

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

Wednesday, April 10, 2019
Fourth-Floor Council Chambers

1:30 p.m.
County-City Building

The Title VI Coordinator has made available at this meeting/hearing a voluntary Public Involvement Survey to collect demographic data to monitor and demonstrate St. Joseph County's compliance with its non-discrimination obligations under Title VI and Federal Regulation 23CFR 200.9(b)(4), and more importantly, ensure that affected communities and interested persons are provided equal access to public involvement. Compliance is voluntary. However, in order to demonstrate compliance with the federal regulation, the information requested must be documented when provided. It will not be used for any other purpose, except to show that those who are affected or have an interest in proceedings or the proposed project have been given an opportunity to provide input throughout the process.

AGENDA

- 1 The petition of GREATER LOWELL HOLDINGS LLC seeking the following variance(s): 1) from the 22' minimum front façade height to 7'6", property located at 504 E LASALLE AVE, Portage Township. Zoned CBD Central Business District (South Bend), AS TABLED
- 2 The petition of STEVEN SCHUMANN seeking the following variance(s): 1) from the maximum allowed 1,055 sq. ft. for accessory structures to 1,512 sq. ft., property located at 20315 JEWELL AVE, Centre Township. Zoned R: Single Family District (County), AS TABLED
- 3 The petition of ALEXANDER J ADAMSON seeking the following variance(s): 1) from the 25' minimum front setback to 18', property located at 1004 E ST VINCENT ST, Portage Township. Zoned SF2 Single Family & Two Family District (South Bend), AS TABLED
- 4 The petition of GARRON WARE seeking the following variance(s): 1) from the 6' minimum side yard setback to 0' for parking and 2) from the minimum 15' distance for parking from any building to 3', property located at 833 E SOUTH BEND AVE, Portage Township. Zoned MF1 Urban Corridor Multifamily District (South Bend), AS TABLED
- 5 The petition of PAUL O & CAROLYN F MAUST seeking the following variance(s): 1) from the 8' minimum side setback to 0' and 2) from the 40' minimum rear setback to 20', property located at 52188 FARMINGTON SQUARE RD, Clay Township. Zoned R: Single Family District (County).
- 6 The petition of EDISON ROAD PROPERTY LLC seeking the following variance(s): 1) from the 20' minimum rear residential bufferyard setback to 0' and 2) from the 16 required off-street parking spaces to 7, property located at 2016 EDISON RD, Portage Township. Zoned LB Local Business District (South Bend).
- 7 The petition of ROBERT C & KIMBERLY M WEBER seeking the following variance(s): 1) from the 25' minimum front setback to 20' for an accessory building, property located at 11720 JEFFERSON BLVD, Penn Township. Zoned R: Single Family District (County).

- 8 The petition of NORMAN A AND MELISSA J KRATHWOHL AND RONALD E KRATHWOHL LIFE ESTATE seeking the following variance(s): 1) from the 20 acre minimum lot area to 2.5 acres for proposed Lot 1 and 2) from the 20 acre minimum lot area to 16.7 acres for Outlot A, property located at 68221 MIAMI HWY, Union Township. Zoned A: Agricultural District (County).
- 9 The petition of JM & JT GOLUBSKI LLC seeking the following variance(s): 1) from the 20 acre minimum lot area to 2 acres; 2) from the 30' minimum side setback to 13' on the east; 3) from the 30' minimum side setback to 11' on the west; and 4) from the 30' minimum rear setback to 5' on the south, property located at 29690 JOHNSON RD, Olive Township. Zoned A: Agricultural District (County).
- 10 The petition of HOPKINS PROPERTY OF SOUTH BEND, LLC seeking the following variance(s): 1) from the maximum allowed 48" (4') fence between the front building line and front lot line to 6'; 2) from the required Type A perimeter yard landscaping to none on the north, south and east not abutting a street; 3) from the required foundation landscaping to none on the south and west facades; 4) from the required parking area screening to none along the Toll Road and US 31; 5) from the maximum 40' height for a pole sign to 60' and 6) from the maximum 150 square feet for a pole sign to 341 square feet, property located at AMERITECH DRIVE, APPROXIMATELY 1,250' SOUTH OF CLEVELAND ROAD, German Township. Zoned GB General Business District (South Bend).
- 11 The petition of CITY OF SOUTH BEND DEPARTMENT OF REDEVELOPMENT seeking the following variance(s): 1) from the 15' minimum front setback to 0' for parking and 2) from the required foundation landscaping on three sides of the dumpster enclosure to providing it on the north and west, property located at 340 E. Colfax Ave, Portage Township. Zoned CBD Central Business District (South Bend).
- 12 The petition of COORSMITH PROPERTIES, LLC AND STEVE A. COOREMEAN seeking the following variance(s): 1) from the 40' minimum lot width to 36' for Parcels A and E and 32' for Parcels B - D; 2) from the 25' minimum front setback to 15' for Parcels A - E; and 3) from the 5' minimum side setback to 3' for Parcels B - D, the south lot line of Parcel A, and the north lot line of Parcel E, property located at 708, 704, 622 and Vacant Land North & Adjacent to 704 North Frances Street, Portage Township. Zoned SF2 Single Family & Two Family District (South Bend).
- 13 The petition of BRANKO AND LAUREN ALAVANJA seeking the following variance(s): 1) from the 25' minimum front setback to 13.5' on Notre Dame and 10' on Napoleon; 2) from the 7' side setback to 6' on the west and 6.6' on the south; 3) from the maximum allowed 3' decorative fence along front property lines to 4'; 4) from the 18' minimum garage setback to 10'; and 5) from the 15' maximum driveway at the curb to 24', property located at 1135 North Notre Dame Avenue, Portage Township. Zoned SF2 Single Family & Two Family District (South Bend).
- 14 The petition of ST JOSEPH COUNTY PARKS seeking a Special Use for educational and institutional uses, property located at 50651 LAUREL RD, Clay Township. Zoned R: Single Family District (County).

ITEMS NOT REQUIRING A PUBLIC HEARING

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



MEMORANDUM

DATE: March 27, 2019
TO: Area Board of Zoning Appeals
FROM: Jordan Wyatt, Planner
SUBJECT: April 10, 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 April 10, 2019. The absence of comments on any particular item should not be construed to mean that the staff agrees with the request.

Variances

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.*

1. Petition of Greater Lowell Holdings, LLC

The staff recommends denial of the variance. The height of the request would be out of character with the CBD Central Business District. This district is intended to create mid- and high-rise structures that help activate the street and create pedestrian-oriented development. The previously approved reduction to 12' provided the relief requested. There is no practical difficulty that prevents the installation of a decorative façade to achieve the height previously approved.

2. Petition of Steven Schumann

The staff recommends denial of the variance. The Area Plan Commission is currently in the process of revising the accessory structure regulations. This structure would not meet the new regulations, which were created to be more flexible and based on variances granted by the Area Board of Zoning Appeals. This property is also located in the Voluntary Floodplain Home Buyout Program Area. Even though this is not a designated floodplain, this area has seen excessive flooding in recent years and we would discourage further investment in this area. If the variance is granted, we would suggest requiring the structure be built to the standards of locating a structure in a floodplain.

6. Petition of Edison Road Property, LLC

The staff recommends denial of the rear residential bufferyard setback variance. The intent of providing a greater setback abutting residential districts is to protect residential uses from intense commercial developments. Approval of this variance could greatly affect the use and value of the adjacent residential property.

7. Petition of Robert C. & Kimberly M. Weber

The staff recommends denial of the variance. There appears to be no practical difficulty in locating the new structure at the minimum 25' setback on a lot this large.

10. Petition of Hopkins Property of South Bend, LLC

The staff recommends denial of variances 5 and 6. Approving a sign of this size in close proximity to the roadway could pose a safety concern. This sign could also affect the property value of the parcel adjacent to the sign on the east. The intent of the Sign Regulations Section is to limit excessive sign displays and maintain and improve the appearance of the City of South Bend.

13. Petition of Branko and Lauren Alavanja

The staff recommends denial of variances 4 and 5. Granting the garage setback variance would encourage parking in the right-of-way by not creating enough space to park a vehicle between the garage and property line. Driveways of the requested width are out of character for the neighborhood and adopted NNZO regulations.

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.*

14. Petition of St. Joseph County Parks

Based on information available prior to the public hearing, the staff recommends the Special Use be sent to the County Council with a favorable recommendation.

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

Expanding and modifying the site plans for the existing special use 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.*

The special use, an environmentally focused research facility, is located far from residential properties and within a county park should prevent negative effects 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 R: Single Family District and the educational and institutional uses therein.

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

The proposed use is consistent with the Comprehensive Plan for South Bend and St. Joseph County, Indiana (2002): Goal 4, Objective C: Conserve open space and protect natural and scenic resources. The proposed use will allow for the development of sustainability practices for improved water quality of our waterways.