

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

AGENDA

Wednesday, March 13, 2019
Fourth-Floor Council Chambers

1:30 p.m.
County-City Building

- 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).
- 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).
- 3 The petition of KLINE CUSTOM HOMES INC seeking the following variance(s): 1) from the 40' minimum rear yard setback to 30' 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 MARY F. RODTS seeking the following variance(s): 1) from the 9.08' minimum side yard setback to 6' along the west side line and 2) from the 25' minimum rear yard setback to 15', property located at 558 E ANGELA BLVD, Portage Township. Zoned SF1 Single Family & Two Family District (South Bend).
- 5 The petition of JUANITA E WEST seeking the following variance(s): 1) from the 20 acre minimum lot area to 7.21 acres and 2) from the 600' minimum lot frontage to 444 ', property located at 22100 MADISON RD, Greene Township. Zoned A: Agricultural District (County).
- 6 The petition of LEROY J HAHN & GLADYS M HAHN TRUST & PAUL D HAHN AS TRUSTEE seeking the following variance(s): 1) from the 20 acres minimum lot area to 3.30 acres for Lot 1 and 12.20 acres for Outlot B and 2) from the 600' minimum lot frontage to 370' of frontage for Lot 1 and 57.13' of frontage for Outlot B, property located at 25813 LAY TRL, Greene Township. Zoned A: Agricultural District (County).
- 7 The petition of ELIZABETH HOGAN seeking the following variance(s): 1) from the 25' minimum front yard setback to 15' and 2) from the 20' minimum rear yard setback to 18', property located at 723 N ST PETER ST, Portage Township. Zoned SF2 Single Family & Two Family District (South Bend).
- 8 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).

- 9 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 0', property located at 833 E SOUTH BEND AVE, Portage Township. Zoned MF1 Urban Corridor Multifamily District (South Bend).

- 10 The petition of SOUTH BEND REDEVELOPMENT AUTHORITY seeking the following variance(s): 1) from the maximum allowed 40% of sign area for a changeable copy sign to 70%, property located at 120 S DR MARTIN LUTHER KING JR BLVD, Portage Township. Zoned CBD Central Business District (South Bend).

ITEMS NOT REQUIRING A PUBLIC HEARING

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



MEMORANDUM

DATE: March 1, 2019
TO: Area Board of Zoning Appeals
FROM: Jordan Wyatt, Planner
SUBJECT: March 13, 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 March 13, 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.*

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 this 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.

5. Petition of Juanita E. West

The staff recommends denial of the variance. The A: Agricultural District was created to preserve farmland in the County. When splitting an existing homestead, the staff recommends the lot be designed to only encompass non-tilled areas in order to preserve as much viable farmland as possible.

10. Petition of South Bend Redevelopment Authority

The staff recommends denial of the variance. Permitting an electronic message center of this size in close proximity to a roadway could cause unsafe use of the roadway. The primary intent of building identification signs is to act as identifiers for the business on the property, not to be used for advertising purposes, thus the requirement that limits the changeable copy portion of the sign to 40% of the total sign area.