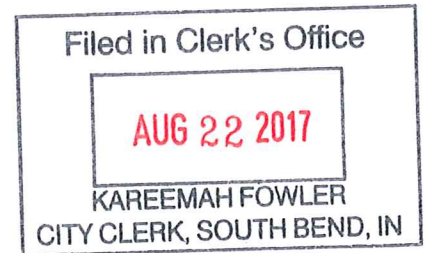


**Eric A. Boyd**

v.

**Historical Preservation Commission of  
South Bend and St. Joseph County**

RE: COA No.2017-0602A



### **Facts:**

- 1.) 1240 W. Thomas St. South Bend, IN is a Historical Property in St. Joseph County.
- 2.) September 2016, Eric A. Boyd submitted COA #2016-0807 to HPC.
- 3.) HPC Issued a Notice of hearing "Agenda of the Historic Preservation Commission" with the following attached: Staff report, description of structure, project, staff recommendations, and photos taken by HPC, etc.
- 4.) COA #2016-0809 was denied, however applicant was given proper notice of municipal administrative hearing and given copies of evidence before the municipal hearing via U.S. MAIL.
- 5.) June 2017, Eric A. Boyd submitted COA# 2017-0602A to HPC
- 6.) HPC failed to Issue a Notice of hearing via U.S. Mail under Roberts Rules of Order.
- 7.) HPC withheld: evidence, photos, staff reports, and staff recommendations from multiple applicants during the June 19, 2017 municipal administrative hearing.
- 8.) HPC knowingly violated their standard administrative policies and procedures by failing to provide the public and applicants the right to inspect and/or receive "Notice of Hearing"/ evidence documents.
- 9.) HPC Commissioners acknowledged their omission/violation of policy and procedures, but offered no documents to be inspected by applicants at the hearing.

### **Brief**

Applicant filed COA #2017-0602A with the St. Joseph Co. Building dept. because the Historical preservation office was closed during normal business hours multiple times in June. The HPC was provided the following from the applicant: COA Application, Photos, Diagrams, and a structural engineer report. HPC called applicant once to clarify information on the structural report. Applicant was not given any of the following: Formal Notice of the HPC administrative hearing, staff reports, or photos via U.S. MAIL. In the past HPC had always provided applicant a Formal Notice of Hearing, staff reports and photos as part of their administrative policies and procedures.

During HPC Hearing applicant informed HPC Commissioners that they failed to send him a formal Notice of Hearing or supply him with evidence, photos, or staff reports that was going to be used in their administrative decision/ruling. {Commissioners questions HPC staff who acknowledged the error occurred and redirected blame to St. Joseph County mail room} Commissioners continued the hearing.

During the hearing Mr. Boyd objected to multiple discrepancies in the following document(s) presented by HPC:

### **Discrepancies**

- A.) **HPC Staff Report-** Contained no information about the building dept accepting blue prints/applications and accidentally issuing permits for this project.

## **B.) Improper interpretation/application of applicant's Structural Engineer's Report**

1.) "Joist spanning 17.5" are floor joist not related to the roof and should not have been included in HPC Staff Report considering owner wasn't requesting COA approval of the floor.

2.) "Multiple deficiencies in framed mono-slop roof at North West, and 2x4 joist spanning 10" This is incorrect information. Actually report found the roof to be incomplete, but correct in weight distribution/ calculations. The report was addressing the areas of concern during building commissioner site visit and how to fix them in a code compliant manor. The HPC Staff reference to insufficient 2x4 joists was unrelated to the roof. A temporary 2x4 walking platform was used during construction which the engineer suggested we upgrade to code.

## **C.) HPC Alleging the COA was non-compliant to remedies suggested by St. Joseph Building dept.**

1.) Attempted to suggest that the COA application, if granted would not be in accordance with remedy options given to the applicant by the building Dept. HPC staff supplied Commissioners with false information. St. Joseph County Building Dept in writing suggested the Owner apply for COA for the additions and current roof with Historical Preservation as a remedy to resolve the roof issue.

**D.) HPC's President based his denial partially on structural and safety risk to potential occupants.** "Long term preservation of the structure and safety of its occupants are not served by the installation"

1.) HPC by virtue of the common council jurisdiction is limited to the exterior of historical properties, no where in the South Bend municipal code does it give HPC right or power to issue occupancy permits or determine a structures shorten lifespan because of the roof choice. St. Joseph County Building Commissioner requested a State Register Structural Engineer evaluate the project. The Engineer's professional findings differed from HPC's non-jurisdictional opinions.

## **Historical Information**

Applicant submitted a permit application, blue prints and elevations to the St. Joseph building department in 2015. On October 13, 2015 St. Joseph County Building dept issued building permit #BD15005044 which the applicant executed. Historical Preservation informed Building dept almost a year later to revoke the permit. In HPC's Original denial letter September 19, 2016 they made claims of assistance from Community Investment. The applicant has requested funding from Community Investments since June of 2015 which has not materialized. In 2017 it took Community Investments 53 days to respond to e-mails. In 2015 it took Community Investments about 17months to respond to e-mails.

## **Background**

Applicant received misleading information contrary to applicable law and ordinance regarding the interior of the building from the Historical Preservation. HPC issued multiple verbal and written objections to an interior courtyard. HPC staff displayed business cards on the applicant's property with handwritten messages requesting communication about the interior of the building. The owner found this

behavior *intrusive* and a violation of his rights considering HPC has no jurisdiction over the interior design of Historical buildings per city Ordinance 9495-04.

Applicant was told he needed to file a COA with HPC in order to park a construction trailer onsite to do construction to a landmark in St. Joseph County. There is no legal ordinance or applicable law to support this HPC claim.

On December 8, 2016 A Temporary Improvement (construction trailer) Permit BD16006259 was reviewed by the Zoning/Business Administrator and issued by the St. Joseph Building commissioner despite HPC unfounded claims.

## **Application of Standards, Laws and Ordinances**

### **1.) Observance of Municipal Procedure i.e. “Roberts Rules of Order”**

The following government bodies known as respectfully the City of South Bend and St. Joseph County observe the following procedural municipal guidelines known as Roberts Rules of Order. Roberts Rules of Order require all parties be notified of meetings in the form of an agenda with as much notice as possible.

“If you need to meet, minimize attendees and time spent. Only call those people who really need to be there. **Give attendees as much notice as possible. Include time, place, start and end times, subject and agenda in the call of the meeting.** If visual aids are needed (charts, videos, overheads, and so on) set them up well in advance and test to ensure that they function properly”

“The person planning or facilitating the meeting should have an agenda or a list (arranged in the order of priority) of the things to accomplish at the meeting. **Everyone attending the meeting should receive a copy of the agenda.**”

#### **---ROBERT’S RULES OF ORDER**

The Basic Rule is that all parties need to be notified well in advance with an agenda. The Roberts Rules of Order can only be broken under a RULE#25 Motion \**Suspend the Rules* - This Rule allows a violation of the assembly’s own rules (except constitution); the object of suspension must be specified.

#### **ARGUMENT:**

No Board member of Historical Preservation Commission called a *motion to suspend* the Rules before or during the hearing. **Therefore HPC Operated Without observance of policies and procedures** in the failure to send notification of a municipal administrative hearing via U.S. Mail to applicants.

### **2.) Observance of Municipal Procedure i.e. “Preservation of Meridian Street Area” 925 IAC Hearing on application Municipal Code IAC-1-1-18**

{Upon receipt of an Application for a COA, the Commission shall consider such matter with or without hearing, as it deems appropriate. No Certificate shall be denied without hearing if requested by the applicant or granted without hearing if a hearing is promptly requested by any Interested Party. If a hearing is held, it shall be upon not less

than 15 days' notice to the applicant and shall not be held until at least 15 days' after notice has been mailed to the person specified in Rule 17(1). Said notice may be waived by applicant. }

**ARGUMENT:**

The municipal codes for "The Preservation of Meridian Street Area" are subjected to the jurisdiction of Meridian St; however its principle and legal standard can be applied to this Local Historical Preservation Commission Appeal.

Preservation of Meridian Street Area Historical Preservation Commissions located in the State of Indiana, requires by law a 15 day notice via U.S. Mail of a Municipal administered hearing to all applicants. Meridian Street Commission also requires by law that the hearing can only be held 15 days after notice has been mailed to the person specified (the applicant).

The Historical Preservation Commission of South Bend and St. Joseph County "Notice of hearing" and/or evidence to be used in the hearing was postmarked June 14, 2017 and did not arrive to the applicant until a week after the hearing. The applicant finds this to be substandard, unprofessional and inconsistent with the administrative practices of other Historical Preservation Commissions in the State of Indiana.

**3.) Observance of State Law- Access to Public Records**

*Public policy; construction; burden of proof for nondisclosure* Code IC 5-14-1, I.C 5-14-3-2

I.C 5-14-1

"{A fundamental philosophy of the American Constitutional form of representative government is that government is the servant of the people and not their master.} {This chapter is shall be liberally construed to implement this policy and place the burden of proof for the nondisclosure of a public record on the public agency that would deny access to the record and not on the person seeking to inspect and copy the record.}

I.C. 5-14-3-2

**Definitions-**

{(n) "Public agency" means the following 1.) Any board, commission, department, division, bureau, committee, agency, office, instrumentality, or authority; by whatever name designated, exercising any part of the executive, administrative, judicial or legislative power of the state.

{(o) "Public Record" means the following

Any writing, paper, report, study, map, photograph, book, card, tape recording, or other material that is created, received, maintained, or filed by or with a public agency}

**ARGUMENT:**

At no point in time did the public agency known as Historical Preservation Commission of South Bend & St. Joseph County exercising administrative powers in the state of Indiana properly inform the applicant of the municipal administrative hearing.

At no point in time did the public agency known as Historical Preservation Commission of South Bend & St. Joseph County exercising administrative powers in the state of Indiana; inform the applicant that COA application was processed and available for the public to inspect. The

applicant finds HPC violated of the Indiana public access Law I.C. 5-14-1 by the following actions:

- A.) HPC failure to properly mail public municipal hearing documents.
- B.) HPC failure to notify parties of the completion or availability of the (COA, Staff reports, Staff recommendation) other public documents for public inspection.

#### **4.) Application of South Bend City Ordinance 9495-04 Hardship**

“Powers and duties” P. 7

{ii. The detriment to public welfare if the proposed construction, reconstruction, alteration, demolition or moving is permitted even though it is not deemed appropriate and

iii. The potential hardship that the denial of Certificate of appropriateness would cause the applicant. }

##### **ARGUMENT:**

The common Council gave the Historical Preservation the power to issue a COA even if the construction is not deemed appropriate. HPC refuses to evaluate the totality of the situation and the economic hardship their denial is causing Mr. Boyd.

Five police reports have been filed for illegal dumping, vandalism, and theft. The property owner has invested over \$1,000 in 2017 in security cost. The current roof was permitted by the St. Joseph County Building Dept under Permit BD 15005044; regardless of the reason mistake or error the roof was authorized by the City of South Bend. HPC has been suggesting for years Community Investment is going to pay for a flat roof. Community Investment from 2012 to August 2017 is zero.

#### **5.) Application of South Bend City Ordinance 9495-04 Preservation Plan**

“Powers and duties” P.8

{(g) Develop historic preservation plans for historic landmarks, districts and together with the public or private agencies or officials, assist in the administration and implementation of such plans. }

##### **ARGUMENT:**

Historical Preservation has failed to issue an individual exterior Historic preservation plan for the property in question. The owner of the property has made several requests for a exterior individual preservation plan to better understand the Historical preservation requirements for his property.

Filed in Clerk's Office  
AUG 22 2017  
KAREEMAH FOWLER  
CITY CLERK, SOUTH BEND, IN

*Difference Between of Appeals*

Appeal COA 2016-0809 – Description of Project

- A.) Second story addition on rear of building with vinyl siding and windows.
- B.) Asymmetrical Roof for entire building (HPC staff and owner agreed attempted to compromise)

Appeal COA 2017-0602- Description of Project

- A.) Mono Roof half of building with open courtyard on other side.

The difference between appeals is the number of application items requested and the variation style of the roofs. 2016 COA requested roofing the entire building with asymmetrical gable roof. The 2017 COA is requesting to roof only half of the building and have an interior open courtyard engineered by a structural engineer.

Respectfully Submitted;



8-18-17

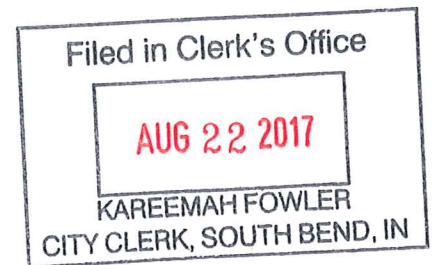
Mr. Eric A. Boyd  
1207 W. Thomas St.  
South Bend, In 46601  
812-704-3005

**Eric A. Boyd**

v.

**Historical Preservation Commission of  
South Bend and St. Joseph County**

RE: COA No.2017-0602A



Exhibits

- A.) Unopened Historical Preservation Postmarked Notice of hearing "06/14/2017"
- B.) Original Permit for Roof issued by Building Department 2015
- C.) Blue Prints, elevations, given to Building Department 2015
- D.) Site plan given to Building Dept. 2015
- E.) Affidavit of St. Joseph County Building commissioner acknowledge is error authorizing the construction w/o communicating with HPC
- F.) General Inspection by St. Joseph County Building Commissioner requesting a Structural Engineer evaluate
- G.) Structural Engineer's evaluation/Report
- H.) Structural Engineer's Diagram for reverse engineering
- I.) (5) Police Reports- Related to Hardship
- J.) Remedy offered by Building Dept. that Historical Preservation tried to deny
- K.) Preservation of Meridian Street Area
- L.) 2011 Demolition
- M.) Standard Notice of hearing Agenda that is mailed - September 19,2016
- N.) Standard Notice of hearing Agenda (wasn't mailed) - June 17,2017
- O.) Signatures of people from the neighborhood/ community who don't care if the roof is flat or Gable, but just want the building saved.
- P.) Article 13 HPC South Bend municipal code
- Q.) Receipt for original building permits

Respectfully Submitted;

A handwritten signature in black ink, appearing to read "Eric A. Boyd".

Mr. Eric A. Boyd  
1207 W. Thomas St.  
South Bend, In 46601  
812-704-3005

8-18-17

Filed in Clerk's Office

**AUG 22 2017**

KAREEMAH FOWLER  
CITY CLERK, SOUTH BEND, IN

# EXHIBIT "A"



06/14/2017

US POSTAGE

\$002.24<sup>0</sup>

ZIP 46601

011E12651046



HISTORIC PRESERVATION COMMISSION  
SOUTH BEND & SAINT JOSEPH COUNTY  
227 West Jefferson Boulevard •  
South Bend, IN 46601

Eric Boyd  
1240 West Thomas Street  
South Bend, IN 46601

Filed in Clerk's Office  
**AUG 22 2017**  
KAREEMAH FOWLER  
CITY CLERK, SOUTH BEND, IN

# EXHIBIT "B"

# NOTICE OF PERMIT CONSTRUCTION

St. Joseph County and City of South Bend  
Building Department  
(574) 235-9554

DATE: 10/13/2015 PERMIT NUMBER: BD15005044  
ADDRESS: 1240 THOMAS, SE CRN WITH WALNUT, N OF WESTERN AVE.  
CONTRACTOR: BOYD SERVICES  
PERMIT TO CONSTRUCT: PARTIAL ROOF

Lot No. Add'n. 48 COMMISSIONER'S OF S PT BANK OUTLOT 85 & 86  
BOYD, ERIC (812)704-3005  
Owner's Name Phone  
1207 W Thomas St South Bend, IN 46601  
Owner's Present Mailing Address/Email  
Zoning MU Twp. PORTAGE Multiple Unit Count  
Valuation \$500.00 Height Acreage 0.19  
018-3074-2912 ABZA Date: State No.  
Front Rear Side  
Building Permit Fee \$30.00  
Contractor BOYD SERVICES (812)704-3005 boydmaster455@yahoo.com  
Electric Permit Fee  
Contractor  
Plumbing Permit Fee  
Contractor  
Heating Permit Fee  
Contractor  
Subtotal \$ 30.00  
Penalty \$  
Total \$ 30.00  
kwidawsk

Signature

  
Charles C. Bulot - Building Commissioner

The person or contractor listed above hereby certifies that the statements contained herein are true and correct and in consideration of the granting of the permit agree to save St. Joseph County and City of South Bend harmless from any and all damages and agree to perform the work covered by this permit in conformity with the laws of the State of Indiana and the Ordinances of St. Joseph County and the City of South Bend, Indiana.

I agree to call for an inspection approval before any concrete is poured for footings and walls, or any framing, electrical, plumbing, or heating material is covered. I understand that a Final Inspection may be necessary and a Certificate of Occupancy shall be issued prior to occupancy being allowed. I also understand that this is only a Building Permit. Separate permits are to be obtained for any heating, ventilation, air conditioning, electric or plumbing work.

Understanding of the laws and rules regarding this permit is certified by applicant's signature above. This permit is valid for two (2) years from date of issuance, or as determined by the Building Department.

**This Placard must be posted until project is completed. Failure to comply will result in a citation and fine.**

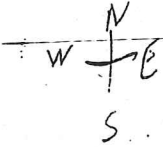
Filed in Clerk's Office

AUG 22 2017

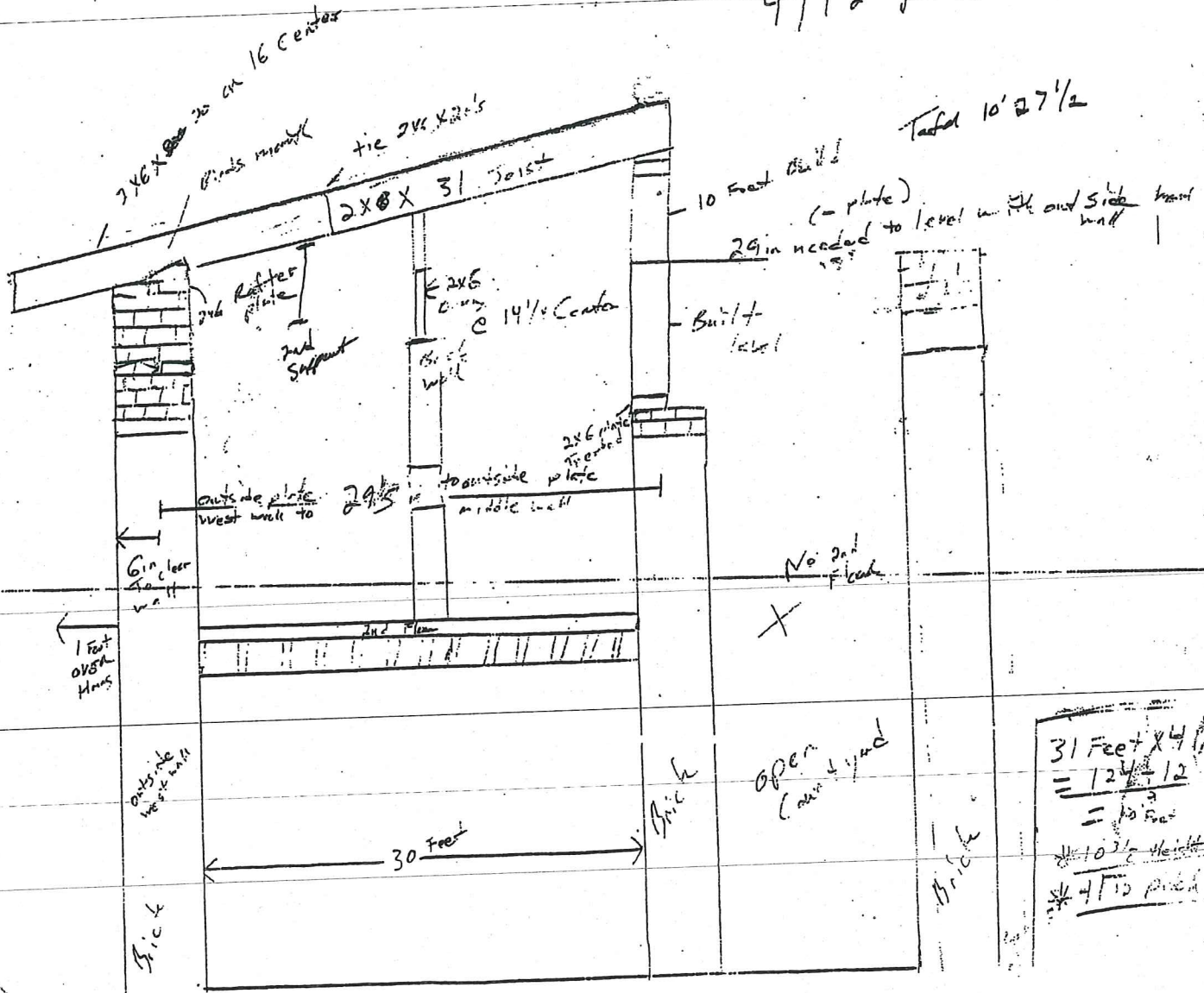
KAREEMAH FOWLER  
CITY CLERK, SOUTH BEND, IN

# EXHIBIT "C"

10-13-15



4/12 pitch



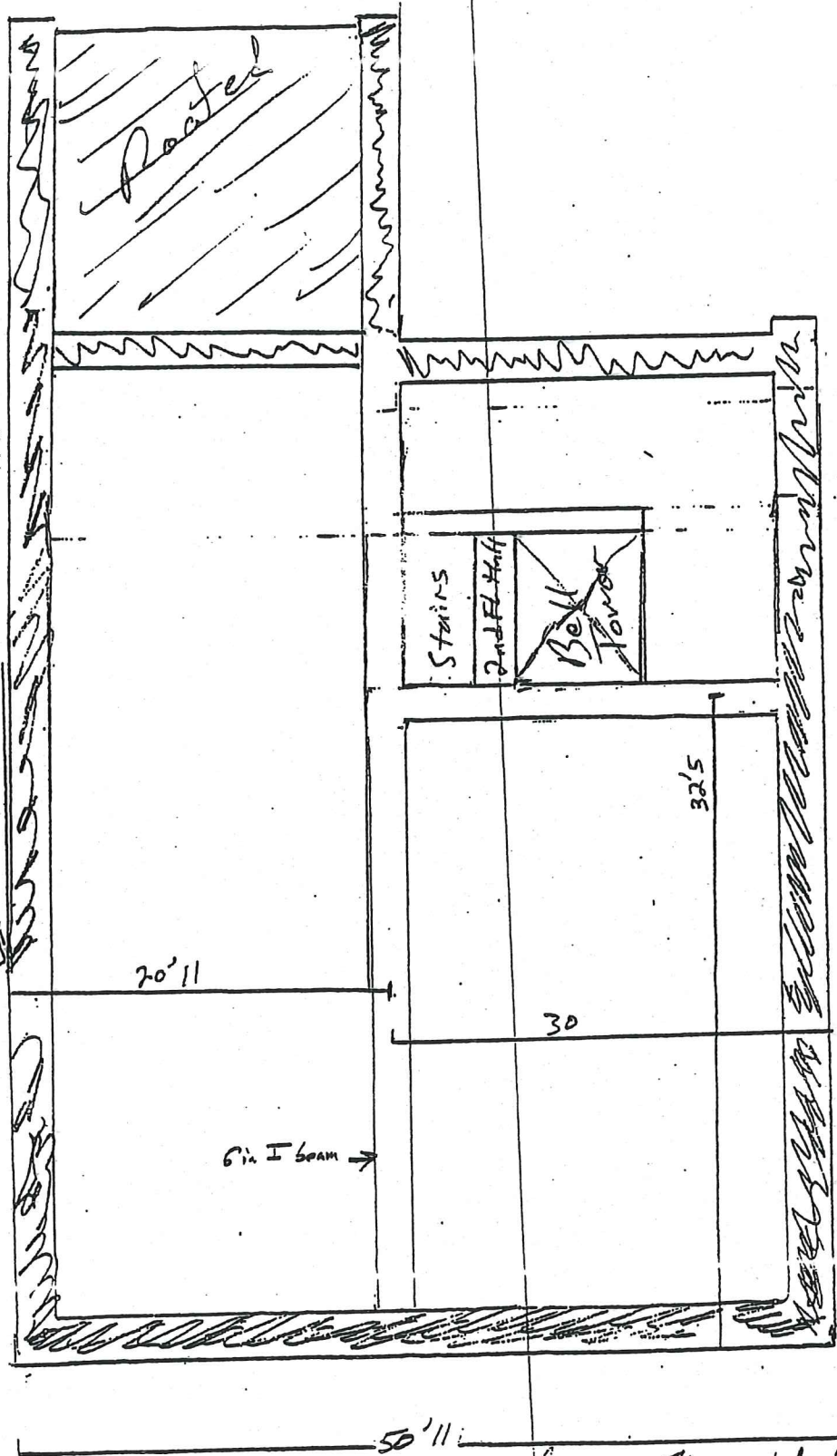
$31 \text{ Feet} \times 4 \frac{1}{2}$   
 $= 124 \frac{1}{2}$   
 $= 10 \text{ Feet}$   
 $\frac{1}{2} \times 10 \frac{1}{2} \text{ Height}$   
 $\frac{1}{2} \times 4 \frac{1}{2} \text{ pitch}$

Filed in Clerk's Office

**AUG 22 2017**

KAREEMAH FOWLER  
CITY CLERK, SOUTH BEND, IN

# EXHIBIT "D"



Thick wall

Stop Here

Roofing This Half

Filed in Clerk's Office

**AUG 22 2017**

KAREEMAH FOWLER  
CITY CLERK, SOUTH BEND, IN

# EXHIBIT "E"



Before the Common Council of the City of South Bend

ERIC BOYD,

Appellant,

vs.

HISTORIC PRESERVATION  
COMMISSION OF SOUTH BEND AND  
ST. JOSEPH COUNTY,

RE: Application for Certificate of  
Appropriateness, No. 2016-0809

Appellee:

**AFFIDAVIT OF CHUCK BULOI**

Chuck Buloi, being first duly sworn upon his oath, deposes and states as follows:

1. I am over the age of twenty-one (21) years.
2. I have never been adjudicated and am not insane or incompetent.
3. I make the statements contained herein based on my personal knowledge and would so testify in person in a court of law.
4. I am a resident of the State of Indiana.
5. I am the Building Commissioner for the City of South Bend and have served in such capacity at all times relevant to this appeal filed by Eric Boyd, COA Application # 2016-0809.
6. Standard Building Department protocol dictates that if an application for a building permit is requested for a historic landmark, the staff members of the building department are to direct the applicant to the Historic Preservation Commission to obtain a Certificate of Appropriateness.
7. On October 13, 2015 Mr. Eric Boyd filed an application for a building permit to construct a partial roof on the building located at 1240 W. Thomas Street.

*Transcript*

8. For an unintentional mistake of a Building Department staff member, Mr. Boyd was not directed to the Historic Preservation Commission to obtain a Certificate of Appropriateness.

9. At no time prior to August 9, 2016 did the Building Department provide a copy of Mr. Boyd's 2015 Application for a Building Permit to the Historic Preservation Commission.

I affirm, under the penalties for perjury, that the foregoing representations are true.

Date 12/5/16

  
Chuck Buloi

*h/w Department which cause Applicant then file*

Filed in Clerk's Office

**AUG 22 2017**

KAREEMAH FOWLER  
CITY CLERK, SOUTH BEND, IN

# EXHIBIT "F"



**ST. JOSEPH COUNTY/SOUTH BEND  
BUILDING DEPARTMENT**

125 S. Lafayette Blvd.  
Suite 100  
South Bend, IN 46601  
Phone: (574)235-9554  
Fax: (574)235-5541



JAMES D. MARKLE, R.A.  
Design/Plan Review Specialist

MARK A. LYONS  
Asst. Zoning Administrator

*Sept*

Permit #: BD15005044  
Address: 1240 THOMAS  
Township: PORTAGE

Date: 9/29/2016  
General Inspection  
City: SOUTH BEND

---

Item 1 : Progress Check

See Notes

Complete: Yes  
Follow Up: Yes

Notes: Structural evaluation with commissioner, need structural engineer to evaluate.  
Need architectural prints and state submitted. Describe desired use. No public  
use at this time. Removal of burned debris ok, no other occupancy.

Filed in Clerk's Office

**AUG 22 2017**

KAREEMAH FOWLER  
CITY CLERK, SOUTH BEND, IN

# EXHIBIT "G"

**SIQUEIRA, L.L.C.**

November 23, 2016

Re: Eric Boyd, 1240 W. Thomas, South Bend, IN

Gentlemen,

I was asked to do a structural inspection on the building at the above referenced address on November 21, 2016. The inspection was limited to specific issues as stated below. Eric stated that all joists, rafters & beams used were pine - (SPF) #2. I assumed any studs to be SPF stud grade.

1. Joists spanning 17'5" running east-west at 16" oc, supported at masonry walls. I find these to be inadequate. A 2x4 stud wall should be added north-south, to support joists, limiting joist span to 14'. Assuming a 6' opening, the header should be (2) 2x10.
2. Steel beams at courtyard - south face at 2<sup>nd</sup> floor level & (2) at west face at north end - (1) at roof level & (1) at 2<sup>nd</sup> floor level. These are adequate, except that the roof level beam at west face is sagging. Eric intends to build a 2x6 wall (16" oc) under it, which should take care of the problem. (3) studs should be placed under where the east west steel beam meets the north south beam.
3. Courtyard wall bracing. In the absence of a roof and 2<sup>nd</sup> floor, the exterior walls lack bracing. The north & east walls need to be permanently braced. At the least, (3) beams - each (3) 2x12 across the width should be installed at between 15'-18" above 1<sup>st</sup> floor. These beams should be placed at 1/2 points along the length of the courtyard. Then, beams running north south should be placed at the end bays, from east west beam to wall at mid courtyard width. The beams should be extended into a 4" pocket into wall. Alternately, a 2x12 ledger - 2' long with (2) 1/2" x 6" bolts, 16" oc min hor. can be used in lieu of the pockets. At the 2x6 stud wall, the beam should bear on the face of (3) 2x6 studs. Also, it is suggested that the trash pile in the courtyard should be removed. It is also noted that without a roof, provisions will have to be made to dispose of snow & drain rain water in the courtyard.
4. Framed mono-sloped roof at North West: A ledger (2) 2x6s should be added to the east stud wall, raised up to be snug under the birdsmouth cut rafters. Hurricane clips should be added- rafter to ledger. 16d nails at 8" oc - ledger to wall top plate and (2) 16d nails to each stud below. Note that the 1<sup>st</sup> 2x8 should be nailed as above & the 2<sup>nd</sup> 2x8 nailed to the 1<sup>st</sup> - 2 rows 16d nails at 12" oc. Add blocking 2' oc at north end bay at rafters to ext. framed wall. Attach wall to masonry at top of existing parapet.
5. At the South West end at 1<sup>st</sup> floor ceiling, the 10x10 timber beam running east west bears on a built up column. The load is calculated at just over 2700 lbs & the built up column should be adequate.
6. Just to the north of the office, 2x4 joists spanning 10' were used. This should be removed and replaced with 2x8 joists at 16" oc.

If the above corrections are made as stated, these specific issues will be resolved.

Sincerely,  
  
Brian V. Siqueira, P.E.

**SIQUEIRA, L.L.C.**



FLORIDA INDIANA COLORADO  
1 5635 EMERG DRIVE, MISHAWACA, IN, 46545 E-MAIL: bvsig@comcast.net TEL: 734-341-3881  
TEXAS

FLORIDA INDIANA COLORADO  
1 5635 EMERG DRIVE, MISHAWACA, IN, 46545 E-MAIL: bvsig@comcast.net TEL: 734-341-3881  
TEXAS

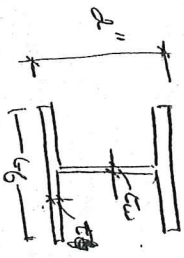
Filed in Clerk's Office  
**AUG 22 2017**  
KAREEMAH FOWLER  
CITY CLERK, SOUTH BEND, IN

# EXHIBIT "H"

# Structural Engineer Diagram for Reverse Engineering

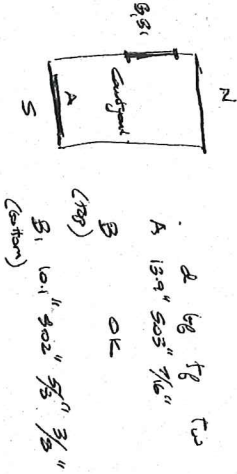
## CORRECTIONS REQD.:

① CHECK STEEL BEAMS:-



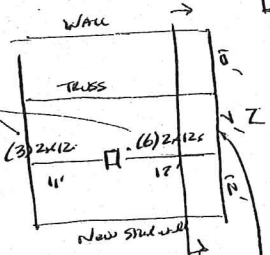
ERIC BOYD  
240 J THOMAS, SO. BEND (N)

11/03/16  
SAUTERIA, LLC  
BRAND SAUTERIA, P.E.



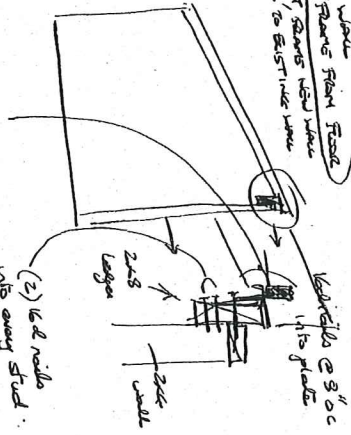
②

NEW BEAMS → Under top wall beams to column

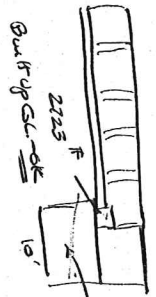


Get value for studs from floor. If not, remove wall where note to existing wall.

Simpson H125A Clip  
Suffice for 2x8 ledger

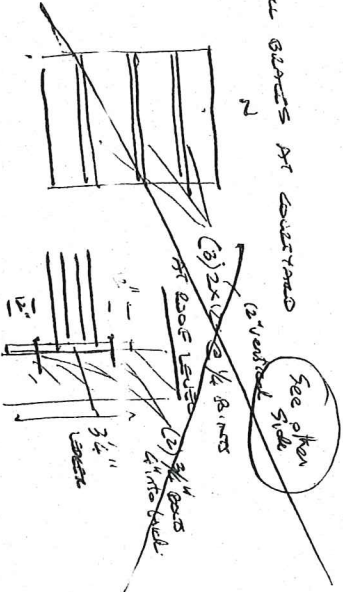


③ AT OFFICE

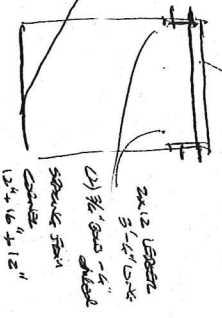


Remove 2x4 joists

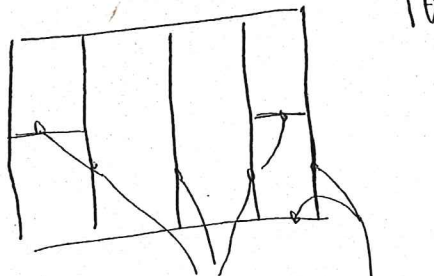
④ WALL GIANTS AT COURTYARD



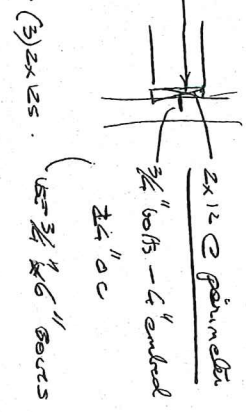
(4) 2x12 @ 2nd fl level



## COURTYARD



INSTALL BRICK @ MIDWAY BETWEEN END ROW & ROOF LEVEL



Filed in Clerk's Office  
**AUG 22 2017**  
KAREEMAH FOWLER  
CITY CLERK, SOUTH BEND, IN

# Exhibit "I"



#29



# SOUTH BEND POLICE DEPARTMENT - PUBLIC SUMMARY REPORT

Page 1 of 1 report type: **VANDALISM** Date Reported: **08/17/2017** CASE NO: **17 33304**

Location of Occurrence: **1240 W THOMAS ST SOUTH BEND, IN** Offense Begin Date: **08/17/2017** Offense Begin Time: **14:41** Offense End Date: **08/17/2017** Offense End Time: **14:41**

Victim: **BOYD, ERIC A** Sex: **M** Race: **B** Age: **032** Date of Birth: **01/07/1985**

Address: **1207 W THOMAS ST SOUTH BEND, IN 46601**

## ARRESTEE

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

Juvenile: Yes  No  Arrest #: \_\_\_\_\_ Arrest Date: \_\_\_\_\_ Arrest Time: \_\_\_\_\_ Arrest Location: \_\_\_\_\_

Arrest Charges: \_\_\_\_\_ Injury Type: \_\_\_\_\_

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

Juvenile: Yes  No  Arrest #: \_\_\_\_\_ Arrest Date: \_\_\_\_\_ Arrest Time: \_\_\_\_\_ Arrest Location: \_\_\_\_\_

Arrest Charges: \_\_\_\_\_ Injury Type: \_\_\_\_\_

## VEHICLE INFORMATION

Stolen  Recovered  Victimized  Suspect  Towed  ATL

Year: \_\_\_\_\_ Make: \_\_\_\_\_ Model: \_\_\_\_\_ Style: \_\_\_\_\_ Color: \_\_\_\_\_ License Number: \_\_\_\_\_ License Year: \_\_\_\_\_ State: \_\_\_\_\_

VIN: \_\_\_\_\_ Value: \_\_\_\_\_ Towed By / Towed To: \_\_\_\_\_

Stolen  Recovered  Victimized  Suspect  Towed  ATL

Year: \_\_\_\_\_ Make: \_\_\_\_\_ Model: \_\_\_\_\_ Style: \_\_\_\_\_ Color: \_\_\_\_\_ License Number: \_\_\_\_\_ License Year: \_\_\_\_\_ State: \_\_\_\_\_

VIN: \_\_\_\_\_ Value: \_\_\_\_\_ Towed By / Towed To: \_\_\_\_\_

## PROPERTY INFORMATION

Data/Code: F-Found B-Burned C-Counterfeit D-Damaged R-Recovered L-Lost S-Stolen O-Other/Unknown  
E-Evidence PP-Personal Property

Code	Property Type	Brand Name	Model	Serial Number	Value	Recovered
D	WINDOW	TRAILER	TRAILER	NONE	\$0.00	\$0.00

Comments: **VICTIM REPORTS HAVING HIS TRAILER SHOT BY A BB GUN.** Date: **08/18/2017**

Electronic Signature of Clerk Completing Report: **SANTA, STEPHANIE**



# SOUTH BEND POLICE DEPARTMENT - PUBLIC SUMMARY REPORT

Page <b>1</b> of <b>1</b>	Report Type <b>VANDALISM</b>	Date Reported <b>07/21/2017</b>	CASE NO <b>17 31564</b>
Location of Occurrence <b>1240 W THOMAS ST SOUTH BEND, IN</b>		Offense Begin Date <b>07/20/2017</b>	Offense Begin Time <b>22:00</b>
Victim <b>BOYD, ERIC A</b>		Offense End Date <b>07/21/2017</b>	Offense End Time <b>15:54</b>
Address <b>1207 W THOMAS ST SOUTH BEND, IN 46601</b>		Sex <b>M</b>	Race <b>B</b>
		Age <b>032</b>	Date of Birth <b>01/07/1985</b>

### ARRESTEE

Name				Address	
Juvenile Yes <input type="checkbox"/> No <input type="checkbox"/>		Arrest #	Arrest Date	Arrest Time	Arrest Location
Arrest Charges				Injury Type	

Name				Address	
Juvenile Yes <input type="checkbox"/> No <input type="checkbox"/>		Arrest #	Arrest Date	Arrest Time	Arrest Location
Arrest Charges				Injury Type	

### VEHICLE INFORMATION

Stolen <input type="checkbox"/> Recovered <input type="checkbox"/> Victimized <input checked="" type="checkbox"/> Suspect <input type="checkbox"/> Towed <input type="checkbox"/> ATL <input type="checkbox"/>								
Year <b>1967</b>	Make <b>CHEV</b>	Model <b>C50</b>	Style	Color <b>RED</b>	License Number <b>XXD838</b>	License Year <b>2018</b>	State <b>IN</b>	
VIN <b>CE537F138100DD</b>			Value <b>\$0.00</b>	Towed By / Towed To				
Stolen <input type="checkbox"/> Recovered <input type="checkbox"/> Victimized <input type="checkbox"/> Suspect <input type="checkbox"/> Towed <input type="checkbox"/> ATL <input type="checkbox"/>								
Year	Make	Model	Style	Color	License Number	License Year	State	
VIN			Value	Towed By / Towed To				

### PROPERTY INFORMATION

Data/Code: F-Found B-Burned C-Counterfeit D-Damaged R-Recovered L-Lost S-Stolen O-Other/Unknown  
E-Evidence PP-Personal Property

Code	Property Type	Brand Name	Model	Serial Number	Value	Recovered
<b>D</b>	<b>WINDOW</b>	<b>CHEVY</b>			<b>\$0.00</b>	<b>\$0.00</b>

Comments  
**VICTIM REPORTS VEHICLE WINDSHIELF WAS SHOT AT WITH A BB GUN.**

Electronic Signature of Clerk Completing Report  
**SANTA, STEPHANIE**

Date  
**08/17/2017**



# SOUTH BEND POLICE DEPARTMENT - PUBLIC SUMMARY REPORT

Page <b>1</b> of <b>1</b>	Report Type <b>VANDALISM</b>	Date Reported <b>07/19/2017</b>	CASE NO <b>17 31442</b>
Location of Occurrence <b>1240 W THOMAS ST SOUTH BEND, IN</b>		Offense Begin Date <b>07/17/2017</b>	Offense Begin Time <b>00:00</b>
Victim <b>BOYD, ERIC A</b>		Offense End Date <b>07/19/2017</b>	Offense End Time <b>15:11</b>
Address <b>1207 W THOMAS ST SOUTH BEND, IN 46601</b>		Sex <b>M</b>	Race <b>B</b>
		Age <b>032</b>	Date of Birth <b>01/07/1985</b>

### ARRESTEE

Name				Address	
Arrest #				Arrest Location	
Arrest Date				Arrest Time	
Arrest Time				Injury Type	
Arrest Charges					

Name				Address	
Arrest #				Arrest Location	
Arrest Date				Arrest Time	
Arrest Time				Injury Type	
Arrest Charges					

### VEHICLE INFORMATION

Stolen <input type="checkbox"/> Recovered <input type="checkbox"/> Victimized <input checked="" type="checkbox"/> Suspect <input type="checkbox"/> Towed <input type="checkbox"/> ATL <input type="checkbox"/>							
Year <b>1967</b>	Make <b>CHEV</b>	Model <b>C50</b>	Style	Color <b>RED</b>	License Number <b>XXD838</b>	License Year <b>2018</b>	State <b>IN</b>
VIN <b>CE537F138100DD</b>			Value <b>\$0.00</b>	Towed By / Towed To			
Stolen <input type="checkbox"/> Recovered <input type="checkbox"/> Victimized <input type="checkbox"/> Suspect <input type="checkbox"/> Towed <input type="checkbox"/> ATL <input type="checkbox"/>							
Year	Make	Model	Style	Color	License Number	License Year	State
VIN			Value	Towed By / Towed To			

### PROPERTY INFORMATION

Data/Code: F-Found B-Burned C-Counterfeit D-Damaged R-Recovered L-Lost S-Stolen O-Other/Unknown  
E-Evidence PP-Personal Property

Code	Property Type	Brand Name	Model	Serial Number	Value	Recovered
<b>D</b>	<b>WINDOW</b>	<b>CHEVY</b>			<b>\$0.00</b>	<b>\$0.00</b>

Comments  
**VICTIM REPORTS UNKNOWN SUSPECT SMASHED OUT FRONT PASSENGER WINDOW OF HIS DUMP TRUCK.**

Electronic Signature of Clerk Completing Report  
**SANTA, STEPHANIE**

Date  
**08/17/2017**



# SOUTH BEND POLICE DEPARTMENT - PUBLIC SUMMARY REPORT

Page 1 of 1	Report Title <b>BURGLARY/NON RES/FORCE</b>	Date Reported <b>12/11/2014</b>	CASE NO <b>14 19744</b>
Location of Occurrence <b>1240 W THOMAS ST SOUTH BEND, IN</b>		Offense Begin Date <b>12/08/2014</b>	Offense Begin Time <b>07:30</b>
Victim <b>BOYD, ERIC A</b>		Offense End Date <b>12/11/2014</b>	Offense End Time <b>12:12</b>
Address <b>1207 W THOMAS ST SOUTH BEND, IN 46601</b>		Sex <b>M</b>	Race <b>B</b>
		Age <b>029</b>	Date of Birth <b>01/07/1985</b>

### ARRESTEE

Name				Address	
Juvvenile Yes <input type="checkbox"/> No <input type="checkbox"/>		Arrest #	Arrest Date	Arrest Time	Arrest Location
Arrest Charges				Injury Type	

Name				Address	
Juvvenile Yes <input type="checkbox"/> No <input type="checkbox"/>		Arrest #	Arrest Date	Arrest Time	Arrest Location
Arrest Charges				Injury Type	

### VEHICLE INFORMATION

Stolen <input type="checkbox"/> Recovered <input type="checkbox"/> Victimized <input type="checkbox"/> Suspect <input type="checkbox"/> Towed <input type="checkbox"/> ATL <input type="checkbox"/>								
Year	Make	Model	Style	Color	License Number	License Year	State	
VIN			Value	Towed By / Towed To				
Stolen <input type="checkbox"/> Recovered <input type="checkbox"/> Victimized <input type="checkbox"/> Suspect <input type="checkbox"/> Towed <input type="checkbox"/> ATL <input type="checkbox"/>								
Year	Make	Model	Style	Color	License Number	License Year	State	
VIN			Value	Towed By / Towed To				

### PROPERTY INFORMATION

Data/Code: F-Found B-Burned C-Counterfeit D-Damaged R-Recovered L-Lost S-Stolen O-Other/Unknown  
E-Evidence PP-Personal Property

Code	Property Type	Brand Name	Model	Serial Number	Value	Recovered
S	DOOR	UNKNOWN			\$0.00	\$0.00
S	SAW	CRAFTS			\$0.00	\$0.00
S	LADDER	UNKNOWN			\$0.00	\$0.00

Comments  
**VICTIM REPORTS GARAGE DOOR, TABLE SAW AND TWO-STORY LADDER STOLEN FROM BUILDING.**

Electronic Signature of Clerk Completing Report  
**SANTA, STEPHANIE**

Date  
**08/17/2017**



# SOUTH BEND POLICE DEPARTMENT - PUBLIC SUMMARY REPORT

Page <b>1</b> of <b>1</b>	Report Type <b>VANDALISM</b>	Date Reported <b>07/15/2014</b>	CASE NO <b>14 10849</b>
Location of Occurrence <b>1240 W THOMAS ST SOUTH BEND, IN</b>		Offense Begin Date <b>07/14/2014</b>	Offense Begin Time <b>21:00</b>
		Offense End Date <b>07/15/2014</b>	Offense End Time <b>18:00</b>
Victim <b>BOYD, ERIC A</b>		Sex <b>M</b>	Race <b>B</b>
		Age <b>029</b>	Date of Birth <b>01/07/1985</b>
Address <b>1207 W THOMAS ST SOUTH BEND, IN 46601</b>			

### ARRESTEE

Name				Address	
Juvenile Yes <input type="checkbox"/> No <input type="checkbox"/>		Arrest #	Arrest Date	Arrest Time	Arrest Location
Arrest Charges				Injury Type	

Name				Address	
Juvenile Yes <input type="checkbox"/> No <input type="checkbox"/>		Arrest #	Arrest Date	Arrest Time	Arrest Location
Arrest Charges				Injury Type	

### VEHICLE INFORMATION

Stolen <input type="checkbox"/> Recovered <input type="checkbox"/> Victimized <input type="checkbox"/> Suspect <input type="checkbox"/> Towed <input type="checkbox"/> ATL <input type="checkbox"/>							
Year	Make	Model	Style	Color	License Number	License Year	State
VIN		Value	Towed By / Towed To				
Stolen <input type="checkbox"/> Recovered <input type="checkbox"/> Victimized <input type="checkbox"/> Suspect <input type="checkbox"/> Towed <input type="checkbox"/> ATL <input type="checkbox"/>							
Year	Make	Model	Style	Color	License Number	License Year	State
VIN		Value	Towed By / Towed To				

### PROPERTY INFORMATION

Data/Code: F-Found B-Burned C-Counterfeit D-Damaged R-Recovered L-Lost S-Stolen O-Other/Unknown  
E-Evidence PP-Personal Property

Code	Property Type	Brand Name	Model	Serial Number	Value	Recovered
D	DOOR	UNKNOWN			\$100.00	\$0.00
D	NAILS	UNKNOWN			\$20.00	\$0.00

Comments  
**CALLER STATED DOOR WAS KICKED IN.**

Electronic Signature of Clerk Completing Report

Date

**08/17/2017**

**SANTA, STEPHANIE**

Filed in Clerk's Office

**AUG 22 2017**

KAREEMAH FOWLER  
CITY CLERK, SOUTH BEND, IN

# Exhibit “J”



ST. JOSEPH COUNTY/SOUTH BEND  
BUILDING DEPARTMENT

125 S. LAFAYETTE BLVD.  
SUITE 100  
SOUTH BEND, IN 46601  
(574) 235-9554  
FAX 574-235-5541



JAMES D. MARKLE, R.A.  
Design/Plan Review Specialist

CHARLES C. BULOT  
BUILDING COMMISSIONER

AYOKA PAEK, MCP, MCIP  
Zoning & Business Services Administrator

January 25, 2017

Eric A Boyd  
1207 W Thomas St  
South Bend, IN 46601

AND

Current Owner/Tenant  
1240 THOMAS ST,  
SOUTH BEND, IN 46625

Re: Violations of City Ordinance at 1240 Thomas St, South Bend, IN 46625/Second Notice

To Whom It May Concern:

We recognize the effort to reduce violations of the City of South Bend Zoning Ordinance, at your property located at 1240 THOMAS ST, SOUTH BEND, IN 46625, zoned "MU" Mixed Use District. However, the following violations remain:

1. The failure to obtain an improvement location permit when one is required by the terms and provisions of this Ordinance, *Section 21-10(f)(2)*, specifically doing construction remodeling without application for applicable commercial building permits.
2. Failure to comply with any other provisions of this Ordinance, or other applicable federal, state or local law or ordinance, *Section 21-10(f)(10)*, specifically the failure to acquire a Certificate of Appropriateness for new construction from the Historic Preservation Commission for a building identified as a South Bend Local Landmark, (*Ordinance No. 7591-86*)
3. Failure to comply with the terms, provisions or conditions of any other permit required as a prerequisite to the issuance of an improvement location permit, *Section 21-10(f)(8)(C)*, specifically the failure to comply with the Historic Preservation Commission's decision against the work that has been recently done to the building.

**VIOLATION REMEDY REQUIREMENTS**

Immediately remove the additions to the building installed without issuance of a Certificate of Appropriateness from the Historic Preservation Commission and

apply for an inspection by our department to verify the unapproved work has been properly demolished.

OR

Acquire a Certificate of Appropriateness from the Historical Preservation Commission for the work done without their approval and without legal permit from our department; and if approval is given by the Historic Preservation Commission for improvements apply for commercial permits for work covered in their approval; and do not occupy the building until Final Certificate of Occupancy has been issued by our department.

You have until February 28, 2017 to have all of the applicable approvals in place. If they are not in place by close of business on this date citations will be issued.

Be advised that application for the required permits will be charged a triple fee as per *Section 21.6-4.1(e)* or the City of South Bend Ordinance. If you have any questions regarding this matter, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'A Paek', written in a cursive style.

Ayoka Paek, MCP, MCIP  
Zoning and Business Services Administrator

cc:

Elicia Feasel, Historic Preservation Commission  
Randy Wilkerson, Code Enforcement



Filed in Clerk's Office  
AUG 22 2017  
KAREEMAH FOWLER  
CITY CLERK, SOUTH BEND, IN

# Exhibit "K"

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the person filing the Application, the street address of the property on which the work for which the Certificate is sought to occur, and a brief description of the type of work proposed to be performed. (Meridian Street Preservation Commission; MSPC-1, Rule 17; filed May 23, 1974, 9:29 am: Rules and Regs. 1975, p. 451)

Cited in: 925 IAC 1-1-18.

**925 IAC 1-1-18 Hearing on application**

Authority: IC 14-3-3.2-4  
Affected: IC 14-3-3.2-17

Sec. 18. HEARINGS — Upon receipt of an Application for a Certificate of Appropriateness, the Commission shall consider such matter with or without hearing, as it deems appropriate. No Certificate shall be denied without hearing if requested by the applicant or granted without hearing if a hearing is promptly requested by any Interested Party. If a hearing is held, it shall be upon not less than fifteen (15) days' notice to the applicant and shall not be held until at least fifteen (15) days after notice has been mailed to the persons specified in Rule 17(1), (2), and (3) [925 IAC 1-1-17(1)-(3)]. Said notice may be waived by the applicant. (Meridian Street Preservation Commission; MSPC-1, Rule 18; filed May 23, 1974, 9:29 am: Rules and Regs. 1975, p. 451)

**925 IAC 1-1-19 Dismissal of cases**

Authority: IC 14-3-3.2-4  
Affected: IC 14-3-3.2-4

Sec. 19. DISMISSAL OF CASES — The Commission may dismiss a case for want of prosecution or for lack of jurisdiction. (Meridian Street Preservation Commission; MSPC-1, Rule 19; filed May 23, 1974, 9:29 am: Rules and Regs. 1975, p. 451)

**925 IAC 1-1-20 Withdrawal of cases; redocketing**

Authority: IC 14-3-3.2-4  
Affected: IC 14-3-3.2-21

Sec. 20. WITHDRAWAL OF CASES — No case may be withdrawn by the petitioner after a vote has been ordered by the Chairman. No case which has been withdrawn by the petitioner shall again be placed on the docket for consideration by the Com-

mission within a period of three (3) months from the date of said withdrawal, except upon motion to permit redocketing with the Commission, adopted by the unanimous vote of all members present at a regular or special meeting of the Commission. (Meridian Street Preservation Commission; MSPC-1, Rule 20; filed May 23, 1974, 9:29 am: Rules and Regs. 1975, p. 451)

**925 IAC 1-1-21 Adverse decisions; redocketing**

Authority: IC 14-3-3.2-4  
Affected: IC 14-3-3.2-21

Sec. 21. REDOCKETING FOLLOWING ADVERSE DECISION — No case which has been decided adversely against the petitioner shall again be placed on the docket for consideration by the Commission within a period of six (6) months from the date of the decision previously rendered, except upon motion to permit redocketing with the Commission, adopted by a unanimous vote of all members present at a regular or special meeting of the Commission. (Meridian Street Preservation Commission; MSPC-1, Rule 21; filed May 23, 1974, 9:29 am: Rules and Regs. 1975, p. 452)

**925 IAC 1-1-22 Officers of commission; selection; presiding officer**

Authority: IC 14-3-3.2-4  
Affected: IC 14-3-3.2-3

Sec. 22. OFFICERS OF THE COMMISSION — Annually at the first regular meeting of the Commission a Vice Chairman and Secretary shall be selected from its members.

The Chairman shall preside at all meetings, and in his absence or disability the Vice Chairman shall preside. (Meridian Street Preservation Commission; MSPC-1, Rule 22; filed May 23, 1974, 9:29 am: Rules and Regs. 1975, p. 452)

**925 IAC 1-1-23 Points of order and procedure; chairman's authority**

Authority: IC 14-3-3.2-4  
Affected: IC 14-3-3.2-3

Sec. 23. CHAIRMAN TO DECIDE POINTS OF ORDER—The chairman, subject to these Rules [925 IAC 1], shall decide all points of order or procedure, unless otherwise directed by a majority of the

Filed in Clerk's Office

AUG 22 2017

KAREEMAH FOWLER  
CITY CLERK, SOUTH BEND, IN

EXHIBIT 'D'

LEGAL NOTICE OF PUBLIC HEARING WITH INTENTION TO DEMOLISH COMMERCIAL BUILDING, PARKING SLAB AND CONTINUOUS ENFORCEMENT

To: DAVID STEVENS OF 1217 WEST THOMAS, SOUTH BEND, IN 46625, BLM GROUP, LLC OF 4891 TORIDA WAY, YORBA LINDA, CA 92886, and to all persons or corporations having or claiming any rights, titles or interest in the following real estate commonly known as 1240 WEST THOMAS, South Bend, Indiana described as key number: 18-3074-2912.

You are hereby ordered to be present at a hearing before the Hearing Officer, for the Department of Code Enforcement, on DECEMBER 8, 2011 at 1:30 p.m., in Room 1308, County-City Building, South Bend, Indiana.

At this hearing, the Hearing Officer may affirm the demolition order on the COMMERCIAL BUILDING AND PARKING SLAB, if the property owners do not have the COMMERCIAL BUILDING AND PARKING SLAB demolished by the date of the hearing. If the demolition order is affirmed, the City of South Bend will award a demolition contract to the lowest bidder, have the COMMERCIAL BUILDING AND PARKING SLAB demolished and bill the property owners for the cost of the demolition plus \$712.00 in administrative fees.

This is a continuous enforcement order as defined by I.C. 36-7-9, and therefore is in full force and effect without the need to seek additional compliance, abatement or orders for the same or similar violations. Ongoing compliance and enforcement activities are authorized if necessary, and fees and costs may be assessed and collected without the need for additional notice or hearing.

The action required by the order and the exact terms of the order may be obtained from the Department of Code Enforcement, Room 1300, County-City Building, 227 W. Jefferson, South Bend, Indiana. Phone #235-9486

Catherine M. Toppel, C.C.O. Director Dept of Code Enforcement 21: 11: 27 & 28

State of Indiana St. Joseph County ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned Jacki Krolczyk who, being duly sworn says that she is of competent age and is Advertising Director of the South Bend Tribune, a daily newspaper which for at least five (5) consecutive years has been published in the City of South Bend, county of St. Joseph, State of Indiana, and which during the time, has been a newspaper of general circulation, having a bona fide paid circulation, printed in the English Language and entered, authorized and accepted by the post office department of the United States of America as mailable matter of the second-class as defined by the act of Congress of the United States of March 3, 1879, and that the printed matter attached hereto is a true copy, which was duly published in said newspaper.

2 time(s), the dates of publication being as follows:

November 27 & 28, 2011

Handwritten signature of Jacki Krolczyk

Subscribed and sworn to before me this 28th day

of November 2011

Handwritten signature of Leslie Ann Winey

Leslie Ann Winey

Notary Public

Resident of St. Joseph County

My commission expires December 21, 2016

Charges: \$ 34.55

Filed in Clerk's Office  
AUG 22 2017  
KAREEMAH FOWLER  
CITY CLERK, SOUTH BEND, IN

EXHIBIT

*M.*  
~~“E”~~



**AGENDA OF THE  
HISTORIC PRESERVATION COMMISSION  
SEPTEMBER 19, 2016**



**Regular Meeting THIRTEENTH FLOOR- ROOM 1308  
COUNTY—CITY BUILDING  
MONDAY SEPTEMBER 19, 2016 7:00 PM**

**HISTORIC PRESERVATION COMMISSION**  
of South Bend & St. Joseph County, Indiana

**I. CALL TO ORDER, ROLL CALL**

**II. PUBLIC HEARING**

**A. CERTIFICATE OF APPROPRIATENESS**

- |               |                              |                   |
|---------------|------------------------------|-------------------|
| 1. 2016-0805  | 609 Riverside Drive          | River Bend        |
| 2. 2016-0819  | 1329 East Wayne Street South | East Wayne Street |
| 3. 2016-0809  | 1240 West Thomas Street      | Local Landmark    |
| 4. 2016-0907  | 1071 Riverside Drive         | Riverside Drive   |
| 5. 2016-0907A | 237 North Michigan Street    | Local Landmark    |

**III. HEARING OF VISITORS**

**IV. REGULAR BUSINESS**

**A. APPROVAL OF MINUTES**

1. August 15, 2016

**B. TREASURER'S REPORT**

1. Location Report

**C. STAFF REPORTS**

1. Correspondence
2. Executive Director
3. Deputy Director
4. Preservation Specialist
5. Legal

**D. COMMITTEE REPORTS**

1. President
2. Indiana's 2016 Bicentennial

*Dr. Howard*  
G

**V. OLD BUSINESS**

**VI. NEW BUSINESS**

**VII. ANNOUNCEMENTS & MISCELLANEOUS MATTERS**

**A. SOUTHOLD PRESERVATION AWARDS/NORTHERN INDIANA  
PRESERVATION AWARDS**

NOTICE:  
FOR HEARING AND SIGHT  
IMPAIRED PERSONS

**VIII. ADJOURNMENT**

Auxiliary aid or other services are  
available upon request at no charge.

Please give reasonable advance  
request when possible.

Filed in Clerk's Office  
AUG 22 2017  
KAREEMAH FOWLER  
CITY CLERK, SOUTH BEND, IN

EXHIBIT <sup>N</sup> ~~“II”~~



## HISTORIC PRESERVATION COMMISSION

OF SOUTH BEND AND ST. JOSEPH COUNTY

County—City Building, South Bend, IN 46601

[stjosephcountyindiana.com/departments/SJCHP/index.htm](http://stjosephcountyindiana.com/departments/SJCHP/index.htm)

Phone: 574/235.9798

Fax: 574/235.9578

Email: [SBSJCHPC@co.st-joseph.in.us](mailto:SBSJCHPC@co.st-joseph.in.us)



Timothy S. Kluszczinski, President

A Certified Local Government of the National Park Service

Elicia Feasel, Executive Director

### **MONDAY, JUNE 19, 2017—7:00 p.m.—MEETING AGENDA** **COUNTY—CITY BUILDING, 13th FLOOR, ROOM 1308**

I. CALL TO ORDER, ROLL CALL

II. PUBLIC HEARING

A. CERTIFICATE OF APPROPRIATENESS

1. 2017-0508	1327 East Wayne North	East Wayne Street
2. 2017-0523	812 Golden	Riverside Drive
3. 2017-0526A	511 West Colfax	Local Landmark
4. 2017-0524	1067 Riverside	Riverside Drive
5. 2017-0601	620 West Washington	Local Landmark
6. 2017-0602	1240 West Thomas	Local Landmark
7. 2017-0602A	1240 West Thomas	Local Landmark
8. 2017-0605	821 Ashland	Chapin Park
9. 2017-0605A	813 Park	Chapin Park
10. 2017-0606B	314 West LaSalle	Local Landmark

III. HEARING OF VISITORS

IV. REGULAR BUSINESS

A. APPROVAL OF MINUTES

1. May 15, 2017

B. TREASURER REPORT

1. Location Report

C. STAFF REPORTS

1. Correspondence
2. Executive Director
3. Deputy Director
4. Preservation Specialist
5. Legal

D. COMMITTEE REPORTS

1. President
2. Standards and Maintenance Committee

V. OLD BUSINESS

VI. NEW BUSINESS

VII. ANNOUNCEMENTS AND MISCELLANEOUS MATTERS

**FOR HEARING AND SIGHT IMPAIRED PERSONS**

Auxiliary aid or other services are available upon request at no charge. Please give reasonable advance request when possible.



Filed in Clerk's Office  
AUG 22 2017  
KAREEMAH FOWLER  
CITY CLERK, SOUTH BEND, IN

# Exhibit "I"

# Save the Firehouse! Ordinance Petition:

	<u>Name (Print)</u>	<u>Signature</u>	<u>Zip code</u>
1.		JOHN CALIFANO	46617
2.	Marie Bolden		46615
3.	Dorothy Jarrost	Dorothy Jarrost	46637
4.	Corey D Miller		
5.	A R R	A DOLLAS DUANE	46617
6.	PATRICIA E ANDERSON	Patricia Aden	46615
7.	Dylan Adams	Dylan Adams	46679
8.	Melvin P. HARKES	Melvin P. Harkes	46601
9.	Melissa Castellon	Melissa Castellon	46601
10.	Brandon McEuen	Brandon McEuen	46614
11.	Joe Rodriguez	Joe Rodriguez	46613
12.	Suzanna Newsome	Suzanna Newsome	46628
13.	Cynthia Jones	Cynthia Jones	46637
14.	Shula Waddock	Shula Waddock	46614
15.	Olando Johnson	Olando Johnson	46613
16.	Reggie Gray	Reggie Gray	46601
17.	CHRIS A ALKEY		
18.	Lenny Johnson	Lenny Johnson	46601
19.	John Vogt	John Vogt	46601
20.	Carl Hazelett		
21.	Anthony Kattiff	Anthony Kattiff	46614
22.	Eugene Keranen	Eugene Keranen	46561
23.	Robert J. B... ..	Robert J. B... ..	46614
24.	John Sijte	John Sijte	46544
25.	John Sijte	John Sijte	46637
26.	Ruth Shuck		
27.	Sheryl L. Harris	Sheryl L. Harris	46619
28.	Donna ... ..		
29.	Ken Wines		
30.	Brian Oberlip	Brian Oberlip	46544



Save the Firehouse! Ordinance Petition: \_\_\_\_\_

	Name (Print)	Signature	Zip code
1.	Michelle Roberts	Michelle Roberts	46601
2.			46601
3.	Michael Sterry	Michael Sterry	46601
4.	Eric Sterry	Eric Sterry	46601
5.	Lucas Burkett	Lucas Burkett	46615
6.	Tisa Templeton	Tisa Templeton	46615
7.	Shauna Sample	Shauna Sample	46615
8.	Cynthia Burkett	Cynthia Burkett	46615
9.	Elroy Elmore	Elroy Elmore	46615
10.	Fausto Martinez	Fausto Martinez	46601
11.	Destiny Davis	Destiny Davis	46601
12.	Badenai Williams	Badenai Williams	46601
13.	George Walker	George Walker	46601
14.	Harriet Parkes	Harriet Parkes	46601
15.	Lisette Santana	Lisette Santana	46545
16.	Del. Anderson	Del. Anderson	46601
17.	Del. Anderson	Del. Anderson	46601
18.	Shantea neay	Shantea neay	46628
19.	Robin Dudge	Robin Dudge	46614
20.	JEFF WORMSBECHER	JEFF WORMSBECHER	46614
21.	Kathy Haringer	Kathy Haringer	46545
22.	JAMES F SYLVESTER	James F Sylvester	46601
23.	Terry Tombs	Terry Tombs	46619
24.	Ken Mroczkiewicz	Ken Mroczkiewicz	46628
25.	Jeff Rupert	Jeff Rupert	46613
26.	Michael Chester	Michael Chester	46613
27.	Queenisha Chester	Queenisha Chester	46613
28.	Aly Ohnski	Aly Ohnski	46544
29.	Gerry Lewis	Gerry Lewis	46516
30.	Ebony Ellis	Ebony Ellis	

Thomas - 904, 910, 914, 916, 1011, 1037, 1107, 1110, 1120, 1203, 1215, 1135 (x)

9

# Save the Firehouse! Ordinance Petition:

	<u>Name (Print)</u>	<u>Signature</u>	<u>Zip code</u>
1.	JAKE GAINES	Jake Gaines	46601
2.	R. C. [unclear]	[unclear]	46601
3.	BRISDA GONZALEZ	Brisda Gomez	46601
4.	BRONCA MUHAMMAD	Bronca Muhammad	46601
5.	Jesse Taylor	Jesse Taylor	46601
6.	RUBENESHA Church	Rubenesha Church	46608
7.	144 [unclear]	[unclear]	46601
8.	[unclear]	[unclear]	46601
9.	[unclear]	[unclear]	[unclear]
10.	TRACY WEIRICH	TRACY WEIRICH	46514
11.	FRANCINE JONES	FRANCINE JONES	46601
12.	Joel Rangel	Joel Rangel	46619
13.	ISELA GUTMAN	Ise la Gutman	46609
14.	FLOYD SMITH	Floyd Smith	46616
15.	KIANA JACKSON	[unclear]	46601
16.	TYRON BLAND	Tyron Bland	46601
17.	JUSTICE FREEL	Justice Freel	46601
18.	LINDA WATSON	Linda Watson	46601
19.	CAROL FREEL	Carol Freel	46601
20.	CHRISTINA EMERY	Christina Emery	46601
21.	DEBRA PHILLIPS	Debra Phillips	46628
22.	DEANNA TAYLOR	[unclear]	46601
23.	RICHARD D. NILES	RICHARD D. NILES	46601
24.	LADONNA BOLDEN	Ladonna Bolden	46628
25.	KIM BROOKE	Mrs. Kim Brooke	46614
26.	[unclear]	[unclear]	46616
27.	MIKE BRUDA	Michaela Bruda	46614
28.	THOMAS JONES	Thomas Jones	46619
29.	LORETTA M. PAGE	Loretta M. Page	46619
30.	KEVIN JONES	Kevin Jones	46628

17 = 1,020

# Save the Firehouse! Ordinance Petition: \_\_\_\_\_

	Name (Print)	Signature	Zip code
1.	Consuelta Turner	Consuelta Turner	46628
2.	<del>Amber Lee</del>	<del>Amber Lee</del>	<del>46628</del>
3.	Kelly Lantz		
4.	Anthony Wimsott	ANTHONY WIMSOTT	46619
5.	WISA RALPH	WISA RALPH	46617
6.	Michael White	Michael White	46541
7.	Michael Long		
8.	Shane Pyrote		46614
9.	Megan Hill		46614
10.	John R. McAmara		46601
11.	John R. McAmara	JOHN R. McAMARA	46615
12.	Justin Rhode	Justin Rhode	46536
13.	Tony Willson	Tony Willson	46601
14.	William Davis	William Davis	46601
15.	Dymitrius Marsh	Dymitrius Marsh	46601
16.	Albert Palicki	Albert Palicki	46637
17.	Albert Palicki	Albert Palicki	46637
18.	Stephanie Newkirk	Stephanie Newkirk	46601
19.	Stephanie Newkirk	Stephanie Newkirk	46601
20.	Alexis Jones	Alexis Jones	46614
21.	James Mitchell	James Mitchell	46637
22.	Dominique Fultz	Dominique Fultz	46601
23.	Walter W. Jennings	WALTER W. JENNINGS	46634-4502
24.	Carson Sarvari	Carson Sarvari	46601
25.	Carson Sarvari	Carson Sarvari	46601
26.	Alicia Winston	Alicia Winston	46619
27.	Alicia Winston	Alicia Winston	46628
28.	Alicia Winston	Alicia Winston	46628
29.	Alicia Winston	Alicia Winston	46628
30.	Booker Stebbins		

# Save the Firehouse! Ordinance Petition: \_\_\_\_\_

	<u>Name (Print)</u>	<u>Signature</u>	<u>Zip code</u>
1.	<del>Remondus</del> Glenn Jones	<del>Remondus</del> Glenn Jones	46601
2.	<del>Glenn Jones</del>		
3.	Tom Casell	<del>Tom Casell</del>	<del>46615</del>
4.	KARL Nichols	<del>KARL Nichols</del>	46628
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02/01/2011

# Save the Firehouse! Ordinance Petition:

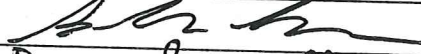

	Name (Print)	Signature	Zip code
1.	EARNIE HICKS	John O. Page	46617
2.	Charles Jackson		
3.	<del>Michael Smith</del>		
4.	<del>[Signature]</del>		
5.	Dena Wild	Johnathan Page	46617
6.	Adly R. Brooks	Deirra Williams	46601
7.	Martha Quiroz	Adly R. Brooks	46628
8.	Deborah Mindor	Martha Quiroz	46628
9.	Nicholas Bulger		4666
10.	Anthony Olicker		466d
11.	Kenneth Scott	Key Scott	46628
12.	Keith Scott	Keith Scott	
13.	Mike Piechocki	Mike Piechocki	46601
14.	Julia Lomas	Julia Lomas	46654
15.	Danita Williams	Danita Williams	46635
16.	Marilyn Davis	Marilyn Davis	46628
17.	Edna Paul		46628
18.	Jasmine Slater	Jasmine Slater	46628
19.	John E. Parker		
20.	JAMIN BROWN	JAMIN BROWN	46601
21.	SARA GARCIA	SARA GARCIA	46601
22.	Viola Allen		46616
23.	Rich [Signature]		46617
24.	Jeanne [Signature]		46615
25.	Rodriguez [Signature]	Rodriguez [Signature]	46617
26.	Paula Johnson	Paula Johnson	46619
27.	Tim [Signature]		46617
28.	[Signature]		46601
29.	Eliza Boyd	ELIZA BOYD	46601
30.			46601

# Save the Firehouse! Ordinance Petition: \_\_\_\_\_

	<u>Name (Print)</u>	<u>Signature</u>	<u>Zip code</u>
1.	Matthew Villa	Math P. Villa	46614
2.	Tracy H. Webb	Tracy H. Webb	46616
3.	Tebuan Ross	Tebuan Ross	46619
4.	Tameka Prosper	Tameka Prosper	46619
5.	Telenia B. Phillips	Telenia B. Phillips	46565
6.	Roosevelt Mullins	Roosevelt Mullins	46614
7.	Felisha Newsome	Felisha Newsome	46628
8.	Paul Burrows	Paul Burrows	46635
9.	David Freund	David Freund	46617
10.	Rory Willis		
11.	Michael Jennings	Michael Jennings	46619
12.	LISA PLENCNER	Lisa Plencner	46616
13.	Lori Rattiff	Lori Rattiff	46511
14.	Kathryn Casimiro	Kathryn Casimiro	46614
15.	Mackenzie Hallett	Mackenzie Hallett	49110
16.	Carol W. ...	Carol W. ...	
17.	Sandra Cula		
18.	Joshua Archer	Joshua Archer	46678
19.	Jenny Huffman	Jenny Huffman	46614
20.	Walt ...		
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# Save the Firehouse! Ordinance Petition:

	<u>Name (Print)</u>	<u>Signature</u>	<u>Zip code</u>
1.	NITA GONES ←	NITA Jones	46601
2.	Chester Kilgore ↔	Chester Kilgore	
3.	BRENDA S. BROWN	Brenda S Brown	46628
4.	BESSIE SIMON	Bessie Simon	46619
5.	ANNIE BART	Annie Bart	46615
6.	Earl Townsend	Earl Townsend	46637
7.	Cheryl Patterson	Cheryl Patterson	46628
8.	Cheryl Dickerson	Cheryl Dickerson	46619
9.	Earlie Thompson	Earlie Thompson	46628
10.	Thelma Williams	Thelma Williams	46628
11.	Danna Keusch	Danna Keusch	46637
12.	<sup>NANCY</sup> Nancy Willis	Nancy Willis	46635
13.	MARVA NEWBIL ↔	MARVA Newbil	46637
14.	Cathryn Leher		46601
15.	Tina Massey	Tina Massey	46619
16.	Andrea Connors	Andrea Connors	46628
17.	Sue Gerlach		46350
18.	Darryle Williams	Darryle Williams	46613
19.	Terrin Farrell		46619
20.	Natasha Jones	Natasha Jones	
21.	Paula Cassel	Paula Cassel	46544
22.	CHRISTA KOSKI	Christa Koski	46628
23.	Willie Hubbard 213550 6532	Willie Hubbard	46619
24.	T J Parsh	Tyrone Parsh	46628
25.	Dalton Teitsma	Dalton Teitsma	46545
26.	Cindy Haradon	Cindy Haradon	46350
27.	Joshua DeJager	Joshua DeJager	46615
28.	Carrie Trancoso	Carrie Trancoso	
29.	Joanne Baker	Joanne Baker	46545
30.	MICHAEL ANDERSON	Michael Anderson	46619

2022 1/14

# Save the Firehouse! Ordinance Petition: \_\_\_\_\_

	<u>Name (Print)</u>	<u>Signature</u>	<u>Zip code</u>
1.	Amber Carney	Amber Carney	46544
2.	<del>Amber Carney</del>	<del>Amber Carney</del>	<del>46601</del>
3.	<del>Donnie Hammond</del>	<del>Donnie Hammond</del>	<del>46628</del>
4.	Patrick Brook	Patrick Brook	46601
5.	Leslie Bermudez	Leslie Bermudez	46614
6.	NINA FREEMAN	Nina Freeman	46628
7.	Kirstin Champer	Kirstin Champer	46613
8.	Richard Moses	Richard Moses	46354
9.	Teresa Smith	Teresa Smith	46628
10.	LaGlenda Finley	LaGlenda Finley	46601
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# Save the Firehouse! Ordinance Petition:

	Name (Print)	Signature	Zip code
1.	Johnny Harris		
2.	Mark [unclear]		48210
3.	Paul Pine PAUL PAGE	Paul Pine	46601
4.	Alex Dawson	A. Dawson	46601
5.	<del>Mark [unclear]</del>		
6.	Patricia Lockett	Patricia Lockett	46601
7.	Orvis Rogers	Orvis Rogers	46601
8.	Ynetta Jones	UNETTER JONES	46601
9.	Paulo Bayo	J. Philip Bayo	46635
10.	Michael Williams	Michael Williams	46516
11.	Lydia [unclear]		
12.	<del>Mark [unclear]</del>		
13.	Mark [unclear]	Mark [unclear]	46613
14.	Mark [unclear]	Mark [unclear]	46610
15.	Melissa Aves LeBeau	Melissa Aves LeBeau	46600
16.	Tyrone WATFORD	Tyrone Wath	46613
17.	Micah Towery	Micah Towery	46601
18.	Jillian M Snyder	Jillian M. Snyder	46601
19.	Tarika Lark	Tarika Lark	
20.	Tyara Wright	Tyara Wright	46609
21.	Shirley B. Smith	Shirley Smith	46601
22.	<del>Shirley B. Smith</del>		
23.	Steven Bowen	Steven Bowen	46601
24.	Paul Brooks		46601
25.	Rosella Brooks		46601
26.	Obdulia Eulogio	1153 W. Thomas St	46601
27.	Rebecca [unclear]	1145 W. Thomas	46601
28.		1216 Thomas St	46601
29.			
30.			

# Save the Firehouse! Ordinance Petition:

	<u>Name (Print)</u>	<u>Signature</u>	<u>Zip code</u>
1.	Janeeth White	Janeeth White	46628
2.	<del>Janeeth White</del>	<del>Janeeth White</del>	<del>46628</del>
3.	Denisha Hunt	Denisha Hunt	46608
4.	Alex Williams	Alex Williams	46545
5.	Bill Wanceke	Bill Wanceke	46530
6.	Don McKinney	Don McKinney	46619
7.	Michael Mondavies	Michael Mondavies	46637
8.	Emily Lynn	Emily Lynn	46613
9.	Suzanne Williams	Suzanne Williams	
10.	Chokley Hankin	Chokley Hankin	46613
11.	James D Hankin	James D Hankin	46613
12.	Coxie Stockbridge	Coxie Stockbridge	46637
13.	Crystal Oster	Crystal Oster	46628
14.	Dewanna Nairera	Dewanna Nairera	46628
15.	KEI MARKHAM	KEI MARKHAM	46619
16.	ZACH GREGG	ZACH GREGG	46544
17.	Lauren Cira	Lauren Cira	46635-
18.	Sharon Cira	Sharon Cira	46561
19.	<del>Sharon Cira</del>	<del>Sharon Cira</del>	<del>46544</del>
20.	Tobitha Perry	Tobitha Perry	46516
21.	Barney Lewis	Barney Lewis	
22.	Barney Lewis	Barney Lewis	46628
23.	Brandon Heritz	Brandon Heritz	46615
24.	Craig Adams	Craig Adams	46615
25.	Teesha Wright	Teesha Wright	46628
26.	Korannecht Khecker	Korannecht Khecker	46544
27.	Alyssa Neece	Alyssa Neece	46614
28.	David Faroney	David Faroney	46614
29.	Sharon Sawyer	Sharon Sawyer	46637
30.	Bayan Sokolov	Bayan Sokolov	46545

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x2

# Save the Firehouse! Ordinance Petition:

	Name (Print)	Signature	Zip code
1.	Gregory Anderson		
2.	Issac Mitchell		
3.	Cory McKee		46618
4.	Rhonda Nicks		46545
5.	Anthony Winters		46628
6.	R. Spoor		466028
7.	K. Rippelle		466016
8.	A. Heitor		46613
9.	Jerry Taylor		49103
10.	Tom Walker		46614
11.	Brenda Davis		46614
12.	Lyndra Sutin		46628
13.	George Sutin		46628
14.	Deborah		
15.	Natasha Fleming		
16.	Coll		46601
17.	George Haralson		46601
18.	Alan Wells		46601
19.	Holly Stewart		46616
20.	Erik Vivado		46628
21.	Christina		
22.	Resulla Cook		46616
23.	Jackie Bishop		46616
24.	Mary Hill		46616
25.	LARRY HOLT		46619
26.	Lillian Adams		46601
27.	Quisha Buntin		46601
28.	Debra Williams		46545
29.	Willie Brown		46601
30.			46601

# Save the Firehouse! Ordinance Petition:

	Name (Print)	Signature	Zip code
1.	Bryony Blake	<i>Bryony Blake</i>	04040
2.	"	"	"
3.	Kathleen	<i>Katie WRIGHTMAN</i>	04040
4.	Canon T. Gray MPA/ABHP	<i>Canon T. Gray MPA/ABHP</i>	46028
5.	Brenda Gray	<i>Brenda Gray</i>	46028
6.	John Williams	<i>John Williams</i>	46014
7.	RICHARD F. CHAMBLISS	<i>Richard F. Chambliss</i>	46628
8.	ANTHONY SCOTT SR	<i>Anthony Scott Sr.</i>	46028
9.	Edna B. Baker	<i>211 W. OLIVE ST. ALEX</i>	344-6115
10.	Robert Waters	<i>218 Burdell St.</i>	288-8844
11.	Pastor Fred Preston	<i>160 N. Summit Dr. SB</i>	233-5232
12.	Wendell Preston	<i>125 E PORTAGE AVE</i>	274-1856
13.	Melvin Holmes	<i>1709 Kerick Dr. SB</i>	46035
14.	<i>[Signature]</i>	<i>246 N Ellind's St</i>	46019
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Filed in Clerk's Office  
AUG 22 2017  
KAREEMAH FOWLER  
CITY CLERK, SOUTH BEND, IN

EXHIBIT "B"

**ARTICLE 13 HISTORIC PRESERVATION COMMISSION**

**SECTION 21-13 HISTORIC PRESERVATION COMMISSION**

**Section 21-13.01 Established; membership; compensation, tenure of office; filling vacancies.**

- (a) There is hereby established an *Historic Preservation Commission* with the membership and powers and duties as set forth in this article.
- (b) Membership:
- (1) Not later than thirty (30) days after the effective date of Ordinance No. 5565-73, a nonpartisan *Historic Preservation Commission* of nine (9) members shall be appointed, all of whom shall be interested and knowledgeable in *historic preservation* in the local area. The membership shall be appointed as follows:
    - (A) The Mayor and the Common Council of the City of South Bend and the Council and Board of Commissioners of St. Joseph County shall each appoint two (2) at-large members, designating not more than one (1) member from any major political party and giving consideration to persons residing in areas having historic significance; and
    - (B) The eight (8) members appointed above shall in turn appoint the ninth member, who shall be an architectural historian.
  - (2) The members of the *Historic Preservation Commission* shall serve without compensation for terms of three (3) years; provided, however, that the initial appointments shall be made for staggered terms, as follows:
    - (A) The Mayor and the Common Council of the City of South Bend and the Council and the Board of Commissioners of St. Joseph County shall each make one appointment for a term of one (1) year and one appointment for a term of two (2) years; and
    - (B) The ninth member shall be appointed for a term of three (3) years.
  - (3) If a vacancy occurs by resignation or otherwise, the unexpired term shall be filled within thirty (30) days of such vacancy by the appropriate appointing body.
  - (4) Whenever a Commissioner fails to attend four (4) consecutive, regularly scheduled meetings, the *Historic Preservation Commission* may determine



article, and the submission of a certificate of appropriateness shall be accompanied by fees as prescribed by the *Historic Preservation Commission*. A listing of such fees shall be kept on file in the Office of the *Historic Preservation Commission* and the City Clerk's Office. Such listing shall be kept current and shall be available for public inspection during regular business hours of said offices.

- (2) Nothing in this article shall be construed to prevent the ordinary maintenance and repair of any building, structure or use which will not involve a change in any exterior features or to prevent the construction, reconstruction, alteration, demolition, or moving of any building, structure or use which the Building Commissioner or other official having such power may certify as required by the public safety because of an unsafe or dangerous condition.

Failed to do so Oct 2015

Where the *Historic Preservation Commission* deems it necessary, the Commission may petition the Common Council for a temporary delay in the issuance of the required permit(s) for proposed construction, reconstruction, alteration, demolition or moving of a designated *historic landmark* for the purpose of preparing a preservation plan for said landmark. Such petition shall be for a specified period of time. The Common Council shall grant the Commission's petition when it finds:



(A) That such action will not cause the owner of the subject property to suffer hardship; and



(B) That such delay will not be injurious to the public health, safety or welfare; and

(C) That in keeping with the intent of this article, such action is necessary and appropriate.

In no case may the delay granted by the Common Council exceed one (1) year, but the Commission may petition the Common Council for a continuation of any such delay granted by the Common Council in accordance with the same procedures set forth above for the initial petition.

10-13-15

- (3) An application for a building permit, demolition permit, sign permit or moving permit shall also be deemed to be an application for a certificate of appropriateness. Within five (5) working days of receipt of such application relative to a building, structure or use in said district, the Building Commissioner shall forward the application to the *Historic Preservation Commission* for review and action pursuant to section 21-13.02(e)(5), below. (Ord. No. 9513-04)

Building dept Failed to forward

*landmark, specifically, and/or the Historic Preservation District, generally;*

- ii. The detriment to the public welfare if the proposed construction, reconstruction, alteration, demolition or moving is permitted even though it is not deemed appropriate; and
- iii. The potential hardship that the denial of a certificate of appropriateness would cause the applicant.

- (6) Reserved.
  - (7) The *Historic Preservation Commission* may petition the Building Commissioner or his designee and the Department of Code Enforcement to cause the maintenance and/or repair of any *historic landmark* or property in *Historic Preservation District(s)*. All appropriate legal remedies at the state and local levels shall be utilized by such officials when seeking compliance with standards established for preserving and protecting *historic landmarks* and *Historic Preservation Districts* as further addressed in subparagraph (f) herein, which are in accordance with the intent of this article.
  - (8) Within each of the *Historic Preservation Districts* established in accordance with the provisions of this article, the *Historic Preservation Commission* shall establish Neighborhood Development Committees to advise the *Historic Preservation Commission* in matters relative to the district which the Committee represents.
- (f) Establish reasonable and just standards for the preservation of *historic landmarks* and *Historic Preservation Districts*, including architectural treatment, site development requirements, and provisions concerning construction, reconstruction, alteration, demolition or removal of any building or structure, or parts thereof. Provided, however, that:
- (1) The *Historic Preservation Commission* may adopt only those standards necessary to prevent such construction, reconstruction, alteration, demolition, or removal which is not in keeping with the purpose and intent of this article; and
  - (2) Such standards shall be applicable only to the exterior features of *historic landmarks* and of buildings or structures within *Historic Preservation Districts*.

Filed in Clerk's Office

AUG 22 2017

KAREEMAH FOWLER  
CITY CLERK, SOUTH BEND, IN

EXHIBIT

Q  
“D”

1790

**REGISTRATION**

ST. JOSEPH COUNTY AND CITY OF SOUTH BEND, INDIANA

October 13, 2015

WHEREAS, ERIC BOYD, the BOYD SERVICES having this day paid to the Building Department the sum of One Hundred Dollars and Zero Cents is hereby REGISTERED to operate in the unincorporated areas of ST. JOSEPH COUNTY and the CITY OF SOUTH BEND, as a

Building Contractor

THIS REGISTRATION EXPIRES: August 6, 2016

*Charles C. Bult*  
Charles C. Bult, Building Commissioner

1140 W. THOMAS ST.  
SOUTH BEND, IN 46601

THIS REGISTRATION IS NOT TRANSFERABLE

**NOTICE OF PERMIT  
CONSTRUCTION**

St. Joseph County and City of South Bend  
Building Department  
(574) 235-5554

DATE: 10/13/2015 PERMIT NUMBER: BD15005044

ADDRESS: 1240 THOMAS, SE CORN WYELWORTH, N OF WESTERN AVE.

CONTRACTOR: BOYD SERVICES

PERMIT TO CONSTRUCT: PARTIAL ROOF

Lot No. 4676, 48 CONTIGUOUS PORTS OF 57.75 ACRES OUTLOT #5 & 6

**BOYD, ERIC** (513)720-1205  
Owner's Name Phone

1197 W Thomas St South Bend, IN 46601  
Owner's Present Mailing Address/Email

Zoning	MU	TYP. FOOTAGE	Multiple Unit Count		
Valuation	2500.00	Height	Average 0.19		
PLAT/LOT/BLK		AREA Dates			
		Front	Rear	Side	Street

Building Permit Fee 300.00  
Contractor BOYD SERVICES (513)720-1205 www.boydcs.com

Classified Permit Fee  
Contractor  
Non-Resident Permit Fee  
Contractor  
Housing Permit Fee  
Contractor

Subtotal \$	300.00
Penalty \$	
Total \$	300.00

Signature  
*Charles C. Bult*  
Charles C. Bult - Building Commissioner

The permit or contractor shall hereby certify that the information contained herein is true and correct and in consideration of the granting of the permit agree to pay to St. Joseph County and City of South Bend the value shown any and all taxes and fees as set forth on the work covered by this permit in conformity with the laws of the State of Indiana and the Ordinances of St. Joseph County and the City of South Bend, Indiana.

I agree to call for an inspection approved before any contract is entered for drainage and water, or any electrical, plumbing, or heating system is covered. I understand that a final inspection may be necessary and a Certificate of Occupancy shall be issued prior to occupancy being allowed. I also understand that this is only a Building Permit. Separate permits may be required for any other work to be performed on this project. The permit is valid for two (2) years from date of issuance, or as determined by the Building Department.

This placard must be posted until project is completed. Failure to comply will result in a citation and fine.

ST. JOSEPH CO./SOUTH BEND  
BUILDING DEPARTMENT  
125 S LAFAYETTE SUITE 100  
SOUTH BEND IN 46601  
574/235-9554  
574/235-5541 FAX  
10/13/2015 TUE TIME 14:57

BUILDING CHECK#	\$30.00
TOTAL CHECK	1405
CLERK 1	\$30.00
	\$30.00
	150229 00000

ST. JOSEPH CO./SOUTH BEND  
BUILDING DEPARTMENT  
LAFAYETTE SUITE 100  
SOUTH BEND IN 46601  
574/235-9554  
574/235-5541 FAX  
10/13/2015 TUE TIME 14:54

\$100.00  
1405  
\$100.00  
\$100.00  
150229 00000

1240 THOMAS 7/26/16

#2