

**AREA BOARD OF ZONING APPEALS**  
**of**  
**St. Joseph County, Indiana**

Wednesday, January 09, 2019  
Fourth-Floor Council Chambers

1:30 p.m.  
County-City Building

**AGENDA**

- 1 The petition of BRADLEY MANAGEMENT LLC seeking the following variance(s):  
1) from the 100' minimum lot width and frontage to 20' for proposed Lot 2, property located at 57455 POPPY RD, Warren Township. Zoned R: Single Family District (County).
- 2 The petition of DONALD D & NANCY A PARCELL seeking the following variance(s): 1) from the 20 acre minimum lot area to 2 acres; and 2) from the 30' minimum side yard setback to 8' along the west line, property located at 10128 PIERCE RD, Madison Township. Zoned A: Agricultural District (County).
- 3 The petition of KLINE CUSTOM HOMES, INC. seeking the following variance(s): 1) from the 35' minimum front yard setback to 25' for Lots 2-19, property located at Cobblestone Square Subdivision (Gumwood between Cleveland and Brick), Clay Township. Zoned R: Single Family District (County).
- 4 The petition of JUPITER SOUTH BEND LLC seeking a Special Exception Use to allow processing and storage of aggregate materials, including on-site crushing of materials and to allow storage in excess of 50% of the total lot area, and seeking the following variance(s): 1) from the 30' minimum front yard setback of Parcel B and 10' rear yard setback of Parcel A to 0'; 2) from the required screening of outdoor storage to a 10' solid fence for 780' along the east, 1120' along the west, none on the south, and use of the existing building wall on the north; 3) from the required landscaping of required perimeter yards to none; and 4) from the required foundation landscaping to the existing landscaping, property located at 3602 W SAMPLE ST, Portage Township. Zoned GI General Industrial District (South Bend).

**ITEMS NOT REQUIRING A PUBLIC HEARING**

1. Findings of Fact
2. Minutes
3. Other Business
4. Adjournment



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

227 W. JEFFERSON BLVD., ROOM 1140 COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 235-9571

MEMORANDUM

DATE: December 28, 2018  
TO: Area Board of Zoning Appeals  
FROM: Jordan Wyatt, Planner  
SUBJECT: January 9, 2019 Area Board of Zoning Appeals Hearing

The following comments are being made concerning items to be heard at the Area Board of Zoning Appeals meeting on January, 2019. The absence of comments on any particular item should not be construed to mean that the staff agrees with the request.

**Variations**

*A variance from any of the development standards of the Zoning Ordinance may only be approved upon the Board of Zoning Appeals making a written determination and adopting appropriate Findings of Fact, based upon the evidence presented at a public hearing, that:*

- (1) The approval will 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; and,*
- (3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property.*

**Special Exception / Special Use**

*A special exception use / special use may only be granted upon making a written determination and adopting appropriate Findings of Fact, 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;*
- (2) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein;*
- (3) The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein;*
- (4) The proposed use is compatible with the recommendations of the Comprehensive Plan.*

**4. Petition of Jupiter South Bend, LLC**

Based on information available prior to the public hearing, the staff recommends the Special Exception Use be sent to the Common Council with a favorable recommendation. The staff recommends denial of the variance from the required perimeter yard landscaping in the front and from the required foundation landscaping.

- (1) *The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare.*  
Locating the proposed use in an industrial area should not be injurious to the public health, safety, or 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.*  
Preserving the façade of the building and installation of landscaping will provide screening to prevent negative affects on the use or value of the adjacent 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.*  
The proposed use is consistent with the character of the GI General Industrial District.
- (4) *The proposed use is compatible with the recommendations of the Comprehensive Plan.*  
The proposed use is consistent with the City Plan, South Bend Comprehensive Plan (November 2006): Objective ED 1.2: Encourage reuse of abandoned and underutilized land and structures.