

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

Wednesday, May 09, 2018
Fourth-Floor Council Chambers

1:30 p.m.
County-City Building

AGENDA

- 1 The petition of AARON M AND CAROLINA WARKENTIN seeking the following variance(s): 1) from the maximum allowed 2,584 sq. ft. for an accessory structure to 4,116 sq. ft. and 2) from the maximum allowed height of 19' for an accessory structure to 24', property located at 23335 ADAMS RD, German Township. Zoned R: Single Family District (County). - AS TABLED
- 2 The petition of ALDI LP seeking the following variance(s): 1) from the minimum 30' front setback for an off-premise sign to 0', property located at 202 E IRELAND RD, Centre Township. Zoned CB Community Business District (South Bend). - AS TABLED
- 3 The petition of ZACHARY J DYLEWSKI seeking the following variance(s): 1) from the maximum allowed 1,735 sq.ft. for a detached accessory structure to 2,960 sq.ft. and 2) from the maximum allowed 19' in height to 25', property located at 13370 ADAMS RD, Harris Township. Zoned R: Single Family District (County).
- 4 The petition of LEON M GLON seeking the following variance(s): 1) from the minimum 30' side setback to 15' on the West and North, property located at 59105 CRUMSTOWN HWY, Warren Township. Zoned A: Agricultural District (County).
- 5 The petition of ANTON MIRANDA seeking the following variance(s): 1) from the minimum 20 acre lot area to 6 acres and 2) from the minimum 200' of frontage to 125', property located at 12400 DOUGLAS RD, Penn Township. Zoned A: Agricultural District (County).
- 6 The petition of TIMOTHY D HERNLY seeking the following variance(s): 1) from the minimum 25' front setback to 3' and 2) from the minimum 10' side setback to 3', property located at 3032 E NORTHSIDE BLVD, Portage Township. Zoned SF2 Single Family & Two Family District (South Bend).
- 7 The petition of FCPT HOLDINGS LLC seeking the following variance(s): 1) to allow a trash enclosure between the front façade of the building and the front lot line, property located at 4207 S MICHIGAN ST, Centre Township. Zoned CB Community Business District (South Bend).
- 8 The petition of MICHAEL W AND PATRICIA L BETTCHER seeking the following variance(s): 1) from the minimum 20 acre lot area to 6, property located at 23481 TYLER RD, Union Township. Zoned A: Agricultural District (County).
- 9 The petition of JEFFERY M & BROOKE E BOETTICHER and DANIEL & KATE KELLY and seeking the following variance(s): 1) from the allowed 5' decorative fence to a 6' privacy fence, property located at 1017 N NOTRE DAME AVE and 1011 N. NOTRE DAME AVE, Portage Township. Zoned SF2 Single Family & Two Family District (South Bend).
- 10 The petition of DEPT OF PUBLIC PARKS seeking the following variance(s): 1) from the maximum allowed 40% of sign area for a changeable copy sign to 47% and 2) from the maximum allowed 5' in height to 6', property located at 3419 W WASHINGTON ST, Portage Township. Zoned SF2 Single Family & Two Family District (South Bend).

- 11 The petition of JOSEPH J CRIMMINS seeking the following variance(s): 1) from the minimum 75' front setback to 43' and 2) from the minimum 6' side setback to 4', property located at 10401 VISTULA RD, Penn Township. Zoned R: Single Family District (County).
- 12 The petition of SEVEN DIAMONDS, LLC seeking the following variance(s): 1) from the minimum 25' rear setback to 14.6' and 2) from the required landscaping of required perimeter yards to none on the east, south and west, property located at Vacant Lot North of and Adjacent to 931 Keenan Court, Portage Township. Zoned MF1 Urban Corridor Multifamily District (South Bend).
- 13 The petition of SAMUEL AND ERIKA F VALENZUELA 1/2INT, MIKE F KEEN AND GABRIELLE ROBINSON 1/2INT seeking the following variance(s): 1) from the minimum 5' side setback to 3' along the north for the existing garage; 2) from the minimum 5' rear setback 1' along the west for the existing garage and 3) from the minimum lot area of 4,000 sq.ft. to 3,610 sq.ft., property located at 1003 N RIVERSIDE DR, Portage Township. Zoned SF2 Single Family & Two Family District (South Bend).
- 14 The petition of BH INVESTMENTS LLC seeking a Special Exception Use to allow a two family dwelling, and seeking the following variance(s): 1) from the minimum 4 parking spaces to 1, property located at 112 E INDIANA AVE, Portage Township. Zoned SF2 Single Family & Two Family District (South Bend).
- 15 The petition of MARY COYNE INVESTMENTS, LLC c/o MIKE COYNE seeking a Special Exception Use to allow a commercial parking lot, and seeking the following variance(s): 1) from the required 12' front yard parking setback to 0; 2) from the required off-street parking area screening to none; 3) from the minimum 4 interior off-street parking area landscape islands to none; 4) from the minimum 24' parking lot maneuvering aisle to 22'; 5) from the minimum 20' parking space depth to 16' and 6) from the required wheel stops for individual spaces to none, property located at 117 S WILLIAM ST, Portage Township. Zoned MU Mixed Use District (South Bend).
- 16 The petition of UNIVERSITY OF NOTRE DAME DU LAC OFFICE OF BUSINESS AFFAIRS seeking a Special Use to allow Multi-family dwellings units in a Residential Zoning District (Roseland), and seeking the following variance(s): 1) from the maximum height of 2.5 stories or 40' to 3 stories and 46' (Roseland); 2) from the minimum 35' front setback to 30' for the building and 4' for paving and parking (Roseland); 3) from the minimum 20' side setback to 5' on the west and 0' on the east for parking, and to 5' on the east for a building(Roseland); 4) from the required 8' rear setback to 5' on the north and south and 0' on the east for a dumpster enclosure (Roseland); 5) from the required 30' setback to 5' on the west (County); 6) from the required 20' side setback to 0' on the west for parking and dumpster enclosure (County) and 7) from the minimum 2 parking spaces per dwelling unit and 1 per 25 sq.ft. for assembly without fixed seats to 1.19 per dwelling unit and 0 for the community center (Roseland and County), property located at the 200 Block of Cripe Street (Roseland) and a portion of the vacant lot west and south of Cripe Street (County), Clay Township. Zoned R Residential District (Roseland) and U: University District (County).

ITEMS NOT REQUIRING A PUBLIC HEARING

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



LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

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: April 25, 2018
TO: Area Board of Zoning Appeals
FROM: Angela M. Smith, Deputy Director
SUBJECT: May 9, 2018 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 May 9, 2018. 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.*

2. Petition of Aldi LP

If the variance is granted, the staff recommends the sign be limited to 100 square feet at 25' in height, which is the maximum sign area allowed for a sign in the CB Community Business District. Although the sign is technically an off-premise sign, there are no practical difficulties or circumstances that would justify a sign larger than what other commercial businesses are allowed in the area or in the CB Community Business District.

12. Petition of Seven Diamonds, LLC

If the variance is granted, staff recommends it be subject to providing the required landscaping along the west property line.

13. Petition of Samuel and Erika Valenzuela, et.al.

If the variance is granted, staff recommends that the adjacent property owners consider a maintenance easement on the adjacent property. This would allow legal access to the side of the structure to take care of maintenance and safety-related issues.

SERVING ST. JOSEPH COUNTY, SOUTH BEND, LAKEVILLE, NEW CARLISLE, NORTH LIBERTY, OSCEOLA & ROSELAND

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 BH Investments 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.

- (1) *The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare.*
The proposed use is residential. I 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.*
Because of the residential nature of the proposed two-family dwelling, it would not affect 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 two-family dwelling is consistent with the character of the area and the SF2 Single Family & Two Family District. This area is in a medium density residential area with close proximity to a major commercial corridor.
- (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 H1: Ensure that an adequate supply of housing is available to meet the needs, preference, and financial capability of households now and in the future.

15. Petition of Mary Coyne Investments, 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 the variance for parking area screening be denied.

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

The proposed use is located in a mixed-use area with other parking facilities nearby, therefore The use should not affect 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.*

Because the use has been in existence for several years and is in a mixed-use area near the central business district, the proposed parking lot should not adversely affect the use or value of the adjacent properties.

(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 area with other parking facilities nearby.

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

The City Plan, South Bend Comprehensive Plan (November 2006) makes no specific reference to this use or area.

16. Petition of University of Notre Dame Du Lac

Based on information available prior to the public hearing, the staff recommends the Special Use be sent to the Town Council with a favorable recommendation, subject to providing a screening buffer equivalent to Type 2 Landscaping as outlined in the St. Joseph County Ordinance.

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

The proposed use is residential in nature and should not affect 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.*

Because the area is close to other multi-family developments, the proposed use should not affect the use or value of adjacent properties.

(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 residential in nature and is consistent with the district and area it is located in.

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

Objective:

The proposed use is consistent with the Roseland, Indiana Comprehensive Plan (December, 2005) Objective, Ensure that multifamily and commercial development is compatible with the surrounding neighborhood characteristics. The Future Land Use Plan identifies this area as Multi-family Residential