

City of South Bend

BOARD OF ZONING APPEALS

AGENDA

Monday, October 6, 2025 - 4:00 p.m.

County-City Building

Fourth-Floor Council Chambers

www.tinyurl.com/sbbza-2025

[Meeting Recordings - https://tinyurl.com/BZAmeetingrecordings](https://tinyurl.com/BZAmeetingrecordings)

PUBLIC HEARING:

1. **Location:** 7775 CLEVELAND RD BZA#0370-25
Owner: BLUEPRINT LLC
Requested Action: Variance(s): from a 50' side setback adjacent to a residentially zoned parcel to 40' (21-04.04(c))
Zoning: I Industrial
2. **Location:** 149 IRELAND RD BZA#0371-25
Owner: AMER ENTERPRISE LLC
Requested Action: Variance(s): From the required 3 drive through waiting spaces to 2. (21-06.01(k)(7)(A)(vi)); and to permit a waiting space in the front yard (21-06.01(k)(7)(A)(ii))
Zoning: C Commercial
3. **Location:** 734 NOTRE DAME AVE BZA#0373-25
Owner: SHAMROCK REALTY GROUP LLC
Requested Action: Variance(s): from the one story maximum height for the gallery frontage type on an apartment house building type to two stories (21-08.03(e)(2))
Zoning: U3 Urban Neighborhood 3
4. **Location:** 520 WAYNE ST and 310 TAYLOR ST and 310 TAYLOR ST and 512 WAYNE ST and 512 WAYNE ST and 500 WAYNE ST and 319 WILLIAM ST and 323 WILLIAM ST and 318 TAYLOR and 507 WILLIAM ST and 501 WESTERN AVE BZA#0369-25
Owner: DEPARTMENT OF REDEVELOPMENT CITY OF SOUTH BEND
Requested Action: Variance(s): from the 12' maximum front setback to 35' on Wayne (21-03.07(d)); from the 150' building width maximum for a shop building type to 244' (21-08.02(j)(3)); and from the 120' building width maximum for a stacked flats building type to 200' (21-08.02(j)(3))
Zoning: NC Neighborhood Center

SPECIAL EXCEPTION & COMBINED HEARINGS

5. **Location:** 628 WESTERN AVE BZA#0368-25
Owner: HOUSING AUTHORITY OF SO BEND
Requested Action: Variance(s): from the 150' building width maximum for a shop building type to 290' (21-08.02(k)(3)); from the 15' maximum residential front yard setback to 130' (21-

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

03.05(d)); from the 120' maximum building width for a stacked flats building type to 200' (21-08.02(j)(3)); and to allow an accessory structure in a front yard (21-06.02(d)(1))

Special Exception: Day Care Center (21-06.01(k)(10)) and a use variance to allow Retail & Service, General (21-06.01(k)(16)) in U3 Urban Neighborhood 3

Zoning: U3 Urban Neighborhood 3

6. **Location:** 321 HILL ST and 319 HILL ST and 317 HILL ST and 315 HILL ST and 307 HILL ST and 523 LASALLE AVE and 529 LASALLE Avenue BZA#0372-25

Owner: GREATER LOWELL HOLDINGS LLC

Requested Action: Variance(s): from the facade transparency of 60% to 0% (21-03.08(h)); and from the maximum number of accessory buildings of 1 to 3 (21-06.02(e))

Special Exception: to permit Entertainment/Recreation Facility, Outdoor

Zoning: DT Downtown

7. **Location:** 1133 HARVEY ST and 522 BLAINE AVE BZA#0366-25

Owner: Affordable HomeMatters Indiana, LLC

Requested Action: Special Exception: Dwelling, 2 Units (21-06.01(j)(3)) in U1 Urban Neighborhood 1

Zoning: U1 Urban Neighborhood 1

ITEMS NOT REQUIRING A PUBLIC HEARING:

1. Findings of Fact- August 4th, September 2nd
2. Minutes-August 4th, September 2nd
3. Other Business
4. Zoning Ordinance Updates: Package 1 Briefing
5. Adjournment

Caitlin Stevens	Mayoral Appointee	1/1/2024	12/31/2027
Francisco Fotia	Plan Commission Appointee	1/1/2024	12/31/2027
Kaine Kanczuzewski	Common Council Appointee	1/1/2023	12/31/2026
Mark Burrell	Mayoral Appointee	1/1/2024	12/31/2027

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: 7775 CLEVELAND RD
Owner: BLUEPRINT LLC and Blueprint, LLC and Jered Baker

Project Summary

The petitioner intends to construct a storage building on their lot in the side setback.

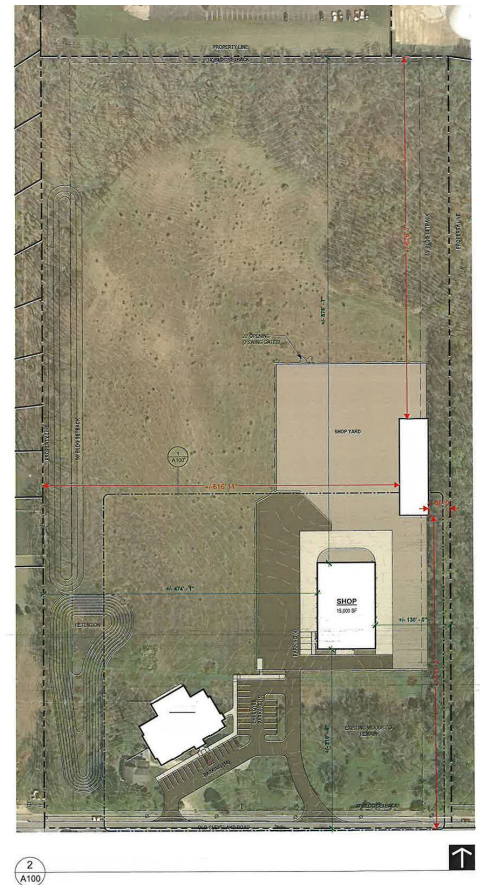
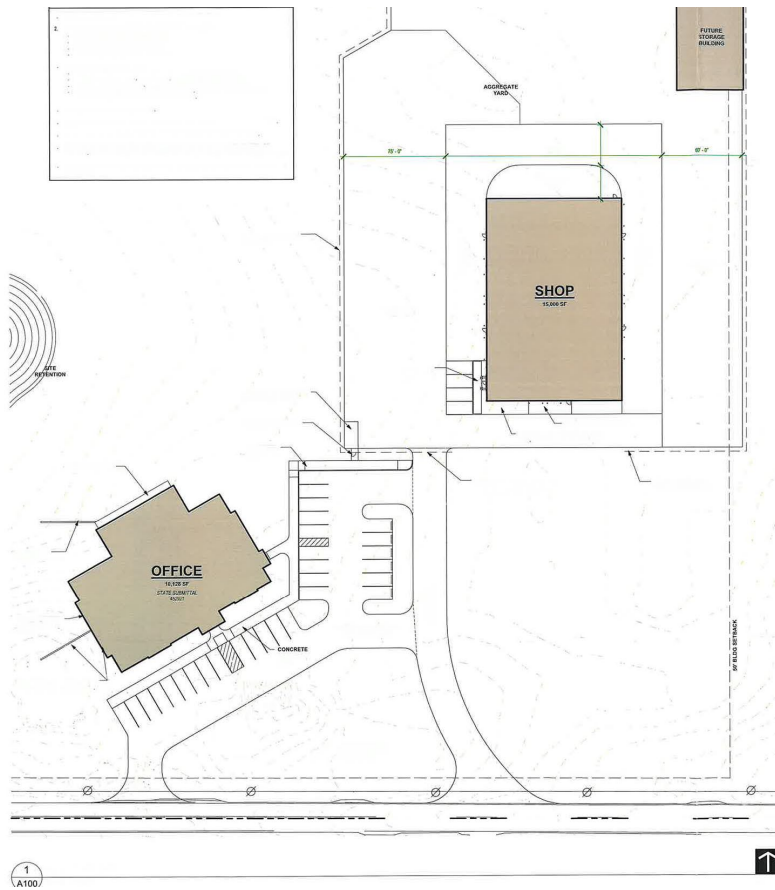
Requested Action

Variance(s): from a 50' side setback adjacent to a residentially zoned parcel to 40' (21-04.04(c))

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 will not be injurious to the public health, safety, morals, and general welfare of the community. Granting the variance will allow for the construction of a typical industrial building in a location that would be compliant by a large margin were the adjacent property also zoned for industrial use and not residential, which it currently is. However, that adjacent property is surrounded by industrially zoned properties, and the property owner has expressed to both staff and the petitioner that they intend to pursue industrial use on that property in the future.

(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 will not be affected in a substantially adverse manner. The petitioner is already in the process of constructing multiple similar buildings on this site, and the setback allowed by the variance would be zoning compliant if the adjacent property were to be rezoned for industrial use in the future, as the property owner has expressed they will likely pursue.

(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. Without the variance, the petitioner has to account for 50 feet of setback on the eastern side of the lot due to the residential zoning of the adjacent property, limiting the site's buildable area. Going from a 50' to 40' side setback would allow for sufficient space needed for safe maneuvering of trucks within the context of where proposed buildings will be placed. Also notable, the adjacent property is very likely to be rezoned for industrial use in the future based on conversations between the property owner and zoning staff, as well as the petitioner, meaning that this limitation is likely unnecessary.

(4) The variance granted is the minimum necessary

The variance granted is the minimum necessary. The petitioner will be building the proposed structure in line with a compliant fence that is 40' from the eastern lot line, and 40' is 30' greater than the minimum side setback of 10' that they would otherwise have if the adjacent property were not currently zoned for residential use.

(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 a former or current owner of the property. The primary hardship in this instance is the zoning of the property to the east, which has increased the required side setback.

Analysis & Recommendation

Analysis: The property to the east of this parcel, which is outside of city limits and under the jurisdiction of the county, is zoned for residential use, which is why a 50' side setback is required. However, all of the land within city limits east of the petitioner's parcel, which surrounds the county parcel, is zoned industrial, and the county parcel appears very likely to be developed for industrial purposes in the future as well. Such a use would allow for just a 10' side setback instead of 50', making the proposed 40' setback compliant by a significant margin.

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: 149 IRELAND RD
Owner: AMER ENTERPRISE LLC

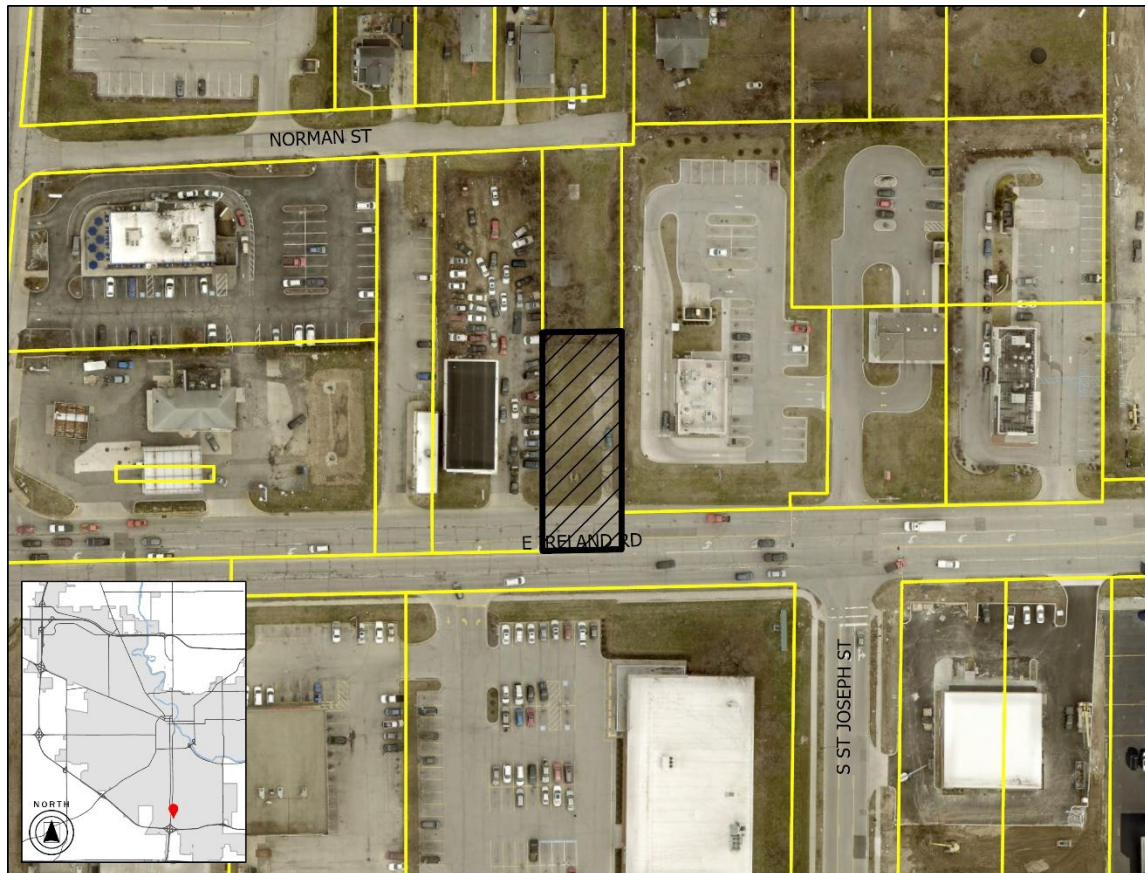
Project Summary

The petitioner intends to build a drive-through coffee shop on a vacant parcel.

Requested Action

Variance(s):

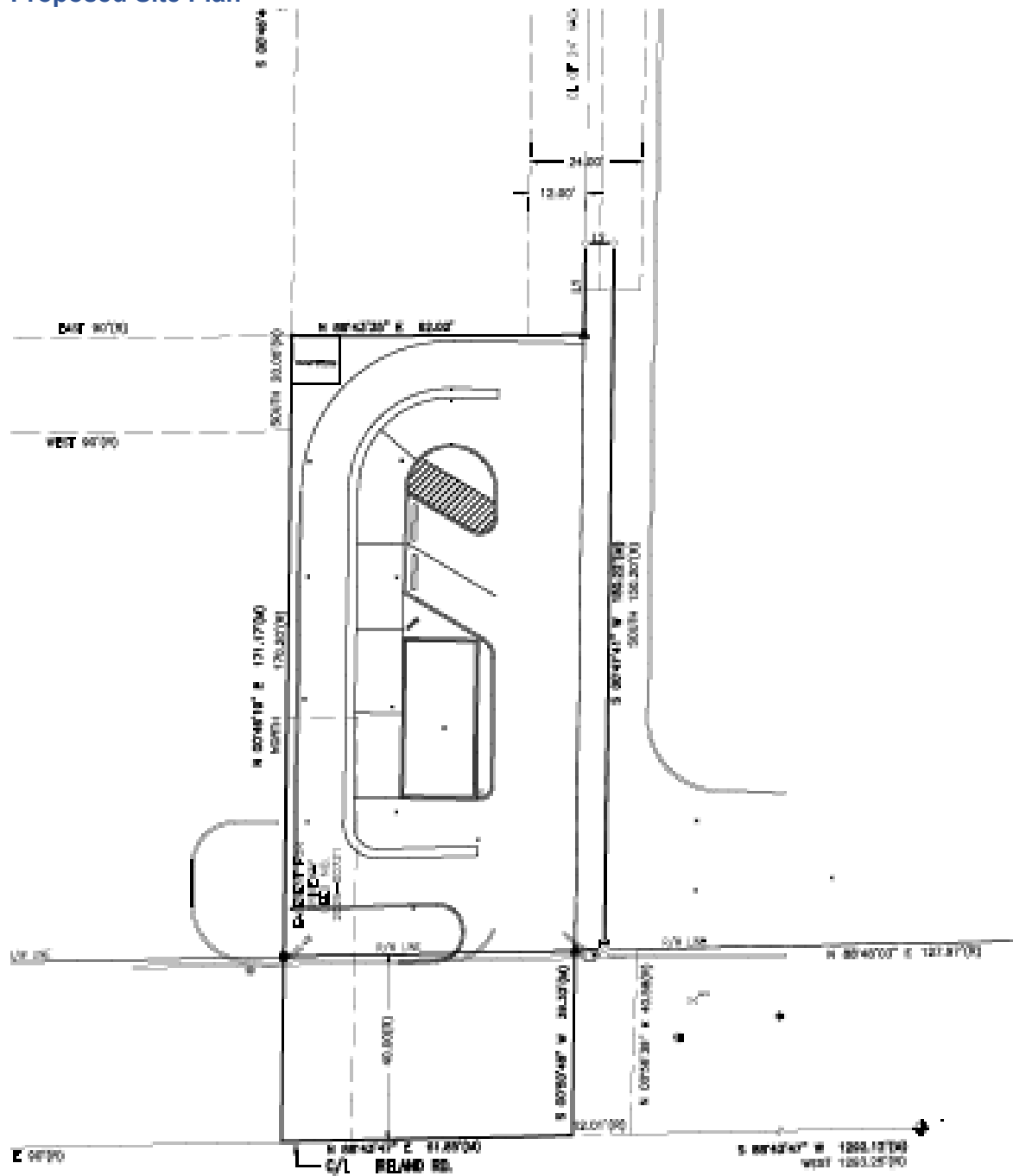
- from the required 3 drive through waiting spaces to 2 (21-06.01(k)(7)(A)(vi))
 - to permit a waiting space in the front yard (21-06.01(k)(7)(A)(ii))
-

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 will not be injurious to the public health, safety, morals, and general welfare of the community. Having one less waiting space prior to the first pick-up or ordering facility will not be likely to cause any major traffic or access issues considering the small size of the business, which will help to limit the number of customers they have at any given time. Meanwhile, having the required waiting space after the last pick-up or ordering facility in front of the building will not impede the drive aisle for cars entering the parking lot, and will not look out of place in this auto-oriented commercial district. Overall, the drive-through will function in the same manner as many other similar uses nearby.

(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 will not be affected in a substantially adverse manner. In the event that the variances are granted, the drive-through will still function in the same manner as many other similar uses nearby.

(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 commercial zoning for the parcel is appropriate, as it is situated along a major auto-centric commercial corridor. However, the size of the lot makes it very difficult to do a commercial development that fits within all of the rules of this chapter, which is likely a contributing factor to it currently sitting vacant.

(4) The variance granted is the minimum necessary

The variance granted is the minimum necessary. The petitioner is requesting only one less waiting space than the code requires prior to the first ordering or pick-up facility, and there is very limited space on the lot for the required waiting space after the last facility.

(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 a former or current owner of the property. The primary hardship in this instance is the size of the lot, which is quite small for commercial uses and presents a difficult situation for development.

Analysis & Recommendation

Analysis: Both of the variances presented are a result of the lot dimensions, which are quite small for a commercial use and make it difficult to pursue development on this property. The

proposed building and overall site layout would successfully activate this parcel while varying from the code in two minor ways that still meet the intent of the 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

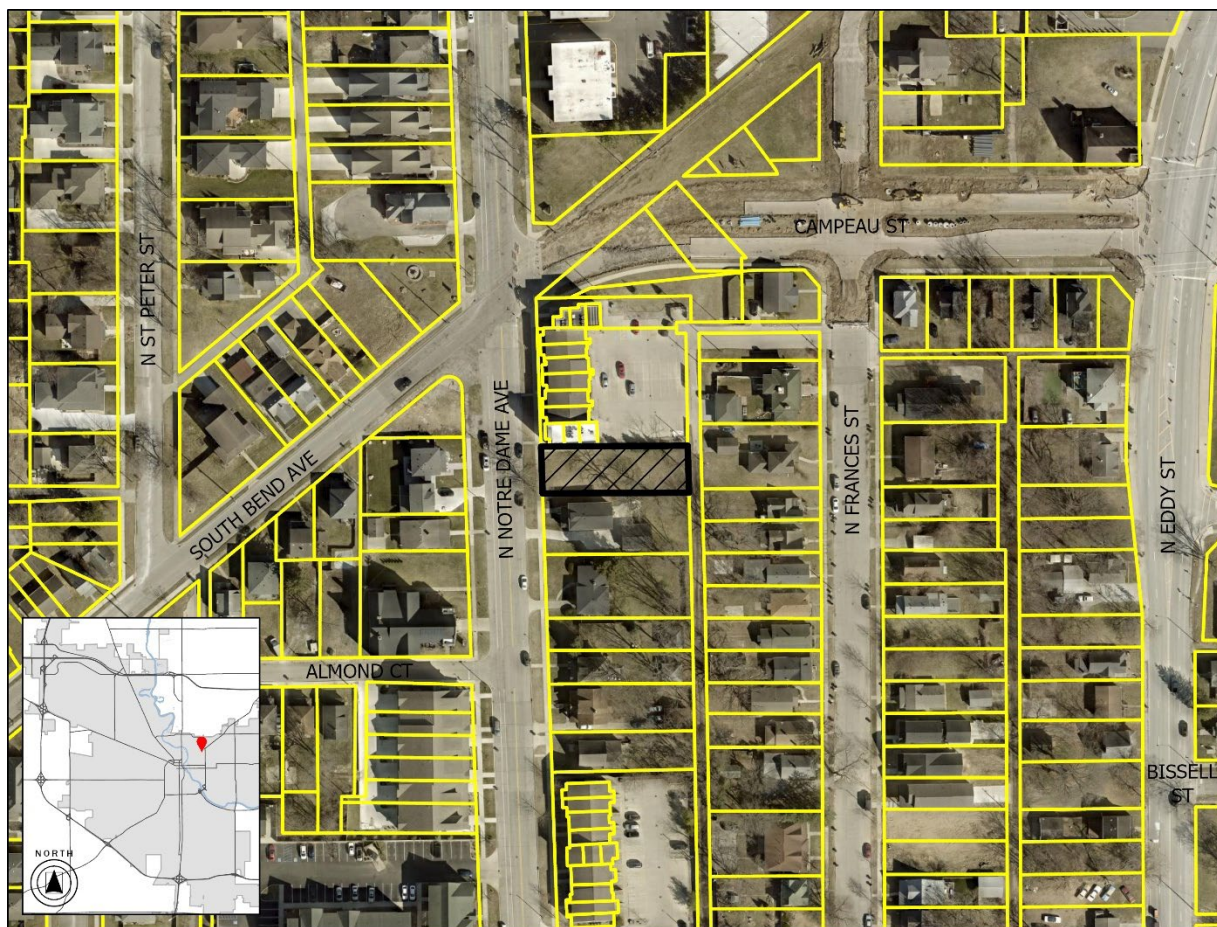
Location: 734 NOTRE DAME AVE
Owner: SHAMROCK REALTY GROUP LLC and Matt DeSalvo and Corey DeSalvo

Project Summary

The petitioner intends on building a two-story gallery on a three-story residential structure.

Requested Action

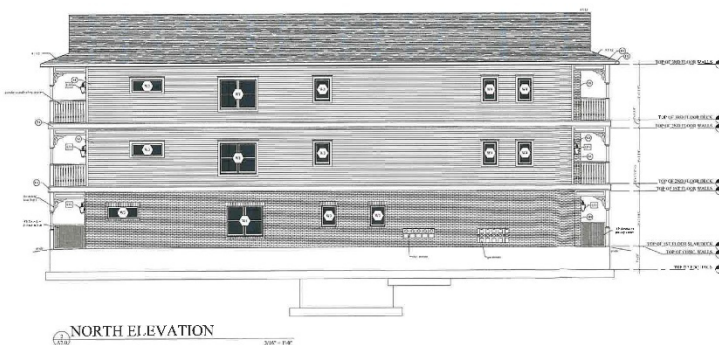
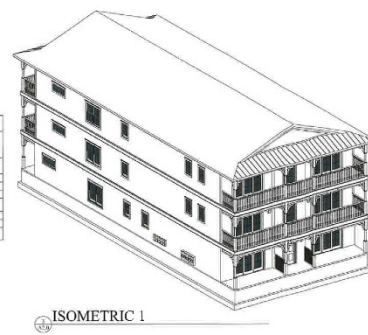
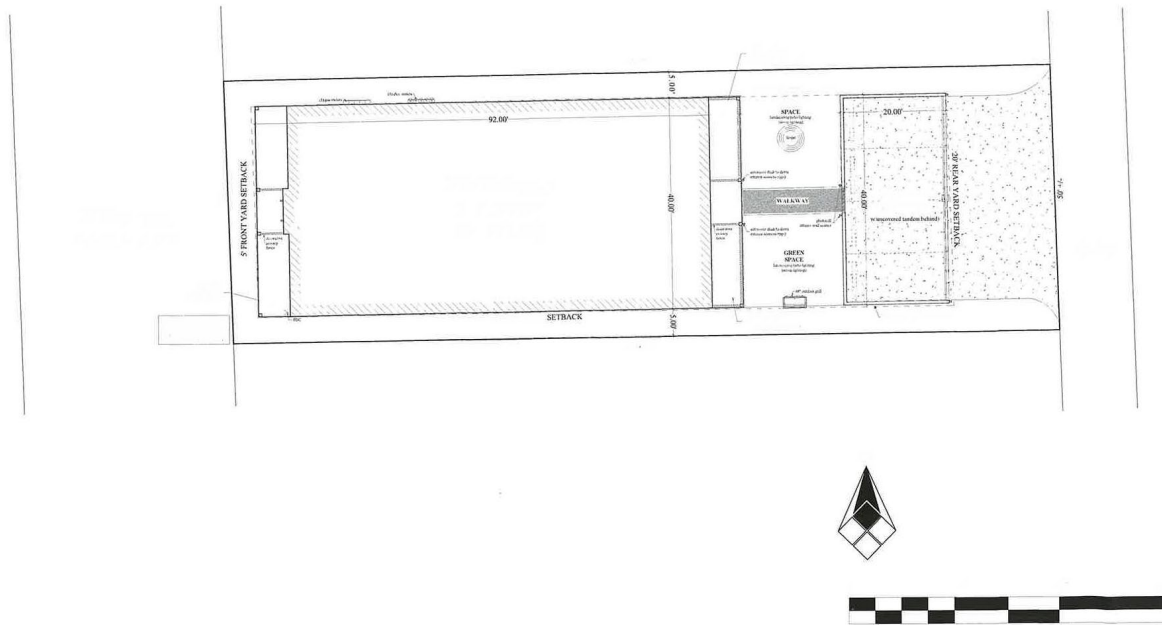
Variance(s): from the one story maximum height for the gallery frontage type on an apartment house building type to two stories (21-08.03(e)(2))

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



UX LIGHTING SCHEDULE			
ITEM	QUANTITY	UNIT PRICE	TOTAL
1. 1' x 4' LED RECESSED LIGHT	12	12.00	144.00
2. 4' x 4' LED RECESSED LIGHT	6	24.00	144.00
3. 6' x 6' LED RECESSED LIGHT	3	48.00	144.00
4. 8' x 8' LED RECESSED LIGHT	2	72.00	144.00
5. 10' x 10' LED RECESSED LIGHT	1	120.00	120.00
6. 12' x 12' LED RECESSED LIGHT	1	144.00	144.00
7. 14' x 14' LED RECESSED LIGHT	1	168.00	168.00
8. 16' x 16' LED RECESSED LIGHT	1	192.00	192.00
9. 18' x 18' LED RECESSED LIGHT	1	216.00	216.00
10. 20' x 20' LED RECESSED LIGHT	1	240.00	240.00
11. 22' x 22' LED RECESSED LIGHT	1	264.00	264.00
12. 24' x 24' LED RECESSED LIGHT	1	288.00	288.00
13. 26' x 26' LED RECESSED LIGHT	1	312.00	312.00
14. 28' x 28' LED RECESSED LIGHT	1	336.00	336.00
15. 30' x 30' LED RECESSED LIGHT	1	360.00	360.00
16. 32' x 32' LED RECESSED LIGHT	1	384.00	384.00
17. 34' x 34' LED RECESSED LIGHT	1	408.00	408.00
18. 36' x 36' LED RECESSED LIGHT	1	432.00	432.00
19. 38' x 38' LED RECESSED LIGHT	1	456.00	456.00
20. 40' x 40' LED RECESSED LIGHT	1	480.00	480.00
21. 42' x 42' LED RECESSED LIGHT	1	504.00	504.00
22. 44' x 44' LED RECESSED LIGHT	1	528.00	528.00
23. 46' x 46' LED RECESSED LIGHT	1	552.00	552.00
24. 48' x 48' LED RECESSED LIGHT	1	576.00	576.00
25. 50' x 50' LED RECESSED LIGHT	1	600.00	600.00
26. 52' x 52' LED RECESSED LIGHT	1	624.00	624.00
27. 54' x 54' LED RECESSED LIGHT	1	648.00	648.00
28. 56' x 56' LED RECESSED LIGHT	1	672.00	672.00
29. 58' x 58' LED RECESSED LIGHT	1	696.00	696.00
30. 60' x 60' LED RECESSED LIGHT	1	720.00	720.00
31. 62' x 62' LED RECESSED LIGHT	1	744.00	744.00
32. 64' x 64' LED RECESSED LIGHT	1	768.00	768.00
33. 66' x 66' LED RECESSED LIGHT	1	792.00	792.00
34. 68' x 68' LED RECESSED LIGHT	1	816.00	816.00
35. 70' x 70' LED RECESSED LIGHT	1	840.00	840.00
36. 72' x 72' LED RECESSED LIGHT	1	864.00	864.00
37. 74' x 74' LED RECESSED LIGHT	1	888.00	888.00
38. 76' x 76' LED RECESSED LIGHT	1	912.00	912.00
39. 78' x 78' LED RECESSED LIGHT	1	936.00	936.00
40. 80' x 80' LED RECESSED LIGHT	1	960.00	960.00
41. 82' x 82' LED RECESSED LIGHT	1	984.00	984.00
42. 84' x 84' LED RECESSED LIGHT	1	1008.00	1008.00
43. 86' x 86' LED RECESSED LIGHT	1	1032.00	1032.00
44. 88' x 88' LED RECESSED LIGHT	1	1056.00	1056.00
45. 90' x 90' LED RECESSED LIGHT	1	1080.00	1080.00
46. 92' x 92' LED RECESSED LIGHT	1	1104.00	1104.00
47. 94' x 94' LED RECESSED LIGHT	1	1128.00	1128.00
48. 96' x 96' LED RECESSED LIGHT	1	1152.00	1152.00
49. 98' x 98' LED RECESSED LIGHT	1	1176.00	1176.00
50. 100' x 100' LED RECESSED LIGHT	1	1200.00	1200.00

SDG

NORTH & WEST EXTERIOR ELEVATIONS

SPALDING DESIGN GROUP

1000 N. Main Street, Suite 100, South Bend, IN 46601

Phone: (574) 233-1111

Website: www.spaldingdesigngroup.com

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

A second story gallery frontage should not be injurious to the public health, safety, morals, and general welfare of 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 area adjacent to the property included in the variance will not be affected in a substantially adverse manner. Adding these units with this feature should benefit the values of neighboring properties and would not impact any of the adjacent uses.

(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 make it impossible to establish a second story gallery frontage type. This results in an inconsistent architectural style in the Northeast Neighborhood Zoning Overlay.

(4) The variance granted is the minimum necessary

The variance granted is the minimum necessary. The two-story gallery matches the permitted three-story apartment house building type.

(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 owner. The code prevents what would be permitted under a different building type, but to arrive at that building type, the owner would be forced to add a unit. In this situation, the gallery limitation also conflicts with the Northeast Neighborhood Zoning Overlay. The overlay calls for elements and details to be consistent across the building; prohibiting the second story to the gallery would make the building inconsistent.

Analysis & Recommendation

Analysis: The two-story gallery would be consistent with the architectural style of the proposed building.

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: 520 WAYNE ST and 310 TAYLOR ST and 310 TAYLOR ST and 512 WAYNE ST and 512 WAYNE ST and 500 WAYNE ST and 319 WILLIAM ST and 323 WILLIAM ST and 318 TAYLOR and 507 WILLIAM ST and 501 WESTERN AVE

Owner: DEPARTMENT OF REDEVELOPMENT CITY OF SOUTH BEND

Project Summary

These variances are for a largely residential, mixed-use redevelopment project. The residences built on these lots will include townhomes and walk-up apartment buildings.

Requested Action

Variance(s):

- A - from the 12' maximum front setback to 35' on Wayne (21-03.07(d))
 - B - from the 150' building width maximum for a shop building type to 244' (21-08.02(j)(3))
 - C - from the 120' building width maximum for a stacked flats building type to 200' (21-08.02(j)(3))
-

Site Location**Staff Recommendation**

Based on the information provided prior to the public hearing, the staff recommends the Board approve the setback variance as presented, approve the shop building width variance subject to no internal connection with each side no greater than 150', and approve the stacked flats building subject to superior articulation through such design techniques as enhanced detailing, changes in material, or changes in the building plane.

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 will not be injurious to the public health, safety, morals, and general welfare of the community. The longer building widths for both the shop and stacked flats buildings will allow for buildings that still fit contextually at this site on the downtown fringe. They will also be designed in a way that makes them appear as zoning compliant buildings in terms of width, meeting the intent of the ordinance. The setback variance will ensure that the significant focal point of St. Patrick's Church is maintained.

(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 will not be affected in a substantially adverse manner by longer building widths. This design approach aligns with the allowed zero-foot side setback in NC, but a variance is required due to the site being treated as one parcel. The addition of mixed-use development should raise the value of the area adjacent to the property by having more people living in the area interacting with the neighboring commercial uses. Allowing for the larger setback in a front yard along Wayne Street will maintain a sight line to to an existing historic architectural resource while preserving or improving adjacent property values.

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

Because the project site is being treated as one parcel, the petitioner would be prevented from designing longer buildings which would normally be allowed by right under NC building standards, such as the zero-foot side setback. Additionally, strict application would make it difficult for the petitioner to deliver on creating a mixed-income community while retaining as many public housing units on site as possible. The church as a focal point could not sufficiently be maintained without approval of a front setback variance to 35' along Wayne Street.

(4) The variance granted is the minimum necessary

The variance granted is the minimum necessary. The building front setback variance is just enough to accommodate a clear sightline of St. Patrick's Church. The width variances will allow for use of the parcel as would be allowed under typical circumstances given current building form requirements in a NC district.

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

For the building width variance, the hardship is that the zoning ordinance was not written for unique situations like this when there are multiple buildings on one parcel in a NC zone. A former or current owner of this property did not site St. Patrick's Church.

Analysis & Recommendation

Analysis: This public-private redevelopment lies on a parcel situated at a transition between Downtown and more dense urban residential neighborhoods. The proposed townhouses and stacked flat buildings reflect this and offer a mix of uses and densities appropriate for the area. The requested setback and building width variances are the minimum necessary to ensure that project attains its housing goals and meets state tax application deadlines.

Staff Recommendation: Based on the information provided prior to the public hearing, the staff recommends the Board approve the setback variance as presented, approve the shop building width variance subject to no internal connection with each side no greater than 150', and approve the stacked flats building subject to superior articulation through such design techniques as enhanced detailing, changes in material, or changes in the building plane.

Location: 628 WESTERN AVE
Owner: HOUSING AUTHORITY OF SO BEND

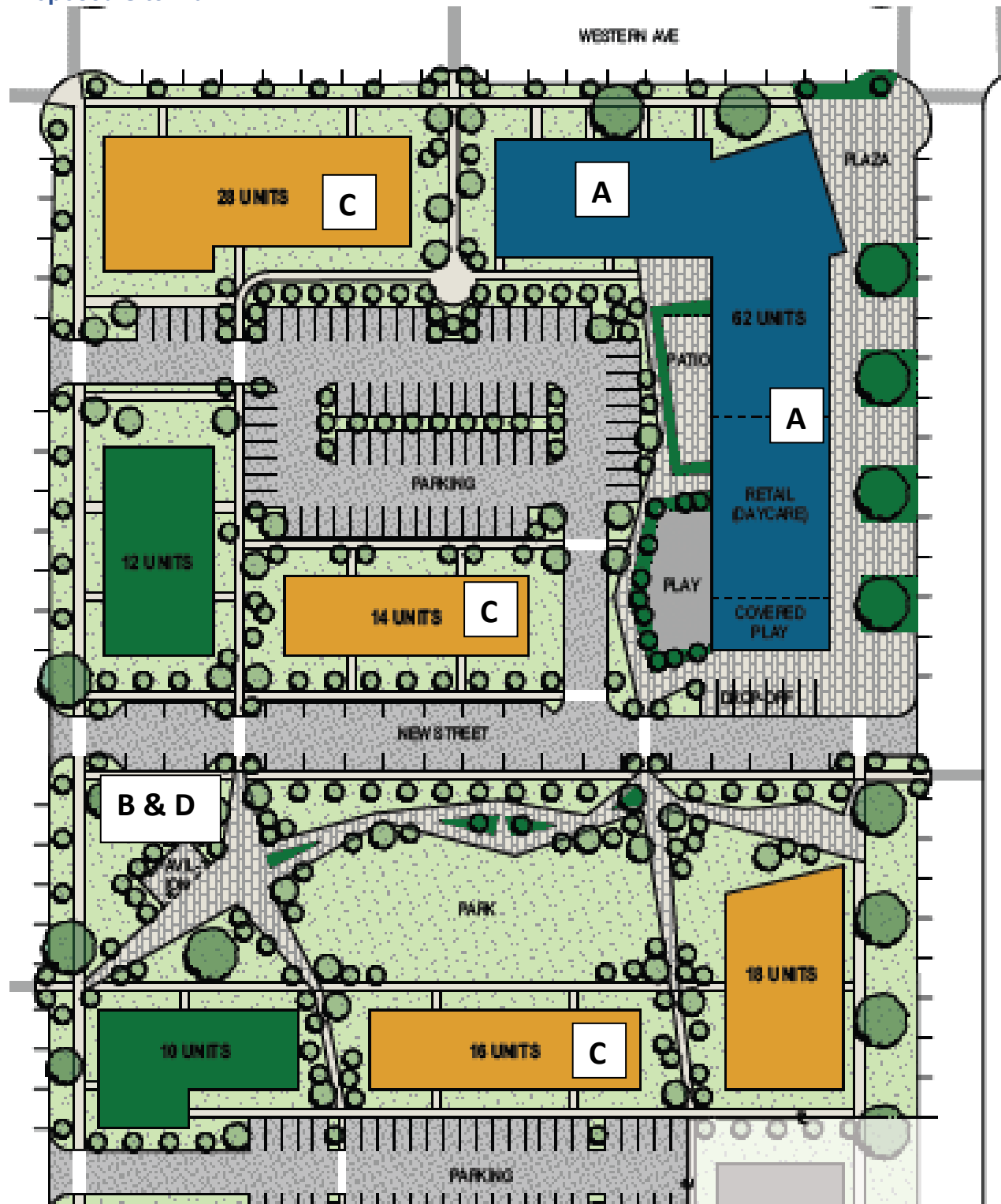
This petition is for a property that is being developed as part of a large-scale, mixed-use redevelopment project. The plan for this property is to build two and three story walk-up apartment buildings, as well as a taller elevator apartment building that will also contain a daycare and potential retail space.

- Special Exception:
 - Day Care Center (21-06.01(k)(10))
- Use Variance:
 - Retail & Service, General (21-06.01(k)(16))
- Variance(s):
 - A - from the 150' building width maximum for a shop building type to 290' (21-08.02(k)(3)),
 - B - from the 15' maximum residential front yard setback to 130' (21-03.05(d)),
 - C - from the 120' maximum building width for a stacked flats building type to 200' (21-08.02(j)(3)), and
 - D - to allow an accessory structure in a front yard (21-06.02(d)(1))

[illegible]

Based on the information provided prior to the public hearing, the staff recommends the Board send the petitions for the Special Exception and Use Variance to the Common Council with a favorable recommendation. Staff also recommends that the Board approve the building setback and accessory structure variances as presented, and approve the stacked flats and shop building width variances subject to superior articulation through such design techniques as enhanced detailing, changes in material, or changes in the building plane.

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 uses of a daycare center and retail or service, general will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare. There is already a significant amount of retail in the area, and a daycare would provide minimal disruption to the area while helping to provide an essential service for local families.

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

The proposed uses will not injure or adversely affect the use of the adjacent area or property values therein. Retail space and a daycare in this area have the potential to increase property values by providing desirable amenities for the neighborhood. These uses would also be situated adjacent to Western Avenue, a major street that already contains similar types of uses and is able to accommodate more.

(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 uses will be consistent with the character of the district in which they are located and the land uses authorized therein. There are already many commercial uses along Western Avenue, and the retail space could function as a great complement to the adjacent baseball stadium and the existing retail spaces surrounding that. Additionally, the daycare will provide an essential service for parents and their children living in the residential buildings included in this project, as well as others across the city.

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

The proposed uses are compatible with the recommendations of the Comprehensive Plan, including Policy LU 2.2, which recommends pursuing a mix of land uses along major corridors, and objective ED 2, which is to retain existing businesses and recruit new ones to the city.

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 will not be injurious to the public health, safety, morals, and general welfare of the community. The longer building widths for both the shop and stacked flats buildings will allow for buildings that still fit contextually within this neighborhood on the

downtown fringe and the Western Avenue streetscape. The setback and accessory structure variances will promote the creation of a public park that will provide a new amenity for the neighborhood, helping to improve the public health and general welfare.

(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 will not be affected in a substantially adverse manner by the longer building widths. Specifically for the shop building at the corner of Western and Taylor, the width variance will allow for more units to be served by an elevator and for an angled facade at an intersection that provides architectural interest. Allowing for the larger setback and accessory structure in a front yard will promote the creation of a publicly accessible park that will provide a new amenity for the neighborhood and potentially increase property values.

(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 not allow for the width of the shop building at the corner of Western and Taylor, although the facade is angled in such a way that it meets the intent of the ordinance to prevent long, unbroken stretches of wall along the street. This effect will also be achieved by the mixed-use nature of the building, which is proposed to have residential, retail, and childcare uses along the longer side. For the stacked flats buildings, strict application would make it difficult to deliver on this project's goal of creating a mixed-income community while retaining as many public housing units on site as possible. For the building setback and accessory structure variances, those are a result of the siting of a park on the property in an easily accessible location for both residents and other community members. This necessitates its location along the new public street proposed through the development, instead of having it tucked behind buildings if they were to be within the required setback, which would make it more hidden from view. Since the park is technically in the front yard for the setback buildings as well, the strict application of the code would prevent any accessory structure from being placed within it, which would severely limit its potential to become an engaging, lively space.

(4) The variance granted is the minimum necessary

The variance granted is the minimum necessary. The building setback variance is just enough to accommodate the size of the park, which is all technically located in the front yard, meaning that the accessory structure variance is required to allow for the construction of any accessory structure in the park. Specifically for the shop building at the corner of Western and Taylor, the width variance will allow for a centralized entrance for the residential portion of the building at the corner and one elevator for the whole building. The stacked flats width variance is the minimum needed to still create buildings that help accommodate the needed for retaining public housing units on site within a mixed-income development and add appropriate density to the site.

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

For the building setback and accessory structure variances, the hardship is that the zoning ordinance was not written for unique situations like this, where park space is being closely integrated with new residential development. The width variance for the shop building

responds to a unique situation in which an angled portion of a facade at a corner is included in the same width calculation as a facade along an adjacent street, contributing to it exceeding the maximum permitted width despite it meeting the intent of the ordinance. The building width variances are a result of the hardship imposed on the petitioner of having to try and retain as many public housing units on site as possible while still pursuing mixed-income development.

Analysis & Recommendation

Analysis: Incorporating a daycare and retail space into this development will provide new amenities for the neighborhood and fit with the other commercial uses on and near Western Avenue. Granting the setback and accessory structure variances will allow for the creation of a new publicly accessible park. The building width variance for the mixed-use shop building will allow it to have one central elevator while meeting the intent of the ordinance, and the width variance for the stacked flats buildings will help the petitioner retain as many public housing units on site as possible, and construct buildings that create continuity with the rest of this development.

Staff Recommendation: Based on the information provided prior to the public hearing, the staff recommends the Board send the petitions for the Special Exception and Use Variance to the Common Council with a favorable recommendation. Staff also recommends that the Board approve the building setback and accessory structure variances as presented, and approve the stacked flats and shop building width variances subject to superior articulation through such design techniques as enhanced detailing, changes in material, or changes in the building plane.

Property Information

Location: 321 HILL ST and 319 HILL ST and 317 HILL ST and 315 HILL ST and 307 HILL ST and 523 LASALLE AVE and 529 LASALLE Avenue
Owner: GREATER LOWELL HOLDINGS LLC

Project Summary

The applicant intends to develop an outdoor entertainment space in support of a restaurant.

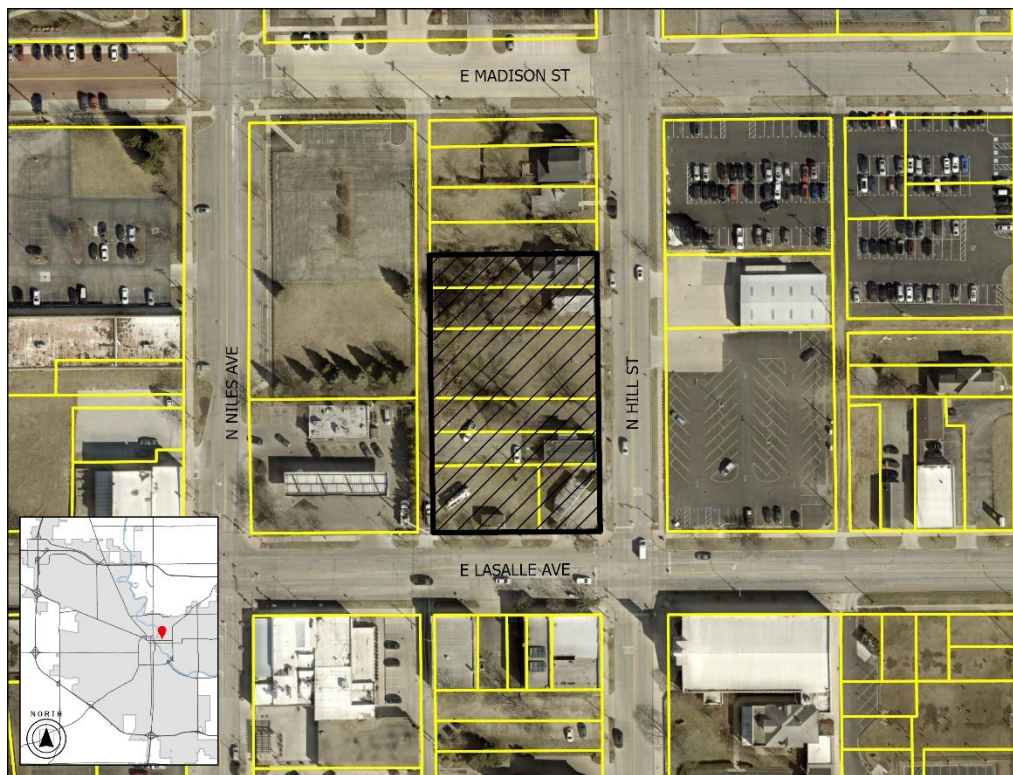
Requested Action

Special Exception:

- to permit Entertainment/Recreation Facility, Outdoor

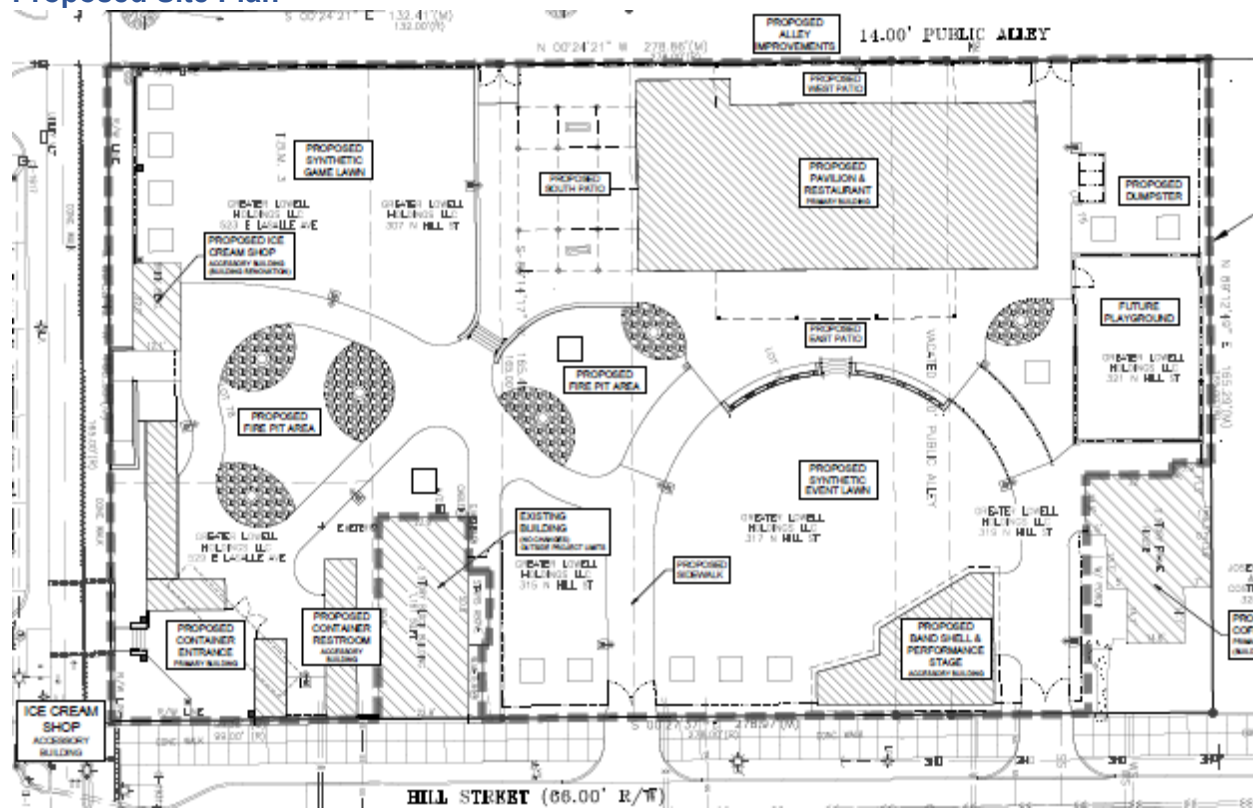
Variance(s):

- from the facade transparency of 60% to 0% (21-03.08(h))
 - from the maximum number of accessory buildings of 1 to 3 (21-06.02(e))
-

Site Location**Staff Recommendation**

Based on the information provided prior to the public hearing, the staff recommends the Board send the Special Exception petition to the Common Council with a favorable recommendation and approve the variances as presented.

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;

Approval of this Special Exception should not be injurious to the public health, safety, morals, and general welfare of the community. Outdoor recreation and entertainment are an essential piece to any downtown area and the activity there should make it safer for all residents.

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

Outdoor entertainment and recreation should not injure or adversely affect the use of the adjacent area or property values; the use is activating a mostly vacant parcel to feature several activities, drawing more people to the downtown and improving the area around it.

(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. The Downtown Zoning District calls for a variety of high-intensity urban uses. The proposed use falls within this description.

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

The proposed use is compatible with the Northeast Neighborhood Plan (2022). The plan calls for active mixed-use on the lot. While this is not the full implementation of the plan; the entertainment/recreation, outdoor, would fit within that mixed-use concept in the future.

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 transparency of the structures and number of accessory structures would not be injurious to the public.

(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 an adverse manner. The structures without facade transparency will act as an enclosed barrier for the site and will permit a variety of outdoor activity to occur with the accessory structures providing essential support, thereby activating a vacant parcel.

(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 make outdoor entertainment and recreation difficult on this parcel. There is a need to enclose that use, but also have it prominent in the front and corner yards. The reduction of the facade transparency makes that possible. Outdoor entertainment and recreation also may need support structures like band shells and retail space while also allowing it to be open to the sky above.

(4) The variance granted is the minimum necessary

The variance granted is the minimum necessary. In order to site the multitude of uses on the property, multiple accessory structures are needed to fulfill the use's operations. Three accessory structures should provide that function. The lack of transparency permits the enclosure of the space behind a building that will function as office and access control.

(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 by the former or current owner of the property. It would be extremely difficult to pursue the proposed permitted uses without these variances.

Analysis & Recommendation

Analysis: This petition seeks to permit an outdoor activity space for the enjoyment of the residents and visitors of the city. This use requires enclosure and access management along with accessory structures to support it. The special exception enlivens a vacant parcel in the city's downtown and the variances provide the details that make it possible.

Staff Recommendation: Based on the information provided prior to the public hearing, the staff recommends the Board send the Special Exception petition to the Common Council with a favorable recommendation and approve the variances as presented.

Property Information

Location: 1133 HARVEY ST and 522 BLAINE AVE
Owner: Affordable HomeMatters Indiana, LLC

Project Summary

Requesting a Special Exception to allow for the use of a duplex on two U1 zoned lots.

Requested Action

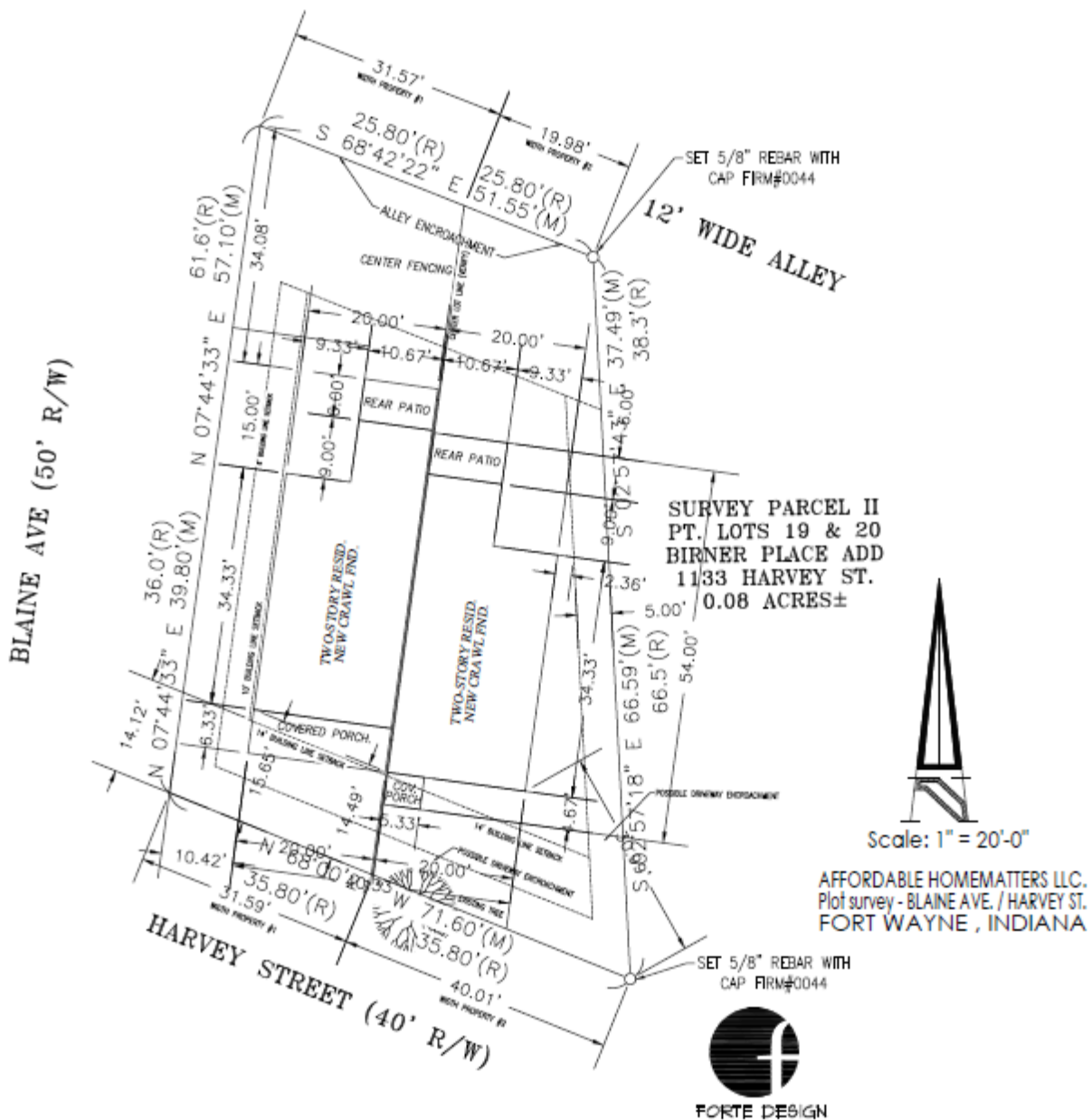
Special Exception: Dwelling, 2 Units (21-06.01(j)(3)) in U1 Urban Neighborhood 1

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.

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;

Approval of this Special Exception should not be injurious to the public health, safety, morals, and general welfare of the community. The building shall be a newly constructed duplex. A two-unit dwelling will provide more neighbors to the neighborhood which will increase safety and 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;

Building this duplex should not injure or adversely affect the uses or values of adjacent properties and the area around the building. As proposed, the duplex is consistent with the scale, character, and land use of the surrounding neighborhood, will bring new neighbors to the area, and will provide housing on a lot that is currently vacant.

(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 use as a two unit dwelling will further complement the existing housing stock, match the scale and character of the neighborhood, and provide infill housing on a vacant lot.

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

The petition is consistent with Objective H1.1 from the city's comprehensive plan, which is to encourage residential developments that contain a mix of housing types, densities, price ranges, and amenities. Additionally, this type of use aligns with the future land use map contained within the comprehensive plan, which recommends for these parcels to be used for medium-density residential.

Analysis & Recommendation

Analysis: The construction of a new duplex that is consistent with the scale and character of the surrounding neighborhood will bring new residents to the area and provide additional housing on a lot that is currently vacant.

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.