



OFFICE OF THE CITY CLERK

DAWN M. JONES, CITY CLERK

MEMORANDUM

TO: MEMBERS OF THE COMMON COUNCIL
FROM: DAWN M. JONES, CITY CLERK
DATE: THURSDAY, AUGUST 4, 2022
SUBJECT: COMMITTEE MEETING NOTICE

The following Common Council Committee Meetings have been scheduled for **Monday, August 8, 2022:**

Council Chambers
4th Floor County-City Building
227 W. Jefferson Blvd.
South Bend, IN 46601

The Council Chambers will be Open to the Public or Members of the Public May Attend this Meeting Virtually via Microsoft Teams Meeting app here: <https://tinyurl.com/08082022CC>.

3:00 P.M. COMMUNITY INVESTMENT

CHAIRPERSON, TOMAS-MORGAN

1. Bill No. [22-37](#) - A Resolution for a Waiver of Noncompliance regarding the Vacant Building Abatement for 3602 Sample, LLC
2. Bill No. [22-38](#) - A Resolution Designating Tax Abatement for 505 S. Michigan St., South Bend, Indiana

3:30 P.M. HEALTH & PUBLIC SAFETY

CHAIRPERSON, WAX

1. **Substitute** Bill No. [22-36](#) - The Establishment & Immediate Implementation of a Mental Health Crisis Response Team within the South Bend Fire Department

**3:50 P.M. HEALTH & PUBLIC SAFETY &
RESIDENTIAL NEIGHBORHOODS**

**CHAIRPERSON, WAX
CHAIRPERSON, WHITE**

1. Bill No. [16-22](#) - Amending Chapter 19, Article 1, Division 2, Sections 19-9, 19-18, 19-19, 19-21, and 19-22 of the South Bend Municipal Code
2. Bill No. [17-22](#) - Amending Chapter 16, Article 8, Sec. 16-54, 16-57, and 16-59 of the South Bend Municipal Code

4:00 P.M. RESIDENTIAL NEIGHBORHOODS

CHAIRPERSON, WHITE

1. Bill No. [22-32](#) - Resolution to Enter into Negotiations for the Use of Underutilized School Buildings

**4:10 P.M. PUBLIC WORKS & PROPERTY
VACATIONS**

CHAIRPERSON, NIEZGODSKI

1. Bill No. [35-22](#) - Vacating North/South Alley between Victoria St and East/West Alley

4:25 P.M. ZONING & ANNEXATION

CHAIRPERSON, HAMANN

1. Bill No. [23-22](#) - A Special Exception Ordinance for Property Located at 223 N Lafayette Blvd.
2. Bill No. [24-22](#) - A Special Exception Ordinance for Property Located at Property Located at 1430 Mishawaka Ave.
3. Bill No. [31-22](#) - A Special Exception Ordinance for Property Located at 914 Sherman Ave
4. Bill No. [32-22](#) - A Special Exception Ordinance for Property Located at 316 N. Olive St.
5. Bill. No. [33-22](#) - A Special Exception Ordinance for Property Located at 1908 E. Calvert St.

5:20 P.M PERSONNEL & FINANCE

CHAIRPERSON, NIEZGODSKI

1. Bill No. [37-22](#) - Appropriating Additional Funds of \$46,080,405 from the American Rescue

Council President Sheila Niezgodski has called an **Informal Meeting** of the Council which will commence immediately after the adjournment of the Personnel & Finance Committee Meeting.

**INFORMAL MEETING OF THE COMMON
COUNCIL**

VICE-PRESIDENT, NIEZGODSKI

1. Discussion of Council Agenda
2. Update and Announcements
3. Adjournment

cc: Mayor James Mueller
Committee Meeting
List Media

NOTICE FOR HEARING AND SIGHT-IMPAIRED PERSONS

Auxiliary Aid or Other Services may be Available upon Request at No Charge.
Please give Reasonable Advance Request when Possible



South Bend Common Council

Meeting Agenda

Monday, August 8, 2022

7:00 PM

The South Bend Common Council meeting will be open to the public at the Council Chambers on the 4th floor of the County-City Building, 227 W. Jefferson Blvd., South Bend, IN 46601 or available by way of a virtual meeting using the Microsoft Teams Meeting App. Public access to the meeting can be granted by this Microsoft Teams Link:

<https://tinyurl.com/08082022SBCC>

1. **INVOCATION**

RABBI KAREN COMPANEZ, TEMPLE BETH-EL, SOUTH BEND, INDIANA

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

4. **REPORT FROM SUB-COMMITTEE ON MINUTES**

APPROVAL OF JUNE 13TH, 2022 & JUNE 27, 2022, MEETING MINUTES

5. **SPECIAL BUSINESS**

6. **REPORTS FROM CITY OFFICES**

BROWNFIELD'S REMEDIATION AND MACOG GRANTS AND TESTING
PLANS FOR NEIGHBORHOOD SITES - THE CITY'S ROLE - CHRIS DRESSEL,

CITY PLANNER, AND LEAH THRILL, ENVIRONMENTAL PLANNER WITH
MACOG

7. **COMMITTEE OF THE WHOLE**
BILL NO.

[16-22](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 19, ARTICLE 1, DIVISION 2, SECTIONS 19-9, 19-18, 19-19, 19-20, 19-21, AND 19-22 OF THE SOUTH BEND MUNICIPAL CODE TO MAKE TEXT CHANGES

[17-22](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 16, ARTICLE 8, SECTIONS 16-54, 16-57, AND 16-59 OF THE SOUTH BEND MUNICIPAL CODE TO MAKE TEXT CHANGES

[23-22](#) PUBLIC HEARING ON 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 223 N. LAFAYETTE BLVD. COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

[24-22](#) PUBLIC HEARING ON 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 1430 MISHAWAKA AVE, COUNCILMANIC DISTRICT NO. 3 IN THE CITY OF SOUTH BEND, INDIANA

[31-22](#) PUBLIC HEARING ON 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 914 SHERMAN AVE COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

[32-22](#) PUBLIC HEARING ON 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 316 N. OLIVE ST. COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF

SOUTH BEND, INDIANA

[33-22](#) PUBLIC HEARING ON 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 1908 E CALVERT ST. COUNCILMANIC DISTRICT NO. 3 IN THE CITY OF SOUTH BEND, INDIANA

[35-22](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, VACATE THE FOLLOWING DESCRIBED PROPERTY: NORTH/SOUTH ALLEY BETWEEN VICTORIA STREET AND EAST/WEST ALLEY

[37-22](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS OF \$46,080,405 FROM THE AMERICAN RESCUE PLAN FUND (#263).

8. **RISE AND REPORT**

9. **REGULAR MEETING RECONVENED**

10. **BILLS ON THIRD READING**
BILL NO.

[16-22](#) THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 19, ARTICLE 1, DIVISION 2, SECTIONS 19-9, 19-18, 19-19, 19-20, 19-21 AND 19-22 OF THE SOUTH BEND MUNICIPAL CODE TO MAKE TEXT CHANGES

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11. **RESOLUTIONS**
BILL NO.

[22-32](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, TO ENTER INTO NEGOTIATIONS FOR THE USE OF UNDERUTILIZED SCHOOL CORPORATION BUILDINGS BY SOUTH BEND RESIDENTS

[22-36](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, CALLING FOR THE ESTABLISHMENT AND IMMEDIATE IMPLEMENTATION OF A MENTAL HEALTH CRISIS RESPONSE TEAM WITHIN THE SOUTH BEND FIRE DEPARTMENT **SUBSTITUTE**

[22-37](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, A RESOLUTION FOR A WAIVER OF NONCOMPLIANCE REGARDING THE VACANT BUILDING ABATEMENT FOR 3602 SAMPLE, LLC

[22-38](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, DESIGNATING A TAX ABATEMENT FOR CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 505 S MICHIGAN ST., SOUTH BEND, IN 46601 AS AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF AN EIGHT (8) YEAR MIXED-USE REAL PROPERTY TAX ABATEMENT FOR THE MONREAUX, LLC

12. **BILLS OF FIRST READING**
BILL NO.

13. **UNFINISHED BUSINESS**

14. **NEW BUSINESS**

15. **PRIVILEGE OF THE FLOOR**

16. **ADJOURNMENT**

Notice for Hearing and Sight Impaired Persons:
Auxiliary aid or other services are available upon request at no charge.
Please give reasonable advance request if and when possible.



2022 COMMON COUNCIL STANDING COMMITTEES (Rev. 05-17-2022)

COMMUNITY INVESTMENT COMMITTEE

Oversees the various activities of the Department of Community Investment. This Committee reviews all real and personal tax abatement requests and works closely with the Business Development Team.

Rachel Tomas Morgan, Chairperson
Henry Davis, Jr., Vice-Chairperson
Thomas Kurzhal, *Citizen Member*

Eli Wax, Member
Kaine Kancuzewski, *Citizen Member*

COMMUNITY RELATIONS COMMITTEE

Oversees the various activities of the Engagement and Economic Empowerment, Neighborhood Development, and Community Resources Teams within the City's Department of CI and is charged with facilitating partnerships and ongoing communications with other public and private entities operating within the City.

Troy Warner, Chairperson
Eli Wax, Vice-Chairperson
Citizen Member

Canneth Lee, Member
Lori K. Hamann, Member

COUNCIL RULES COMMITTEE

Oversees the regulations governing the overall operation of the Common Council, as well as all matters of public trust. Its duties are set forth in detail in Section 2-10.1 of the *South Bend Municipal Code*.

Sharon L. McBride, Member
Sheila Niezgodski, Member

Eli Wax, Member

HEALTH AND PUBLIC SAFETY COMMITTEE

Oversees the various activities performed by the Fire and Police Departments, EMS, Department of Code Enforcement, ordinance violations, and related health and public safety matters.

Eli Wax, Chairperson
Karen L. White, Vice-Chairperson
Rachel Tomas Morgan, Member

Troy Warner, Member
Canneth Lee, Member
Desmont Upchurch, *Citizen Member*

INFORMATION AND TECHNOLOGY COMMITTEE- Innovation

Oversees the various activities of the City's Department of Innovation, which includes the Divisions of Information Technology and 311 so that the City of South Bend remains competitive and on the cutting edge of developments in this area. Reviewing and proposing upgrades to computer systems and web sites, developing availability and access to GIS data and related technologies are just some of its many activities.

Rachel Tomas Morgan, Chairperson
Lori K. Hamann, Vice-Chairperson
Maria Gibbs, *Citizen Member*

Canneth Lee, Member
Scott Matthew Coats, *Citizen Member*

PARC COMMITTEE- Venues Parks and Arts (Parks, Recreation, Cultural Arts & Entertainment)

Oversees the various activities of the Century Center, College Football Hall of Fame, Four Winds Stadium, Morris Performing Arts Center, Studebaker National Museum, South Bend Regional Museum of Art, Potawatomi Zoo, My SB Trails, DTSB relations, and the many recreational and leisure activities offered by the Department of Venues Parks and Arts.

Canneth Lee, Chairperson
Troy Warner, Vice-Chairperson
Chris Hagstrom-Jones, *Citizen Member*

Henry Davis, Jr., Member
Rachel Tomas Morgan, Member
Citizen Member



PERSONNEL AND FINANCE COMMITTEE

Oversees the activities performed by the Department of Administration and Finance, and reviews all proposed salaries, budgets, appropriations, and other fiscal matters, as well as personnel policies, health benefits and related matters.

Sheila Niezgodski, Chairperson
Eli Wax, Vice-Chairperson
Rachel Tomas Morgan, Member

Troy Warner, Member
Henry Davis, Jr., Member
Aaron Steiner, *Citizen Member*

PUBLIC WORKS AND PROPERTY VACATION COMMITTEE

Oversees the various activities performed by the Building Department, the Department of Public Works and related public works and property vacation issues.

Sheila Niezgodski, Chairperson
Lori K. Hamann, Vice-Chairperson
Jason Piontek, *Citizen Member*

Karen L. White, Member
Carl Littrell, *Citizen Member*

RESIDENTIAL NEIGHBORHOODS COMMITTEE

Oversees the various activities and issues related to neighborhood development and enhancement.

Karen L. White, Chairperson
Canneth Lee, Vice-Chairperson
Amika Micou, *Citizen Member*

Henry Davis, Jr., Member
Sheila Niezgodski, Member
Citizen Member

UTILITIES COMMITTEE

Oversees the activities of all enterprise entities including but not limited to the Bureau of Waterworks, Bureau of Sewers, and all related matters.

Henry Davis, Jr., Chairperson
Troy Warner, Vice-Chairperson
Citizen Member

Eli Wax, Member
Lori K. Hamann, Member
Citizen Member

ZONING AND ANNEXATION COMMITTEE

Oversees the activities related to the Board of Zoning Appeals, recommendations from the Area Plan Commission and the Historic Preservation Commission, as well as all related matters addressing annexation and zoning.

Lori K. Hamann, Chairperson
Henry Davis, Jr., Vice-Chairperson
James Snodgrass, *Citizen Member*

Sheila Niezgodski, Member
Karen L. White, Member

SUB-COMMITTEE ON MINUTES

Reviews the minutes prepared by the Office of the City Clerk of the regular, special, and informal meetings of the Common Council and makes a recommendation on their approval/modification to the Council.

Troy Warner, Member

Eli Wax, Member



2022 COMMON COUNCIL STANDING COMMITTEES (Rev.01-06-2022)

CANNETH LEE, 1ST District Council Member

Chairperson, Committee of the Whole

PARC Committee, Chairperson

Residential Neighborhoods Committee, Vice-Chairperson
Community Relations Committee, Member

Health & Public Safety Committee, Member

Information & Technology Committee, Member

HENRY DAVIS, JR. 2ND District Council Member

Utilities Committee, Chairperson

Community Investment Committee, Vice-Chairperson
Zoning & Annexation Committee, Vice-Chairperson
PARC Committee, Member

Residential Neighborhoods Committee, Member

Personnel & Finance Committee, Member

SHARON L. MCBRIDE, 3RD District Council Member

President

Council Rules Committee, Member

TROY WARNER, 4TH District Council Member

Community Relations Committee, Chairperson

Utilities Committee, Vice-Chairperson
PARC Committee, Vice-Chairperson

Health & Public Safety Committee, Member

Personnel & Finance Committee, Member

Sub-Committee on the Minutes, Member

ELI WAX, 5TH District Council Member

Health & Public Safety Committee, Chairperson

Community Relations, Vice-Chairperson
Personnel & Finance, Vice-Chairperson
Committee Investment, Member

Utilities, Member

Sub-Committee on Minutes, Member

Council Rules Committee, Member

SHEILA NIEZGODSKI, 6TH District Council Member

Vice-President

Personnel & Finance Committee, Chairperson

Public Works & Property Vacation, Chairperson
Council Rules Committee, Member

Residential Neighborhoods Committee, Member

Zoning & Annexation Committee, Member

RACHEL TOMAS MORGAN, AT LARGE Council Member

Information & Technology Committee, Chairperson

Community Investment Committee, Chairperson

Health & Public Safety Committee, Member

PARC Committee, Member

Personnel & Finance Committee, Member

KAREN L. WHITE, AT LARGE Council Member

Residential Neighborhoods Committee, Chairperson

Health & Public Safety Committee, Vice-Chairperson

Public Works & Property Vacation, Member

Zoning & Annexation Committee, Member

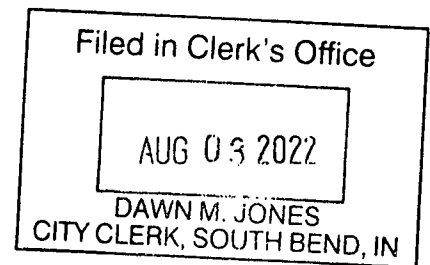
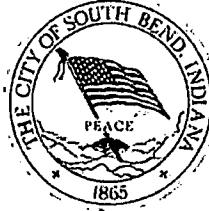
LORI K. HAMANN, AT LARGE Council Member

Zoning & Annexation Committee, Chairperson

Public Works & Property Vacation, Vice-Chairperson
Information & Technology Committee, Vice-Chairperson

Community Relations Committee, Member

Utilities Committee, Member



CITY OF SOUTH BEND COMMUNITY INVESTMENT

August 3, 2022

Council Member Rachel Tomas Morgan, Chairperson
Community Investment Committee
South Bend Common Council
4th Floor, County City Building
South Bend, IN 46601

Dear Council Member Tomas Morgan:

Attached please find a proposed form of resolution approving (3) waivers of noncompliance, pursuant to Indiana Code 6-1.1-12.1-11.3, for 3602 Sample, LLC. 3602 Sample, LLC is the real estate holding company for SeaFlo Marine & RV North America, LLC. The (3) waivers are for (2) years of non-filing, and for (1) year of late filing.

The Company filed a Form CF-1/RP with the City of South Bend in 2020, 2021 and 2022, however, the Company inadvertently did not file the Form 322-VBD with the Auditor's office. In a self-audit, the company discovered that they failed to submit forms required for the continuation of their vacant building tax abatements. Since discovering the omission, they have filed with the Auditors office and are current with their tax obligations.

The company is requesting that the Common Council waive noncompliance with the filing deadline for tax deduction forms including the Form 322-VBD.

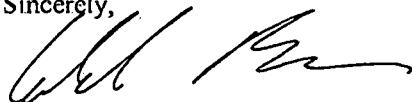
The Department of Community Investment endorses and supports this waiver as the Company has performed with regards to their abatement milestones. The initial projection associated with building purchase and improvements was \$350,000 through 2022-year end and the petitioner relayed that they have spent over \$500,000 to date. The project initially anticipated creating 12 new jobs. As of 6/27/2022, they employed 56 individuals.

We ask that the attached resolution be referred to the Community Investment Committee for an advisory recommendation and then heard at the Common Council meeting to be held on August 8, 2022.

CITY OF SOUTH BEND | COMMUNITY INVESTMENT

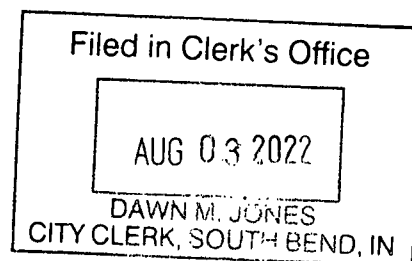
A representative from 3602 Sample, LLC will be present at the meetings. Should you require additional information, please let me know.

Sincerely,



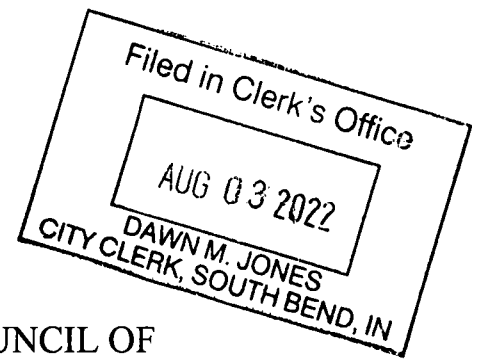
Caleb Bauer

Acting Executive Director
Dept. of Community Investment



BILL NO. 22-37

RESOLUTION NO.



**A RESOLUTION OF THE COMMON COUNCIL OF
THE CITY OF SOUTH BEND, INDIANA WAIVING NONCOMPLIANCE
AND CONFIRMING THE GRANT OF CERTAIN VACANT BUILDING TAX
ABATEMENT DEDUCTIONS FOR PROPERTY COMMONLY KNOWN AS**

**3602 W Sample Street, South Bend, IN 46619
FOR
3602 Sample, LLC.**

WHEREAS, on October 28, 2019, the Common Council of the City of South Bend (the "Common Council") adopted Resolution No. 4815-19 (the "2019 Resolution"), approving a five (5) year real property tax deduction for a building located at 3602 W Sample St, South Bend, IN 46619 (the "Building") by 3602 Sample, LLC., Inc. or "Taxpayer", within an area located in the City of South Bend that had been designated an economic revitalization area in accordance with IND. CODE § 6-1.1-12.1-1, et seq.;

WHEREAS, as part of 3602 Sample, LLC. deduction application, 3602 Sample, LLC. described for the Common Council that 3602 Sample, LLC. would by the end of the three (3) year designation period (a) invest \$350,000 on renovation of the vacant building and (b) create, at least, twelve (12) jobs;

WHEREAS, 3602 Sample, LLC has completed 95% of the renovations of the building and has met all objectives in its deduction application;

WHEREAS, while 3602 Sample, LLC submitted its CF-1/VBD form to the City of South Bend Department of Community Investment in 2020, 2021 and 2022, the company inadvertently failed to timely and properly to file the Application for Deduction from Assessed Valuation – Real Property Vacant Building Deduction ("Form 322/VBD") and the related Compliance Statement of Benefits Vacant Building Deduction ("CF-1/VBD") to the St. Joseph County Auditor;

WHEREAS, the Common Council recognizes that (a) 3602 Sample, LLC. has largely fulfilled its pledge to renovate the vacant building; (b) 3602 Sample, LLC. has requested a waiver of its inadvertent oversight for filing of the Application Forms in the wrong office to claim benefits of the tax deduction for the initial two years of the tax deduction, which the Common Council has the power and authority to approve under Indiana law, (c) 3602 Sample, LLC. has requested a waiver of its late filing of the same forms in 2022 to claim benefits of the tax deduction for one year of the tax deduction, which the Common Council has the power and authority to approve under Indiana law, and (d) 3602 Sample, LLC. would have been entitled to receive the tax deduction for the first three years of the deduction period had no noncompliance event occurred;

WHEREAS, the Indiana General Assembly has expressed the policy of this State by enacting laws that expressly permit tax abatement noncompliance events such as the untimely or erroneous filing of an application form to be waived; and

WHEREAS, the noncompliance event has been corrected, and a public hearing of the Common Council has been held on the subject of this Resolution.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, AS FOLLOWS:

SECTION 1. The Taxpayer has presented testimonial and documentary evidence supporting the Taxpayer's (a) progress towards satisfying its obligations detailed in its original Statement of Benefits and its application for tax deduction related to the vacant building renovations located at 3602 W Sample Street, South Bend, IN 46619 (the "Property"), and (b) inadvertent oversight leading to a belated filing or filing in the incorrect office of the Form 322/VBD "Application for Deduction from Assessed Valuation - Real Property Vacant Building Deduction" to claim the benefits of a tax deduction for the January 1, 2020, January 1, 2021 and January 1, 2022 assessment dates of the Property.

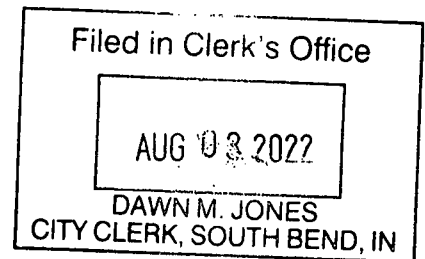
SECTION 2. The foregoing facts, taken together, lead the Common Council to conclude that the Taxpayer has substantially fulfilled its projected plans to improve and conduct operations at the Property contemplated as part of the 2019 Resolution (the "Deduction") and that its belated/errant filing of an application required to claim the benefits of the Deduction as of for taxes due and payable in 2021, 2022 and 2023 was inadvertent.

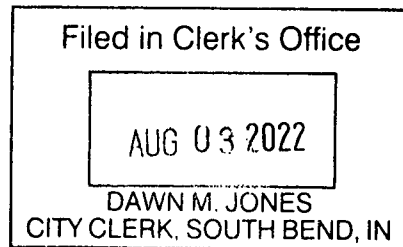
SECTION 3. The Common Council hereby waives all matters of noncompliance that may be waived under State and local law regarding the late filing of applicable deduction applications in order for the Taxpayer to claim and receive the benefit of the Deduction on its investment contemplated as part of the 2019 Resolution as of the January 1, 2020, January 1, 2021 and January 1, 2022 assessment dates, all as is permitted under IND. CODE § 6-1.1-12.1-11.3 (including specific waiver of any and all nonconformities relating to the requirement, under IND. CODE § 6-1.1-12.1-5 that economic revitalization area deduction applications be timely filed with the county auditor to claim property tax deductions for the 2020-Pay-2021, 2021-Pay-2022 and the 2022-pay-2023 tax year).

SECTION 4. The Common Council incorporates herein by reference, and hereby ratifies and reaffirms: (a) the 2019 Resolution; (b) the tax deduction application and statements of benefits of the Taxpayer; and (c) the recitals of this Resolution. The Common Council and the Clerk of the City of South Bend are authorized to take all such further acts and execute and deliver all such further documents for the St. Joseph County Auditor or otherwise as may be reasonably necessary to give effect to this Resolution, all without further application to or formal action by the Common Council.

SECTION 5. This Resolution shall be in full force and effect from and after its passage and approval by the Mayor.

Member of the Common Council





3602 SAMPLE LLC

3602 W Sample Street
South Bend, IN 46619

Phone: 732-895-5895

Email: Chris@seafloUSA.com

June 27, 2022

Greetings,

My name is Christopher Kapsaskis and I am a member at 3602 Sample LLC, and SEAFLO Marine & RV North America LLC. I am writing this letter to obtain a waiver of non-compliance for the past years for failure to file the required Form 322/VBD since we were granted our abatement back in 2019. It has been my duty within the company to prepare the documentation necessary for our abatement every year, and I had misunderstood the process for the paperwork. Every year I would file the paperwork with Crowe LLP, not realizing there were additional filing requirements beyond this.

Although I am disappointed that I had prepared the paperwork improperly, I am pleased to say that as a company we have outpaced our expectations for this project, and that we have created many more jobs within the city of South Bend than we had originally expected when we had been granted the abatement in 2019.

Before we started our project at 3602 W Sample Street, the future of the building looked grim. It had seemingly sat vacant for decades, and was in deep disrepair. At the time of our abatement we thought that with \$160,000 investment we could revive the building to become at least minimally operational as we grew into it. As it stands now, our project is 95% complete, and we are just completing some small punch list items, which includes paint, planting shrubs, landscaping, and some other minor exterior work. Our investment in the building far outpaced our initial investment estimates, as we have grown faster than we anticipated. We have invested more than half a million dollars into the revitalization of the building. We are proud to say the building has gone from a vacant, tear-down prospect into a vibrant, fully functioning contributor to the South Bend Community.

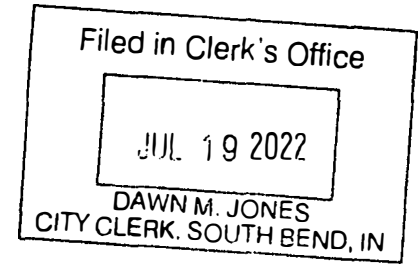
When we had originally filed for our abatement back in 2019, we were located in Wood Dale, Illinois and had 6 employees. In 2020 we had fully transitioned our company to South Bend, and I am proud to say that as of today, June 27, 2022 we currently have 56 employees working for at our 3602 W Sample Street, South Bend, Indiana 46619 location. The best news is we hope to grow beyond this at this location going forward.

We would be proud to share this documentation with you, and we hope that you can assist us in getting us caught back up to date with the proper filings. Please let us know if you have any further questions.

Thank You,

Christopher Kapsaskis

Member - 3602 Sample LLC / SEAFLO Marine & RV North America
3602 W Sample Street, South Bend IN 46619



CITY OF SOUTH BEND COMMUNITY INVESTMENT

July 19, 2022

Council Member Rachel Tomas Morgan, Chairperson
Community Investment Committee
South Bend Common Council
4th Floor, County City Building
South Bend, IN 46601

RE: Mixed-Use Real Property Tax Abatement Petition for: **The Monreaux, LLC**

Dear Council Member Tomas Morgan:

Please find the attached information pertaining to a mixed-use real property tax abatement petition submitted by The Monreaux, LLC to build a new building on the vacant lot at the intersection of Michigan and Monroe St, South Bend. The site has been vacant, underutilized for many years and is currently owned by the city.

As a side note, this proposed abatement is part of a support package partnering with The Monreaux for an Indiana Tax Credit application. You may recall prior abatements for Commonwealth at the Fat Daddy's site and Mutual Homes for a scattered site application. Unfortunately, neither of those projects were selected by the Indiana Housing and Community Development Authority for tax credits. Likewise, this proposed abatement will only go into effect if this The Monreaux project is chosen by IHDA in this year's competitive Tax Credit application round.

This petition package includes:

- Department of Community Investment's summary report
- Petition
- Statement of Benefits form
- Supporting information.

The report contains the Department's findings relative to the above petition. The petitioner proposes to develop a 65,000 sq. foot, 4-story mixed-use and multi-family building with a 1-story covered parking garage. The building will have commercial, retail space available on the 1st floor with 60 apartment units comprising the remainder of the building. Of the 60 apartment units, 46 (77%) will be affordable to lower-income residents. 20% of the total apartments will target households earning 30% of the average market income (AMI), 18% will target households earning 50% AMI, 23% will have the target of 60% AMI, and 17% will have a target of 80% AMI. The project meets the qualifications for an eight-year (8) mixed-use real property tax abatement and a representative from the company will be available to meet with the Committee on Monday, July 25, 2022.

Should you or any of the other Committee or Council members have any questions concerning the report, or need additional information, please feel free to email or call me at 235-5898.

CITY OF SOUTH BEND | COMMUNITY INVESTMENT

Sincerely,



Caleb Bauer

Acting Executive Director
Dept. of Community Investment

Filed in Clerk's Office

JUL 19 2022

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

BILL NO. 22-38

RESOLUTION NO. 4972-22

**A DECLARATORY RESOLUTION DESIGNATING A TAX ABATEMENT
FOR CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA,
COMMONLY KNOWN AS**

505 S Michigan St, South Bend IN 46601

**AS AN ECONOMIC REVITALIZATION AREA FOR
PURPOSES OF AN EIGHT (8) YEAR MIXED-USE REAL
PROPERTY TAX ABATEMENT FOR**

The Monreaux, LLC

WHEREAS, the Common Council of the City of South Bend, Indiana, has adopted a Declaratory Resolution designating certain areas within the City as Economic Revitalization Areas for the purpose of tax abatement consideration; and

WHEREAS, a Declaratory Resolution designated the area commonly known as 505 S Michigan St, South Bend, Indiana, and which is more particularly described as follows:

- (1) 132 Ft E End Lot 19 Martins Add
- (2) N 44' Lot 20 Martins Add
- (3) S 1-3 Lot 20 Martins Add
- (4) Lot 21 & N 1/2 Vac Alley S & Adj Martins Add

and which has Key Numbers 71-08-12-306-010.000-026, 71-08-12-306-011.000-026, 71-08-12-306-012.000-026, and 71-08-12-306-013.000-026 be designated as an Economic Revitalization Area; and

WHEREAS, notice of the adoption of a Declaratory Resolution and the public hearing before the Council has been published pursuant to Indiana Code 6-1.1-12.1-2.5; and

WHEREAS, the Council held a public hearing for the purposes of hearing all remonstrances and objections from interested persons; and

WHEREAS, the Council has determined that the qualifications for an economic revitalization area have been met.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of South

Bend, Indiana, as follows:

SECTION I. The Common Council hereby confirms its Declaratory Resolution designating the area described herein as an Economic Revitalization Area for the purposes of tax abatement. Such designation is for mixed-use real property tax abatement only and is limited to three (3) calendar years from the date of adoption of the Declaratory Resolution by the Common Council.

SECTION II. The Common Council hereby determines that the property owner is qualified for and is granted Real property tax deduction for up to a period of eight (8) years as shown by the schedule outlined below as well as the attachment pursuant to Indiana Code 6-1.1-12.1-17 and further determines that the petition, the Memorandum of Agreement between the Petitioner and the City of South Bend, and the Statement of Benefits comply with Chapter 2, Article 6, of the Municipal Code of the City of South Bend and Indiana Code 6-1.1-12 et seq.

Year 1 - 100%
Year 2 - 95%
Year 3 - 90%
Year 4 - 85%
Year 5 - 80%
Year 6 - 75%
Year 7 - 70%
Year 8 - 65%

SECTION III. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approved by the Mayor.

Sharon L. McBride, Council President
South Bend Common Council

Attest:

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

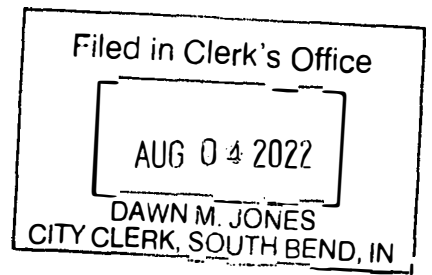
Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2022, at _____ o'clock _____. m.

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

Approved and signed by me on the _____ day of _____, 2022, at ____ o'clock
____.m.

James Mueller, Mayor
City of South Bend, Indiana

BILL NO. 22-36



Bill NO. 22-36

RESOLUTION NO. 4970-22

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, CALLING FOR THE ESTABLISHMENT AND IMMEDIATE IMPLEMENTATION OF A MENTAL HEALTH CRISIS RESPONSE TEAM WITHIN THE SOUTH BEND FIRE DEPARTMENT

Whereas, on July 29, 2022, fifty-one-year-old Dante Kittrell was shot and killed by one or members of the South Bend Police Department; and

Whereas, the shooting occurred after a prolonged standoff outside of Coquillard Elementary School; and

Whereas, the shooting occurred after Dante's mother, Marcia arrived on the scene; and

Whereas, Dante is reported to have had lifelong serious mental issues; and

Whereas, Dante was reported to be pacing in a field outside the school, waving a handgun, and threatening suicide; and

Whereas, Dante was surrounded by several police officers, reportedly telling them "I know you're here to shoot me. I know that you're here to take my life;" and

Whereas, instead of mental health professionals being summoned to the scene of a man with obvious serious mental health issues, the South Bend Police Department SWAT team arrived; and

Whereas, within seconds of the SWAT team vehicle driving on to the field Dante's pacing quickened and shots rang out from the officers, killing Dante; and

Whereas, people may draw differing conclusions from the witness statements, cell phone recordings and police body cam videos, the issue is not whether Dante was a threat to others, the issue is why were there no trained mental health professionals available to de-escalate the situation instead of several police officers with an overwhelming show of force and intimidation; and

Whereas, it is well past time for our community to stop expecting police officers to adequately respond to potentially violent situations caused by individuals with known or obvious mental health issues; and

Whereas, it has been recognized that fire departments, without guns or a focus on punitive action, are better than law enforcement in responding to mental health crises; and

Whereas, such mental health crisis response teams currently exist within fire departments in several cities including Madison, Wisconsin, San Francisco, California, Eugene, Oregon, Anchorage, Alaska, and Chandler, Arizona; and

Whereas, it is time to stop talking about the need for mental health professionals to be a part of a mental health crisis response team and to create and implement such a team within the South Bend Fire Department to provide alternatives to escalation, intimidation and deadly force; and

Now, Therefore, be it resolved, by the Common Council of the City of South Bend, Indiana, as follows:

Section I. The South Bend Common Council hereby urges the City of South Bend and South Bend Fire Department to reach an agreement about the need for the creation and implementation of a mental health crisis response team.

Section II. The South Bend Common Council urges the City Administration to earmark funds from whatever sources available to create and implement a mental health crisis response team.

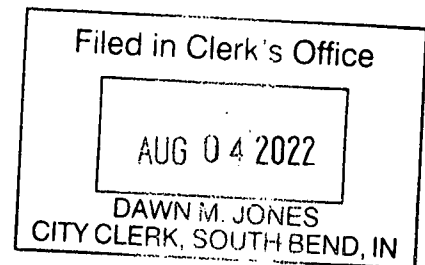
Section III. The implementation of the mental health crisis response team shall be given priority over the creation, or funding, of any existing or future programs within the South Bend Fire Department.

Approved this 8th day of August 2022

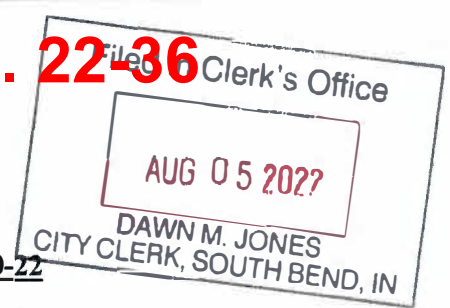
Sheila Niezgodski, Vice-President
South Bend Common Council

Attest:

Dawn M. Jones, City Clerk



SUBSTITUTE BILL NO. 22-36



SUBSTITUTE BILL NO. 22-36

SUBSTITUTE RESOLUTION NO. 4970-22

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, CALLING FOR THE ESTABLISHMENT AND IMMEDIATE IMPLEMENTATION OF A MENTAL HEALTH CRISIS RESPONSE TEAM WITHIN THE SOUTH BEND FIRE DEPARTMENT

Whereas, on July 29, 2022, Dante Kittrell was shot and killed by one or more members of the South Bend Police Department; and

Whereas, Dante is reported to have had lifelong serious mental issues; and

Whereas, instead of mental health professionals being summoned to the scene of a man with obvious serious mental health issues, the South Bend Police Department SWAT team arrived; and

Whereas, it is well past time for our community to stop expecting police officers to adequately respond to potentially violent situations caused by individuals with known or obvious mental health issues; and

Whereas, it has been recognized that fire departments, without guns or a focus on punitive action, are better than law enforcement in responding to mental health crises; and

Whereas, such mental health crisis response teams currently exist within fire departments in several cities including Madison, Wisconsin, San Francisco, California, Eugene, Oregon, Anchorage, Alaska, and Chandler, Arizona; and

Whereas, local mental health professionals have established a Crisis Intervention Training (CIT) program; and

Whereas, it is time to stop talking about the need for mental health professionals to be a part of a mental health crisis response team and to create and implement such a team within the South Bend Fire Department to provide alternatives to escalation, intimidation, and deadly force.

Now, Therefore, be it resolved, by the Common Council of the City of South Bend, Indiana, as follows:

Section I. The South Bend Common Council hereby urges the City of South Bend to require mental health crisis training for all First Responders operating within the City.

Section II. The South Bend Common Council hereby urges the City of South Bend and South Bend Fire Department to reach an agreement about the need for the creation and implementation of a mental health crisis response team.

Section III. The South Bend Common Council urges the City Administration to earmark funds from whatever sources available to create and implement a mental health crisis response team.

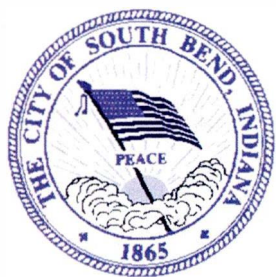
Section IV. The implementation of the mental health crisis response team shall be given priority over the creation, or funding, of any existing or future programs within the South Bend Fire Department.

Approved this 8th day of August 2022

Sheila Niezgodski, Vice-President
South Bend Common Council

Attest:

Dawn M. Jones, City Clerk



BILL NO. 16-22

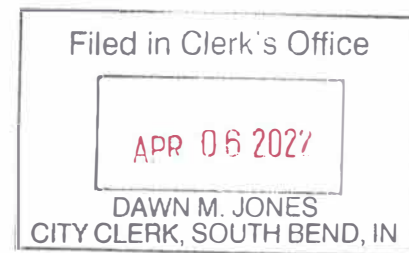
City of South Bend

Common Council

441 County-City Building • 227 W. Jefferson Blvd
South Bend, Indiana 46601

(574) 235-9321
Fax (574) 235-9173
TDD (574) 235-5567
<http://www.southbendin.gov>

April 6, 2022



Sharon L. McBride
President

Sheila Niezgodski
Vice-President

Canneth Lee
Chairperson, Committee
of the Whole

Canneth Lee
First District

Henry Davis, Jr.
Second District

Sharon L. McBride
Third District

Troy Warner
Fourth District

Eli Wax
Fifth District

Sheila Niezgodski
Sixth District

Karen L. White
At Large

Rachel Tomas Morgan
At Large

Lori K. Hamann
At Large

South Bend Common Council

4th Floor, County-City Building

South Bend, IN 46601

Re AN ORDINANCE OF THE COMMON COUNCIL OF SOUTH BEND, INDIANA, AMENDING CHAPTER 19, ARTICLE 1, DIVISION 2, SECTIONS 19-9, 19-18, 19-19, 19-20, 19-21 AND 19-22 OF THE SOUTH BEND MUNICIPAL CODE TO MAKE TEXT CHANGES

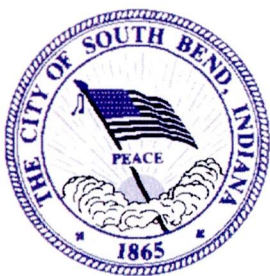
Dear Council Members:

Chapter 19 of the South Bend Municipal Code contains provisions whereby the Board of Park Commissioners has exclusive jurisdiction and authority regarding the removal of dead and diseased trees or portions thereof, which constitute a menace to public safety and health wherever located within the City. This authority is not limited to ~~City-owned~~ City-owned property or public rights-of-way. Yet we continue to see trees and shrubs in our neighborhoods which pose many different kinds of threats, both to public safety and to economic development. The purpose of these amendments is to change the discretionary authority of the Board to mandatory duties. The amendments also set more specific and mandatory time limits for notices to landowners and for remediation of the conditions.

We hope that these amendments result in safer, more attractive neighborhoods which, in turn, will spur economic development.

We ask that this ordinance be given first reading on Monday, April 11, 2022, and assigned to the PARC and Residential Neighborhoods, jointly, for further proceedings.

Thank you for your consideration.



City of South Bend Common Council

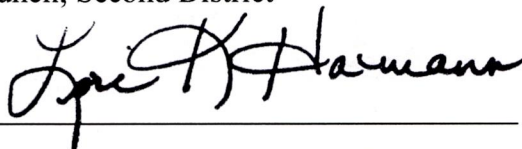
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Sincerely yours,

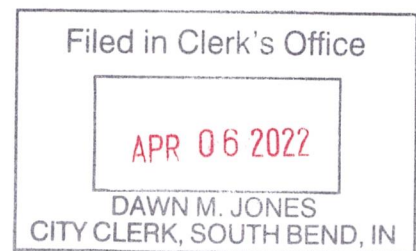


Henry Davis, Jr., South Bend Common
Council, Second District



Lori K. Hamann., South Bend Common
Council, Member At Large

BILL NO. 16-22
ORDINANCE NO.



**AN ORDINANCE OF THE COMMON COUNCIL OF SOUTH BEND, INDIANA,
AMENDING CHAPTER 19, ARTICLE 1, DIVISION 2, SECTIONS 19-9, 19-18, 19-19, 19-
20, 19-21 AND 19-22 OF THE SOUTH BEND MUNICIPAL CODE TO MAKE TEXT
CHANGES**

STATEMENT OF PURPOSE AND INTENT

The South Bend Municipal Code contains provisions whereby the Board of Park Commissioners has exclusive jurisdiction and authority regarding the removal of dead and diseased trees or portions thereof, which constitute a menace to public safety and health wherever located within the City. The purpose of these amendments is to change the discretionary authority of the Board to mandatory duties. The amendments also set more specific and mandatory time limits for notices to landowners and for remediation of the conditions.

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
THE CITY OF SOUTH BEND, INDIANA, as follows:**

Section I. Chapter 19, Article 1, Division 2, Section 19-9 is hereby amended to read:

Sec. 19-9. Jurisdiction of Board of Park Commissioners.¹

The Board of Park Commissioners shall have the exclusive jurisdiction and authority to do the following:

- (1) Order, control and regulate the sodding, seeding and maintenance of lawns and the maintaining, planting and removal of trees and shrubs upon, along or within the limits of the public streets, tree and lawn areas, parks and other public places of the City;
- (2) Order, control and regulate the removal of dead and diseased trees or portions thereof, which constitute a menace to public safety and health wherever located within the City;
- (3) Adopt and enforce rules, regulations and specifications relative to paragraphs (1) and (2) of this section; and

¹State law reference(s)—Powers of Board of Park Commissioners in certain cities, IC 36-10-4-9.

- (4) Regulate and prescribe the terms and conditions upon which permits for the maintaining, planting and removal of trees and shrubs shall be issued.

Section II. Chapter 19, Article 1, Division 2, Section 19-18 is hereby amended to read:

Sec. 19-18. Trimming trees overhanging streets; notice; manner.

- (a) All trees and shrubs which overhang a street within the City, whether located on tree and lawn areas or on the abutting lots, shall be trimmed either by the Board of Park Commissioners or by the owners of the abutting lots upon the order of the Board.
- (b) The trimming shall be done within the period specified in the notice given by the Board to the owners, as provided in section 19-21; provided, however, such period shall not be less than ten (10) days or more than fifteen days.
- (c) Overhanging trees shall be trimmed so that there is a clear space of ten (10) feet above the surface of the curb and in such a manner as not to obstruct the view of any streetlight, traffic sign, signal device or street intersection.

Section III. Chapter 19, Article 1, Division 2, Section 19-19 is hereby amended to read:

Sec. 19-19. Removal of hazardous trees by property owner; order, notice; emergency removal.

- (a) Every owner of real estate within the City shall remove or trim any tree or shrub or any part thereof located on such real estate or in the tree and lawn area in front of such real estate which may be dead, diseased, unsightly, in a condition which is injurious or detrimental to the public health and safety or the growth of adjacent trees or which may project over the public street on which such real estate abuts in such manner as to obstruct the free passage of pedestrians and vehicular traffic on such public streets.
- (b) The Board of Park Commissioners shall have the power and the authority to order and require such owner to remove any such tree or shrub by first causing notice to be served on such owner in the manner provided in section 19-21 not less than ten (10) days or more than fifteen (15) days prior to the time designated in such notice for the removal or trimming of such tree or shrub.
- (c) In case of an immediate necessity for any such removal or trimming by reason of storm, other emergency, or public health and safety, such removal or trimming may be done by the Board of Park Commissioners or its Superintendent of Parks, and no notice whatever need be given thereof.

Section IV. Chapter 19, Article 1, Division 2, Section 19-20 is hereby amended to read:

Sec. 19-20. Work performed by City upon noncompliance with order; assessment of costs; lien; foreclosure.

- (a) In the event abutting owners fail to comply with orders of the Board within the period granted, the Board shall perform such work with its own forces and employees within ten (10) days. The actual cost of such work, which shall not exceed the above-mentioned estimate, shall be assessed against the abutting lots of such owners. The Board shall notify such owners of the cost and assessment of such work.
- (b) The cost and assessment shall constitute a lien on the abutting lots and shall be payable, without notice, at the Office of the City Treasurer at the next regular taxpaying time after notice has been given of such costs and assessments. If such amount is not paid when due, it shall be enforceable by foreclosure in the same manner as the assessments made for street and sidewalk improvements in cities of the first class. The amount of such costs and assessments shall become a part of the funds of the Board when collected.

Section V. Chapter 19, Article 1, Division 2, Section 19-21 is hereby amended to read:

Sec. 19-21. Service of notice; commencement of specified time period.

- (a) All notices provided for in this article, except notices provided for in section 19-16 for hearing on resolutions, shall be served upon any real estate owner who is a resident of the City by reading such notice to him or leaving a correct copy thereof at such owner's last known place of residence. If such owner is not a resident of the City, then notice may be served by sending a correct copy thereof by registered mail, addressed to such owner at his last known mailing address for personal delivery on such owner, with a return receipt. If the residence or address of such owner is unknown or cannot be ascertained, then notice may be served by reading such notice to an adult resident of the premises, leaving a correct copy thereof with an adult resident of the premises, or by publishing such notice once each week for two (2) consecutive weeks in a daily newspaper of general circulation printed and published in the English language in the City.
- (b) The period specified in the notice shall be deemed to commence with the day following the date of the service of such notice, as shown by return of service which shall be made on such notice or by such registered mail return receipt or with the day following the seventh day after the last publication.

Section VI. Chapter 19, Article 1, Division 2, Section 19-22 is hereby amended to read:

Sec. 19-22. Recovery of costs for work performed by City.

- (a) If any owner of real estate fails to comply with the orders issued either by the Board or the Superintendent of Parks under the provisions of this article, within the period of time specified in such orders, except such resolutions, orders and notices as may be issued under section 19-16, the work required by such orders may be done by the Board with its own employees within ten (10) days.

- (b) The Board shall keep an accurate account of the costs and expenses of doing such work. The costs and expenses shall be recovered and collected by a suit in the name of the City or by such other action or procedure as provided by law, including, but not limited to, the filing of a mechanic's lien.

SECTION VII. This Ordinance shall take effect upon passage by this Common Council, approval by the Mayor, and any publication required by law.

PASSED AND ADOPTED by the Common Council of the City of South Bend, Indiana this _____ day of _____, 2022.

Sharon McBride, 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 for his approval on the _____ day of _____, 2022, at _____ o'clock _____ . m.

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

Having examined the foregoing Ordinance, I do now, as the Mayor of the City of South Bend, approve said Ordinance and return the same to the Clerk of the City of South Bend this _____ day of _____, 2022.

James Mueller, Mayor
City of South Bend



BILL NO. 17-22

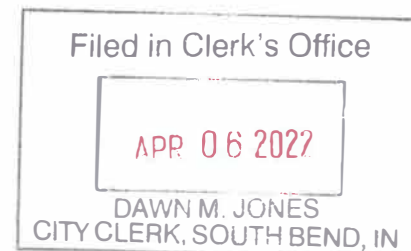
City of South Bend

Common Council

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April 6, 2022



Sharon L. McBride
President

Sheila Niezgodski
Vice-President

Canneth Lee
Chairperson, Committee
of the Whole

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First District

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Sheila Niezgodski
Sixth District

Karen L. White
At Large

Rachel Tomas Morgan
At Large

Lori K. Hamann
At Large

South Bend Common Council

4th Floor, County-City Building

South Bend, IN 46601

**Re AN ORDINANCE OF THE COMMON COUNCIL OF SOUTH
BEND, INDIANA, AMENDING CHAPTER 16, ARTICLE 8,
SECTIONS 16-54, 16-57, AND 16-59 OF THE SOUTH BEND
MUNICIPAL CODE TO MAKE TEXT CHANGES**

Dear Council Members:

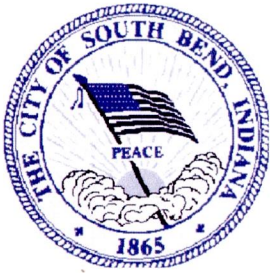
Chapter 16 of the South Bend Municipal Code contains provisions by which the Board of Public Works and the Department of Code Enforcement have the authority, under specified circumstances, to abate nuisances, including the removal of “weeds and rank vegetation.” If the landowner or other person entitles to exclusive possession fails to comply with a notice to abate a nuisance, including the cutting of grass and weeds and removal of weeds or rank vegetation, the Board of Public Works and the Department of Code Enforcement or its designee may enter the property and abate the violation. The purpose of these amendments is to change the discretionary authority of the Board of Public Works and the Department of Code Enforcement to mandatory duties.

Nuisances occur on private property. We continue to see conditions including overgrown vegetation in our neighborhoods which pose many different kinds of threats, both to public safety and to economic development.

We hope that these amendments result in safer, more attractive neighborhoods which, in turn, will spur economic development.

We ask that this ordinance be given first reading on Monday, April 11, 2022, and assigned to the Health and Public Safety Committee, for further proceedings.

Thank you for your consideration.



City of South Bend Common Council

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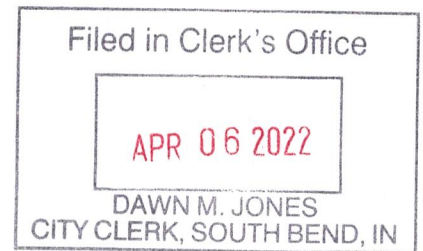
Sincerely yours,

Henry Davis, Jr., South Bend Common
Council, Second District

Lori K. Hamann., South Bend Common
Council, Member At Large

BILL NO. 17-22

ORDINANCE NO. _____



**AN ORDINANCE OF THE COMMON COUNCIL OF SOUTH BEND, INDIANA,
AMENDING CHAPTER 16, ARTICLE 8, SECTIONS 16-54, 16-57, AND 16-59 OF THE
SOUTH BEND MUNICIPAL CODE TO MAKE TEXT CHANGES**

STATEMENT OF PURPOSE AND INTENT

The South Bend Municipal Code contains provisions whereby the Board of Public Works and the Department of Code Enforcement has the authority, under specified circumstances, to abate nuisances, including the removal of "weeds and rank vegetation." If the landowner or other person entitles to exclusive possession fails to comply with a notice to abate a nuisance or remove from and real or personal property within the City weeds or rank vegetation, the Department of Code Enforcement or its designee may enter the property and abate the violation. The purpose of these amendments is to change the discretionary authority of the Board of Public Works and the Department of Code Enforcement to mandatory duties.

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
THE CITY OF SOUTH BEND, INDIANA, as follows:**

Section I. Chapter 16, Article 8, Section 16-54 is hereby amended to read:

Sec. 16-54. Citations.

When a public nuisance is found to exist and after all persons known to have a substantial interest in the property have been given reasonable opportunity to bring property into compliance and have not done so, the Board of Public Works or its designee shall request that a Neighborhood Code Enforcement officer issue a city ordinance violation citation to the record owner of the property or to the person shown to have right of exclusive possession of the property. Such citation shall impose a fine in conformance with Section 16-61, below. Each subsequent day of violation shall be considered a separate violation for which a citation may be issued.

Section II. Chapter 16, Article 8, Section 16-57 is hereby amended to read:

Sec. 16-57. Abatement by City.

Upon the failure, neglect or refusal of any party to whom notice to abate a nuisance has been given under Section 16-55 or whenever a nuisance exists which creates a health or safety hazard requiring immediate abatement in order to protect public health or safety, the Board of Public Works or its designee shall abate the nuisance, keeping accurate account of all costs, and bill them to the record owner or to the person shown to have the right of exclusive possession of the property. Appropriate legal action may be taken to collect such costs if they remain unpaid forty-five (45) days after the billing date. Unpaid costs may be made a lien against the property.

Section III. Chapter 16, Article 8, Section 16-59 is hereby amended to read:

Sec. 16-59. Removal of vegetation.

- (a) *Definitions.* As used in this section, "weeds and rank vegetation" means grass and weeds over nine (9) inches high, but not including small trees and bushes.
- (b) *Notice.* The Department of Code Enforcement shall give forty-eight (48) hours' notice, in writing, to remove from any real or personal property within the City weeds and rank vegetation. Such notice shall be given to the owner of record or their agent and to any tenant or occupant of the property upon which the weeds and rank vegetation exists. Notice to the record owner may be mailed to the last known address of the record owner. Notice to any tenant or occupant may be given by posting the same in a prominent place upon the premises where the weeds and rank vegetation exists.
- (c) *Failure to comply.* Upon a failure to comply with a notice issued pursuant to subsection (b), the Department of Code Enforcement or an entity acting on behalf of the Department of Code Enforcement shall enter upon the property to abate the violation of this section by cutting the weeds and rank vegetation.
- (d) *Bill issued to record owner.* In the event the Department of Code Enforcement or an entity acting on its behalf is forced to remove the weeds and rank vegetation; the Department of Code Enforcement shall issue a bill to the record owner of the property or to the person shown to have the right of exclusive possession of the property. The bill shall include removal costs as well as any administrative costs incurred in the certification.
- (e) *Appeals.* Any appeal of either the removal notice or the bill must be made in writing within ten (10) days of the date of the document being appealed. The appeal must be in writing and must be filed with the Director of the Department of Code Enforcement. If a written appeal is filed with the Department of Code Enforcement, the matter shall be scheduled for a hearing before the hearing authority and a hearing shall be held pursuant to IC 36-7-9. The hearing authority's order regarding this appeal is considered final from the date of its issuance and is subject to judicial review pursuant to the provisions of IC 36-7-9-8.
- (f) *Failure to pay bill.* If the owner fails to pay a bill issued pursuant to this section within the time specified in the bill, or within the time specified in the order if an appeal of the bill was made, the Department of Code Enforcement shall certify to the Auditor of St. Joseph County the amount of the bill, plus any additional administrative costs incurred in the

certification. The Auditor of St. Joseph County shall then place the entire amount certified on the tax duplicate for the property affected, and the total amount, including any accrued interest, shall, upon collection, be disbursed to the general fund of the City of South Bend.

SECTION IV. This Ordinance shall take effect upon passage by this Common Council, approval by the Mayor, and any publication required by law.

PASSED AND ADOPTED by the Common Council of the City of South Bend, Indiana this _____ day of _____, 2022.

Sharon McBride, President Common Council
of the City of South Bend

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 for his approval on the _____ day of _____, 2022, at _____ o'clock _____ . m.

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

Having examined the foregoing Ordinance, I do now, as the Mayor of the City of South Bend, approve said Ordinance and return the same to the Clerk of the City of South Bend this _____ day of _____, 2022.

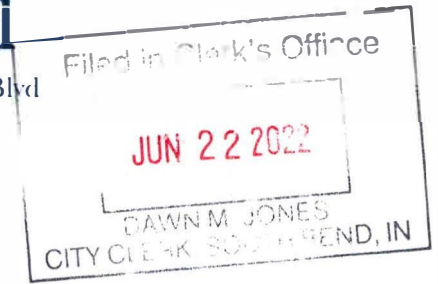
James Mueller, Mayor
City of South Bend



BILL NO. 22-32

City of South Bend Common Council

441 County-City Building • 227 W. Jefferson Blvd
South Bend, Indiana 46601



Sharon L. McBride
President

Sheila Niezgodski
Vice President

Canneth Lee
Chairperson, Committee
of the Whole

Canneth Lee
First District

Henry Davis, Jr.
Second District

Sharon L. McBride
Third District

Troy Warner
Fourth District

Eli Wax
Fifth District

Sheila Niezgodski
Sixth District

Karen L. White
At Large

Rachel Tomas Morgan
At Large

Lori K Hamann
At Large

June 22, 2022

South Bend Common Council
4th Floor, County-City Building
South Bend, IN 46601

Re: **A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, URGING THE CITY OF SOUTH BEND AND THE SOUTH BEND COMMUNITY SCHOOL CORPORATION TO ENTER INTO NEGOTIATIONS FOR THE USE OF UNDERUTILIZED SCHOOL CORPORATION BUILDINGS BY SOUTH BEND RESIDENTS**

Dear Common Council Members:

As you all know, there has been much discussion about underutilized school buildings and what should be done with them. This proposed resolution urges the City and the South Bend Community School Corporation to enter into negotiations for the use of underutilized school buildings for community classes, meetings, and athletic activities. Such uses by South Bend residents would benefit them by providing facilities and also may result in the reduction of crime in the neighborhoods.

Please place this Resolution on the agenda for the Residential Neighborhoods Committee for the June 27, 2022, meeting and on the Council's agenda for the first and only reading on June 27, 2022.

Thank you for your consideration.

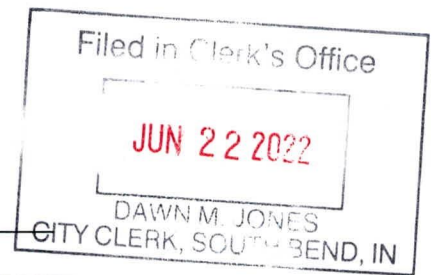
Sincerely Yours,

Henry Davis Jr., South Bend Common
Council
2nd District



BILL NO. 22-32

RESOLUTION NO. _____



**A RESOLUTION OF THE COMMON COUNCIL
OF THE CITY OF SOUTH BEND, INDIANA, URGING THE CITY OF SOUTH BEND
AND THE SOUTH BEND COMMUNITY SCHOOL CORPORATION TO ENTER INTO
NEGOTIATIONS FOR THE USE OF UNDERUTILIZED SCHOOL CORPORATION
BUILDINGS BY SOUTH BEND RESIDENTS**

WHEREAS, for the past several months the local media has carried stories about underutilized school buildings and the possibility of closing some schools; and

WHEREAS, the schools at issue were built with taxpayer money and, in many cases, remain functional despite being underutilized; and

WHEREAS, these buildings were built to benefit South Bend residents in general and, more particularly, residents of nearby neighborhoods; and

WHEREAS, use of these buildings for community and/or neighborhood activities such as community meetings, classes, and athletic activities would be a great benefit to those seeking appropriate facilities; and

WHEREAS, such uses of these buildings would also reduce crime in surrounding neighborhoods by providing a place for residents to gather other than on the streets.

NOW, THEREFORE, BE IS RESOLVED, by the Common Council of the City of South Bend, Indiana, as follows:

Section I. The Common Council of the City of South Bend, Indiana hereby urges the City of South Bend and the South Bend Community School Corporation to enter into negotiations for the use of underutilized school corporation buildings by South Bend residents.

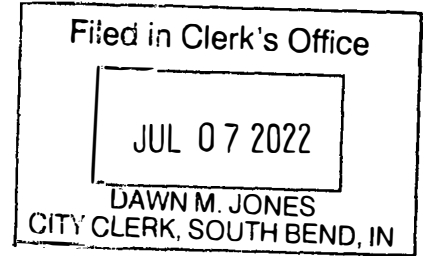
Section II. An agreement for such use is in the best interests of South Bend residents by providing facilities for community meetings, classes, and athletic activities.

Section III. Such an agreement may also result in the reduction of crime.

Dated this 27th day of June 2022.

Sharon McBride, President
South Bend Common Council

BILL NO. 35-22



Engineering • Architecture • Land Surveying

June 30, 2022

South Bend Common Council
227 W. Jefferson Blvd.
South Bend, IN 46601

Re: N/S Alley between Victoria Street and E/W Alley

Dear Members of the Council:

Please find enclosed a Petition to Vacate a Public Right of Way. The petitioners are requesting the alley vacation to combine property for a convenience store development. The Board of Public Works submitted a favorable recommendation for the vacation of this alley.

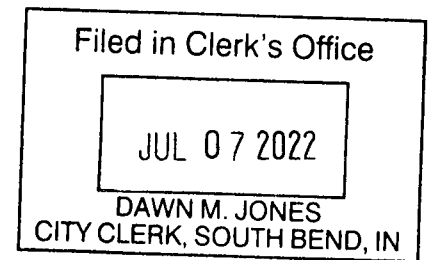
Respectfully,

ABONMARCHE CONSULTANTS, INC.

Steve Ruby
Project Manager

BILL NO. 35-22

ORDINANCE NO.



AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

NORTH/SOUTH ALLEY BETWEEN VICTORIA STREET AND EAST/WEST ALLEY

STATEMENT OF PURPOSE AND INTENT

Pursuant to Indiana Code Section 36-7-3-12, the Common Council is charged with the authority to hear all petitions to vacate public ways or public places within the City. The following Ordinance vacates the above described public property.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, as follows:

SECTION I. The Common Council of the City of South Bend having held a Public Hearing on the petition to vacate the following property:

A PLATTED ALLEY LOCATED BETWEEN LOTS 2, 3, 136-139, AND LOT 56, ALL WITHIN HOMELAND ADDITION AS RECORDED JULY 11, 1922 IN PLAT BOOK 10, PAGES 198-199, ST. JOSEPH COUNTY RECORDER, AND BEING SITUATED IN THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 37 NORTH, RANGE 2 EAST, CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 136; THENCE NORTHEASTERLY, ALONG THE NORTHERLY LINE OF SAID LOTS 136-139, A DISTANCE OF 134.7 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTHERLY, ALONG THE WEST LINE OF SAID LOTS 2 AND 3, A DISTANCE OF 80 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF LOT 3; THENCE WESTERLY, ALONG THE SOUTHERLY LINE OF A PLATTED 14 FOOT ALLEY, A DISTANCE OF 14 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF SAID LOT 56; THENCE SOUTHERLY, ALONG THE EAST LINE OF SAID LOT 56, A DISTANCE OF 40.3 FEET, MORE OR LESS, TO AN ANGLE POINT OF SAID EAST LINE; THENCE SOUTHERLY, ALONG SAID EAST LINE, A DISTANCE OF 26 FEET, MORE OR LESS, TO AN ANGLE POINT OF SAID EAST LINE; THENCE SOUTHWESTERLY, ALONG THE SOUTHERLY LINE OF SAID LOT 56, A DISTANCE OF 114.8 FEET, MORE OR LESS, TO THE SOUTHERLY CORNER OF LOT 56; THENCE SOUTHEASTERLY, ALONG THE NORTHEASTERLY LINE OF VICTORIA STREET, A DISTANCE OF 14 FEET, MORE OR LESS, TO THE POINT OF BEGINNING. CONTAINING 3080 SQUARE FEET (0.07 ACRES), MORE OR LESS, AND SUBJECT TO ALL COVENANTS, RIGHTS-OF-WAY, AND EASEMENTS OF RECORD.

hereby determines that it is desirable to vacate said property.

SECTION II. The City of South Bend hereby reserves the rights and easements of all utilities and the Municipal City of South Bend, Indiana, to construct and maintain any facilities, including, but not limited to, the following: electric, telephone, gas, water, sewer, surface water control structures and ditches, within the vacated right-of-way, unless such rights are released by the individual utilities.

SECTION III. The following property may be injuriously or beneficially affected by such vacating:

Lots 2, 3, 56 and 136-139 OF HOMELAND ADDITION

Section IV. The purpose of the vacation of the real property is to combine property for a convenience store development.

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.

Sharon L. 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 _____, 2022, at _____ o'clock _____. m.

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

Approved and signed by me on the _____ day of _____, 2022, at ____ o'clock _____.m.

James Mueller, Mayor
City of South Bend, Indiana



Filed in Clerk's Office

JUL 07 2022

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

OFFICE OF THE CITY CLERK

DAWN M. JONES, CITY CLERK

PETITION TO VACATE PUBLIC RIGHTS-OF-WAY (STREETS/ALLEY)

DATE: 7-12-22

To the Common Council of the City of South Bend, Indiana. I (we), the undersigned property owner(s), petition you to vacate:

1. THE ALLEY DESCRIBED AS:

North/South Alley between Victoria Street and the East/West Alley

2. THE STREET DESCRIBED AS:

Abutting Property Owner(s) Signatures:

Name (print):

Signature

Address

Lot Number

1. Manjeet Singh [Signature] 2413-PRADIPAR 2, 3, 136-139, 156

2.

3.

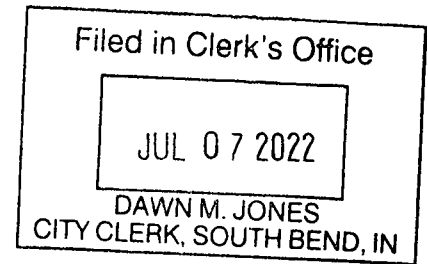
1316 COUNTY-CITY BUILDING
227 W. JEFFERSON BOULEVARD
SOUTH BEND, INDIANA 46601-1830



PHONE 574/ 235-9251
FAX 574/ 235-9171

CITY OF SOUTH BEND JAMES MUELLER, MAYOR
BOARD OF PUBLIC WORKS

June 28, 2022



STEVE
Mr. ~~Adam~~ Ruby (Representing Mandeep Singh)
2413 Prairie Ave.
South Bend, IN 46614
sruby@abonmarche.com

RE: Alley/Street Vacation – 2413 Prairie Ave. (Preliminary Review)

Dear Mr. Ruby:

At its June 28, 2022 meeting, the Board of Public Works reviewed comments by the Engineering Division, Community Investment, Fire Department, Police Department. The following comments and recommendations were submitted:

Per IC 36-7-3-13, the vacation would not hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous. The vacation would not make access to the lands of the aggrieved person by means of public way difficult or inconvenient. The vacation would not hinder the public's access to a church, school or other public building or place. The vacation would not hinder the use of a public right of way by the neighborhood in which it is located or to which it is contiguous.

Therefore, the Board of Public Works submitted a **favorable** recommendation for the vacation of this alley. If you still wish to pursue this alley vacation, please bring this BPW Recommendation Packet to the City Clerk's Office, located on the 4th floor of the County-City Building. Alley/Street vacations require a presentation to the Common Council, approval of an ordinance, and certification of the ordinance from the Mayor. The property then must be recorded with the Recorder's Office to ensure that your 50% ownership of the property is appropriately transferred to your name. If you have any questions about how the alley vacation will affect your property taxes, please contact the Auditor's Office.

If you have any further questions, please call this office at (574) 235-9251.

Sincerely,

/s/ Theresa Heffner

Theresa Heffner, Clerk

Enclosures
TH/lh



**INTEROFFICE MEMORANDUM
BOARD OF PUBLIC WORKS**

DATE: May 17, 2022

TO: Matt Longfellow, Public Works
Chris Dressel, Community Investment
Gerard Ellis, Fire Department
Brad Rohrscheib, Police Department

FROM: Theresa Heffner, Clerk (theffner@southbendin.gov)

SUBJECT: REQUEST FOR RECOMMENDATIONS – ALLEY VACATION

APPLICANT: Steven Ruby with Abonmarche representing Mandeep Singh

LOCATION: 2413 Prairie Ave.

PLEASE INSERT YOUR RECOMMENDATIONS IN THE APPROPRIATE FIELD BELOW, BASED ON THE FOLLOWING I.C. 36-7-3-13 CRITERIA:

1. The vacation would/would not hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.
2. The vacation would/would not make access to the lands of the aggrieved person by means of public way difficult or inconvenient.
3. The vacation would/would not hinder the public's access to a church, school or other public building or place.
4. The vacation would/would not hinder the use of a public right-of-way by the neighborhood in which it is located or to which it is contiguous.

PUBLIC WORKS: Favorable subject to accompanying lot line adjustment .

COMMUNITY INVESTMENT: Favorable recommendation.

FIRE: Favorable

POLICE: Favorable Recommendation



STREET/ALLEY VACATION APPLICATION
City of South Bend – Board of Public Works
227 W. Jefferson Boulevard, Ste. 1316
South Bend, IN 46601

RECEIVED

MAY 17 2022

City of South Bend
Div. of Engineering

Date: 5/9/22

Phone #: (574) 538-2201

Name: Steven Ruby (Representing Mandeep Singh)

Email: sruby@abonmarche.com

Property Address: 2413 Prairie Avenue, South Bend, Indiana 46614

Applicant property information: ☐ Residential ☒ Commercial ☐ Industrial

Describe the general alley location with boundaries (Ex: Church Pl, between E. Colfax Ave & E. LaSalle Ave):

N/S ALLEY BETWEEN VICTORIA STREET AND THE E/W ALLEY

Is your property adjacent to the alley of interest?

☐ Yes ☒ No

Do you own all adjacent properties to the alley of interest?

☐ Yes ☒ No

Does the existing alley provide garage access to other property owners?

☐ Yes ☒ No

Does the alley receive daily traffic excluding your own use?

☐ Yes ☒ No

Would the vacation hinder public access to any of the following: a church, school, or any other public building or place?

☐ Yes ☒ No

Reason for street/alley vacation and proposed use:

The alley vacation is being proposed to combine property for a convenience store development.

A map MUST be provided highlighting the area you would like to vacate with this application.

OFFICE USE ONLY:

Board Recommendation:

☒ Yes ☐ No

CITY OF SOUTH BEND, INDIANA
BOARD OF PUBLIC WORKS

Elizabeth A. Maradik, President

Gary A. Gilot, Member

Murray L. Miller, Member

Joseph R. Molnar, Vice President

Jordan V. Gathers, Member

Attest: Theresa M. Heffner, Clerk

Date: June 28, 2022

EXHIBIT A

LEGAL DESCRIPTION – RIGHT-OF-WAY VACATION (PLATTED ALLEY LYING BETWEEN VICTORIA STREET AND A 14' WIDE ALLEY TO THE NORTH, SOUTH BEND, IN.)

A PLATTED ALLEY LOCATED BETWEEN LOTS 2, 3, 136-139, AND LOT 56, ALL WITHIN HOMELAND ADDITION AS RECORDED JULY 11, 1922 IN PLAT BOOK 10, PAGES 198-199, ST. JOSEPH COUNTY RECORDER, AND BEING SITUATED IN THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 37 NORTH, RANGE 2 EAST, CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THIS DOCUMENT WAS PREPARED BY HANS P. MUSSER, INDIANA REGISTERED LAND SURVEYOR, LICENSE NUMBER 29700002.



HANS P. MUSSER, PS

05/06/2022

DATE

JOB NO.: 22-0683



O:\PROJECTS\2022\22-0683 OLIVE & PRAIRIE C-STORE
CD\WORKING-DESIGN\SURVEY\LEGALS AND REPORTS\22-0683
ALLEY VACATION DESCRIPTION.DOCX

18-8153

1-5514

18-8153

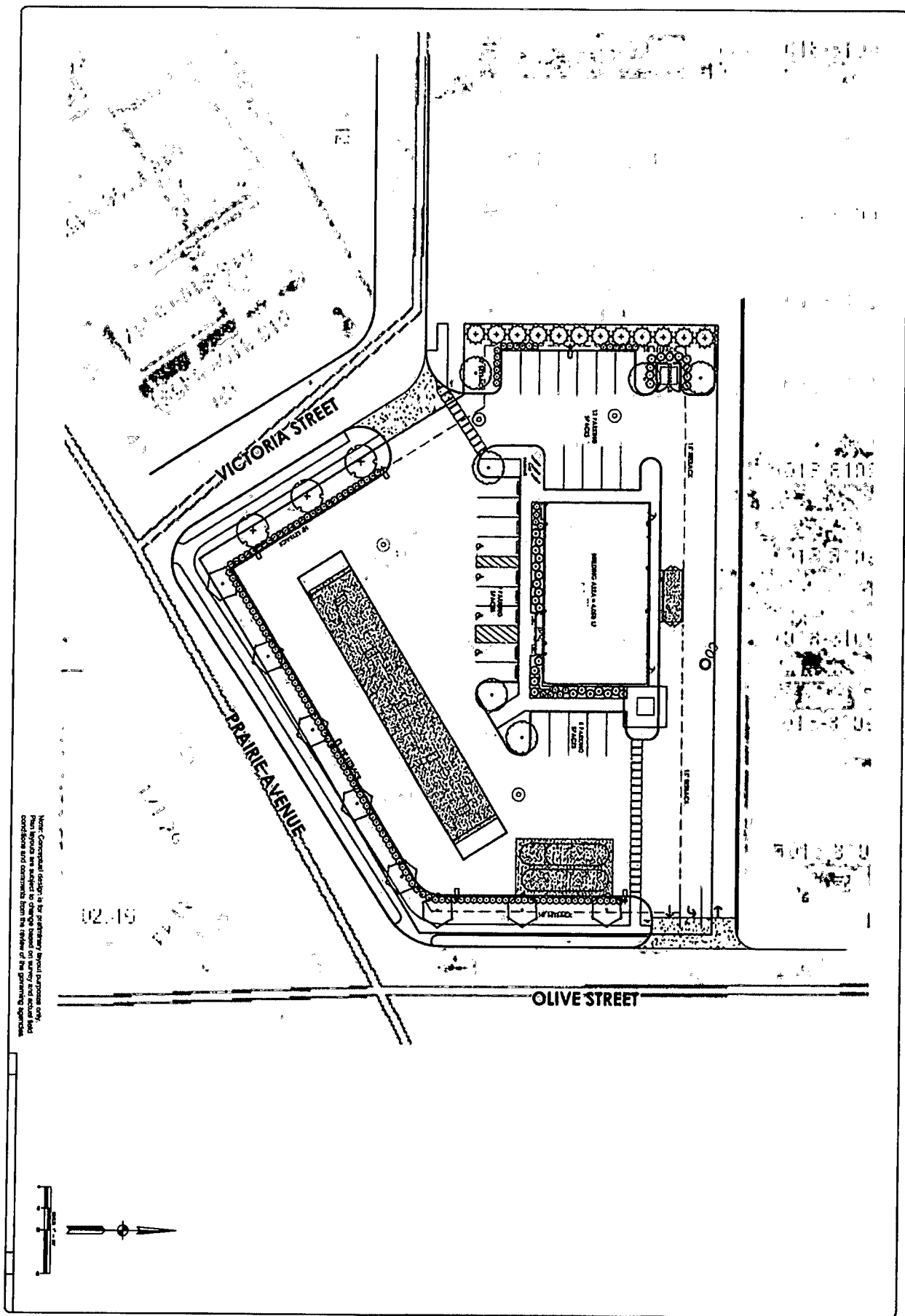
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1-5630 MINOR
PINTER'S . SUB
390

8-22C

EXHIBIT B
8-15F

8-744



Note: Conceptual design is for preliminary layout purposes only. All dimensions are subject to change based on survey and actual field conditions and are subject to the review of the governing agencies.

21-2287
1 of 1

DATE	02.19
BY	21-2287
CHKD	21-2287
APPD	21-2287
DATE	02.19
BY	21-2287
CHKD	21-2287
APPD	21-2287

CONCEPT PLAN

Map A-1

OLIVE & PRAIRIE
"C" STORE
SOUTH BEND, INDIANA

ABONMARCHE

101 W. 10th Street
South Bend, IN 46708
219.233.1100
www.abonmarche.com

General Manager
Store Manager
District Manager
Regional Manager
National Manager

101 W. 10th Street
South Bend, IN 46708
219.233.1100
www.abonmarche.com

May 16, 2022

Board of Public Works,
County City Building
227 West Jefferson Blvd.
South Bend, IN 46601

Dear Board of Public Works,

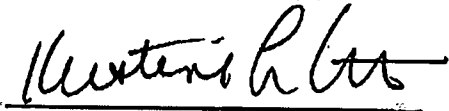
We Homeland Village, LLC, and Superclean Corporation support the Right of Way Vacation between the properties located at 2413 Prairie Avenue and 2337 Prairie Avenue. This Right of Way Vacation will be necessary for the proposed development of the convenience store. Please consider this letter of support for the approval for the Right of Way Vacation of the above-mentioned properties.

Sincerely,

Homeland Village, Inc.

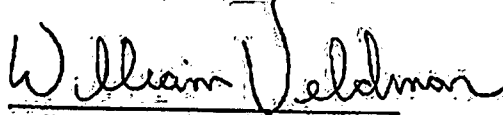
Superclean Corporation.

Homeland Village, Inc.



Owner Signature

Superclean Corporation



Owner Signature



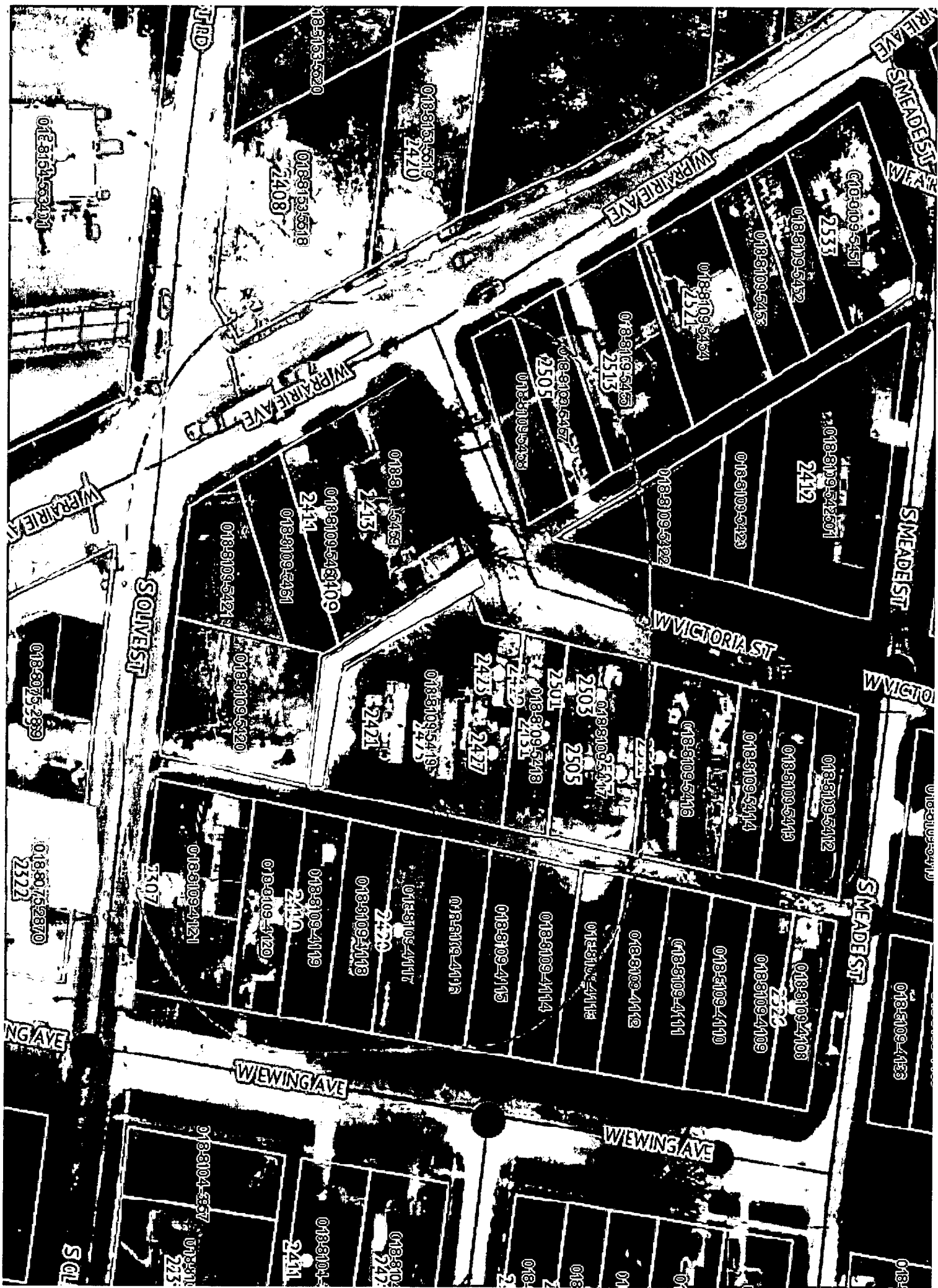
Search by Address -

2413 Prairie

Search results (1)

2413 Prairie Ave, South Bend, IN 46601

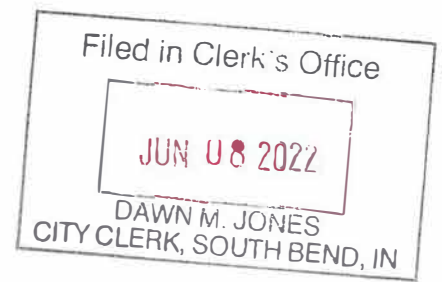
100 ft
20 m



name_1	parcelid	prop_addr	prop_city
HOMELAND VILLIAGE LLC	018-8109-4113		
HOMELAND VILLIAGE LLC	018-8109-4114		
ASTEFAN NANI K	018-8109-4119	2410 W EWING AVE	SOUTH BEND
LUGO JAVIER	018-8109-5458		
MOTTS CRAIG E	018-8109-4112		
FOLDING TIBOR AND MARGARETH	018-8153-5518	2408 PRAIRIE AVE	SOUTH BEND
LUGO JAVIER	018-8109-5457	2505 PRAIRIE AVE	SOUTH BEND
HOMELAND VILLIAGE LLC	018-8109-5459	2413 PRAIRIE AVE	SOUTH BEND
ZELASKO EDWARD J & HELEN M	018-8109-5455	2513 PRAIRIE AVE	SOUTH BEND
HOMELAND VILLIAGE LLC	018-8109-4115		
HOMELAND VILLIAGE LLC	018-8109-4116		
MORGAN EARL & CAROL	018-8109-5416	2511 W VICTORIA ST	SOUTH BEND
HOMELAND VILLIAGE LLC	018-8109-5417	2507 W VICTORIA ST	SOUTH BEND
HOMELAND VILLIAGE LLC	018-8109-5418	2431 W VICTORIA ST	SOUTH BEND
HOMELAND VILLIAGE LLC	018-8109-5419	2427 W VICTORIA ST	SOUTH BEND
WILLIAMS MARJORIE MARIE	018-8109-5422	2504 W VICTORIA ST	SOUTH BEND
HOMELAND VILLIAGE LLC	018-8109-5460	2411 PRAIRIE AVE	SOUTH BEND
ROSALES FREDDY	018-8109-4117	2420 W EWING AVE	SOUTH BEND
ASTEFAN KHIRALLA	018-8109-4121	2307 S OLIVE ST	SOUTH BEND
ROSALES FREDDY	018-8109-4118	2420 W EWING AVE	SOUTH BEND
ASTEFAN NANI K	018-8109-4120	2406 W EWING AVE	SOUTH BEND
SUPERCLEAN CORPORATION	018-8109-5420		
SUPERCLEAN CORPORATION	018-8109-5461		
SUPERCLEAN CORPORATION	018-8109-5421		

mailingadd	mailingcit	mailingsta	mailingzip
5222 W Western Ave	South Bend	IN	46619
5222 W Western Ave	South Bend	IN	46619
2410 W Ewing Ave	South Bend	IN	46613
2505 Prairie Av	South Bend	IN	46613
2526 W Ewing	South Bend	IN	46613
2205 Gertrude St	South Bend	IN	46613
2505 Prairie Av	South Bend	IN	46613
5222 W Western Ave	South Bend	IN	46619
2513 Prairie Ave	South Bend	IN	46614
5222 W Western Ave	South Bend	IN	46619
5222 W Western Ave	South Bend	IN	46619
2511 W Victoria St	South Bend	IN	46614
5222 W Western Ave	South Bend	IN	46619
5222 W Western Ave	South Bend	IN	46619
5222 W Western Ave	South Bend	IN	46619
2412 S Meade St	South Bend	IN	46614
5222 W Western Ave	South Bend	IN	46619
2420 Ewing Ave	South Bend	IN	46613
2307 S Olive St	South Bend	IN	46614
2420 Ewing Ave	South Bend	IN	46613
2410 W Ewing Ave	South Bend	IN	46613
2400 Miracle Lane	Mishawaka	IN	46545
2400 Miracle Lane	Mishawaka	IN	46545
2400 Miracle Lane	Mishawaka	IN	46545

City of South Bend BOARD OF ZONING APPEALS



June 8, 2022

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

RE: Special Exception Use at 223 N Lafayette Blvd.

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 **June 13, 2022**, Council meeting and set it for public hearing at your **July 11, 2022**, Council meeting. The petition is tentatively scheduled for public hearing at the July 5, 2022, South Bend Board of Zoning Appeals meeting. The staff report and recommendation of the South Bend Board of Zoning Appeals will be forwarded to the Office of the City Clerk by noon on the Wednesday following the public hearing.

The petitioner provided the following to describe the proposed project:

Request a Special Exception to allow for the property to operate an automotive detailing shop.

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.

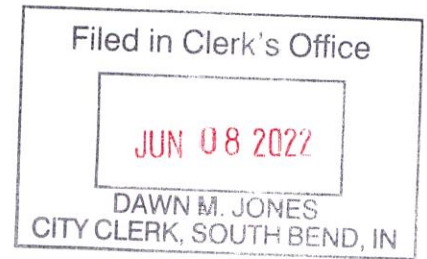
Sincerely,

A handwritten signature in black ink, appearing to read "Rachel Boyles", followed by a long horizontal flourish.

Rachel Boyles
Zoning Specialist

CC: Bob Palmer

BILL NO. 23-22
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 223 N. LAFAYETTE BLVD.
COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA**

STATEMENT OF PURPOSE AND INTENT

**Request a Special Exception to allow for the property to operate an automotive detailing
shop**

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:

223 N Lafayette Blvd. 71-08-12-105-003.000-026

In order to permit Vehicle Service, Minor

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 _____, 2022, at _____
o'clock ____ . m.

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

Approved and signed by me on the _____ day of _____, 2022, at ____ o'clock
____.m.

James Mueller, Mayor
City of South Bend, Indiana

BOARD OF ZONING APPEALS

Petition for Variance - Special Exception

Property Information

Tax Key Number: 71-08-12-105-003.000-026

Address: 223 N Lafayette Blvd. South Bend, IN 46601

Owner: South Bend Tribune Corp./Schurz Communications INC.

Zoning: Choose the current district

Project Summary: 223 N Lafayette was built in 1947 as a service department for the Roney Hammes Ford Dealership. Changing oil/tires and more this facility has been used for automotive work since its origination. Deluxe Detail is a startup started here in SB through the Larry Carratoni Rise Foundation. Owner Randy Moore hopes to continue using this space for automotive cleaning and protection. Ultimately bringing local small businesses back to the downtown area.

Requested Action

☒ Special Exception – complete and attach Criteria for Decision Making

Use requested: Vehicle Services

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

Variance(s) requested:

Minimum Transparency

Required Documents

- ☐ Completed Application (including Criteria for Decision Making and Contact Information)
- ☐ Site Plan drawn to scale
- ☐ Filing Fee

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:

Our business is committed to using safe products and procedures to effectively clean and protect South Bend's automobiles. Our physical work is low risk to employees, customers, and the city itself.

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

All products, water, and dirt are confined to our interior space. Water drains to our floor drains effectively and we have no harmful "things" being put into the air or ground or walls that would affect

- (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: neighbors etc.

Having the building been built in 1947 and its original other half in 1927 used and built for cars. We hope to continue using this space for vehicles, honoring and remembering the history of our space and street.

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

Owner Randy Moore hopes to grow his business in DTSB. His goal is to bring life back to downtown with his passion for vehicles. With such great automotive history originating from SB, Randy hopes to reignite this history and continue on making new history in historic buildings of DTSB. Randy's parents have both worked for the city, he is a born and raised South Sider and graduate of St. Joe High School.

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: South Bend Tribune Corp. / Sekur Communications INC.
Address: 1301 E Douglas Rd. Mishawaka, IN 46345

Name: _____

Address: _____

Name: _____

Address: _____

Contact Person:

Name: Randy Moore

Address: 1509 Berkshire Dr.
South Bend, IN 46614

Phone Number: 574-292-8966

E-mail: mobiledeluxe detail@gmail.com

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

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

Property Owner (s) Signatures:

PLAN COMMISSION

Petition for Rezoning or Combined Public Hearing

Property Information

Tax Key Number 71-08-12-105-003.000-026

Address: 215 N Lafayette Blvd

Owner: SOUTH BEND TRIBUNE CORP./SCHURZ COMMUNICATIONS INC.

Legal Description:

LOT B MEADOW REPLAT OF LOTS 380-381 O P SOUTH BEND

Project Summary: 215 (223) N Lafayette was built in 1947 as a service department changing oil/tires and more. When the Tribune used the building they maintained their vehicles here as well, changing oil/tires and more. Deluxe Detail plans to use the space to clean and protect vehicles. The space has traditionally been used for cars for nearly 75 years and we hope to keep updating the space and using it to make the cars of Mishawaka clean and protected.

Requested Action

Application includes (check all that apply)

☐ Rezoning

Current District: Choose the current district

Additional Districts, if applicable

Proposed District Choose the proposed district

Additional Districts, if applicable

The Plan Commission and Council will consider the following in the review of a rezoning petition:

- (1) The comprehensive Plan;
- (2) Current conditions and the character of the current structures and uses in each district;
- (3) The most desirable use for which the land in each district is adapted;
- (4) The conservation of property values throughout the jurisdiction; and
- (5) Responsible development and growth.

☐ Subdivision – complete and attach subdivision application

☒ Special Exception – complete and attach Criteria for Decision Making

Use requested: Vehicle Cleaning and Protection

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

Variance(s) requested:

Required Documents

- ☐ Completed Application (including Contact Information)
- ☐ Site Plan drawn to scale
- ☐ Filing Fee
- ☐ Additional documents as noted above

Contact information

Property owner(s) of the petition site:

Name: SOUTH BEND TRIBUNE CORP./SCHURZ COMMUNICATIONS INC.

Address: 1301 E Douglas Rd. Mishawaka, IN 46545

Name: _____

Address: _____

Name: _____

Address: _____

Contact Person:

Name: Randy Moore

Address: 1509 Berkshire Drive

South Bend, IN 46614

Phone Number: 574-292-8966

E-mail: _____

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:

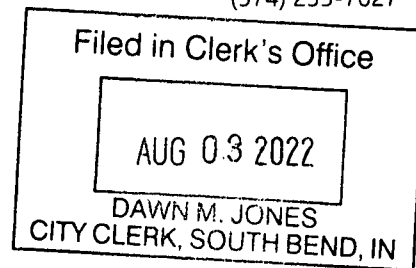
DocuSigned by:
Chris Dautel
BBF3A42C4598A4BA

5/9/2022

City of South Bend

BOARD OF ZONING APPEALS

County-City Building
227 W. Jefferson Blvd. 1400S
South Bend, IN 46601
(574) 235-7627



August 2, 2022

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

Re: Bill # 23-22: The petition of SOUTH BEND TRIBUNE % MARK HOCKER seeking a Special Exception for Vehicle Service, Minor in the DT Downtown for property located at 223 N. LAFAYETTE BLVD

Dear Council Members:

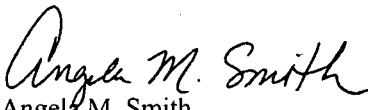
I hereby Certify that the above referenced petition of SOUTH BEND TRIBUNE % MARK HOCKER was legally advertised on June 25, 2022 and that the South Bend Board of Zoning Appeals at its public hearing on August 1, 2022 took the following action:

Upon a motion by Kaine Kanczuzewski, being seconded by Mark Burrell and unanimously carried, a petition by SOUTH BEND TRIBUNE % MARK HOCKER seeking a Special Exception for Vehicle Service, Minor for property located at 223 N. LAFAYETTE BLVD, 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: Building
South Bend Tribune
Randy Moore
Bob Palmer

Property Information

Location: 223 N. LAFAYETTE BLVD
Owner: SOUTH BEND TRIBUNE % MARK HOCKER, Randy Moore

Filed in Clerk's Office

AUG 04 2022

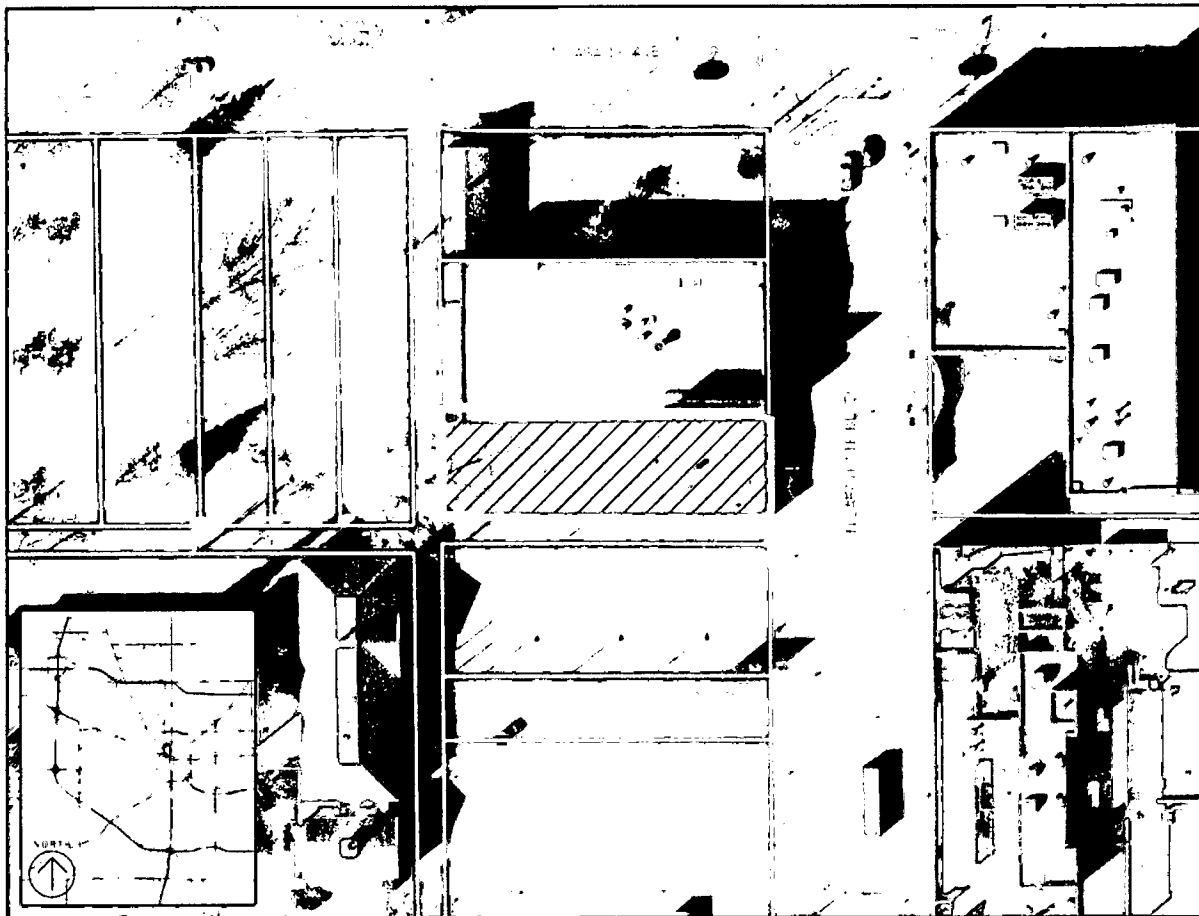
Project Summary

Request a Special Exception to allow for automotive detailing services

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

Requested Action

Special Exception: Vehicle Service, Minor
Variance(s): 1) from the 60% minimum transparency to 5%

Site Location**Staff Recommendation**

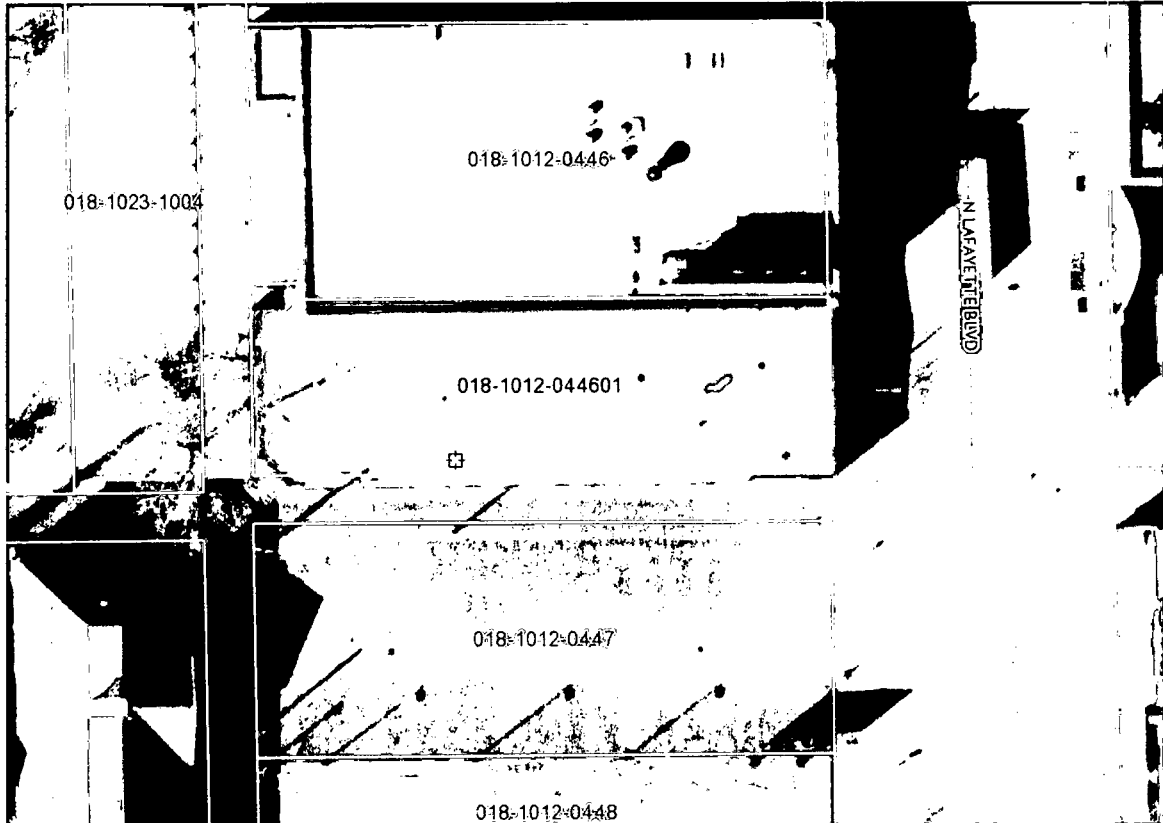
Based on the information provided prior to the public hearing, staff recommends the Board send the Special Exception to the Common Council with a favorable recommendation and approve the variance as presented.

Filed in Clerk's Office
AUG 04 2022
DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

Staff Report – BZA#0119-22

August 1, 2022

Proposed Site Plan



AUG 04 2022

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

Staff Report – BZA#0119-22

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, comfort, community moral standards, convenience or general welfare. The building has been designed for automotive services for several decades. All the vehicle service activities occur within the fully enclosed building. There are not hazardous materials being used or fumes created by this particular automotive service.

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

Since all the vehicle service activities occur with the fully enclosed building, approval of the Special Exception should not injure or adversely affect the use of the adjacent area.

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

The Downtown Zoning District encourages active building frontages at or close to the sidewalk. Although it would be preferred to have a service door with higher level transparency and more windows along the street frontage, the practice of having the door open during normal business hours provides an active frontage encouraged in the district.

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

The petition is consistent with City Plan (2006) Objective ED1: Stimulate the rehabilitation and adaptive reuse of property in the City.

Criteria for Decision Making: Variance(s)

State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. The standards and their justifications are as follows:

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

Approval of the variance should not be injurious to the public health, safety, morals and general welfare of the community. The variance allows for the building to be reused as an active business in the core of the City.

(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

The reduced transparency should not adversely affect the use and value of adjacent properties. The building has existed with the current level of transparency for over 2 decades. While we would encourage the property owner to improve the overall transparency

Staff Report – BZA#0119-22

for the building frontage, the buildings in the surrounding area where all built with roughly the same amount of transparency.

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

Strict application of the Zoning Ordinance would require an extensive remodel of the front of the building in order for this business to operate the vehicle service use. The building has been used for automotive purposes in the past and is well suited for the reuse in this manner. While the building owner is strongly encouraged to make improvements to the facade with additional transparency, the tenant's operations happen completely inside the building. There are limited uses which would be able to utilize this space without a special exception. If the special exception wasn't needed, the building improvements would not be required.

(4) The variance granted is the minimum necessary

The variance requested is the minimum necessary to operate in a reasonable manner. The business owner operates with the overhead door open during business owners. While there is not a window installed, this does create the active store front and interaction with the street that is intended by the minimum transparency requirements.

(5) The variance does not correct a hardship cause by a former or current owner of the property

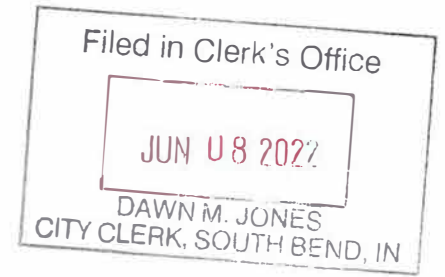
The building has not undergone any modifications to the facade in nearly two decades, therefore, the hardship was not created by the current property owner.

Analysis & Recommendation

Analysis: The proposed use as a vehicle service center, namely car detailing, is a desirable reuse of a building that has existed for 100 years. Because the use requires a special exception, the building is required to be brought to current standards. To fully restored the facade of the building would be a large undertaking. The petitioner is meeting the intent of the ordinance by ensuring the existing windows are not covered and operating with the overhead door open during the day, which creates the vibrancy expected in a downtown location.

Staff Recommendation: Based on the information provided prior to the public hearing, staff recommends the Board send the Special Exception to the Common Council with a favorable recommendation and approve the variance as presented.

City of South Bend BOARD OF ZONING APPEALS



June 8, 2022

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

RE: Special Exception Use at 1430 Mishawaka Ave.

Dear Committee Chair Hamann:

Enclosed is an Ordinance for the proposed Special Exception Use at the above referenced location. Please include the attached Ordinance on the Council agenda for **first reading** at your **June 13, 2022**, Council meeting and set it for **public hearing** at your **July 11, 2022**, Council meeting. The petition is tentatively scheduled for public hearing at the July 5, 2022, South Bend Board of Zoning Appeals meeting. The staff report and recommendation of the South Bend Board of Zoning Appeals will be forwarded to the Office of the City Clerk by noon on the Wednesday following the public hearing.

The petitioner provided the following to describe the proposed project:
Request a Special Exception to allow for the property to operate an automotive repair shop.

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.

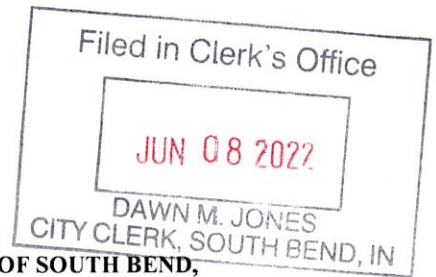
Sincerely,

A handwritten signature in black ink, appearing to read "Rachel Boyles", followed by a long horizontal line.

Rachel Boyles
Zoning Specialist

CC: Bob Palmer

BILL NO. 24-22
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 1430 MISHAWAKA AVE,
COUNCILMANIC DISTRICT NO. 3 IN THE CITY OF SOUTH BEND, INDIANA**

STATEMENT OF PURPOSE AND INTENT

Request a Special Exception to allow for the property to operate an automotive repair shop.

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:

1430 Mishawaka Ave 71-09-18-129-001.000-026

In order to permit Vehicle Service, Minor

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 _____, 2022, at _____
o'clock ____ m.

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

Approved and signed by me on the _____ day of _____, 2022, at ____ o'clock
____.m.

James Mueller, Mayor
City of South Bend, Indiana

BOARD OF ZONING APPEALS

Petition for Variance - Special Exception

Property Information

Tax Key Number: 71-09-18-129-001.000-026

Address: 1430 mishawaka ave. South Bend IN 46615

Owner: _____

Zoning: Choose the current district

Project Summary:

Requested Action

☒ Special Exception – complete and attach Criteria for Decision Making

Use requested: _____

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

Variance(s) requested:

1. parking in established
2. 5' parking area screening
3. 1 inch tree every 30'

Required Documents

- ☐ Completed Application (including Criteria for Decision Making and Contact Information)
- ☐ Site Plan drawn to scale
- ☐ Filing Fee

City of South Bend
BOARD OF ZONING APPEALS

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

Petition for Variance - Special Exception

Property Information

Tax Key Number: _____
Address: 602 S Jackson St. South Bend, IN 46619
Owner: Jaime Diaz
Zoning: Choose the current district

Project Summary:

Requested Action

- ☒ Special Exception – *complete and attach Criteria for Decision Making*
Use requested: Automotive Repair
- ☐ 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

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:

Business and repair will be done within the garage.

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

There will be no cars stage or left in the parking lot overnight.

(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:

There will be minor repairs done within the garage.

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

Yes, because small repair will be done in this shop.

Contact Information

Property owner(s) of the petition site:

Name: Jaime Diaz

Address: 602 S Jackson St. South Bend, IN 46619

Name: _____

Address: _____

Name: _____

Address: _____

Contact Person:

Name: Jaime Diaz

Address: 602 S Jackson St. South Bend, IN 46619

Phone Number: 574-222-7066

E-mail: N/A

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.

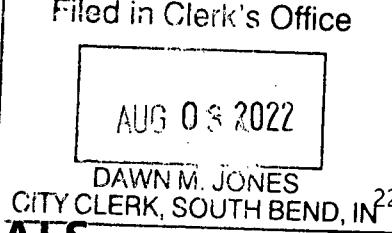
Property Owner (s) Signatures:

Jaime Diaz





City of South Bend
BOARD OF ZONING APPEALS



County-City Building
227 W. Jefferson Blvd. 1400S
South Bend, IN 46601
(574) 235-7627

August 2, 2022

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

Re: Bill# 24-22: The petition of JAIME DIAZ seeking a Special Exception for Vehicle Service, Minor in the NC Neighborhood Center for property located at 1430 MISHAWAKA AVE

Dear Council Members:

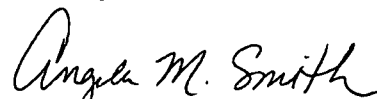
I hereby Certify that the above referenced petition of JAIME DIAZ was legally advertised on June 25, 2022 and that the South Bend Board of Zoning Appeals at its public hearing on August 1, 2022 took the following action:

Upon a motion by Kyle Copelin, being seconded by Mark Burrell and unanimously carried, a petition by JAIME DIAZ seeking a Special Exception for Vehicle Service, Minor for property located at 1430 MISHAWAKA AVE, 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: JAIME DIAZ
Bob Palmer
Building Department

AUG 03 2022

Filed in Clerk's Office

JOHN M. JONES

AUG 03 2022

Staff Report - BZA#0118-22

SOUTH BEND, IN

August 1, 2022

JOHN M. JONES
CLERK, SOUTH BEND, IN

Property Information

Location: 1430 MISHAWAKA AVE
Owner: JAIME DIAZ

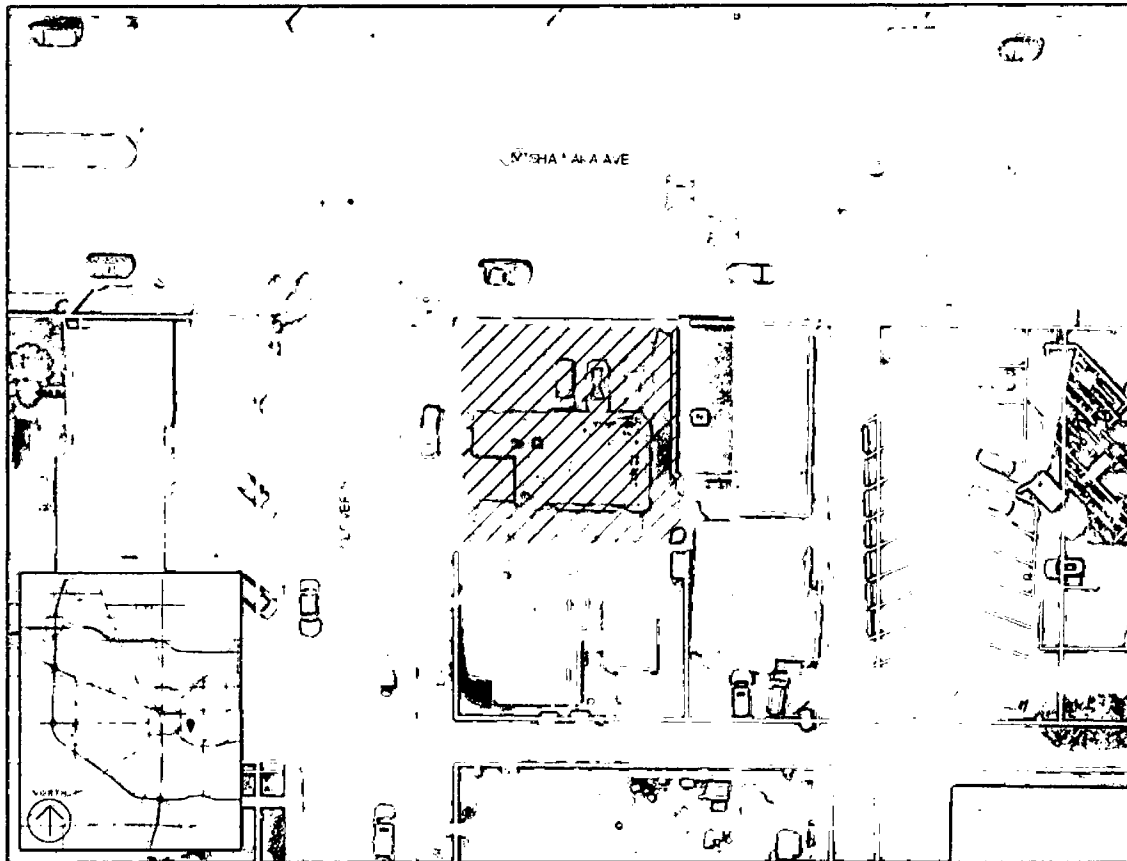
Project Summary

Operation of an automotive repair shop

Requested Action

Special Exception: Vehicle Service, Minor
Variance(s): 1) to allow parking in the established front/corner yard
2) from the 5' minimum parking area screening to none
3) from 1 shade tree for every 30' to none

Site Location



Staff Recommendation

Based on the information provided prior to the public hearing, Staff recommends the Board send the Special Exception to the Common Council with a favorable recommendation. The staff recommends the Board approve Variance #1 to allow parking in the established front/corner yard. Staff recommends the Board deny Variance #2 from the minimum 5' parking area screening to none and Variance #3 from 1 shade tree for every 30' to none.

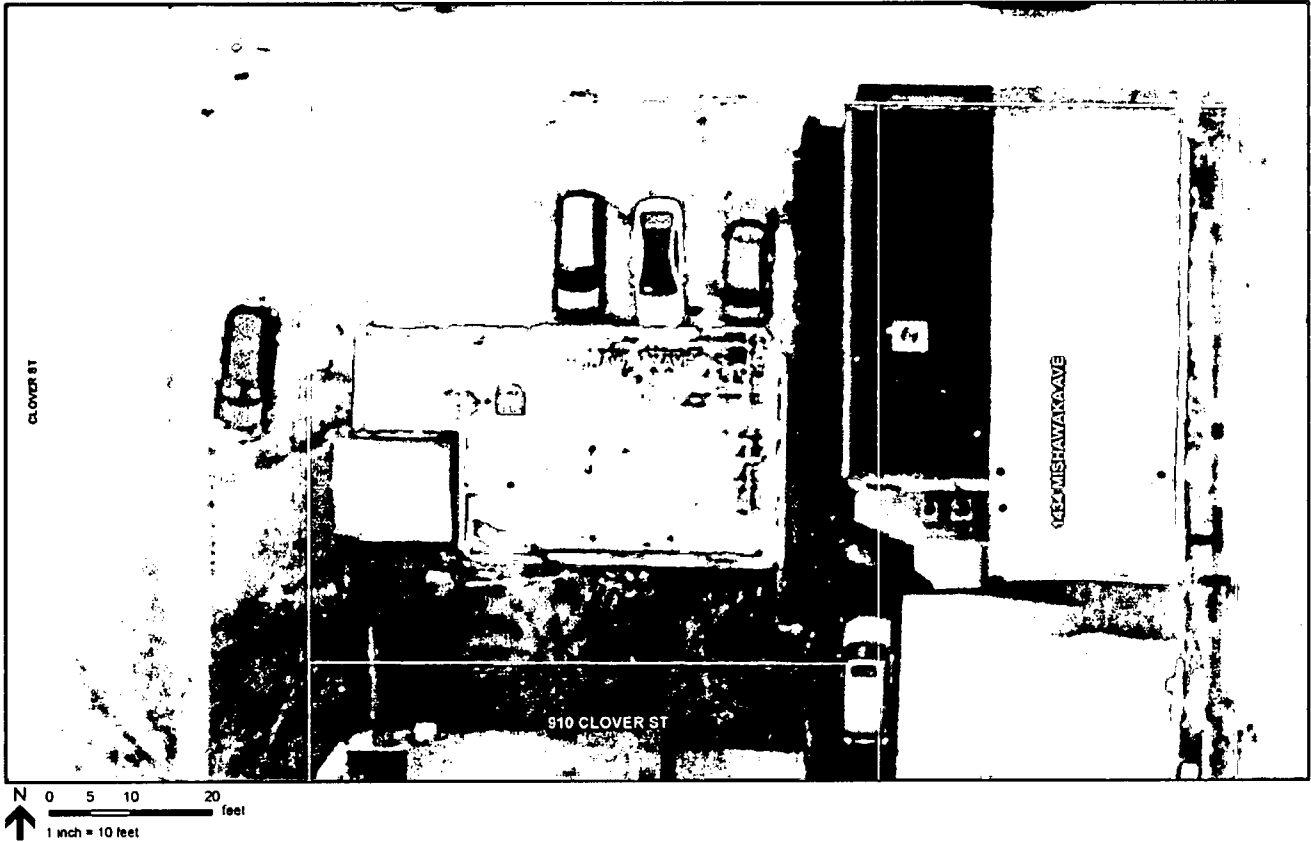
AUG 03 2022

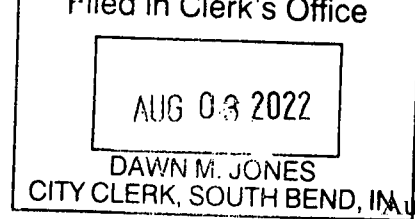
DAVIN M. JONES
CITY CLERK, SOUTH BEND, IN

August 1, 2022

Staff Report – BZA#0118-22

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;

Provided the proper landscaping and screening are provided, the proposed use should not be injurious to the public health, safety, comfort, or general welfare of the community. The site development standards in the Ordinance are established to limit potentially negative impacts on the surrounding properties.

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

Mishawaka Avenue is a long established mixed use corridor. The building was constructed in 1930 to accommodate an automotive repair use, the approval of the Special Exception should not injure or adversely affect the use of adjacent area, provided the appropriate landscaping and buffering is installed.

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

The original development of this property was for vehicle repair. The NC Neighborhood Center District allows this as a Special Exception in order to evaluate the appropriateness in specific areas. At this location, the reactivation of the vacant building to its original use is consistent with the character of the district and surrounding area.

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

The plan is consistent with City Plan (2006) Objective LU 2: Stimulate the rehabilitation and adaptive reuse of the property in the city

Criteria for Decision Making: Variance(s)

State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. The standards and their justifications are as follows:

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

Approval of Variance #1 should not be injurious to the public health, safety and general welfare of the community. This variance allows for the building to be used for its original intent. To help mitigate any potential impact on the general community, proper parking area screening and site landscaping should be upheld.

(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

The use and value of the area adjacent to the property included in the variance should not be affected in a substantially adverse manner. The site has existed in this layout for almost

Staff Report – BZA#0118-22

100 years. While parking in the established front/corner yard is not preferred, the proper parking area screening and site landscaping should reduce any negative impact on the surrounding properties use and value.

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

Strict application of the Zoning Ordinance would require the building to be demolished and relocated in order to allow access and parking in a different configuration. The addition of landscaping, however, could easily be accomplished.

(4) The variance granted is the minimum necessary

The variance for parking location is the minimum necessary to operate the intended use in a reasonable manner. Though parking is not required, providing some off-street parking would be practical for the business. There is no practical difficulty for the requested landscaping variances, so it is not the minimum necessary.

(5) The variance does not correct a hardship cause by a former or current owner of the property

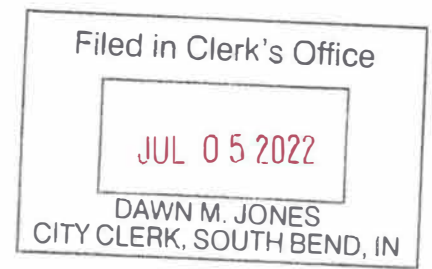
This site has been in this configuration for almost 100 years. The Zoning regulations at the time did not prohibit parking in the front yard. Variance #1 is not correcting a hardship caused by the current owner. There are remedies that would allow the petitioner to install the proper landscaping.

Analysis & Recommendation

Analysis: The original intent of the building was for an automotive repair shop, though the Neighborhood Center Zoning District outlines pedestrian orientated development, the use of Vehicle Service, Minor is an allowed Special Exception in the district for such instances. Because the proposed use is consistent with the original use it is within the character of the district and surrounding area.

The site contains no practical difficulties and it would not affect the usability of the site to install code compliant landscaping. However the current layout of the parking area, if brought into conformance would hinder the usability and reactivation of the building.

Staff Recommendation: Based on the information provided prior to the public hearing, Staff recommends the Board send the Special Exception to the Common Council with a favorable recommendation. The staff recommends the Board approve Variance #1 to allow parking in the established front/corner yard. Staff recommends the Board deny Variance #2 from the minimum 5' parking area screening to none and Variance #3 from 1 shade tree for every 30' to none.



City of South Bend BOARD OF ZONING APPEALS

July 6, 2022

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

RE: Special Exception Use at 914 Sherman Ave

Dear Committee Chair Hamann:

Enclosed is an Ordinance for the proposed Special Exception Use at the above referenced location. Please include the attached Ordinance on the Council agenda for **first reading** at your **July 11, 2022**, Council meeting and set it for public hearing at your **August 8, 2022**, Council meeting. The petition is tentatively scheduled for public hearing at the August 1, 2022, South Bend Board of Zoning Appeals meeting. The staff report and recommendation of the South Bend Board of Zoning Appeals will be forwarded to the Office of the City Clerk by noon on the **Wednesday** following the public hearing.

The petitioner provided the following to describe the proposed project:

A proposal for development of new construction of a side-by-side duplex as part of a new infill development in the near northwest neighborhood.

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,

A handwritten signature in black ink that reads "Rachel Boyles".

Rachel Boyles
Zoning Specialist

CC: Bob Palmer

BILL NO. 31-22

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 914 SHERMAN AVE
COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA**

STATEMENT OF PURPOSE AND INTENT

Request a Special Exception to allow for the use of a duplex.

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:

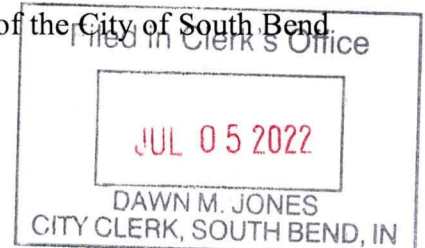
914 Sherman Ave. 71-08-02-188-005.000-026

In order to permit Dwelling, 2 Unit

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:

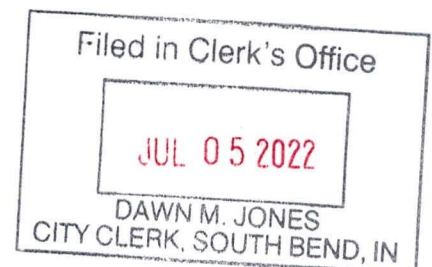
Dawn M. Jones, City Clerk
Office of the City Clerk

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 _____, 2022, at _____ o'clock _____. m.

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

Approved and signed by me on the _____ day of _____, 2022, at ____ o'clock _____.m.

James Mueller, Mayor
City of South Bend, Indiana



City of South Bend

BOARD OF ZONING APPEALS

Filed in Clerk's Office

JUL 05 2022

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

227 W. Jefferson Suite 1400S
South Bend, IN 46601
zoning@southbend.in.gov

Petition for Variance - Special Exception

Property Information

Tax Key Number: 018-1085-3603

Address: 914 Sherman Ave, South Bend, IN 46616

Owner: Near Northwest Neighborhood, Inc.

Zoning: U1 Urban Neighborhood 1

Project Summary:

We propose the development of a new construction side-by-side duplex as part of new infill development in the near northwest neighborhood. The duplex will be two 2-BR units, and designed to be contextual with the surrounding neighborhood.

Requested Action

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

Use requested: Duplex

☐ 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

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:**

Proposed use of a duplex (two-family residence) fits within the neighborhood context and character. The project will be similar to the size of a single family residence and will not be injurious in any way.

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

Proposed use of a duplex (two-family residence) fits within the neighborhood context and character. The project will be designed as an infill development that will match the character of the neighborhood, and will put a vacant lot back to re-use.

- (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:**

The character of the district includes many examples of side-by-side duplex properties, designed to be the size of a single family home. The design of the project will be contextual in massing and materials.

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

The petition is consistent with the City Plan, South Bend Comprehensive Plan (2006) Objective H1.1: Encourage residential developments to contain a mix of housing types, densities, price ranges, and amenities.

The petition is also consistent with the Near Northwest Neighborhood Plan (2019) to "encourage new development to respond to the existing character", and "thoughtful integration of missing middle housing types can provide housing affordability and housing choice"

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:

n/a

(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:

n/a

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

n/a

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

n/a

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

n/a

Contact Information

Property owner(s) of the petition site:

Name: Near Northwest Neighborhood, Inc.

Address: 1007 Portage Ave
South Bend, IN 46616

Name: _____

Address: _____

Name: _____

Address: _____

Contact Person:

Name: Kathy Schuth/ Jeff Stanifer

Address: 1007 Portage Ave
South Bend, IN 46616

Phone Number: 574-232-9182

E-mail: nnndirector@nearnorthwest.org

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.

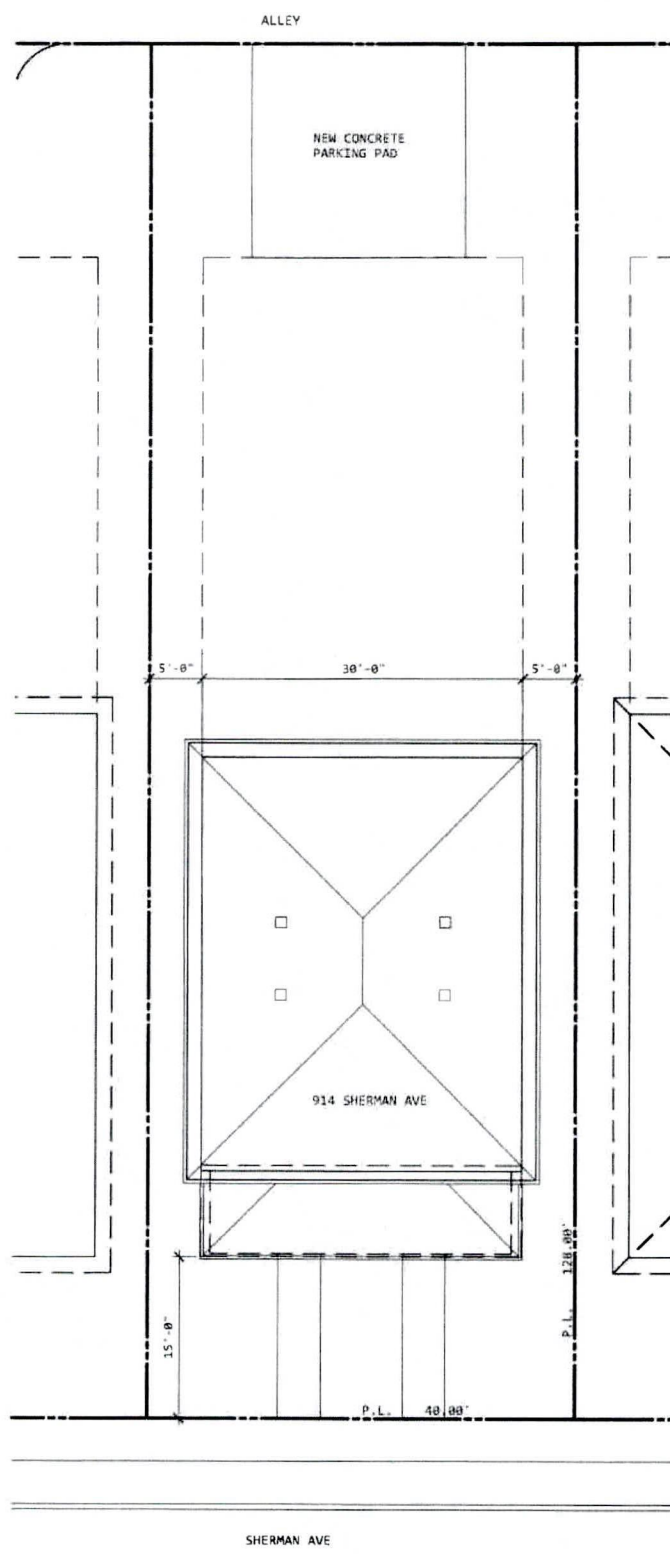
The undersigned authorizes the contact person listed above to represent this petition before the South Bend Plan Commission and Common Council and to answer any and all questions related to this petition.

Property Owner (s) Signatures:



JUL 05 2022

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN



SITE PLAN - 914 SHERMAN DUPLEX

Filed in Clerk's Office

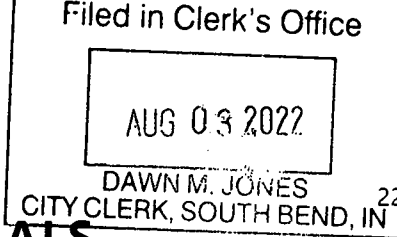
JUL 05 2022

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN



ELEVATIONS - 914 SHERMAN DUPLEX

City of South Bend
BOARD OF ZONING APPEALS



County-City Building
227 W. Jefferson Blvd. 1400S
South Bend, IN 46601
(574) 235-7627

August 2, 2022

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

Re: Bill# 31-22: The petition of NEAR NORTHWEST NEIGHBORHOOD INC seeking a Special Exception for Dwelling, 2 Units in the U1 Urban Neighborhood 1 for property located at 914 SHERMAN AVE

Dear Council Members:

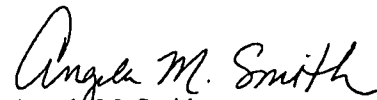
I hereby Certify that the above referenced petition of NEAR NORTHWEST NEIGHBORHOOD INC was legally advertised on July 23, 2022 and that the South Bend Board of Zoning Appeals at its public hearing on August 1, 2022 took the following action:

Upon a motion by Kyle Copelin, being seconded by Caitlin Stevens and unanimously carried, a petition by NEAR NORTHWEST NEIGHBORHOOD INC seeking a Special Exception for Dwelling, 2 Units for property located at 914 SHERMAN AVE, 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: NEAR NORTHWEST NEIGHBORHOOD INC
Bob Palmer
Building Department

August 1, 2022

Filed In Clerk's Office

Property Information

Location: 914 SHERMAN AVE

Owner: NEAR NORTHWEST NEIGHBORHOOD INC

AUG 03 2022

DAWN M. JONES

CITY CLERK, SOUTH BEND, IN

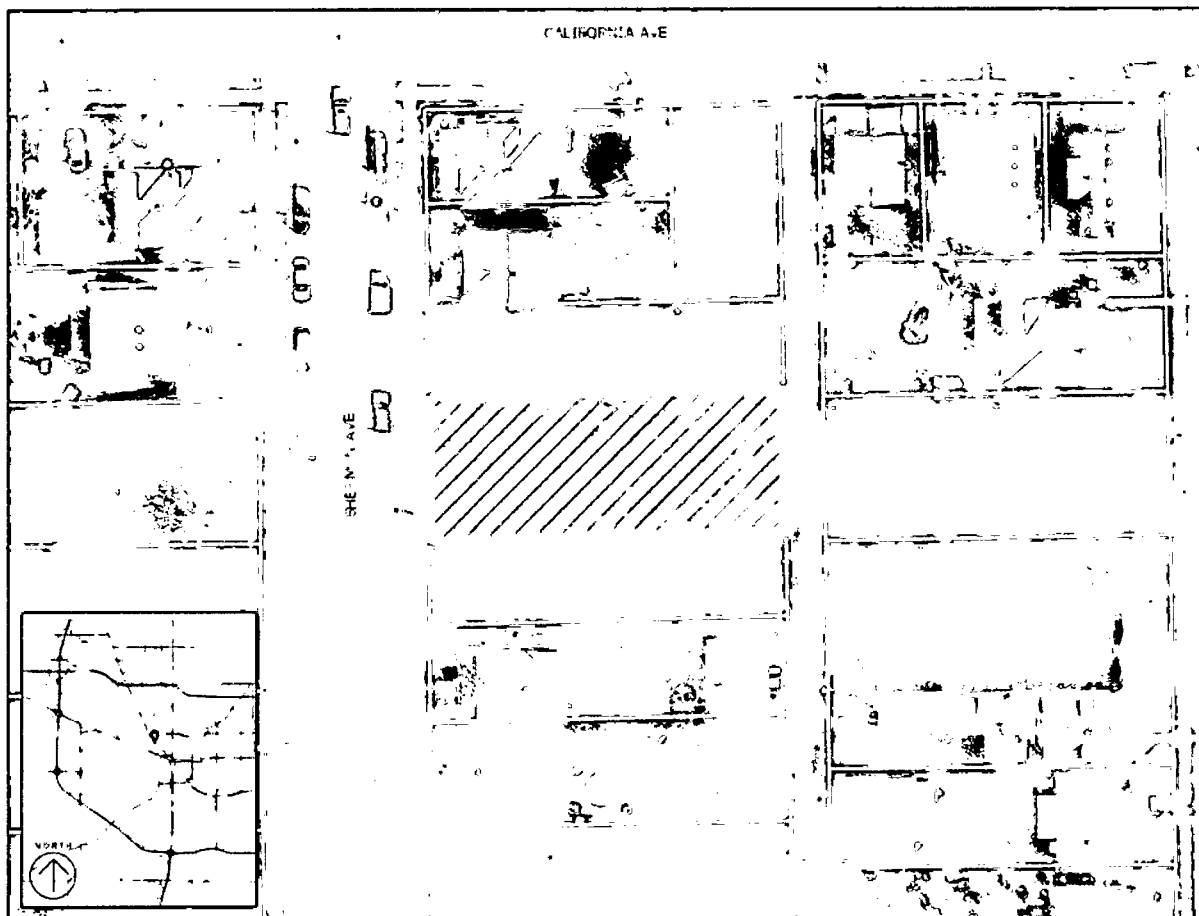
Project Summary

A proposal for development of new construction of a side-by-side duplex as part of a new infill development in the near northwest neighborhood.

Requested Action

Special Exception: Dwelling, 2 Units

Site Location



Staff Recommendation

Based on the information provided prior to the public hearing, the staff recommends the Board send the petition to the Common Council with a favorable recommendation as presented.

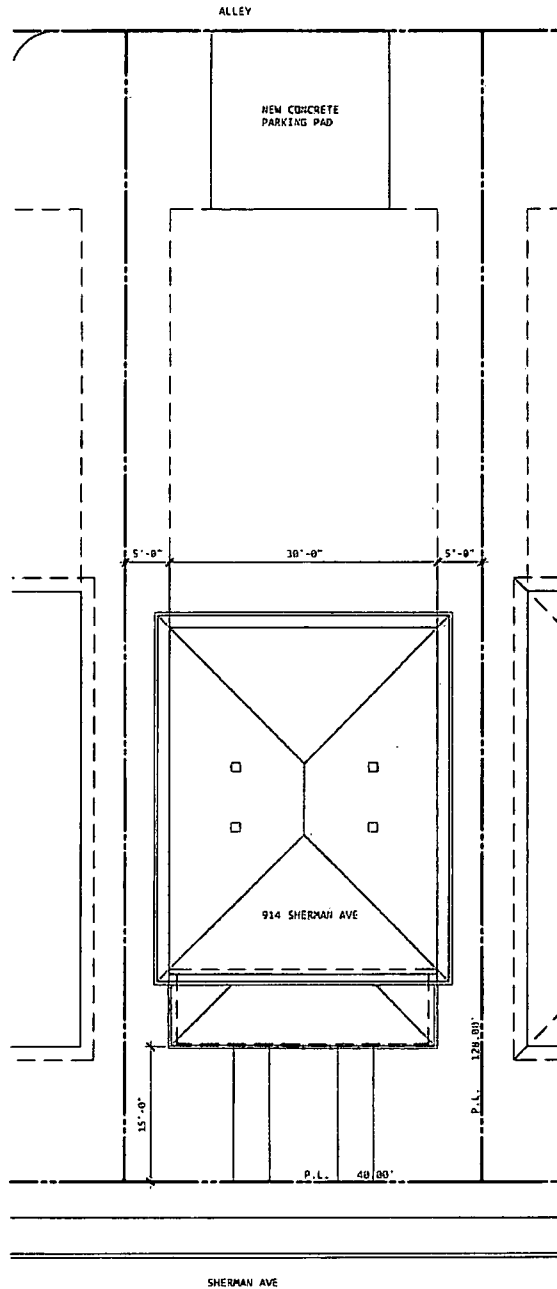
AUG 03 2022

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

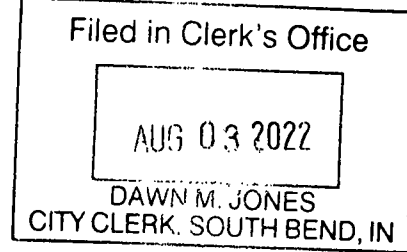
August 1, 2022

Staff Report – BZA#0121-22

Proposed Site Plan



SITE PLAN - 914 SHERMAN DUPLEX



August 1, 2022

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;

Approval of the Special Exception should not be injurious to the public health, safety, morals and general welfare of the community. The scale of the proposed duplex is comparable to a single dwelling home and will still be a residential use. Reactivating a vacant lot will provide more residents to the neighborhood which will increase safety and the general welfare of the community.

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

Adding a duplex on a currently vacant lot should not injure or adversely affect the use or value of the adjacent properties. The addition of the duplex will further the work being done in the neighborhood to provide more residential opportunities. New construction that fits the scale of the current residential properties should strengthen nearby property values.

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

The current context of the neighborhood provides a mix of single family homes, duplexes and small commercial properties along Portage Ave. This duplex will be consistent with the character of the district and neighborhood in both uses and style of construction.

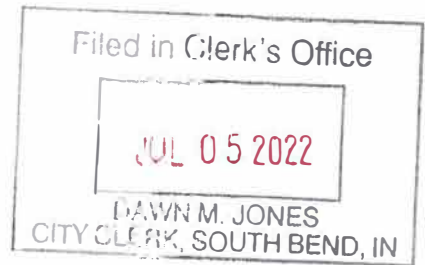
(4) The proposed use is compatible with the recommendations of the Comprehensive Plan.

The Comprehensive Plan recommends "Encourage residential developments to contain a mix of housing types, densities, price ranges, and amenities. (Policy H1.1) This proposed duplex is in line with the recommendation from the Comprehensive Plan by helping establish a mix of housing types.

Analysis & Recommendation

Analysis: The proposed construction of a two-unit dwelling will further complement the wide range of development occurring in the Near Northwest Neighborhood (NNN). The proposed duplex will compliment the surrounding neighborhood efforts by reactivating a vacant lot.

Staff Recommendation: Based on the information provided prior to the public hearing, the staff recommends the Board send the petition to the Common Council with a favorable recommendation as presented.



City of South Bend BOARD OF ZONING APPEALS

July 6, 2022

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

RE: Special Exception Use at 316 N Olive St.

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 **July 11, 2022**, Council meeting and set it for public hearing at your **August 8, 2022**, Council meeting. The petition is tentatively scheduled for public hearing at the August 1, 2022, South Bend Board of Zoning Appeals meeting. The staff report and recommendation of the South Bend Board of Zoning Appeals will be forwarded to the Office of the City Clerk by noon on the Wednesday following the public hearing.

The petitioner provided the following to describe the proposed project:
To allow for an autobody shop.

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.

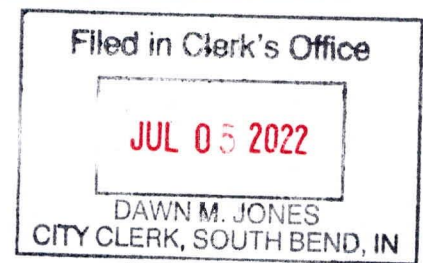
If you have any questions, please feel free to contact our office.

Sincerely,

A handwritten signature in black ink that reads "Rachel Boyles".

Rachel Boyles
Zoning Specialist

CC: Bob Palmer



BILL NO. 32-22
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 316 N. OLIVE ST. COUNCILMANIC
DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA**

STATEMENT OF PURPOSE AND INTENT

Request a Special Exception to allow for the property to operate an automotive repair shop

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:

316 N. Olive St. 71-08-03-455-001.000-026

In order to permit Vehicle Service, Minor

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 _____, 2022, at _____ o'clock ____ . m.

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

Approved and signed by me on the _____ day of _____, 2022, at ____ o'clock ____ .m.

James Mueller, Mayor
City of South Bend, Indiana

Deadline July 5, 2022
City of South Bend
BOARD OF ZONING APPEALS

JUL 05 2022

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

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

Petition for Variance - Special Exception

Property Information

Tax Key Number: 018-2025-0770

Address: 316 N Olive St. 46628

Owner: Amancio Rodriguez

Zoning: Choose the current district J

Project Summary:

I want to start an autobody shop

Requested Action

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

Use requested: _____

☐ 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

Filed in Clerk's Office

JUL 05 2022

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

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 be working inside and the property will be kept clean and safe.

(2) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein, because: we will follow all the rules and we will maintain the property to make the area look nicer.

(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: we will maintain the character of the district and make sure it looks better

(4) The proposed use is compatible with the recommendations of the Comprehensive Plan, because: There are other Automotive businesses in the area and we will follow all the rules and recommendations that the city gives to us

JUL 05 2022

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN**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: we will be working inside the building and follow all the rules to keep the public safe.
- (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: The property will be kept clean and make the area look nicer.
- (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:

JUL 05 2022

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN**Contact Information****Property owner(s) of the petition site:**Name: Amancio RodriguezAddress: _____

Name: _____

Address: _____

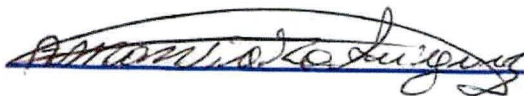
Name: _____

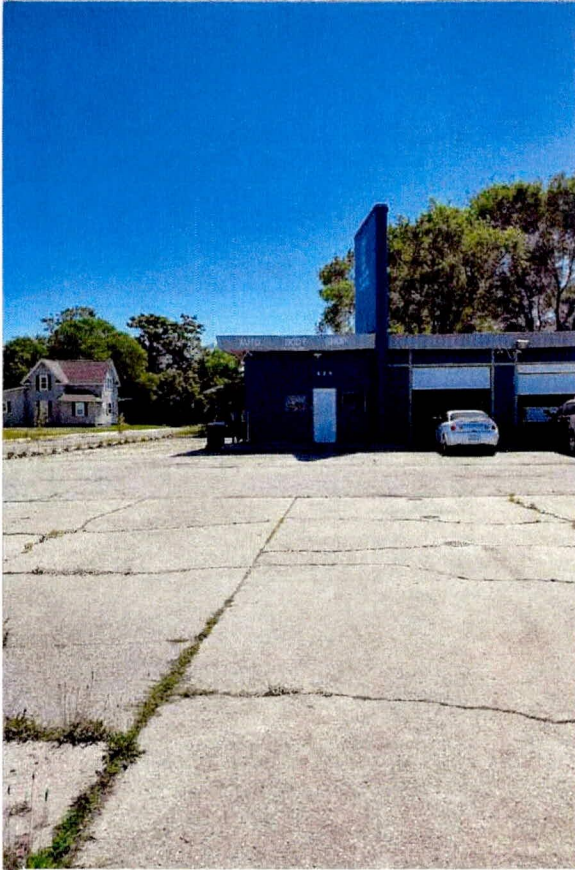
Address: _____
_____**Contact Person:**Name: Amancio RodriguezAddress: 919 East Dubail Ave, South Bend IN
46613Phone Number: (574) 540-1305E-mail: jetselejechrodriguez5@gmail.com

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

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

Property Owner (s) Signatures:

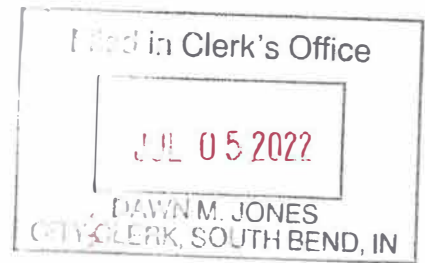




Filed in Clerk's Office

JUL 05 2022

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN



City of South Bend
BOARD OF ZONING APPEALS

July 6, 2022

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

RE: Special Exception Use at 1908 E Calvert St.

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 **July 11, 2022**, Council meeting and set it for public hearing at your **August 8, 2022**, Council meeting. The petition is tentatively scheduled for public hearing at the August 1, 2022, South Bend Board of Zoning Appeals meeting. The staff report and recommendation of the South Bend Board of Zoning Appeals will be forwarded to the Office of the City Clerk by noon on the Wednesday following the public hearing.

The petitioner provided the following to describe the proposed project:
A Special Exception to allow for a duplex.

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.

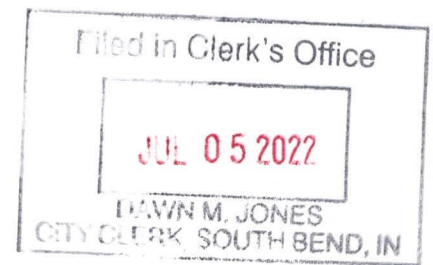
Sincerely,

A handwritten signature in black ink that reads "Rachel Boyles".

Rachel Boyles
Zoning Specialist

CC: Bob Palmer

BILL NO. 33-22
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 1908 E CALVERT ST.
COUNCILMANIC DISTRICT NO. 3 IN THE CITY OF SOUTH BEND, INDIANA**

STATEMENT OF PURPOSE AND INTENT

Request a Special Exception to allow for the use of a duplex.

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:

1908 E Calvert St. 71-09-18-477-002.000-026

In order to permit Dwelling, 2 Unit

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:

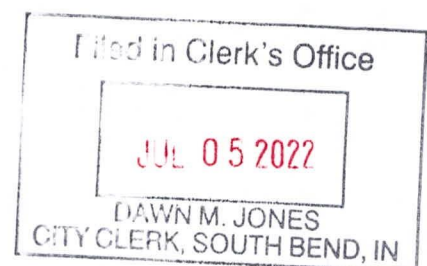
Dawn M. Jones, City Clerk
Office of the City Clerk

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 _____, 2022, at _____ o'clock ____ . m.

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

Approved and signed by me on the _____ day of _____, 2022, at ____ o'clock ____ .m.

James Mueller, Mayor
City of South Bend, Indiana



City of South Bend
BOARD OF ZONING APPEALS

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

Petition for Variance - Special Exception

Property Information

018-7105-3763

Tax Key Number: 71-09-18-477-002.000-026
Address: 1908 E Calvert St South Bend 46613
Owner: Susan Mwangi & Andrew Mwangi
Zoning: Choose the current district District U1

Project Summary:

1908 E Calvert St South Bend 46613
Two family dwelling consideration, not a single family dwelling

Requested Action

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

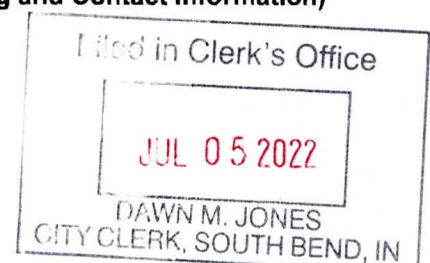
Use requested: _____

☐ 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



JUL 05 2022

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

Criteria for Decision Making

Special Exception - If applicable

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

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

The home was already in use as a duplex when acquired.
This is the reason we purchased the home.

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

The home/property stands on its own yard separated from neighbours. It has its own parking and does not affect use of adjacent areas or property values.

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

The home meets city zoning requirements and has been a duplex in this district with 2 gas meters and 2 electric meters before acquisition.

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

The proposed use is compatible, adheres to the required zoning and building codes. Homeowners are going through proper procedures to obtain permits from the City of South Bend and employ labor from licensed contractors.

JUL 05 2022

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN**Contact Information****Property owner(s) of the petition site:**

Name: Susan Mwangi
Address: 3619 Langley Dr
South Bend IN 46614

Name: Andrew Mwangi
Address: 3619 Langley Dr
South Bend IN 46614

Name: _____
Address: _____

Contact Person:

Name: Andrew Mwangi
Address: 3619 Langley Dr
South Bend IN 46614
Phone Number: 574 339 7768
E-mail: nwangiandrew@outlook.com

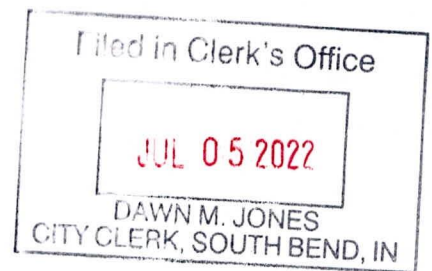
By signing this petition, the Petitioner/Property Owners of the above described Real Estate acknowledge they are responsible for understanding and complying with the South Bend Zoning Ordinance and any other ordinance governing the property. Failure of staff to notify the petitioner of a requirement 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:

Susan MwangiSMwangiAndrew MwangiAK Afri

Susan Mwangi & Andrew Mwangi
Homeowners
3619 Langley Dr
South Bend IN 46614
mwangiandrew@outlook.com



City of South Bend
Board of Zoning Appeals
227 W. Jefferson Ste 1400S
South Bend IN 46601

Petition for Special Exception: 1908 E Calvert St South Bend

We are requesting an exception at 1908 E Calvert St South Bend residence zoning change from single family to two family dwelling. At the time of purchase in March 2019 the home was listed in MLS as a duplex, it was already in use as a duplex, it already had split utilities with two NIPSCO meters and two AEP electric meters. AEP currently sends separate electric bills for each unit.

The two story property had two units. The upstairs had its own separate entrance served by an exterior stairwell featuring a living room, a kitchen, 2 bedrooms and a bathroom. The downstairs unit had its own 2 separate entrances and featured a living room, a kitchen, 2 bedrooms and a bathroom. The St. Joseph County Assessor's currently has the property recorded as a residential two (2) family dwelling as of the date of this letter.

We are in the process of making cosmetic upgrades following the city codes and zoning requirements. We have followed protocol and had licensed contractor labor and city inspectors visit the home to clear and approve the upgrades. This is a reapplication request to the zoning board. At the time of the first application request our general contractor was in charge. We were unaware of the requirement to be present at the meeting in person. The general contractor in place assisting us with the application indicated the proposition was brought forth at the zoning board and was approved. It's unfortunate we were misinformed, but as the homeowners we do plan to attend the series of meetings as requested and see a successful conclusion to this matter.

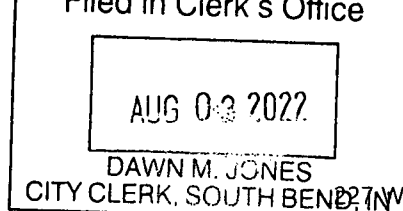
Thank you for your attention and consideration.

Sincerely

A handwritten signature in black ink, appearing to be "SM" or similar initials, followed by a flourish.

Susan Mwangi & Andrew Mwangi
Homeowners
1908 e Calvert St, South Bend IN

City of South Bend BOARD OF ZONING APPEALS



County-City Building
Jefferson Blvd. 1400S
South Bend, IN 46601
(574) 235-7627

August 2, 2022

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

Re: Bill# 33-22: The petition of SUSAN MWANGI UND 1/2 INT AND ANDREW MWANGI UND 1/2 INT seeking a Special Exception for Dwelling, 2 units in the U1 Urban Neighborhood 1 for property located at 1908 CALVERT ST

Dear Council Members:

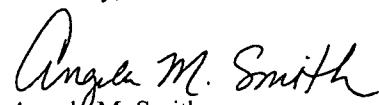
I hereby Certify that the above referenced petition of SUSAN MWANGI UND 1/2 INT AND ANDREW MWANGI UND 1/2 INT was legally advertised on July 22, 2022 and that the South Bend Board of Zoning Appeals at its public hearing on August 1, 2022 took the following action:

Upon a motion by Kyle Copelin, being seconded by Mark Burrell and unanimously carried, a petition by SUSAN MWANGI UND 1/2 INT AND ANDREW MWANGI UND 1/2 INT seeking a Special Exception for Dwelling, 2 units for property located at 1908 CALVERT ST, 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: SUSAN MWANGI UND 1/2 INT AND ANDREW MWANGI UND 1/2 INT
Bob Palmer
Building Department

Staff Report – BZA#0125-22

August 1, 2022

Property Information

Location: 1908 CALVERT ST
Owner: SUSAN MWANGI UND 1/2 INT AND ANDREW MWANGI UND 1/2 INT

Project Summary

A Special Exception to allow a two family dwelling

Requested Action

Special Exception: Dwelling, 2 units

Site Location

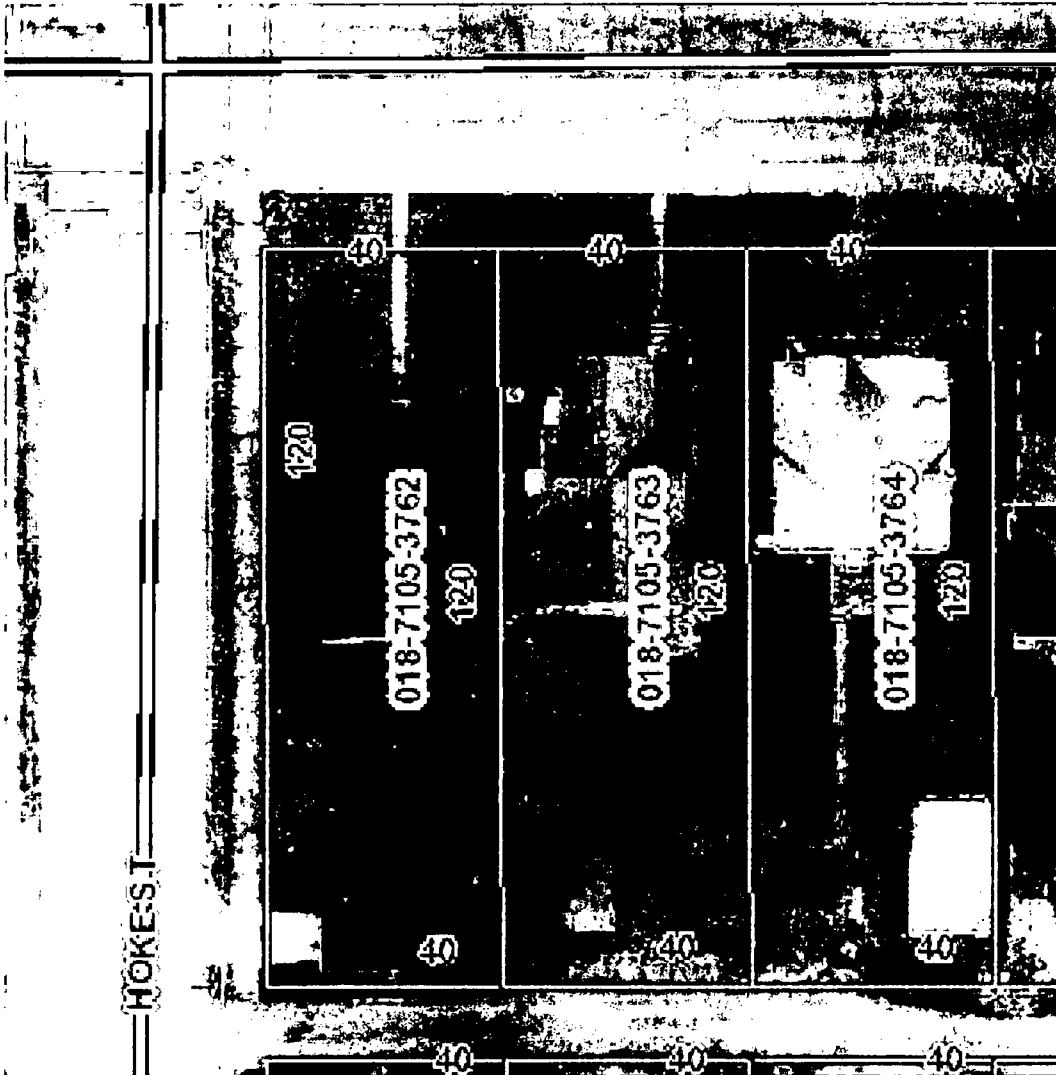


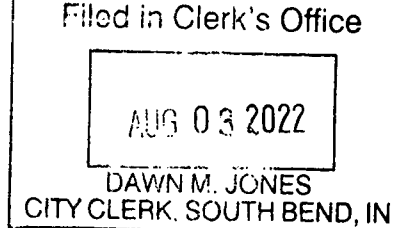
Staff Recommendation

Based on the information provided prior to the public hearing, the staff recommends the Board send the petition to the Common Council with a favorable recommendation as presented.

Staff Report – BZA#0125-22

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 morals or general welfare of the community. The general welfare and stability of the community could benefit from the increased variety of housing types and reactivating a currently vacant building will add more residents which can increase the safety of the community as well.

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

Adding an additional unit to an existing residential dwelling should not injure or adversely affect the use or value of the adjacent area or property values, provided the current residential character is maintained. Renovation of the building should strengthen nearby property values and prevent the building from being demolished. The proposed site plan shows no changes to the exterior of the building, preserving the single unit appearance.

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

This two unit dwelling will be consistent with the character of the district and neighborhood in both use and style of construction.

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

The petition is consistent with the City Plan, South Bend Comprehensive Plan (2006) Objective H1.1: Encourage residential developments to contain a mix of housing types, densities, price ranges, and amenities.

Analysis & Recommendation

Analysis: The proposed construction of a two unit dwelling will further compliment the existing housing stock in the surrounding area, as well as providing more diverse housing types for residents. The conversion and rehab of a currently vacant one unit dwelling to a two unit dwelling will be visually indistinguishable from nearby one unit dwellings. The petitioner is proposing no significant changes to the exterior of the building, leaving the option to revert back to a single unit dwelling in the future.

Staff Recommendation: Based on the information provided prior to the public hearing, the staff recommends the Board send the petition to the Common Council with a favorable recommendation as presented.

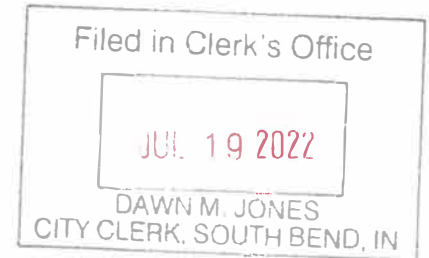


CITY OF SOUTH BEND, IN JAMES MUELLER, MAYOR

DEPARTMENT OF ADMINISTRATION AND FINANCE

July 19, 2022

Ms. Sharon McBride, President
City of South Bend Common Council
227 W. Jefferson Boulevard, 4th Floor
South Bend, Indiana 46601



RE: ARP Revenue Replacement Appropriation Ordinance

Dear President McBride,

Signed into law on March 11, 2021, the American Rescue Plan Act of 2021 is a \$1.9 trillion economic stimulus bill designed to facilitate recovery from the economic and health effects of the COVID-19 pandemic and the resulting recession. The City of South Bend was one of almost 1,200 Metropolitan Cities across the country that received a direct infusion of resources as a result of this Act. The City's allocation totaled \$58,910,047.

Part of the City's plan to effectively utilize the American Rescue Plan funding is to increase flexibility in the use of funds by taking advantage of an allowable use of the funds-revenue replacement. In accordance with Department of Treasury guidance, the City calculated losses in revenue presumed to have been due to COVID on an entity-wide basis. We found that the City of South Bend suffered a \$26.1 million reduction in revenue in 2020 and a \$29.3 million reduction in revenue in 2021 as a result of the COVID-19 pandemic, for a total revenue reduction of \$55.4 million.

The attached ordinance requests an appropriation for a portion of the calculated revenue loss to replace the lost revenue on governmental programs in the General Fund. Should Council approve this appropriation, the total amount of the appropriation (\$46 million) would immediately fulfill the Treasury's requirements for ARP dollars. This will allow the City to continue to invest in neighborhood infrastructure, workforce development, and many other priorities in accordance with the ARP plan approved by Council during the 2022 budget process. The approval of this appropriation in no way changes the planned uses of resources or removes Council's important oversight role of these ARP funds.

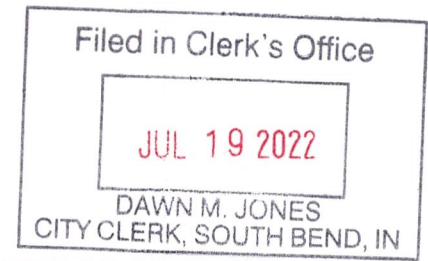
I will present this bill to the Common Council at the appropriate committee and Council meetings. It is requested that this bill be filed for 1st reading on July 25, 2022, with 2nd reading, public hearing and 3rd reading scheduled for August 8, 2022. Thank you for your attention to this request. If you should have any questions, please feel to contact me at 574-235-9822.

Regards,

Daniel T. Parker
City Controller

BILL NO. 37-22

ORDINANCE NO.



**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, APPROPRIATING ADDITIONAL FUNDS OF \$46,080,405 FROM THE
AMERICAN RESCUE PLAN FUND (#263).**

STATEMENT OF PURPOSE AND INTENT

The Common Council passed the City's 2022 operating and capital budgets via Ordinance #10814-21, passed on October 11, 2021, which included expenditures for various City operations. It is now necessary to appropriate additional funds for the purpose of satisfying the revenue replacement provisions of the American Rescue Plan Act.

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

Section I. The following amounts are hereby appropriated in fiscal year 2022 and set apart within the following designated funds for expenditures as follows:

FUND	<u>Amount</u>
American Rescue Plan Fund (#263)	<u>\$ 46,080,405</u>
TOTAL	<u>\$ 46,080,405</u>

Section II. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval of the Mayor.

Sharon McBride, Council President
South Bend Common Council

Attest:

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

Presented by me to the Mayor of the City of South Bend, Indiana, on the _____ day of _____, 2022 at _____ o'clock ____ . m.

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

Approved and signed by me on the _____ day of _____, 2022 at _____
o'clock ____ . m.

James Mueller, Mayor
City of South Bend, Indiana