

# City of South Bend

## BOARD OF ZONING APPEALS

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### AGENDA

**Monday, May 4, 2026 - 4:00 p.m.**

City Hall

Third-Floor Council Chambers

**Meeting Link** - <http://southbendin.gov/sbbza>

**Meeting Recordings** - <https://tinyurl.com/BZArecordings2026>

#### PUBLIC HEARING:

- Location:** 812 OAK ST BZA#0406-26  
**Owner:** BUILDNOVATION LLC  
**Requested Action:** Special Exception: a Dwelling, 2 Units in U1 Urban Neighborhood 1 [21-03.03(c)]  
**Zoning:** U1 Urban Neighborhood 1
- Location:** 2525 BERTRAND ST BZA#0413-26  
**Owner:** HOMEY LLC  
**Requested Action:** Special Exception: a Dwelling, 2 Units in U1 Urban Neighborhood 1 [21-03.03(c)]  
**Zoning:** U1 Urban Neighborhood 1
- Location:** 1110 HUEY ST BZA#0415-26  
**Owner:** 1110 NORTH HUEY STREET LAND TRUST  
**Requested Action:** Special Exception: a Dwelling, 2 Units in U1 Urban Neighborhood 1 [21-03.03(c)]  
**Zoning:** U1 Urban Neighborhood 1
- Location:** 505 BLAINE AVE AND 507 BLAINE AVE BZA#0416-26  
**Owner:** AFFORDABLE HOME MATTERS INDIANA LLC  
**Requested Action:** Special Exception: a Dwelling, 2 Units in U1 Urban Neighborhood 1 [21-03.03(c)]  
**Zoning:** U1 Urban Neighborhood 1
- Location:** 1329 PYLE AVE BZA#0414-26  
**Owner:** HYMES ROBERT & JULIA HW  
**Requested Action:** Variance(s): from the 3' maximum height of a less than 50% open fence in the corner yard to 6' (21-09.02(c)(1))  
**Zoning:** S1 Suburban Neighborhood 1
- Location:** 1001 31ST ST BZA#0419-26  
**Owner:** SKAGGS ASA S & KAYLA R  
**Requested Action:** Variance(s): from the 3' maximum height for a less than 50% open fence in a corner yard to 6' [21-09.02(c)]  
**Zoning:** U1 Urban Neighborhood 1

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

- 7. **Location:** 1222 35TH ST BZA#0418-26  
**Owner:** IMUS CORRINA & WILSON NICHOLAS  
**Requested Action:** Variance(s): from the 3' maximum height for a less than 50% open fence in a corner yard to 6' [21-09.02(c)]  
**Zoning:** U1 Urban Neighborhood 1
  
- 8. **Location:** 306 BOWMAN ST and 302 BOWMAN ST BZA#0417-26  
**Owner:** FLORES MARIA  
**Requested Action:** Variance(s): To increase the maximum number of detached accessory buildings on a U1 lot from one (1) to two (2) [21-06.02(e)]; and To permit the total area of all detached accessory structures to exceed the main floor area of the primary structure by 112 square feet (816 square feet to 928 square feet) [21-06.02(c)(1)]  
**Zoning:** U1 Urban Neighborhood 1
  
- 9. **Location:** 332 IRONWOOD DR BZA#0420-26  
**Owner:** CRESSY & EVERETT INC  
**Requested Action:** Variance(s): from the 32 sf maximum area for an NC freestanding sign to 181 sf [21-10.05(c)]; and from the 8' maximum height for an NC freestanding sign to 19.1' [21-10.05(c)]  
**Zoning:** NC Neighborhood Center

**ITEMS NOT REQUIRING A PUBLIC HEARING:**

- 1. Findings of Fact
  - a. February 2, 2026
  - b. March 2, 2026
  - c. April 6, 2026
- 2. Minutes
  - a. February 2, 2026
  - b. March 2, 2026
  - c. April 6, 2026
- 3. Other Business
- 4. Adjournment

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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: 812 OAK ST  
Owner: BUILDNOVATION LLC and Jose Guevara

**Project Summary**

The petitioner seeks to build a new two unit dwelling using the stacked duplex pre-approved plan.

**Requested Action**

Special Exception: a Dwelling, 2 Units in U1 Urban Neighborhood 1 [21-03.03(c)]

**Site Location**

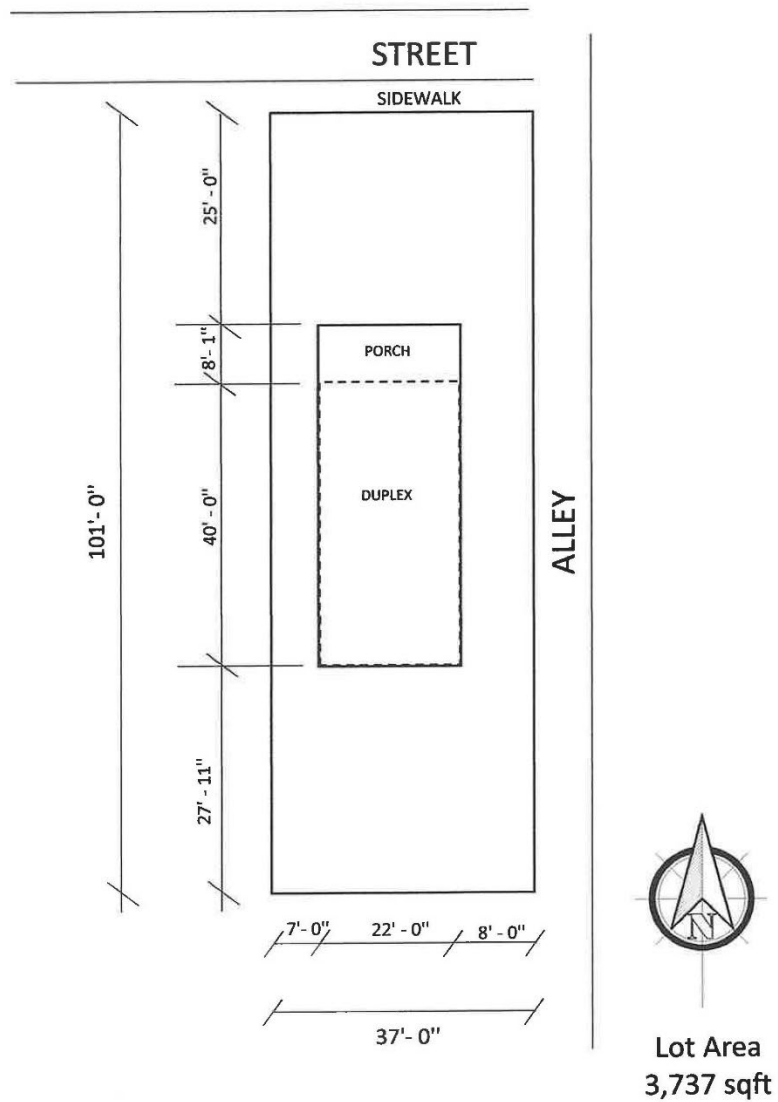


**Staff Recommendation**

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

# SITE PLAN PROPOSAL FOR STACKED DUPLEX PROJECT 812 OAK STREET



## 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 on a vacant lot, which will provide more housing units in the neighborhood and help to 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 two unit dwelling should not injure or adversely affect the uses or values of adjacent properties and the area around the building. As proposed, the building is consistent with the scale, character, and land use of the surrounding neighborhood, and will provide housing on a lot that is currently vacant, potentially raising property values.

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

A two unit dwelling will 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.

## Analysis & Recommendation

**Analysis:** The construction of a new duplex that is consistent with the scale and character of the surrounding neighborhood will provide additional housing units and fill in 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.

**Property Information**

Location: 2525 BERTRAND ST  
Owner: HOMEY LLC

**Project Summary**

The petitioner seeks to build a new two unit dwelling using the stacked duplex pre-approved plan.

**Requested Action**

Special Exception: a Dwelling, 2 Units in U1 Urban Neighborhood 1 [21-03.03(c)]

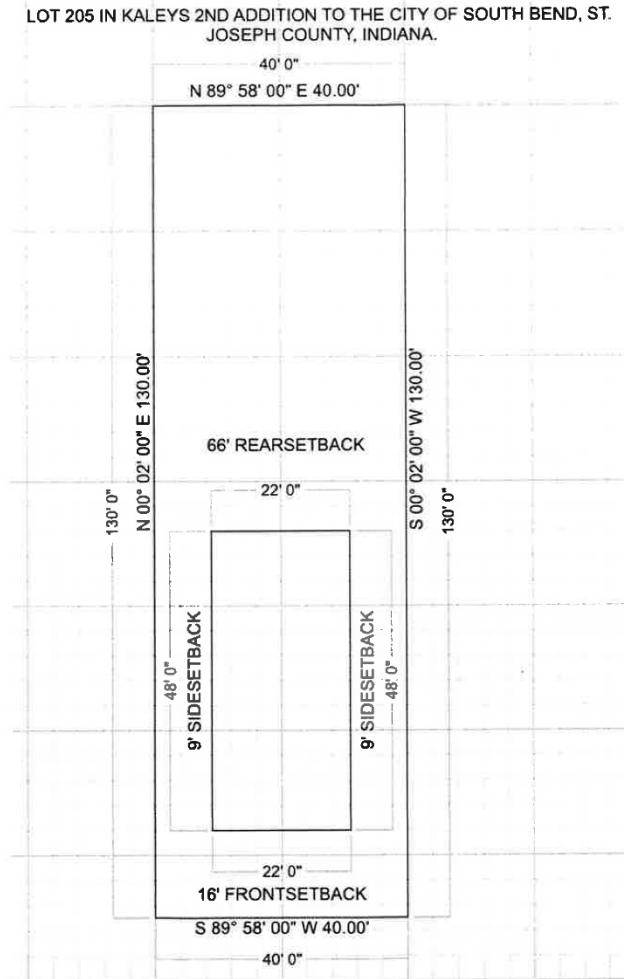
**Site Location**



**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



Property Address: 2525 Bertrand St, South Bend, IN 46628  
Parcel ID: 018-2070-2588 / 71-08-03-381-010.000-026  
Scale: 1" = 20'  
ISR: Approx 20.3%  
Lot Size: Approximately 40' x 130' (5,200 sq. ft.)

## 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 on a vacant lot, which will provide more housing units in the neighborhood and help to 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 two unit dwelling should not injure or adversely affect the uses or values of adjacent properties and the area around the building. As proposed, the building is consistent with the scale, character, and land use of the surrounding neighborhood, and will provide housing on a lot that is currently vacant, potentially raising property values.

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

A two unit dwelling will 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.

## Analysis & Recommendation

**Analysis:** The construction of a new duplex that is consistent with the scale and character of the surrounding neighborhood will provide additional housing units and fill in 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.

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**Property Information**

Location: 1110 HUEY ST  
Owner: 1110 NORTH HUEY STREET LAND TRUST

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**Project Summary**

The petitioner seeks to convert a one unit dwelling into a two unit dwelling.

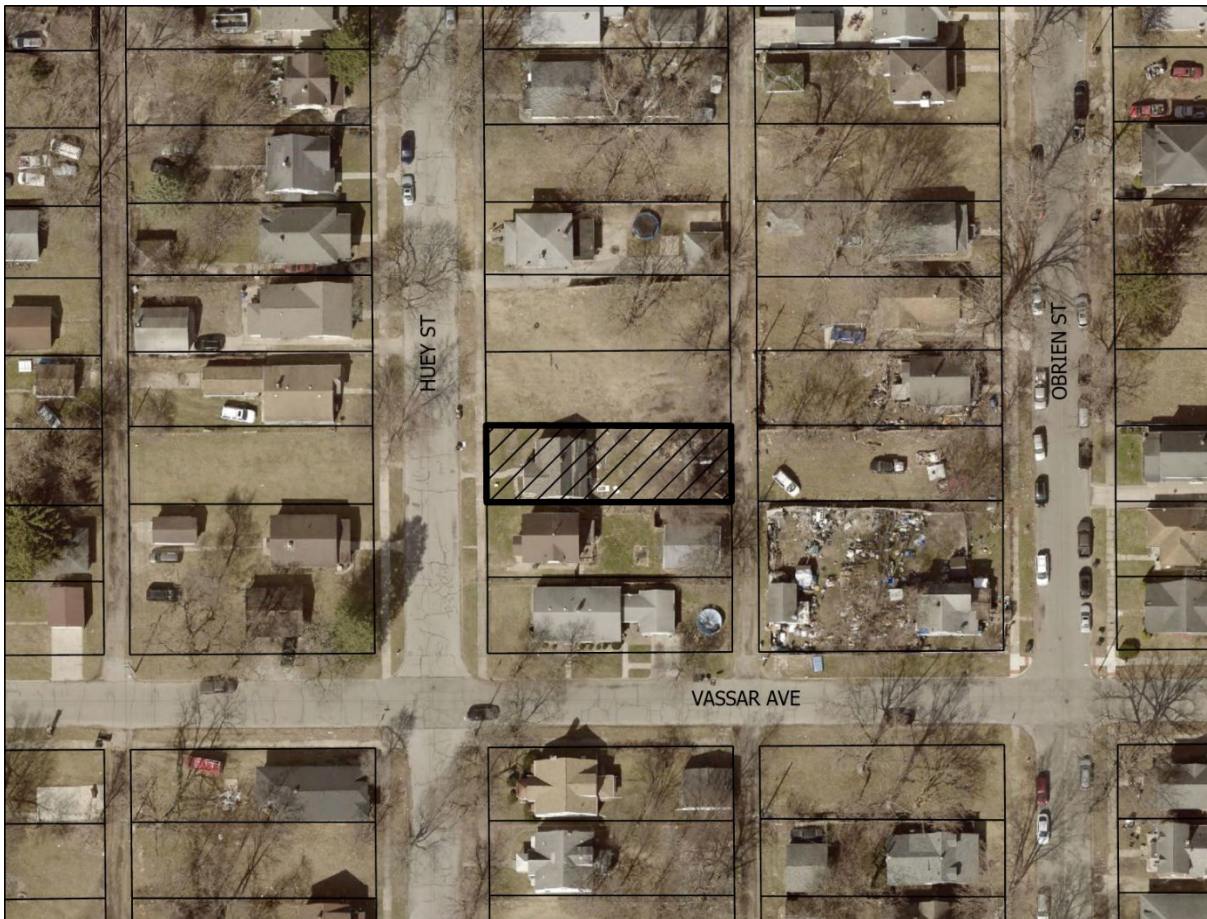
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**Requested Action**

Special Exception: a Dwelling, 2 Units in U1 Urban Neighborhood 1 [21-03.03(c)]

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**Site Location**



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**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;**

Approval of this Special Exception should not be injurious to the public health, safety, morals, and general welfare of the community. The conversion will provide more housing units in the neighborhood and help to 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;**

Creating this two unit dwelling should not injure or adversely affect the uses or values of adjacent properties and the area around the building. The building is consistent with the scale and character of the surrounding neighborhood as it currently exists, and this low-density residential use will also fit with the surrounding land uses. Adding an additional housing unit to the structure could potentially raise property values.

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

A two unit dwelling will complement the existing housing stock and match the scale and character of the neighborhood.

**(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.

## Analysis & Recommendation

**Analysis:** This conversion of an existing single-family home that is consistent with the scale and character of the surrounding neighborhood into a duplex will provide additional housing units.

**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.

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**Property Information**

Location: 505 BLAINE AVE AND 507 BLAINE AVE  
Owner: AFFORDABLE HOME MATTERS INDIANA LLC

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**Project Summary**

The petitioner seeks to build a new two unit dwelling.

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**Requested Action**

Special Exception: a Dwelling, 2 Units in U1 Urban Neighborhood 1 [21-03.03(c)]

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**Site Location**



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**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;**

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 townhome-style duplex on a vacant lot, which will provide more housing units in the neighborhood and help to 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 two unit dwelling should not injure or adversely affect the uses or values of adjacent properties and the area around the building. As proposed, the building is consistent with the scale, character, and land use of the surrounding neighborhood, and will provide housing on a lot that is currently vacant, potentially raising property values.

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

A two unit dwelling will 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.

## Analysis & Recommendation

**Analysis:** The construction of a new duplex that is consistent with the scale and character of the surrounding neighborhood will provide additional housing units. This new duplex will be constructed across two currently vacant lots.

**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.

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**Property Information**

Location: 1329 PYLE AVE  
Owner: HYMES ROBERT & JULIA HW

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**Project Summary**

The applicant intends to install a 6' privacy fence along their northwest property line in their corner yard to replace the existing chain link fence.

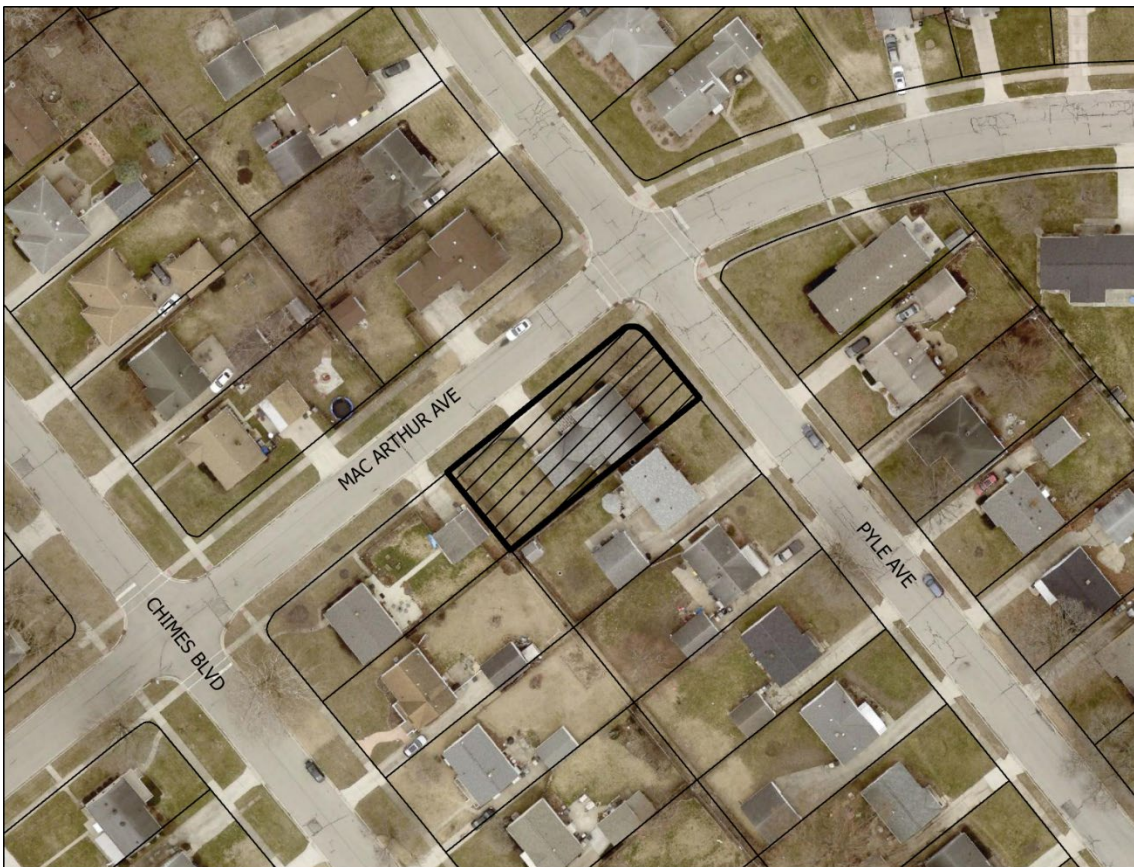
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**Requested Action**

Variance(s): from the 3' maximum height of a less than 50% open fence in the corner yard to 6' (21-09.02(c)(1))

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**Site Location**



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**Staff Recommendation**

Based on the information provided prior to the public hearing, the staff recommends the Board approve the variance as written, conditional on the fence being built no closer than 3' from the sidewalk.



## 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 fence will not be injurious to the public health, safety, morals, and general welfare of the community. Having a corner privacy fence relatively close to the sidewalk can have a negative impact on the pedestrian experience, causing a small impact on the general welfare. However, the fence will be set back a bit from the sidewalk, helping to limit this potential injury.

**(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. Having a corner privacy fence relatively close to the sidewalk can have a negative impact on the pedestrian experience, potentially impacting the value of the area, but such impact will likely be very small, if any.

**(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. Building a privacy fence at the desired height in the rear yard, as allowed by the ordinance without a variance, would reduce the size of the petitioner's small backyard by about a third, significantly impacting the usability of said yard.

**(4) The variance granted is the minimum necessary**

The variance granted is the minimum necessary. The new fence will be set back a few feet from the sidewalk, providing a bit of a buffer for pedestrians using said sidewalk. The fence cannot be pushed back further without significantly shrinking the usable area of the petitioner's backyard.

**(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 owner of the property.

## Analysis & Recommendation

**Analysis:** If the petitioner were to build a 6' privacy fence where they are allowed without a variance, it would significantly decrease the usable area in their backyard, which is not very large to begin with. Many of the petitioner's neighbors also have similar fences in their corner yards, meaning that this proposal is consistent with the local context. The house to the south that might be the most affected by this variance is facing the opposite direction, limiting the impact on that property. Finally, placing the fence a few feet off the sidewalk will provide a bit more comfort for pedestrians.

**Staff Recommendation:** Based on the information provided prior to the public hearing, the staff recommends the Board approve the variance as written, conditional on the fence being built no closer than 3' from the sidewalk.

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**Property Information**

Location: 1001 31ST ST  
Owner: SKAGGS ASA S & KAYLA R

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**Project Summary**

The petitioner seeks to rebuild an existing solid fence in their corner yard at a 6' height.

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**Requested Action**

Variance(s): from the 3' maximum height for a less than 50% open fence in a corner yard to 6' [21-09.02(c)]

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**Site Location**



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**Staff Recommendation**

Based on the information provided prior to the public hearing, the staff recommends the Board approve the variance as written, conditional on the fence being placed in line with the existing one and no closer to the northern property 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 will not cause any significant injury to the public health, safety, morals, and general welfare of the community. Having a corner privacy fence relatively close to the sidewalk can have a negative impact on the pedestrian experience, causing a small impact on the general welfare. However, the fence will be set back a bit from the sidewalk, helping to limit this potential injury.

**(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. Having a corner privacy fence relatively close to the sidewalk can have a negative impact on the pedestrian experience, potentially impacting the value of the area, but such impact will likely be very small, if any. The new fence will also be rebuilt in the same location as the existing fence, meaning that any such impact will not become larger than it may already be. A significant number of other properties on Vine St also have 6' privacy fences in their corner yards, some closer to the sidewalk than this one, meaning that this will be relatively consistent with the existing neighborhood. Finally, the property across the alley to the west is facing 30th Street instead of Vine Street, meaning that this fence will align with their corner yard and not their front yard, limiting the impact on that property as well.

**(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 petitioner's backyard, while relatively standard for an typical urban lot in South Bend, is not very large, and building a privacy fence at the desired height in the rear yard (as allowed by the ordinance without a variance) would reduce the size of their backyard by roughly a third. This would significantly impact the usability of their property. Additionally, the property is located across the street from a church property that is used quite frequently for outdoor basketball in the parking lot along Vine Street, creating the desire for additional privacy.

**(4) The variance granted is the minimum necessary**

The variance granted is the minimum necessary. The new fence will be located in the same position as the existing one, which is set back a few feet from the property line. This will provide a bit of a buffer between itself and the sidewalk. The fence cannot be pushed back further without significantly shrinking the usable area of the petitioner's relatively small backyard. There are also two large trees that should be preserved that would get in the way of a more set-back fence.

**(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 owner of the property. The size of the lot, the siting of the neighboring use, and the placement of the existing trees that would be in the way of a fence set farther back were all decided by entities other than the current owner.

## Analysis & Recommendation

**Analysis:** If the petitioner were to build a 6' privacy fence where they are allowed without a variance, it would significantly decrease the usable area in their backyard, which is not very large to begin with. There are also many similar fences situated along Vine Street, and the house to the west that might be the most affected by this variance is facing the opposite direction, limiting the impact on that property. Finally, replacing the fence in the same place as the existing one will maintain a small setback from the sidewalk that provides a bit more comfort for pedestrians, and there is a very active use across Vine Street that makes additional privacy desirable.

**Staff Recommendation:** Based on the information provided prior to the public hearing, the staff recommends the Board approve the variance as written, conditional on the fence being placed in line with the existing one and no closer to the northern property line.

**Property Information**

Location: 1222 35TH ST  
Owner: IMUS CORRINA & WILSON NICHOLAS

**Project Summary**

The applicant intends to install a 6' privacy fence along their south property line in their corner yard.

**Requested Action**

Variance(s): from the 3' maximum height for a less than 50% open fence in a corner yard to 6' [21-09.02(c)]

**Site Location**



**Staff Recommendation**

Staff recommends approval of the variance with the following conditions: 1) the privacy fence encroaching the corner setback shall be established at the southeast corner of the property, but must run westward, parallel to the facade of the house and not along the south lot line; 2) the privacy fence encroaching the corner setback shall go no further westward than the southeast corner of the house.

Proposed Site Plan

Applicant Proposed Fence Layout



**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 fence will not be injurious to the public health, safety, morals, and general welfare of the community. Having a corner privacy fence relatively close to the sidewalk can have a negative impact on the pedestrian experience, causing a small impact on the general welfare. However, the fence will be set back a bit from the sidewalk, helping to limit this potential injury.

**(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. Having a corner privacy fence relatively close to the sidewalk can have a negative impact on the pedestrian experience, potentially impacting the value of the area, but such impact will likely be very small, if any.

**(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 using the property. The existing house was set far back on an irregularly shaped lot when originally built. This creates a corner yard that goes from ~15' at the rear lot line to ~60' at the front façade. Had the terms of the chapter been in place when the house was built, the house would have been closer to the corner.

**(4) The variance granted is the minimum necessary**

The variance proposed by staff is the minimum necessary. Similar to several corner variances granted by the Board of Zoning Appeal, this variance is setback from the sidewalk and avoids a long run along the path to create a friendlier pedestrian experience. It also terminates at the rear corner of the building, enclosing the back yard without creating a fortress style of fencing.

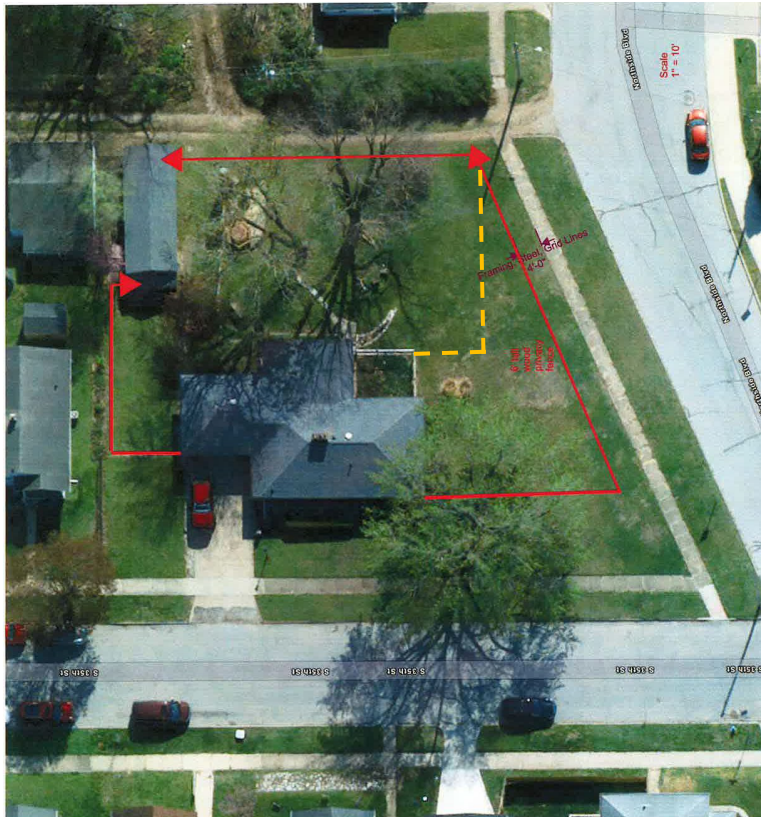
**(5) The variance does not correct a hardship caused by a former or current owner of the property**

The variance granted is not correcting a hardship cause the owners; rather it is correcting a hardship caused by the original siting of the home on an irregularly shaped lot.

## Analysis & Recommendation

**Analysis:** Regularly the BZA grants corner yard privacy fences; however, those often involve smaller yards in denser contexts. This proposed fence significantly exceeds others granted in the past with a long run along the sidewalk and full encroachment into a large corner yard. Additionally, there are no comparable properties within the neighborhood with any corner yard fence exceeding 4'. Staff does recommend a more limited encroachment to achieve the desired effect of outdoor privacy without significant encroachment. Another option to establish full privacy would be to install a 4' 50% open fence in the corner yard and supplement it with landscaping that can provide the intended privacy.

### Staff Proposed Fence Layout Along Northside– dashed line



**Staff Recommendation:** Staff recommends approval of the variance with the following conditions: 1) the privacy fence encroaching the corner setback shall be established at the southeast corner of the property, but must run westward, parallel to the facade of the house and not along the south lot line; 2) the privacy fence encroaching the corner setback shall go no further westward than the southeast corner of the house.

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**Property Information**

Location: 306 BOWMAN ST and 302 BOWMAN ST  
Owner: FLORES MARIA and Maris Perez

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**Project Summary**

The applicant intends to construct a new garage to be able to store more modern vehicles while retaining the existing garage for storage.

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**Requested Action**

Variance(s):

- To increase the maximum number of detached accessory buildings on a U1 lot from one (1) to two (2) [21-06.02(e)]
  - To permit the total area of all detached accessory structures to exceed the main floor area of the primary structure by 112 square feet (816 square feet to 928 square feet) [21-06.02(c)(1)]
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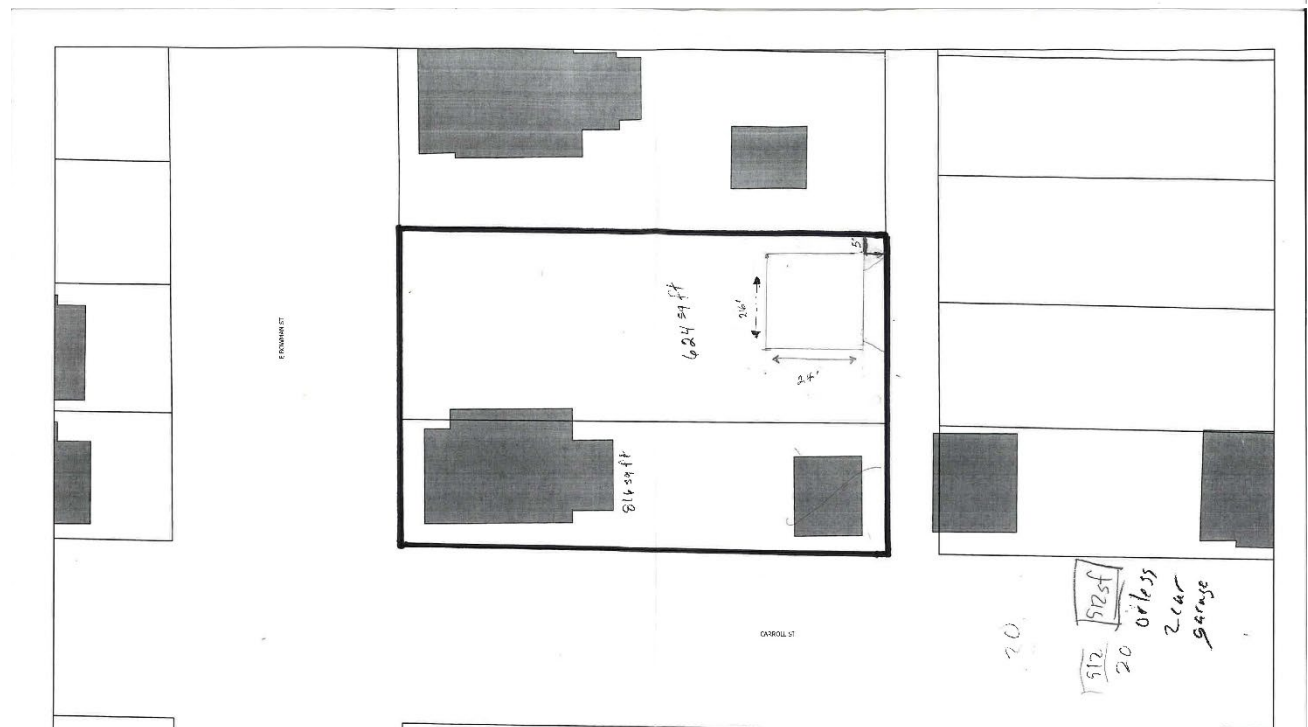
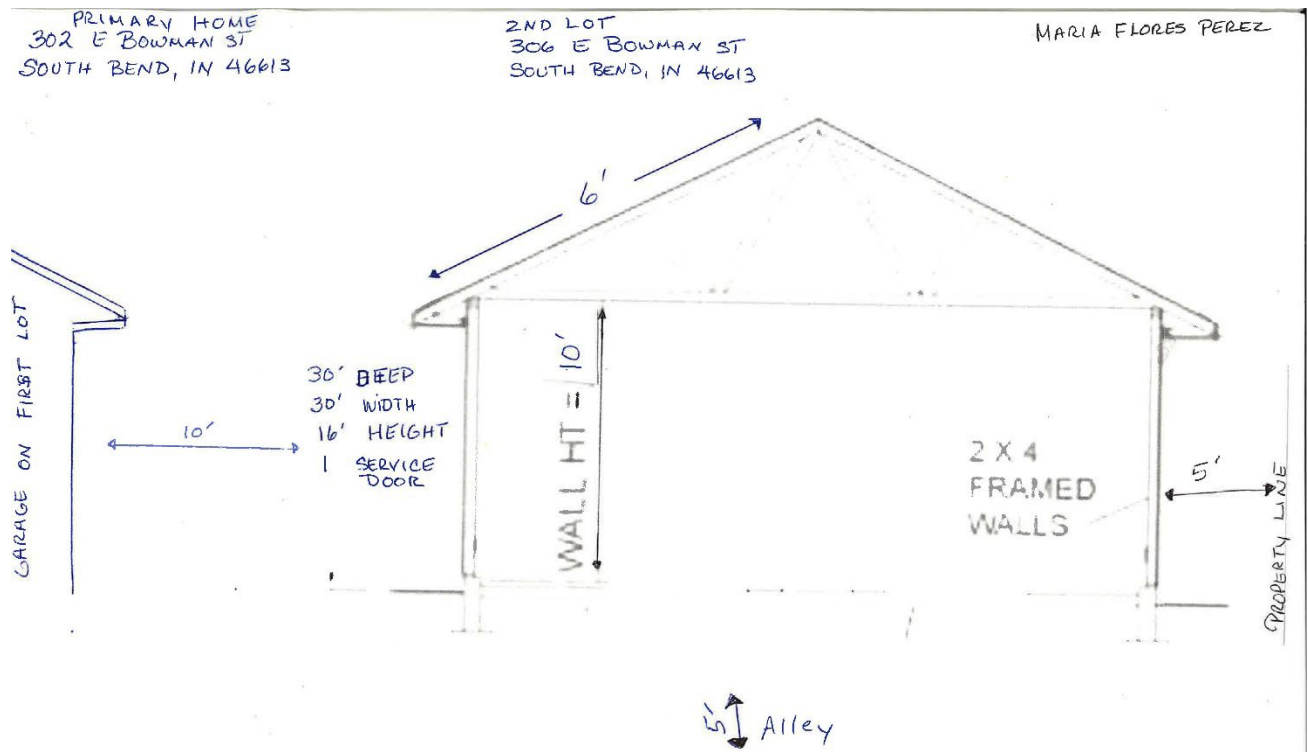
**Site Location**

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**Staff Recommendation**

Based on the information provided prior to the public hearing, the staff recommends the Board deny the total area variance and approve the maximum number of detached accessory structures variance, conditioned on the new accessory structure being built on 306 Bowman Street to be compliant with all setbacks for that lot.

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**

A new garage 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. The property is adding a new garage to an existing lot with a primary use; this should not affect value or uses associated with neighboring properties.

**(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 some practical difficulties in the use of this property. U1 detached houses are permitted to have an accessory structure as large as the main floor of the primary structure. As the existing accessory structure is embedded into a berm, it is extremely difficult to expand it, making the need for a second structure warranted. Under the accessory structure standards, property owners are not permitted to have accessory structures with a combined footprint exceeding the main floor of the principal structure. The main floor of the principal structure in this case is 816 square feet. As the existing 304 square foot garage is intended to be used as storage, the 512 remaining square feet would be sufficient for a two-vehicle garage that can store modern vehicles.

**(4) The variance granted is the minimum necessary**

The variance granted is partially the minimum necessary. While there is an existing garage, it cannot fit modern vehicles due to its smaller size, although it still exceeds the maximum shed size to not count towards the number of accessory structures on the property. It is therefore reasonable for a new garage to be built, but it should not exceed the main floor area of the primary structure when combined with the existing one.

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

The variance granted does not correct the hardship of the current owner. The existing garage was built into a berm, making it extremely hard to expand it beyond its current footprint. Additionally, any expansion may result in the removal of a significant shade tree.

## Analysis & Recommendation

**Analysis:** As the existing garage is embedded into the home's embankment, it is extremely difficult to expand without significant earthwork and the removal of established vegetation. With this in mind, a second accessory structure would permit the property owner full use of the maximum footprint for accessory structures. The new garage should be placed on the 306 Bowman Street lot at least 5' from the alley and side lot lines to allow any future development to use the garage and lot. It should also not exceed the primary structures main floor area when combined with the existing garage to avoid creating a precedent.

**Staff Recommendation:** Based on the information provided prior to the public hearing, the staff recommends the Board deny the total area variance and approve the maximum number of detached accessory structures variance, conditioned on the new accessory structure being built on 306 Bowman Street to be compliant with all setbacks for that lot.

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**Property Information**

Location: 332 IRONWOOD DR  
Owner: CRESSY & EVERETT INC

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**Project Summary**

The petitioner intends to replace an existing changeable copy section of a sign with an Electronic Message Center (EMC), which from a zoning standpoint makes it a new sign that has to align with current zoning standards.

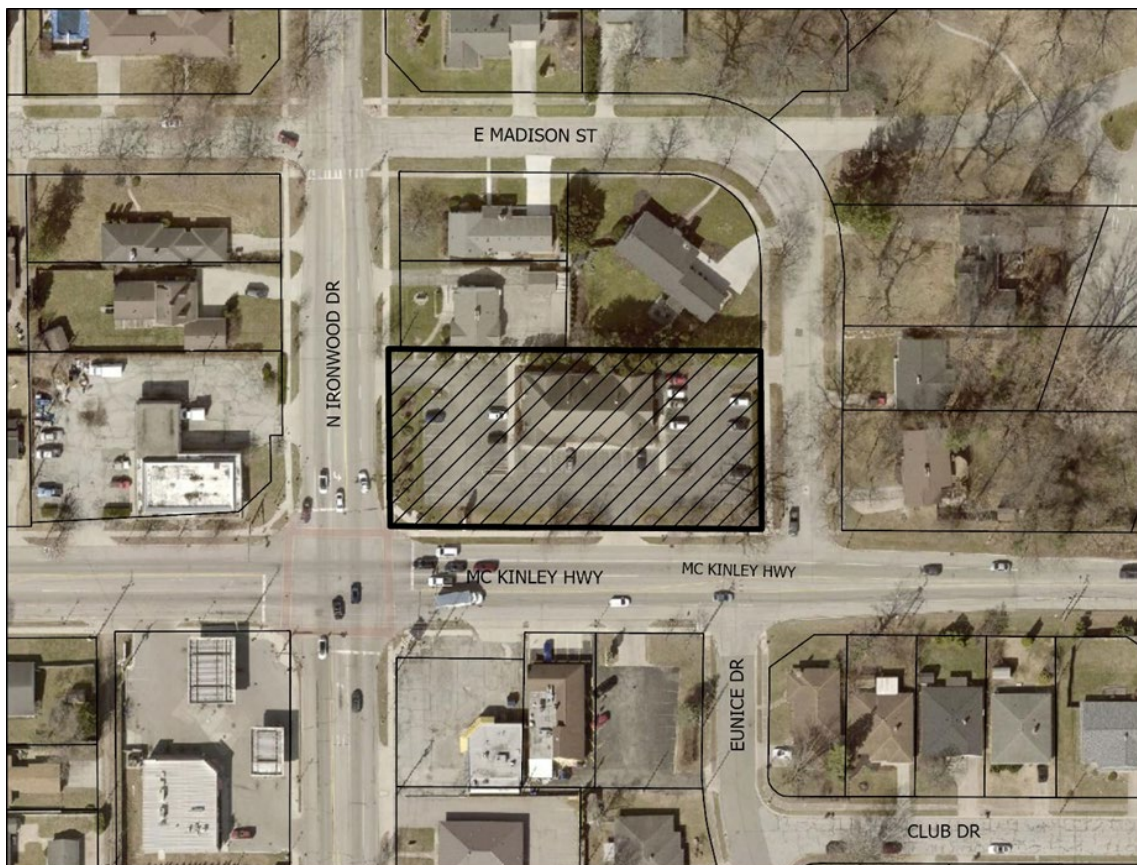
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**Requested Action**

Variance(s):

- From the 32 sf maximum area for an NC freestanding sign to 181 sf [21-10.05(c)]
- From the 8' maximum height for an NC freestanding sign to 19.1' [21-10.05(c)]

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**Site Location**

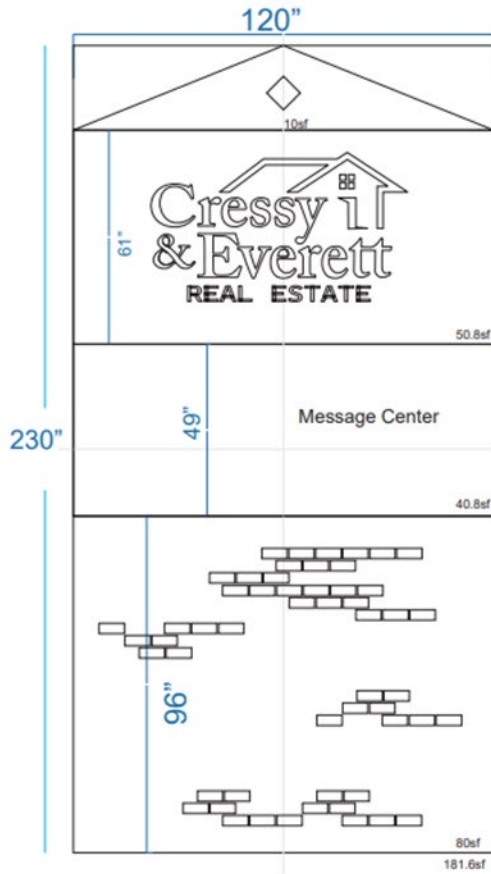
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**Staff Recommendation**

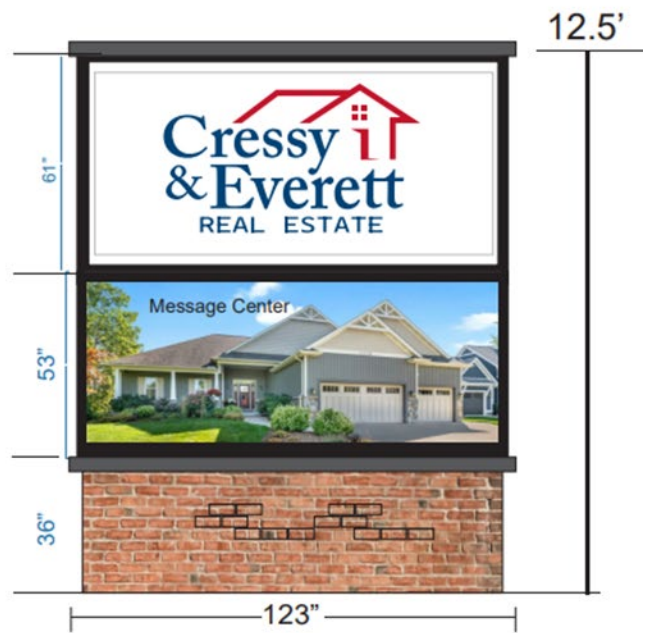
Based on the information provided prior to the public hearing, the staff recommends the Board approve the variances conditioned on the maximum area not exceeding 95 sf, and the maximum height not exceeding 12.5'.

Proposed Site Plan

Existing



Proposed



## 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 as recommended by staff will not be injurious to the public health, safety, morals, and general welfare of the community. Electronic Message Centers can be slightly more distracting for drivers than typical signs, but it is typically not a significant difference. They are also relatively common around the city. Additionally, the overall sign structure would be reduced in size.

**(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 variances will not be affected in a substantially adverse manner if the variances are approved as recommended by staff. The size and height of the overall sign structure will be reduced, helping to reduce its impact. This property is also located at the intersection of two relatively wide streets with commercial uses on all sides, where an EMC makes sense contextually and would not be likely to substantially affect the use and value of adjacent properties.

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

The zoning ordinance states that when the structure of a sign is changed, like when an EMC is added into an existing sign, that sign must come into compliance with current zoning standards. The strict application of the Neighborhood Center (NC) freestanding sign standards would result in slight practical difficulties for the property owner in this instance due to the construction of the existing sign and the local context.

NC, the zoning district for the property in question, is a zone primarily intended for urban commercial corridors with narrower streets, lower speed limits, and dense, mixed-use development located along the street. This means that there is typically less room along the street for freestanding signage, and signs do not need to be as tall or as large as in more auto-oriented areas with higher speeds, where higher and larger signs are easier to see for passing drivers. Therefore, the maximum height and surface area for freestanding signs in NC are significantly lower than in the Commercial (C) district, which is intended for auto-oriented development with parking lots in front of buildings. Although this property is zoned NC, it is located at a wide intersection with relatively auto-oriented commercial development on all sides, which is more characteristic of a C environment.

The large masonry base of the current sign also presents some practical difficulty in making the sign zoning compliant, as most of it would have to be demolished to meet those standards. Additionally, there is existing landscaping surrounding the base that the city would like to see maintained, meaning that the base must remain at least a few feet tall so that the actual signage is located over the top of the landscaping.

**(4) The variance granted is the minimum necessary**

The variances recommended by staff are the minimum necessary for reasonable visibility of the sign. Approving variances for a maximum height of 12.5 ft and a maximum surface area of 95 sf (explained further in the analysis) would put the sign in the middle of the NC and C standards, which is appropriate given the current zoning and real-life context. As it currently stands, the sign is about 19.17 ft in height and 181.6 sf in area. This makes it not only over the 8 ft height and 32 sf area maximums for freestanding signs in NC, but also the 15 ft and 100 sf maximums in the Commercial district.

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

The variance does not correct a hardship caused by the owner of the property. The sign appears to have been on the property in its current state for at least 20 years.

## Analysis & Recommendation

**Analysis:** Although this property is zoned NC, the development on it and surrounding properties aligns more with C, meaning that a taller, larger sign that is closer to C standards could be warranted. The sign's large masonry base, and the landscaping surrounding it, also present hardships to shrinking the size of the existing sign.

Based on these factors, staff recommends approving a variance for a maximum sign height of 12.5', and a variance for a maximum sign area of 95 sf. This would require the petitioner to bring the base down to 3' in height – the point at which it would not count towards the sign area, but the actual signage would still be visible above the landscaping. The width of the base could stay the same, helping to reduce the amount of the base that would need to be demolished. The ornamental piece at the top of the sign would also have to be removed. However, the petitioner could keep the two sections of actual signage essentially the same size as they are currently, and swap out the current changeable copy section with an EMC like they are proposing. Overall, this new configuration would bring the sign more into zoning compliance; bring the height and size between the maximums allowed in NC and C, which fits with the local context; and reduce the amount of structural alterations that the petitioner would have to make to the existing signage.

**Staff Recommendation:** Based on the information provided prior to the public hearing, the staff recommends the Board approve the variances conditioned on the maximum area not exceeding 95 sf, and the maximum height not exceeding 12.5'.