



OFFICE OF THE CITY CLERK

DAWN M. JONES, CITY CLERK

Zoning and Annexation August 08, 2022, 5:04 P.M. (Agenda states 4:25 p.m.)

Committee Members Present: Lori Hamann, Karen White, Sheila Niezgodski,
James Snodgrass

Committee Members Absent: Henry Davis Jr.

Other Council Present: Canneth Lee, Troy Warner, Eli Wax Rachel Tomas
Morgan

Other Council Absent: Sharon McBride

Others Present: Dawn Jones, Victoria Trujillo, Bob Palmer

Presenters: Angela Smith

Agenda: Bill No. 23-22- A Special Exception Ordinance for Property
Located at 223 N. Lafayette Blvd.

Bill No. 24-22- A Special Exception Ordinance for Property
Located at 1430 Mishawaka Avenue.

Bill No. 31-22- A Special Exception Ordinance for Property
Located at 914 Sherman Avenue.

Bill No. 32-22- A Special Exception Ordinance for Property
Located at 316 N. Olive St.

Bill No. 33-22- A Special Exception Ordinance for Property
Located at 1908 E. Calvert St.

Full audio dialogue of the meeting is available upon request from the City Clerk's Office.

Committee Chair Lori Hamann called to order the Zoning and Annexation meeting at 5:04 p.m. and requested a roll call.

Clerk Dawn Jones replied with four (4) members present; a quorum is established.

Bill No. 23-22

Committee Chair Lori Hamann requested the presenter of Bill No. 23-22.



Angela Smith, Zoning Administrator, with offices located on the 14th floor of the County-City Building, stated the petitioners are requesting a special exception for vehicle service for an auto detailing business. Smith stated there are no proposed changes to the site plan. This bill comes from the Board of Zoning Appeals with a favorable recommendation.

Petitioner Randy Moore, 1509 Berkshire Dr. South Bend, 46614 stated he owns the business requesting the special exception, Deluxe Detail. Moore stated for the last eleven (11) months they have had a combined renovation of ten thousand dollars (\$10,000.00) for updates to the property.

Committee Chair Hamann requested questions for the Committee. With there being no questions from the committee, Hamann requested comments from the public.

Clerk Jones stated there is no one from the public wishing to speak in favor or in opposition of Bill No. 23-22.

Committee Chair Hamann entertained a motion for Bill No. 23-22.

Committee Member Karen White made a motion to send Bill No. 23-22 to the Committee of the Whole with a favorable recommendation. The motion was seconded by Committee Member Sheila Niezgodski and was carried out by a vote of four (4) ayes.

Committee Chair Hamann stated that Bill No. 23-22 will go to the Committee of the Whole with a favorable recommendation.

Bill No. 24-22

Committee Chair Lori Hamann requested the presenter for Bill No. 24-22.

Angela Smith, Zoning Administrator, offices located on the 14th floor of the County-City Building, stated that Bill No. 24-22 is a special exception for the property located at 1430 Mishawaka Avenue for vehicle repair. Smith stated this came to the Council a number of years ago for vehicle sales, but never took off. Smith stated the petitioner is looking to use the building for vehicle repair minus the gas station pumps. Smith stated the Board of Zoning Appeals had denied the landscaping variants and will work with the petitioner to use grant or personal funding to install the appropriate landscaping to help soften the effect of the use. The bill comes from the Board of Zoning Appeals with a favorable recommendation.

Committee Chair Hamann asked if the petitioner is online and if so, invited them to speak. Hearing no one, Hamann asked for questions from the Committee.

Citizen Member James Snodgrass asked about the tree planting requirements and how universal are they.

Angela Smith stated the requirements will apply across the board to all new developments within the city. Smith stated special exceptions or rezonings are considered new developments.



Citizen Member Snodgrass stated the trees on the property are the only trees for a substantial distance in the area.

Angela Smith replied that trees are planted as they do streetscape improvements, however, the department tries to work with property owners as well. Smith stated there have been several projects in this area that have applied for grants to approve their façade. Smith stated they will try to get ahold of the petitioner before the Council meeting.

Committee Chair Hamann asked how the elimination of a number of special exceptions that comes before the council will be addressed.

Angela Smith stated two of the special exceptions are for duplexes which are up for discussion as far as being allowed by right or not allowed by right. Smith stated the other exceptions are all vehicle-related due to the districts in the city being more pedestrian-oriented, which will require extra care and attention.

Committee Chair Hamann asked if there is anyone from the public wishing to speak in favor or in opposition to Bill No. 24-22.

Clerk Dawn Jones stated there is no one from the public wishing to speak in favor or in opposition to Bill No. 24-22.

Committee Chair Hamann entertained a motion for Bill No. 24-22.

Attorney Bob Palmer stated traditionally if the petitioner is not present, the bill will go to the Committee of the Whole with no recommendation.

Committee Member Sheila Niezgodski made a motion to send Bill No. 24-22 to the Committee of the Whole with no recommendation. Committee Member Karen White seconded the motion which was carried by a vote of four (4) ayes.

Committee Chair Hamann stated that Bill No. 24-22 will go to the Committee of the Whole with no recommendation.

Bill No. 31-22

Committee Chair Lori Hamann requested the presenter of Bill No. 31-22.

Angela Smith, Zoning Administrator, with offices located on the 14th floor of the County-City Building, stated that Bill No. 31-22 is a special exception for the new construction of a duplex on 914 Sherman Avenue, which is currently a vacant lot. This bill comes from the Board of Zoning Appeals with a favorable recommendation.

Petitioner Kathy Schuth (virtual), 1007 Portage Ave, Near Northwest Neighborhood, stated this is a new construction infill development and they are also developing single-family home ownership properties on the other two adjacent vacant lots.

Committee Chair Hamann requested questions from the Committee.



Committee Member Sheila Niezgodski requested clarification that if the property is a duplex in residential neighborhoods, the petitioner must come before the Council to grant a special exception instead of a single-family home dwelling due to language in the zoning code.

Angela Smith stated that is correct.

Committee Chair Hamann thanked Angela Smith for the clarification and asked if there is anyone from the public wishing to speak in favor or against Bill No. 31-22.

Clerk Dawn Jones stated there is no one from the public wishing to speak in favor or in opposition to Bill No. 31-22.

Committee Member Karen White made a motion to send Bill No. 31-22 to the Committee of the Whole with a favorable recommendation. Committee Member Niezgodski seconded the motion which was carried out by a vote of four (4) ayes.

Committee Chair Hamann stated that Bill No. 31-22 will go to the Committee of the Whole with a favorable recommendation.

Bill No. 32-22

Committee Chair Lori Hamann requested the presenter of Bill No. 32-22.

Angela Smith, Zoning Administrator, with offices located on the 14th floor of the County-City Building, requested that Bill No. 32-22 be tabled to September 12th, 2022, due to the bill not being heard by the Board of Zoning Appeals.

Committee Member Sheila Niezgodski made a motion to table Bill No. 32-22 until September 12th, 2022, per the petitioner's request. Committee Member Karen White seconded the motion which was carried out by a vote of four (4) ayes.

Committee Chair Hamann stated Bill No. 32-22 will be tabled until September 12th, 2022.

Bill No. 33-22

Committee Chair Lori Hamann request the presenter of Bill No. 33-22.

Angela Smith, Zoning Administrator, with offices located on the 14th floor of the County-City Building, stated Bill No. 33-22 is a special exception to allow the existing property located at 1908 Calvert Street to be legalized as a duplex. There are no proposed changes to the property and comes from the Board of Zoning Appeals with a favorable recommendation.

Committee Chair Hamann invited the petitioner to speak on Bill No. 33-22.

Petitioner Andrew Mwangi, Property Owner, 1908 Calvert Street, stated he had acquired the property because it was a duplex and wanted to reside upstairs while his senior mother resided downstairs. The property is two self-contained units, and he is currently in the process of finishing the property. The property has two separate gas meters with two separate gas bills, so the property is already considered a duplex.



Committee Chair Hamann requested questions from the Committee.

Committee Member Sheila Niezgodski thanked the petitioner for investing in the neighborhood as well as caring for his mother.

Committee Chair Hamann asked if there is anyone from the public wishing to speak in favor or in opposition to Bill No. 33-22.

Clerk Dawn Jones stated there is no one from the public wishing to speak in favor or in opposition to Bill No. 33-22.

Committee Member Niezgodski made a motion to send Bill No. 33-22 to the Committee of the Whole with a favorable recommendation. Committee Member Karen White seconded the motion which was carried by a vote of four (4) ayes.

Committee Chair Hamann stated that Bill No. 33-22 will go to the Committee of the Whole with a favorable recommendation.

With no further business, Committee Chair Hamann adjourned the Zoning and Annexation Committee meeting at 5:19 p.m.

Respectfully Submitted,

Lori Hamann., Committee Chair

