

**THE AREA PLAN COMMISSION  
OF ST. JOSEPH COUNTY, IN**

**AGENDA**

Tuesday, June 16, 2015  
3:30 p.m.

Fourth-Floor Council Chambers  
County-City Building, South Bend, IN

**PUBLIC HEARINGS:**

Rezoning:

- A. A combined public hearing on a proposed ordinance of Trent Runyon & Leah Hudson-Runyon to zone from MF1 Urban Corridor Multifamily District to SF2 Single Family & Two Family District, and seeking a Special Exception Use to allow for an accessory dwelling unit, property located at 803 Washington Street, City of South Bend - [APC# 2743-15](#).

**ITEMS NOT REQUIRING A PUBLIC HEARING**

1. Miscellaneous:
  - A. Findings of Facts for Granting Variances for property located at the intersections of Northside Boulevard with Notre Dame Avenue and Frances Street (commonly known as the TRANSPO Site), City of South Bend – [APC #2735-15](#)
  - B. Findings of Facts for Granting Variances for property located at 2212 Mishawaka Avenue, City of South Bend – [APC #2742-15](#)
2. Executive Director's Report:
3. Minutes and Expenditures:
4. Adjournment:

**Staff Report**

6/4/2015

APC # 2743-15  
Owner: Trent Runyon & Leah Hudson-Runyon  
Location: 803 West Washington Street  
Jurisdiction: City of South Bend  
Public Hearing Date: 6/16/2015

**Requested Action:**

The petitioner is requesting a zone change from MF1 Urban Corridor Multifamily District to SF2 Single Family & Two Family District, and seeking a Special Exception Use to allow for an accessory dwelling unit.

**Land Uses and Zoning:**

- On site: On site is a home and a detached carriage house.
- North: To the north are single family homes zoned SF2 Single Family & Two Family District.
- East: To the east across MLK Boulevard are single family homes zoned SF2 Single Family & Two Family District.
- South: To the south across Washington Street is the Oliver Mansion and the History Museum zoned O Office District.
- West: To the west is an insurance office zoned OB Office Buffer District.

**District Uses and Development Standards:**

The SF2 District is established to protect, promote and maintain the development of single family dwellings and two family dwellings in the urban core of the City of South Bend as well as to provide for limited public and institutional uses that are compatible with an urban residential neighborhood. The availability of public facilities (e.g., public water, public sanitary sewer, storm sewer, natural gas, electricity, telephone, etc.) is required for development within this district.

**Site Plan Description:**

This 0.38 acre lot has a 6,000 square foot 3-story single family home. A 2,200 square foot 2-story detached carriage house on the north side of the lot will be used as an accessory dwelling unit.

**Zoning and Land Use History And Trends:**

The West Washington-Chapin Neighborhood has developed primarily as a residential area. Many of the historic homes have been renovated and are single family owner-occupied. Several business offices can be found throughout the area and have developed in a manner that has relatively low impact on the surrounding residential uses.

**Traffic and Transportation Considerations:**

Washington Street and MLK Boulevard have two lanes.

**Utilities:**

This site is served by municipal utilities.

**Agency Comments:**

County Surveyor recommends approval. City Engineer recommends approval, but notes that further discussion is required regarding curb cuts. Historic Preservation Commission and Indiana Landmarks recommend approval.

**Commitments:**

The petitioner is not proposing any written commitments.

**Criteria to be considered in reviewing rezoning requests, per IC 36-7-4-603:**

**1. Comprehensive Plan:**

**Policy Plan:**

This petition is consistent with City Plan, South Bend Comprehensive Plan (November 2006). Objective UD 2.1: Provide incentives to preserve historic buildings in the city; H 2.1: Provide incentives to renovate and repair older and historic homes; and H 8: Promote homeownership within the city limits.

**Land Use Plan:**

The future land use map identifies this area as residential and mixed-use.

**Plan Implementation/Other Plans:**

The West Washington-Chapin Development Area Plan suggests the rehabilitation of existing housing. The Near Westside Neighborhood Development Plan promotes homeownership in the area.

**2. Current Conditions and Character:**

This area has developed as residential, with some low-impact commercial uses.

**3. Most Desirable Use:**

The most desirable use is one that will best preserve and maintain the residential character of the building and of the neighborhood.

**4. Conservation of Property Values:**

Allowing a less-intense use on this site will not adversely affect surrounding property values.

**5. Responsible Development And Growth:**

It is responsible growth and development to allow this property to be used in a manner which will best preserve and restore its character. It is also responsible to promote single family homeownership.

**Staff Comments:**

The home, known as the Kizer House, was built in 1885 for William Kizer, and is a registered historical landmark. The site was divided into a multifamily structure in the 1940s, but was recently converted back to a single family home by Indiana Landmarks. As a condition of its purchase, the petitioner is required to rehabilitate this home in a manner approved by Indiana Landmarks.

This is a combined public hearing procedure, which includes a rezoning and a Special

Exception Use. The Commission will forward the rezoning and the Special Exception Use to the Common Council with or without a recommendation.

The Special Exception Use is for an accessory dwelling unit.

A Special Exception Use may only be granted upon making a written determination and adopting appropriate Findings of Fact, based upon the evidence presented at the public hearing, that:

- (1) The proposed use will not be injurious to the public health, safety, community moral standards, convenience, or general welfare. Converting from a several units to a maximum of two units will decrease site usage and impact on the neighborhood.
- (2) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein. The renovation of this historic landmark will not adversely affect surrounding 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 property is bordered by other single family homes to the north and east.
- (4) The proposed use is compatible with the recommendations of the Comprehensive Plan. The Comprehensive Plan promotes homeownership within city limits.

**Recommendation:**

Based on information available prior to the public hearing, the staff recommends that the rezoning petition and the Special Exception Use be sent to the Common Council with a favorable recommendation.

**Analysis:**

Rezoning to SF2 Single Family & Two Family District will allow this property to be used as it was originally intended and will allow it to be renovated into a useable condition. Approval of the Special Exception Use will allow the existing carriage house to be utilized in a fashion that is compatible with surrounding uses, and consistent with its intent.

REZONING  
#2743-15



1 inch = 100 feet  
PORTAGE TOWNSHIP

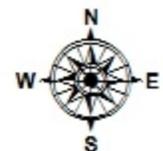




**Rezoning from:  
 "MF1" URBAN CORRIDOR MULTIFAMILY DISTRICT to  
 "SF2" SINGLE FAMILY & TWO FAMILY DISTRICT**

**MASTER ZONING KEY**

- SOUTH BEND "SF2" SINGLE FAMILY AND TWO FAMILY DISTRICT
- SOUTH BEND "MF1" URBAN CORRIDOR MULTIFAMILY DISTRICT
- SOUTH BEND "OB" OFFICE BUFFER DISTRICT
- SOUTH BEND "MU" MIXED USE DISTRICT
- SOUTH BEND "O" OFFICE DISTRICT



1 inch = 100 feet

**APC # 2743-15**

## FINDINGS OF FACT

**APC# 2735-15**

**SB Transportation Corp.**

**The intersection of Northside Boulevard with Notre Dame Avenue and Frances Street (commonly known as the Transpo Site)**

**City of South Bend**

On Tuesday, May 19, 2105, the Area Plan Commission **approved** the following variances from the Development Standards of the City of South Bend Zoning Ordinance:

- 1) From the required Minimum Lot Width of 40' to 29' for Parcels B & F;
- 2) From the required 25' Minimum Front Yard building setback to 15' for Parcels A – F;
- 3) From the required minimum side yard of 5' or 10%, whichever is greater, to 4' for Parcels A - F

State statutes and the South Bend Zoning Ordinance require that certain standards must be met before a variance can be approved.

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community. The project is establishing new lots for residential development. Many of the lots in the surrounding neighborhood have setbacks consistent with the proposed development. While the reduced lot widths will increase density, it will not negatively impact the general welfare of the community because the appropriate infrastructure is already in place.

(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 residential development is surrounded by a mix of uses. The low impact of the development should not affect surrounding property values.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property. The strict application would prevent the development from instituting a neighborhood layout appropriate to this specific location. It's close proximity to downtown and the river support the request for a more urban residential pattern.

The Minutes of the May 19, 2015 meeting of the Area Plan Commission are hereby incorporated by reference herein.

Adopted by the Area Plan Commission of St. Joseph County, Indiana, this 16th day of June, 2015.

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Karl King, President  
Area Plan Commission of  
St. Joseph County, Indiana

ATTEST:

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Lawrence P. Magliozzi, Secretary

## FINDINGS OF FACT

**APC# 2742-15**  
**New Paris Development, LLC.**  
**2212 Mishawaka Avenue**  
**South Bend**

On Tuesday, May 19, the Area Plan Commission **approved** the following variances from the Development Standards of the South Bend Zoning Ordinance:

1. From the required twelve parking spaces to zero; and
2. From the required 500' separation from a religious use to 20'.

State statutes and the South Bend Zoning Ordinance require that certain standards must be met before a variance can be approved.

- (1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community. Tattoo facilities are licensed and certified through the Health Department to ensure they operate in a safe manner. Because there is on-street parking available with additional parking behind the building, the parking variance should not be injurious to the safety or 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. Improving the physical appearance of the façade will protect surrounding property values. The property was previously used for non-residential uses.
- (3) The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. The strict application would limit the ability for the site to be redeveloped as a tattoo parlor. On street parking is available, as well as non-descript parking in the rear of the building.

Adopted by the Area Plan Commission of St. Joseph County, Indiana, this 16th day of June, 2015.

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Karl King, President  
Area Plan Commission of  
St. Joseph County, Indiana

ATTEST:

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Lawrence P. Magliozzi, Secretary