location:** 5505 IRONWOOD BZA#0332-25
Owner: SINCLAIR COMMUNICATIONS LLC
Requested Action: Variance(s): to permit a fence up to 7' in height in an established front yard
Zoning: S1 Suburban Neighborhood 1

- . **Location:** 2202 SOUTH BEND Avenue BZA#0334-25
Owner: GREENWOOD PLAZA LLC
Requested Action: Variance(s): to permit a drive through facility in the front and corner yards; to permit a drive through facility without a bailout lane in the C Commercial district
Zoning: C Commercial

SPECIAL EXCEPTION:

Location: 1114 MAYFLOWER RD BZA#0331-25
Owner: RHEDI MANAGEMENT GROUP INC
Requested Action: Special Exception: seeking to allow property to be used as a School, Pre K/Primary/Secondary. Property is located at 1114 MAYFLOWER RD. Zoned S1 Suburban Neighborhood 1.
Zoning: S1 Suburban Neighborhood 1

ITEMS NOT REQUIRING A PUBLIC HEARING:

1. Findings of Fact – May 5, 2025
2. Minutes – May 5, 2025
3. Other Business
4. Adjournment

Property Information

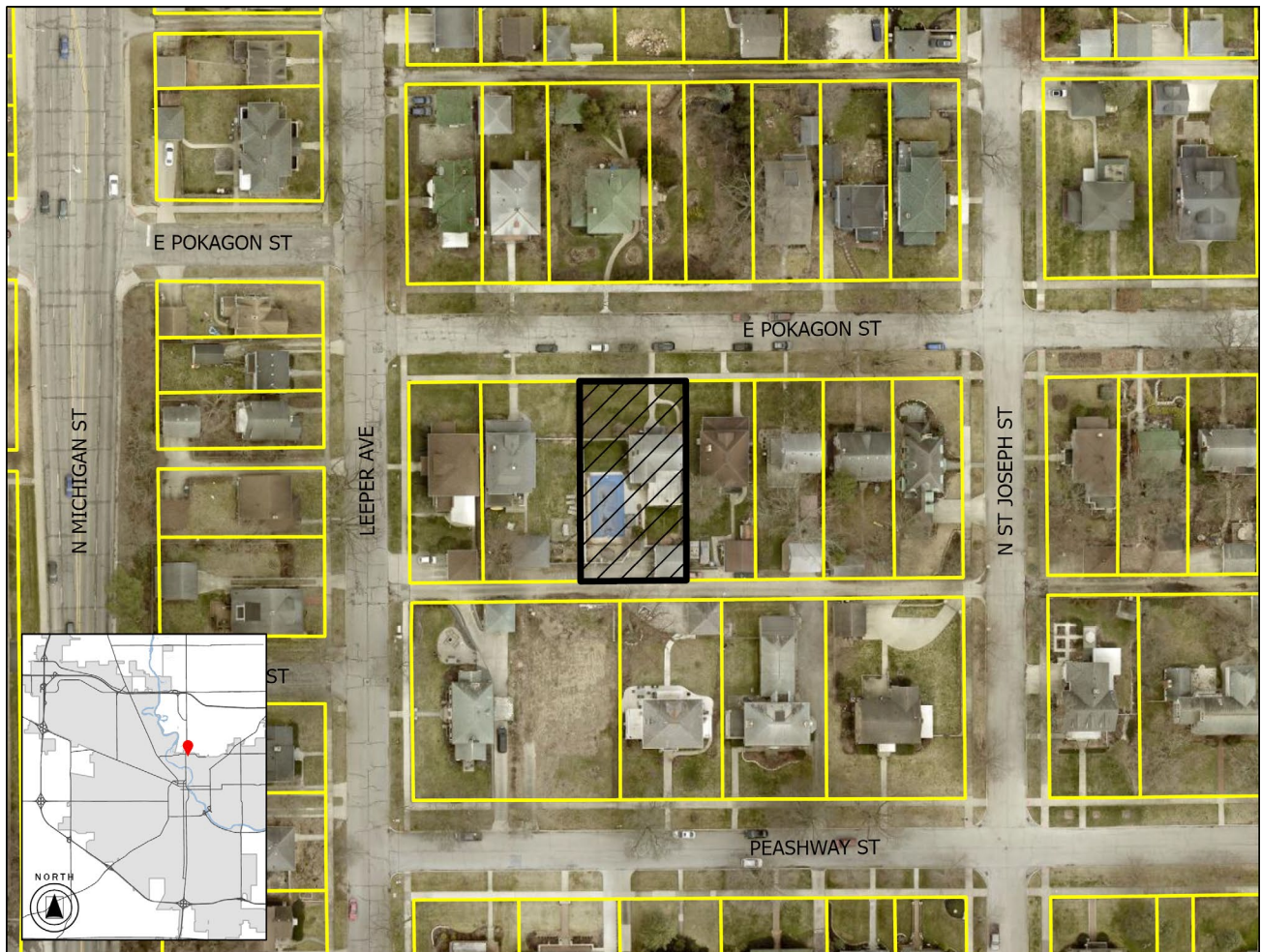
Location: 114 POKAGON ST
Owner: SELKING AARON

Project Summary

for the living space above the garage from the existing 20 ft rear setback to 5 ft from the rear property line

Requested Action

Variance(s): from the minimum rear setback of 20' to 5'

Site Location

Staff Recommendation

Based on the information available prior to the public hearing, Staff recommends the Board deny the variance for the rear setback.

Proposed Site Plan

GENERAL ARCHITECTURAL SITE PLAN NOTES

1. ALL DIMENSIONS ARE IN FEET AND INCHES. DIMENSIONS ARE GIVEN TO THE CENTERLINE OF THE STRUCTURE UNLESS OTHERWISE NOTED.

2. ALL DIMENSIONS ARE TO THE OUTSIDE FACE OF THE STRUCTURE UNLESS OTHERWISE NOTED.

3. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE STRUCTURE UNLESS OTHERWISE NOTED.

4. ALL DIMENSIONS ARE TO THE OUTSIDE FACE OF THE STRUCTURE UNLESS OTHERWISE NOTED.

5. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE STRUCTURE UNLESS OTHERWISE NOTED.

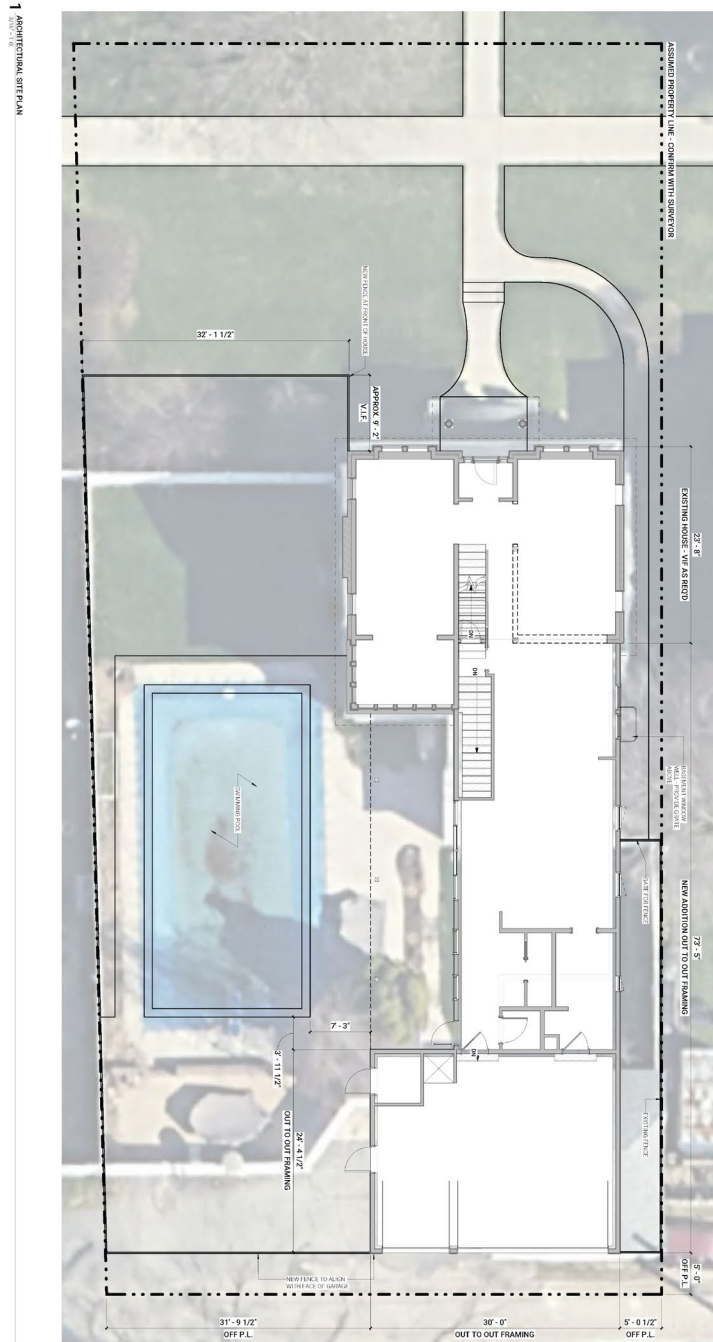
6. ALL DIMENSIONS ARE TO THE OUTSIDE FACE OF THE STRUCTURE UNLESS OTHERWISE NOTED.

7. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE STRUCTURE UNLESS OTHERWISE NOTED.

8. ALL DIMENSIONS ARE TO THE OUTSIDE FACE OF THE STRUCTURE UNLESS OTHERWISE NOTED.

9. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE STRUCTURE UNLESS OTHERWISE NOTED.

10. ALL DIMENSIONS ARE TO THE OUTSIDE FACE OF THE STRUCTURE UNLESS OTHERWISE NOTED.



1 ARCHITECTURAL SITE PLAN

A001

ARCHITECTURAL SITE PLAN

THE SELKINGS - 0406
SELKING RESIDENCE
114 E. POKAGON ST.
SOUTH BEND, INDIANA 46617

OWNER
THE SELKINGS, LLC
114 E. POKAGON ST.
SOUTH BEND, INDIANA 46617
OWNER
THE SELKINGS, LLC
114 E. POKAGON ST.
SOUTH BEND, INDIANA 46617
CONTRACTOR
TWC studio



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 public health, safety, morals, and the general welfare of the community. The building is adding a second story of living space into the rear setback, this should not generate any injury of these types.

(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 adversely affected. The petitioner is adding a second story within the rear setback, it is unlikely this will harm other uses and values within the area adjacent to the property.

(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 should not result in practical difficulties in the use of the property. The property will still be able to be used as a one unit dwelling with a garage without the second floor in the setback.

(4) The variance granted is the minimum necessary

The variance granted should be the minimum necessary. The applicant is seeking a variance to develop a second floor inline with a garage that would correct the nonconformity of the current garage. This would not extend beyond that setback.

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

The granted variance is correcting a hardship created by the current owner. The owner is permitted to establish a garage in the rear setback up to 5' from the alley, however, any second-floor living space of the primary dwelling must be setback 20' from the rear lot line.

Analysis & Recommendation

Analysis: There is no regulation obstructing the property owner from any permitted use to the property and its current use into the future. The property owner is permitted to added a carriage house above a detached garage or a single story rear extension. This is a variance to correct a hardship created by the proposed renovation to the current property to add a second story to a rear extension.

Staff Recommendation: Based on the information available prior to the public hearing, Staff recommends the Board deny the variance for the rear setback.

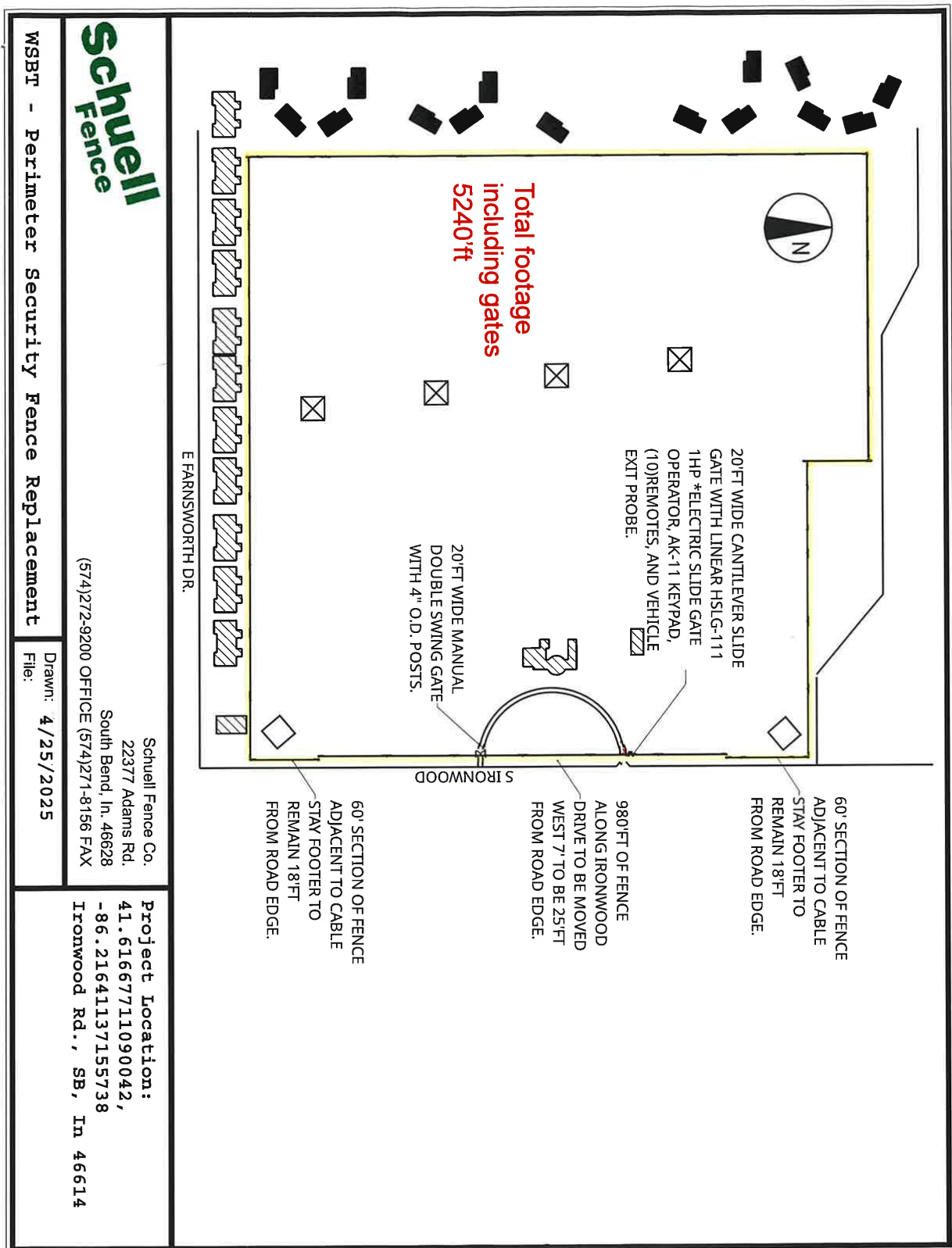
Location: 5505 IRONWOOD
Owner: SINCLAIR COMMUNICATIONS LLC

Variance(s): 1) to permit a fence up to 7' in height in an established front yard

The map displays a detailed aerial view of a residential and commercial area in Westborough, MA. A large, irregularly shaped area in the center is highlighted with a red rectangle, indicating the study area. This area contains a large, dark, rectangular structure, possibly a building or a field. Surrounding this area are numerous streets, including Jackson Rd, Provincial Dr, Georgian Dr, and others. The map also shows a network of roads and a central area with diagonal hatching. An inset map in the bottom left corner shows the location of the study area within the state of Massachusetts, with a red rectangle indicating the study area's location.

Based on the information available prior to the public hearing, 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 variance for the additional height of the fence in the front yard should not be injurious to the morals and general welfare of the community. A security fence is required by the FCC surrounding communication towers for security and public safety.

(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 fence will run along the property line in the area surrounding the cable stay footer and will stagger away from the property line where possible to further limit the impact on surrounding properties.

(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. A security fence is required by the FCC surrounding communication towers for security and public safety.

(4) The variance granted is the minimum necessary

The requested variance is the minimum necessary. A security fence is required by the FCC surrounding communication towers and the fence is staggered away from the property line where possible to further limit the impact on surrounding properties.

(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 of the property. Security fences are required for communication towers by the FCC.

Analysis & Recommendation

Analysis: A security fence is required by the FCC surrounding communication towers and the fence is staggered away from the property line where possible to further limit the impact on surrounding properties.

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

Property Information

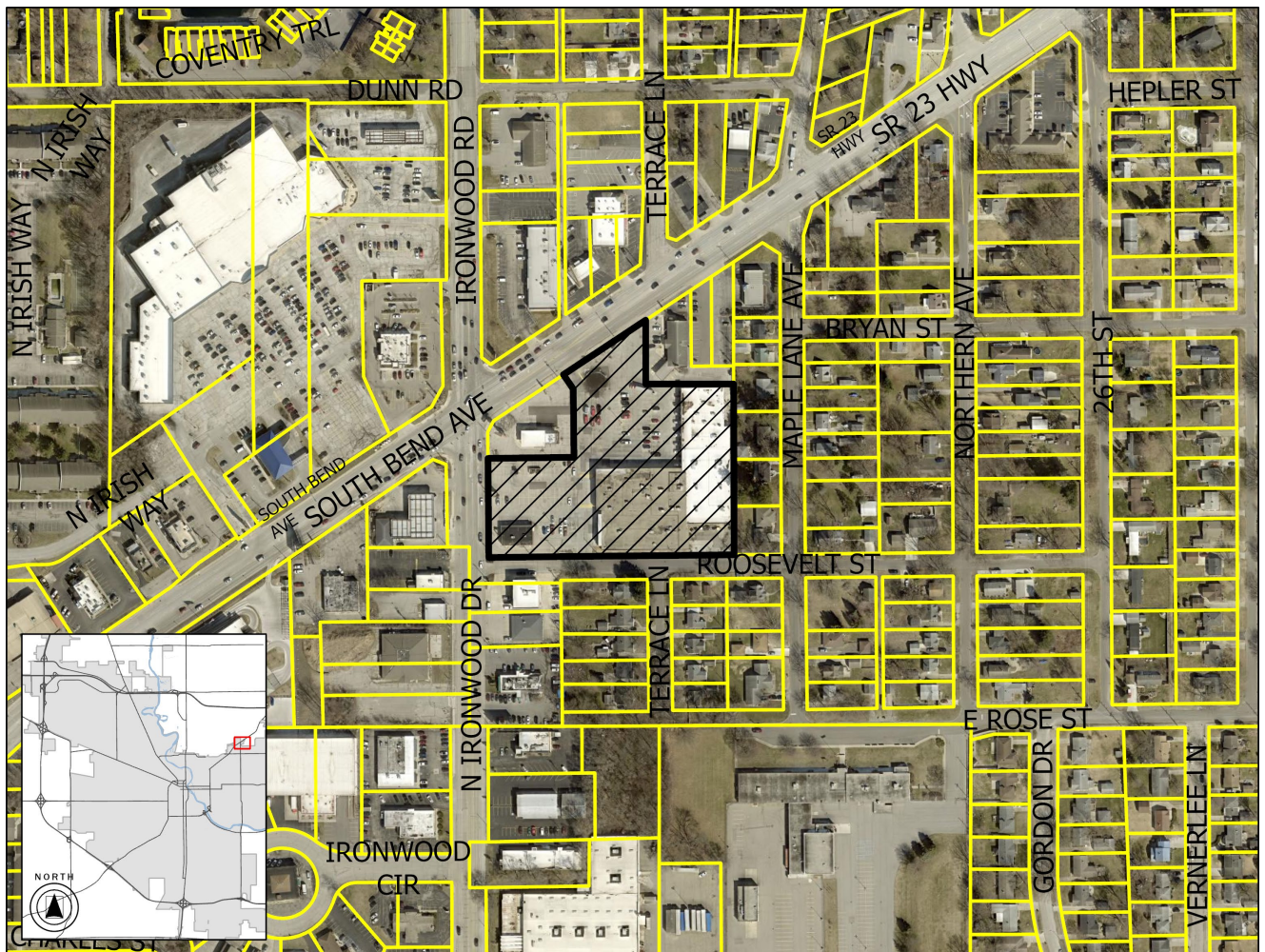
Location: 2202 SOUTH BEND AVENUE
Owner: GREENWOOD PLAZA LLC

Project Summary

The petitioner is seeking to re-establish a drive-through operation for an existing building in a C Commercial zoned shopping plaza.

Requested Action

Variance(s): 1) to permit a drive through facility in the front and corner yards
2) to permit a drive through facility without a bailout lane in the C Commercial district

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 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 buffered from the street with landscaping, limiting the impact on the adjacent parcels, and the design mitigates the potential for the waiting spaces to impact the right-of-way. The first three waiting spaces will have bail out capability, the greatest bail out capacity possible given the siting of the existing building and the necessary landscaping.

(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 designed to avoid impacting the right-of-way.

(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 building was originally utilized as a drive through facility but due to the orientation and location of the structure on the site, the previous design does not meet current zoning standards. When appropriately buffered, a drive through facility in this auto oriented shopping center is contextually appropriate.

(4) The variance granted is the minimum necessary

Due to the location and orientation of the existing building, variances are required for waiting spaces in the front/corner yard and the elimination of a bail out lane after the third car in the waiting spaces. The requested variances are the minimum necessary to allow a drive through facility, which is contextually appropriate in this setting when adequately buffered.

(5) The variance does not correct a hardship cause 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 and the building was originally utilized as a drive through.

Analysis & Recommendation

Analysis: When adequately buffered, a drive through facility in this auto oriented shopping plaza would be contextually appropriate. The building was originally utilized as a drive through

facility but, due to the orientation and location of the structure on the site, would require variances to be used as a drive through facility under the current zoning ordinance.

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

Property Information

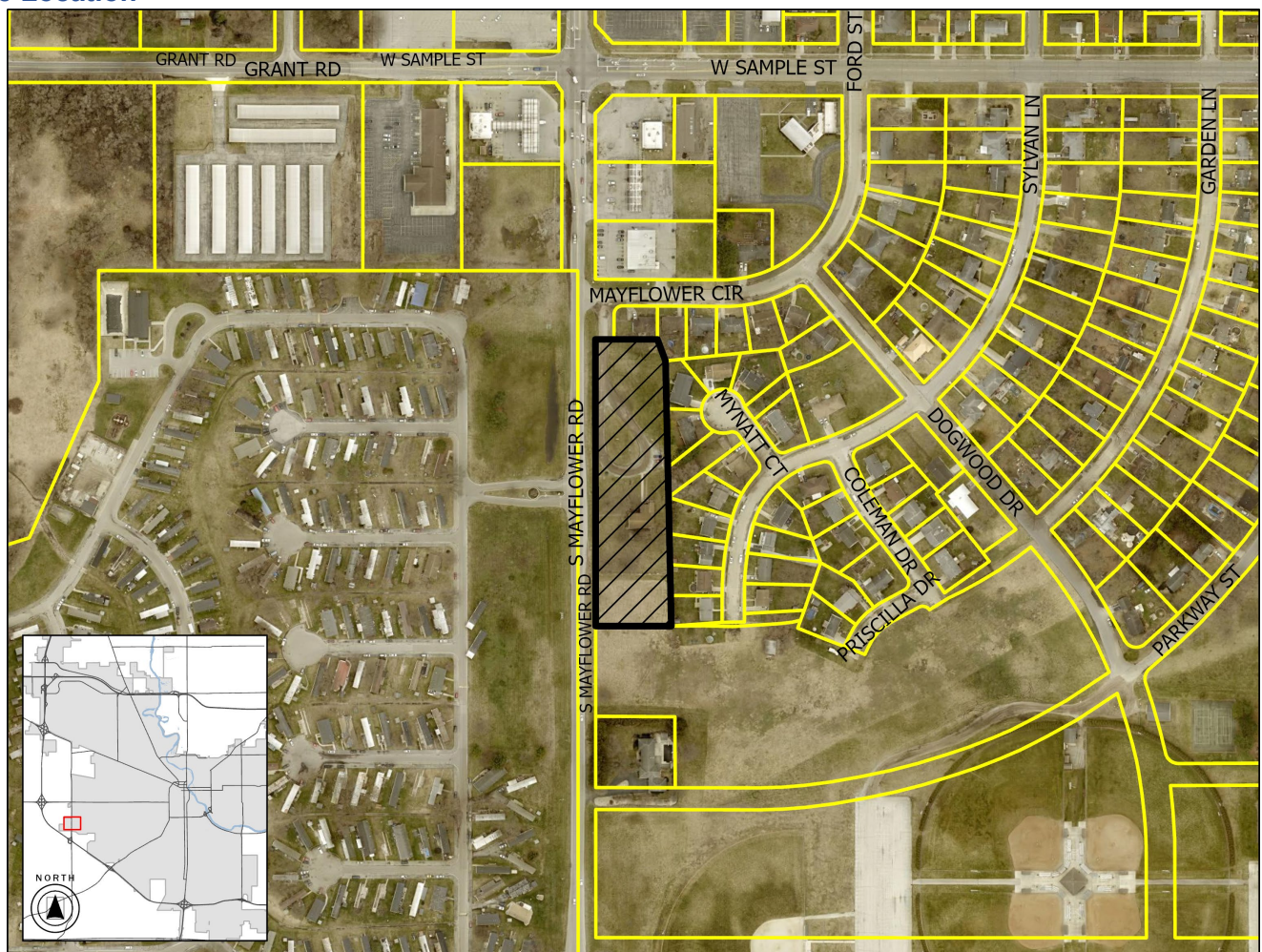
Location: 1114 MAYFLOWER RD
Owner: RHEDI MANAGEMENT GROUP INC

Project Summary

seeking a Special Exception to allow, to be used as a School, Pre K/Primary/Secondary, property located at 1114 MAYFLOWER RD. Zoned S1 Suburban Neighborhood 1.

Requested Action

Special Exception: to be used as a School, Pre K/Primary/Secondary 21-06.01(f)(11)

Site Location

Staff Recommendation

Based on the information provided prior to the public hearing, the staff recommends the Board send the petition to the Common Council with a favorable recommendation.

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, comfort, community moral standards, convenience, or general welfare. The petitioner is establishing a Pre-K program within the Suburban Neighborhood 1 district (S1). It supports the housing uses around it and should not generate any such injuries.

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

The proposed use should not injure or adversely affect the use of the adjacent area or property values therein. It is a pre-K program going into a residential neighborhood. It should benefit the adjacent uses and property values by providing an essential amenity.

(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 will be consistent with the character of the district in which it is located and the land uses authorized therein. S1 permits institutional uses that are compatible with the scale of the neighborhood. Additional schooling programs provide support to the uses within the district.

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

The proposed use is compatible with recommendation E 5.1 of the City Comprehensive Plan: Establish and maintain a consistent planning, review, and development process with institutions of higher education, private schools, and the SBCSC to address existing and future school facilities.

Analysis & Recommendation

Analysis: A pre-K program fits the surrounding land use and zoning of a suburban residential neighborhood. It supports and enhances the needs of the residents in the surrounding area. It is compatible with recommendation E 5.1 of the City Comprehensive Plan: Establish and maintain a consistent planning, review, and development process with institutions of higher education, private schools, and the SBCSC to address existing and future school facilities.

Staff Recommendation: Based on the information provided prior to the public hearing, the staff recommends the Board send the petition to the Common Council with a favorable recommendation.