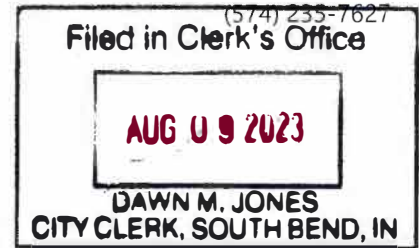


# BILL NO. 23-23

## City of South Bend BOARD OF ZONING APPEALS

County-City Building  
227 W. Jefferson Blvd. 14005  
South Bend, IN 46601



August 8, 2023

Common Council of South Bend  
227 W. Jefferson Blvd, 4<sup>th</sup> Floor  
South Bend, IN 46601

Re: The petition of SALAMEH RAMADAN AND TAMI-LYN seeking a Special Exception for Vehicle Sales or Rental in the NC Neighborhood Center for property located at 3003 LINCOLNWAY and the LOT WEST of 3003 LINCOLNWAY, BILL#23-23

Dear Council Members:

I hereby Certify that the above referenced petition of SALAMEH RAMADAN AND TAMI-LYN was legally advertised on July 28, 2023 and that the South Bend Board of Zoning Appeals at its public hearing on August 7, 2023 took the following action:

Upon a motion by Kyle Copelin, being seconded by Mark Burrell and unanimously carried, a petition by SALAMEH RAMADAN AND TAMI-LYN seeking a Special Exception for Vehicle Sales or Rental for property located at 3003 LINCOLNWAY and the LOT WEST of 3003 LINCOLNWAY, City of South Bend, is sent to the Common Council with a **favorable recommendation**, and will issue written Findings of Fact.

The staff comments related to this petition are attached. The Findings of Fact will be adopted at the next South Bend Board of Zoning Appeals meeting. Minutes of the public hearing are available in our office and will be posted on our website once approved.

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

Sincerely,



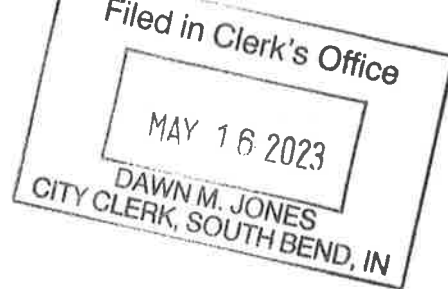
Angela M. Smith  
Zoning Administrator

Attachment

CC: SALAMEH RAMADAN AND TAMI-LYN  
Terry Vaughn

**BILL NO. 23-23**

**ORDINANCE NO. \_\_\_\_\_**



**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE ADVISORY BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 3003 LINCOLNWAY WEST, COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA**

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**STATEMENT OF PURPOSE AND INTENT**

**Request a Special Exception to allow for the use of Vehicle Sales or Rental**

---

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of South Bend, Indiana, as follows:

**SECTION I.** The Common Council has provided notice of the hearing on the Petition from the Advisory Board of Zoning Appeals pursuant to Indiana Code Section 5-14-1.5-5, requesting that a Special Exception be granted for property located at:

3003 Lincolnway West, South Bend, IN 46628 018-2042-1457, 018-2042-145701

In order to permit vehicle sales or rental

**SECTION II.** Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the petition of the Advisory Board of Zoning Appeals, a copy of which is on file in the Office of the City Clerk.

**SECTION III.** The Common Council of the City of South Bend, Indiana, hereby finds 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 adjacent area of 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 City of South Bend Comprehensive Plan;

**SECTION IV.** Approval is subject to the Petitioner complying with the reasonable conditions, if any, established by the Advisory Board of Zoning Appeals which are on file in the Office of the City Clerk.

**SECTION V.** This Ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor, and legal publication, and full execution of any conditions or Commitments placed upon the approval.

\_\_\_\_\_  
Sharon McBride, Council President  
South Bend Common Council

Attest:

\_\_\_\_\_  
Dawn M. Jones, City Clerk  
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the \_\_\_\_\_ day of \_\_\_\_\_, 2023, at \_\_\_\_\_ o'clock \_\_\_\_ . m.

\_\_\_\_\_  
Dawn M. Jones, City Clerk  
Office of the City Clerk

Approved and signed by me on the \_\_\_\_\_ day of \_\_\_\_\_, 2023, at \_\_\_\_ o'clock \_\_\_\_ .m.

\_\_\_\_\_  
James Mueller, Mayor  
City of South Bend, Indiana

**Property Information**

Location: 3003 LINCOLNWAY and the LOT WEST of 3003 LINCOLNWAY  
Owner: SALAMEH RAMADAN AND TAMI-LYN

**Project Summary**

Have a U-haul rental lot. Use the Vibrant Places grant to assist with project.

**Requested Action**

Special Exception: Vehicle Sales or Rental

**Site Location**



**Staff Recommendation**

Based on the information available prior to the public hearing, the Staff recommends the Board send the petition to the Common Council with a favorable recommendation.

Proposed Site Plan



### Criteria for Decision Making: Special Exception

**A Special Use may only be granted upon making a written determination, 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;**

The proposed use should not be injurious to the public health, safety, or general welfare of the community. The site is located along a commercial corridor. With proper buffering, the use is appropriate to the area.

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

With proper landscaping and buffering, the proposed use should not adversely impact the use or value of the adjacent properties. The property will be brought up to the current development standards for the use and district.

**(3) The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein;**

While auto-related uses are often not compatible with the NC Neighborhood Center District, this area is a heavily traveled commercial corridor. This property is in close proximity to properties zoned C Commercial and I Industrial.

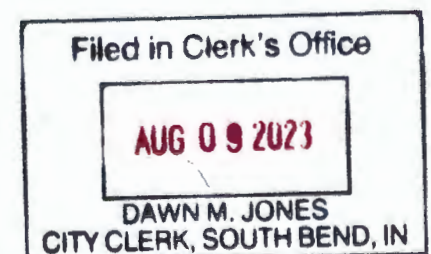
**(4) The proposed use is compatible with the recommendations of the Comprehensive Plan.**

The West Side Main Streets Plan (2015), an amendment to the Comprehensive Plan, encourages restoration of the historic walkable development pattern along Lincolnway West. This site, located at the Bendix Node, changes from urban to suburban and is less walkable due to the heavy traffic, as well as the proximity to the commercial and industrial traffic.

### Analysis & Recommendation

**Analysis:** The proposed use as a vehicle rental facility is compatible with the surrounding area. The site is in close proximity to the Bendix node which is occupied by commercial and industrial uses. The site will be brought up to the current standards which will improve traffic safety, landscaping, and other site conditions.

**Staff Recommendation:** Based on the information available prior to the public hearing, the Staff recommends the Board send the petition to the Common Council with a favorable recommendation.



# BILL NO. 23-23

## City of South Bend BOARD OF ZONING APPEALS

May 16, 2023

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

RE: Special Exception at 3003 Lincolnway West

Dear Committee Chair Hamann:

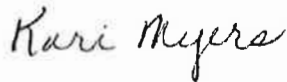
Enclosed is an Ordinance for the proposed Special Exception Use at the above referenced location. Please include the attached Ordinance on the Council agenda for **first reading** at your **May 22, 2023**, Council meeting and set it for public hearing at your **June 12th, 2023** Council meeting. The petition is tentatively scheduled for public hearing at the June 5, 2023, 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:  
*A Special Exception for vehicle sales and rental.*

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.

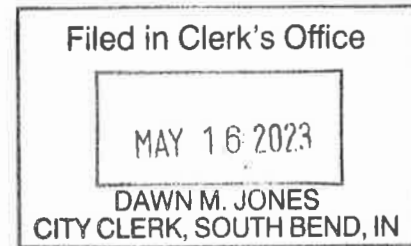
If you have any questions, please feel free to contact our office.

Sincerely,



Kari Myers  
Zoning Specialist

CC: Bob Palmer



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

227 W. Jefferson - Suite 1400S  
South Bend, IN 46601  
zoning@southbendin.gov

RECEIVED APR 03 2023

**Petition for Variance - Special Exception**

**Property Information**

Tax Key Number: 018-2042-1457, 018-2042-145701

Address: 3003 Lincolnway West South Bend

Owner: Salameh Ramadan And Tami Lynn

Zoning: Choose the current district NC

**Project Summary:** put a five foot buffer in between the parking lot and sidewalk, for the length of the lot, between both front entrances. I will also add shrubs for curb appeal. It is my hope to use Vibrant places grant to assist with project.

**Requested Action**

Special Exception – complete and attach Criteria for Decision Making

Use requested: Wholesale rental lot

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

PATD  
APR 03 2023 @ 2 pm  
Per KB  
\$300



## 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: we will only use the lot to park and rent wheel trucks and trailers. We have no chemicals and vehicles are locked and in good condition.

(2) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein, because: there are no machines, noises or anything to disturb 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, because: only businesses are in the area including 3 auto parts stores.

(4) The proposed use is compatible with the recommendations of the Comprehensive Plan, because: It is needed in community. Other businesses complement the Lincolnway area.

## 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: Sahameh Ramadan And Temi-Lyn

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

Name: \_\_\_\_\_

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

Name: \_\_\_\_\_

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

**Contact Person:**

Name: Terry Vaughn

Address: 2506 Bergen Street  
South Bend In

Phone Number: 616 466 6886

E-mail: terryvaughn@live.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:

Terry Vaughn

[Signature]

\_\_\_\_\_

\_\_\_\_\_