

# City of South Bend

## BOARD OF ZONING APPEALS

August 17, 2022

Honorable Lori Hamann  
4th Floor, County-City Building  
South Bend, IN 46601

RE: Special Exception Use at 1702 W Western Ave

Dear Committee Chair Hamann:

Enclosed is an Ordinance for the proposed Special Exception Use at the above referenced location. Please include the attached Ordinance on the Council agenda for **first reading** at your **August 22, 2022**, Council meeting and set it for public hearing at your **September 12, 2022**, Council meeting. The petition is tentatively scheduled for public hearing at the September 6, 2022, South Bend Board of Zoning Appeals meeting. The staff report and recommendation of the South Bend Board of Zoning Appeals will be forwarded to the Office of the City Clerk by noon on the Wednesday following the public hearing.

The petitioner provided the following to describe the proposed project:

*The current owners have entered into a purchase agreement on the subject building to sell to A&M Wireless, Inc (Boost Mobile Cellular Store) owned by Amar Preet Singh. The sale is subject to approval by the City of South Bend for its special exception use.*

The full petition is attached for your reference. Changes may occur between the filing and the public hearing. Any substantial changes will be identified at the Council meeting.

If you have any questions, please feel free to contact our office.

Sincerely,



Rachel Boyles  
Zoning Specialist

CC: Bob Palmer

City of South Bend  
**BOARD OF ZONING APPEALS**

RECEIVED AUG 08 2022  
2 W. Jefferson - Suite 1400S  
South Bend, IN 46601  
zoning@southbendin.gov

**Petition for Variance - Special Exception**

**Property Information**

Tax Key Number: 71-08-10-428-015.000-026 Parcel ID: 018-4012-0391

Address: 1702 W. Western Avenue, South Bend, IN 46619

Owner: Andrew J., John T. and Michael J. Hoffman

Zoning: UF Urban Flex



**Project Summary:**

The current owners have entered into a purchase agreement on the subject building to sell to A&M Wireless, Inc (Boost Mobile Cellular Store) owned by Amar Preet Singh. The sale is subject to approval by the City of South Bend for its special exception use.

**Requested Action**

Special Exception – *complete and attach Criteria for Decision Making*

Use requested: Retail Sales (Boost Mobile Cellular Store)

Variance(s) - *List variances below, complete and attach Criteria for Decision Making*

Variance(s) requested:

**Required Documents**

**Completed Application (including Criteria for Decision Making and Contact Information)**

**Site Plan drawn to scale**

**Filing Fee**

**PAID**

**AUG 08 2022**

Per \_\_\_\_\_

## Criteria for Decision Making

### Special Exception - *if applicable*

**A Special Exception may only be granted upon making a written determination, based upon the evidence presented at a public hearing. Please address how the project meets the following criteria.**

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

The subject site has maintained a commercial use dating back to 1972. The prior use has primarily been a hair salon and sale of beauty supplies. This site is ideal for the cellular store due to its corner location at Western Ave and Pulaski St. and the site has ample on-site parking. The buyer presently operates a Boost Mobile Store 4 blocks to the west on SW corner of Western and Warren. Amar prefers to own the building rather than lease and is why he wants to purchase the building.

The subject building is approximately 1,500 sq ft and the maximum cap on this use is a building of 2,500 sq ft.

**(2) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein, because:**

The Boost Mobile Store will not create any additional traffic compared to the prior use as a hair salon. There is ample on-site parking with approximately 18 lined parking spots. Amar Singh will enhance the front entry with double glass doors and glass windows.

There are quite a few vacant buildings along Western Avenue and Boost Mobile will significantly maintain and enhance the 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, because:**

This Boost Mobile owner currently operates a store four (4) blocks immediately west on the corner of Western Ave and Warren St. Current businesses adjacent this building immediately east include the former Louvered Door Restaurant, Mannechor Club, Domingo Mercules Church and Ozark Jewelry and Pawn. Between the subject site and current Boost Store going west include Cashmeres Lounge, Johnnys Liquor, a Grocery Store and the St. Joe Club. Immediately across the street from subject site is the Goodwill Store and Goodwill Headquarters and Community Wide Federal Credit Union. The Boost Mobile Store fits in with adjacent uses as above.

**(4) The proposed use is compatible with the recommendations of the Comprehensive Plan, because:**

This section of Western Ave. contains a mix of small and large businesses (both service and retail) on both sides of the street with some residential mixed in. Due to the traffic along Western Ave., residential use for this building and site is highly prohibitive. The Boost Mobile Store will be well maintained and will provide a need for the surrounding community. In addition, a city bus stop is located at this site.

The history of this building and surrounding area has not changed over the years and we feel this use will enhance the site for many years and not become an eyesore like so many buildings adjacent to the east.

## Criteria for Decision Making

### **Variance(s) - if applicable**

**State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. Please address how the project meets the following criteria:**

**(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community, because:**

**(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, because:**

**(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property, because:**

**(4) The variance granted is the minimum necessary, because:**

**(5) The variance does not correct a hardship caused by a former or current owner of the property, because:**

## Contact Information

### Property owner(s) of the petition site:

Name: Andrew J. Hoffman

Address: 16925 Londonberry Lane  
South Bend, IN 46635

Name: John T. Hoffman - Deceased

Address: \_\_\_\_\_  
\_\_\_\_\_

Name: Michael J. Hoffman - Deceased

Address: \_\_\_\_\_  
\_\_\_\_\_

### Contact Person:

Name: Andrew J. Hoffman

Address: 16925 Londonberry Lane  
South Bend, IN 46635

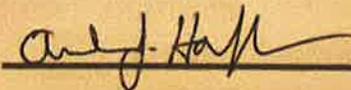
Phone Number: (773) 241-9077

E-mail: ahoffmanolcoach@gmail.com

**By signing this petition, the Petitioner/Property Owners of the above described Real Estate acknowledge they are responsible for understanding and complying with the South Bend Zoning Ordinance and any other ordinance governing the property. Failure of staff to notify the petitioner of a requirement does not imply approval or waiver from anything contained within the ordinance.**

**The undersigned authorizes the contact person listed above to represent this petition before the South Bend Plan Commission and Common Council and to answer any and all questions related to this petition.**

Property Owner (s) Signatures:

 \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6:07

ON X HUNT



Hunt Map Layers

Sat  
3D



Offline Maps



My Content



Tools



Tracker

6:06



ON **X** HUNT



Western Ave

West Western Ave

50 ft

784 ft elevation



HOFFMAN  
JOHN T &  
MICHAEL J &  
ANDREW J



JONES  
HARRY D &  
THERESA J



Offline Maps



My Content



Tools



Tracker

