



# OFFICE OF THE CITY CLERK

## BIANCA L. TIRADO, CITY CLERK

### MEMORANDUM

**TO:** MEMBERS OF THE COMMON COUNCIL  
**FROM:** BIANCA L. TIRADO, CITY CLERK  
**DATE:** THURSDAY, APRIL 9, 2026  
**SUBJECT:** COMMITTEE MEETING NOTICE

The following Common Council Committee Meetings have been scheduled for **Monday, April 13, 2026:**

Council Chambers  
3<sup>rd</sup> Floor City Hall  
215 S. Dr. Martin Luther King Jr. Blvd.  
South Bend, IN 46601

The Council Chambers will be Open to the Public. Members of the Public may Attend this Meeting Virtually via Microsoft Teams Meeting app here: <https://tinyurl.com/041326CC>

**5:00 P.M.**      **COMMUNITY INVESTMENT**      **CHAIRPERSON, WARNER**  
1. [Bill No. 26-11](#) - Designating Resolution - Real Property Tax Abatement for Wharf Partners LLC

**5:15 P.M.**      **ZONING & ANNEXATION**      **CHAIRPERSON, DR. DAVIS**  
1. [Bill No. 14-26](#) - Special Exception at 915 Harrison Avenue  
2. [Bill No. 15-26](#) - Special Exception at 1245 East Madison Street  
3. [Bill No. 16-26](#) - Special Exception at 1010 Fuerbringer Street  
4. [Bill No. 17-26](#) - Special Exception at 812 Oak Street  
5. [Bill No. 18-26](#) - Special Exception at 1249 Corby Boulevard

Council President Canneth Lee has called an **Informal Meeting** of the Council which will commence immediately after the adjournment of the Zoning & Annexation Committee Meeting.

**INFORMAL MEETING OF THE COMMON COUNCIL**      **PRESIDENT, C. LEE**  
1. Discussion of Council Agenda  
2. Update and Announcements  
3. Adjournment

INTEGRITY | SERVICE | ACCESSIBILITY

Jasmine Jackson  
CHIEF DEPUTY CITY CLERK / CHIEF OF STAFF

Matthew Neal  
DEPUTY CITY CLERK / DIRECTOR OF POLICY

Veronica Pitt-Payne  
DIRECTOR OF SPECIAL PROJECTS

EXCELLENCE | ACCOUNTABILITY | INNOVATION | INCLUSION | EMPOWERMENT

300 City Hall | 215 S. Martin Luther King, Jr. Blvd. | South Bend, Indiana 46601 | p. 574.235.9221 | f. 574.235.9173 | [www.southbend.in.gov](http://www.southbend.in.gov)



cc: Mayor James Mueller  
Committee Meeting List  
Media

**NOTICE FOR VIRTUAL ATTENDEES**

Virtual attendees wishing to speak during the public portion of the meeting must activate their camera, displaying the speaker, to be recognized by the Chair.

**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**

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### **MEETING AGENDA**

Monday, April 13, 2026

7:00 P.M.

The South Bend Common Council meeting will be open to the public at the Council Chambers on the 3<sup>rd</sup> floor of the South Bend City Hall, 215 South Dr. Martin Luther King Jr. 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/SBCC041326>

1. **INVOCATION**

CHUCK ZOOK – SUMMIT CHURCH

2. **PLEDGE TO THE FLAG**

3. **ROLL CALL**

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

MARCH 23, 2026

5. **SPECIAL BUSINESS**

6. **REPORTS FROM CITY OFFICES**

PUBLIC WORKS - UPDATE

7. **COMMITTEE OF THE WHOLE**

**TIME:** \_\_\_\_\_

BILL NO.

14-26 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 915 HARRISON AVENUE COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

[15-26](#) 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 1245 EAST MADISON STREET COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

[16-26](#) 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 1010 FUERBRINGER STREET COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

[17-26](#) 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 812 OAK STREET COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

[18-26](#) 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 1249 CORBY BOULEVARD COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

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

**TIME:** \_\_\_\_\_

[14-26](#) THIRD READING 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 915 HARRISON AVENUE COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

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9. **RESOLUTIONS**

BILL NO.

[26-11](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 312-318 EAST COLFAX AVENUE, SOUTH BEND, INDIANA 46617 AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A SIX-YEAR (6) REAL PROPERTY TAX ABATEMENT FOR WHARF PARTNERS LLC

10. **BILLS ON FIRST READING**

BILL NO.

[19-26](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT THE UNADDRESSED PARCELS AT SOUTHERN TERMINUS OF GLEN AND DOROTHY STREET (PARCEL IDs: 018-8154-5549, 018-8154-5550, 018-8154-5563, 018-8154-5556) COUNCILMANIC DISTRICT NO. 6 IN THE CITY OF SOUTH BEND, INDIANA

[20-26](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, TO VACATE THE FOLLOWING DESCRIBED PROPERTY: WESTERN ½ OF THE UNIMPROVED NORTH/SOUTH RIGHT-OF-WAY NORTH OF CALVERT AND IMMEDIATELY EAST OF 2801 WEST CALVERT

[21-26](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTERS 3, 4, 6, 13, 14, AND 17 OF THE SOUTH BEND MUNICIPAL CODE TO ALIGN WITH ZONING CHAPTER 21

22-26 FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 21 OF THE SOUTH BEND MUNICIPAL CODE TO MAKE MISCELLANEOUS CHANGES FOR CLARIFICATION AND CONSISTENCY TO SIMPLIFY DEVELOPMENT PROCESS AND TO ACHIEVE HIGHER QUALITY DEVELOPMENT

11. UNFINISHED BUSINESS
12. NEW BUSINESS
13. PRIVILEGE OF THE FLOOR
14. ADJOURNMENT

TIME: \_\_\_\_\_

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

*In the interest of providing greater public access and to promote greater transparency, the South Bend Common Council agenda has been translated into Spanish. All agendas are available online from the Council's website, and also in paper format in the Office of the City Clerk, 4<sup>th</sup> Floor County-City Building. Reasonable efforts have been taken to provide an accurate translation of the text of the agenda, however, the officiate is the English version. Any discrepancies which may be created in the translation are not binding. Such translations do not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the Common Council or the City of South Bend, Indiana.*



## 2026 COMMON COUNCIL STANDING COMMITTEES (Rev. 03-02-2026)

### 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.

Troy Warner, Chairperson  
Karen L. White, Vice-Chairperson  
Thomas Gryp, *Citizen Member*

Sherry Bolden-Simpson, Member  
Ophelia Gooden-Rodgers, Member  
Kevin Upton, *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.

Ophelia Gooden-Rodgers, Chairperson  
Karen L. White, Vice-Chairperson  
Alice Pickens, *Citizen Member*

Sheila Niezgodski, Member  
Sherry Bolden-Simpson, 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*.

Canneth Lee, Member  
Sheila Niezgodski, Member

Troy Warner, 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.

Rachel Tomas Morgan, Chairperson  
Troy Warner, Vice-Chairperson  
Sheila Niezgodski, Member  
Savino Rivera Jr., *Citizen Member*

Sharon McBride, Member  
Dr. Oliver Davis, Member  
Brittney Erp, *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  
Sherry Bolden-Simpson, Vice-Chairperson  
Maria Gibbs, *Citizen Member*

Sharon McBride, Member  
Dr. Oliver Davis, Member  
Joshua Walters, *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.



Sharon L. McBride, Chairperson  
Karen L. White, Vice- Chairperson  
Aaron Nichols, *Citizen Member*

Ophelia Gooden-Rogers, Member  
Troy Warner, Member  
Frances Schmuhl, *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  
Karen L. White, Vice-Chairperson  
Caz Margenau, *Citizen Member*

Ophelia Gooden-Rodgers, Member  
Rachel Tomas Morgan, 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.

Ophelia Gooden-Rodgers, Chairperson  
Sheila Niezgodski, Vice-Chairperson  
Abel Gonzalez, *Citizen Member*

Dr. Oliver Davis, Member  
Troy Warner, Member

#### **RESIDENTIAL NEIGHBORHOODS COMMITTEE**

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

Karen L. White, Chairperson  
Sheila Niezgodski, Vice-Chairperson  
Sherry Bolden-Simpson  
Jessie Whitaker, *Citizen Member*

Ophelia Gooden-Rodgers, Member  
Sharon McBride, Member  
Angela Smith, *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.

Sherry Bolden-Simpson, Chairperson  
Rachel Tomas Morgan, Vice-Chairperson  
Dr. Oliver Davis, Member  
Joseph Mayer, *Citizen Member*

Sheila Niezgodski, Member  
Ophelia Gooden-Rodgers, Member  
Sharon McBride, Member  
Doris McEwen, *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.

Dr. Oliver Davis, Chairperson  
Rachel Tomas Morgan, Vice-Chairperson  
Danny Koontz, *Citizen Member*

Troy Warner, Member  
Karen L. White, Member  
Stacey Odom, *Citizen Member*

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#### **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

Sherry Bolden-Simpson, Member



## 2026 COMMON COUNCIL STANDING COMMITTEES (Rev.03-02-2026)

### **CANNETH LEE, 1<sup>ST</sup> District Council Member**

#### **President**

Council Rules Committee, Member

### **OPHELIA GOODEN-RODGERS, 2<sup>ND</sup> District Council Member**

**Community Relations Committee, Chairperson**

**Public Works & Property Vacation Committee, Chairperson**

Community Investment Committee, Member

PARC Committee, Member

Personnel & Finance Committee, Member

Residential Neighborhoods Committee, Member

Utilities Committee, Member

### **SHARON L. MCBRIDE, 3<sup>RD</sup> District Council Member**

**PARC Committee, Chairperson**

Health & Public Safety Committee, Member

Information & Technology Committee, Member

Residential Neighborhoods Committee, Member

Utilities Committee, Member

### **TROY WARNER, 4<sup>TH</sup> District Council Member**

#### **Chairperson, Committee of the Whole**

**Community Investment Committee, Chairperson**

Council Rules Committee, Member

Health and Public Safety, Vice-Chairperson

PARC Committee, Member

Public Works & Property Vacation, Member

Sub-Committee on the Minutes, Member

Zoning & Annexation Committee, Member

### **SHERRY BOLDEN-SIMPSON, 5<sup>TH</sup> District Council Member**

**Utilities Committee, Chairperson**

Community Relations Committee, Member

Information & Technology, Vice-Chairperson

Community Investment Committee, Member

Residential Neighborhoods Committee, Member

Sub-Committee on Minutes, Member

### **SHEILA NIEZGODSKI, 6<sup>TH</sup> District Council Member**

#### **Vice-President**

**Personnel & Finance Committee, Chairperson**

Community Relations Committee, Member

Council Rules Committee, Member

Health & Public Safety Committee, Member

Public Works & Property Vacation, Vice-Chairperson

Utilities Committee, Member

Residential Neighborhoods Committee, Vice-Chairperson

### **DR. OLIVER DAVIS, AT LARGE Council Member**

**Zoning & Annexation Committee, Chairperson**

Health & Public Safety Committee, Member

Information & Technology Committee, Member

Utilities Committee, Member

Public Works & Property Vacation Committee, Member

### **RACHEL TOMAS MORGAN, AT LARGE Council Member**

**Health & Public Safety Committee, Chairperson**

Personnel & Finance Committee, Member

**Information & Technology Committee, Chairperson**

Utilities, Vice-Chairperson

Zoning & Annexation Committee, Vice-Chairperson

### **KAREN L. WHITE, AT LARGE Council Member**

**Residential Neighborhoods Committee, Chairperson**

Community Relations Committee, Vice-Chairperson

Community Investment Committee, Vice-Chairperson

PARC Committee, Vice-Chairperson

Personnel & Finance Committee, Vice-Chairperson

Zoning & Annexation Committee, Member



14-26

# City of South Bend

## BOARD OF ZONING APPEALS

March 10, 2026

Honorable Dr. Oliver Davis  
3rd Floor, City Hall  
South Bend, IN 46601

Filed in Clerk's Office

Mar 11, 2026

Bianca Tirado  
City Clerk, South Bend, IN

RE: Special Exception at 915 Harrison Avenue

Dear Committee Chair Dr. Davis:

Enclosed is an Ordinance for the proposed Special Exception at the above-mentioned location. Please include the attached Ordinance on the Council agenda for **first reading** at your **March 23, 2026**, Council meeting and set it for public hearing at your **April 13, 2026**, Council meeting. The petition is tentatively scheduled for public hearing at the April 6, 2026, 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 the use of 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,



Brian Killen  
Zoning Administrator

CC: Bob Palmer

Mar 11, 2026

Bianca Tirado  
City Clerk, South Bend, IN

**BILL NO. 14-26**

**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 915 HARRISON AVENUE  
COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA**

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**STATEMENT OF PURPOSE AND INTENT**

**Request a Special Exception to allow a two-unit dwelling**

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**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:

915 Harrison Avenue

In order to permit a two-unit dwelling.

**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.

\_\_\_\_\_  
Canneth J. Lee, Council President  
South Bend Common Council

Attest:

\_\_\_\_\_  
Bianca L. Tirado, 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 \_\_\_\_\_, 2026, at \_\_\_\_\_ o'clock .m.

\_\_\_\_\_  
Bianca L. Tirado, City Clerk  
Office of the City Clerk

Approved and signed by me on the \_\_\_\_ day of \_\_\_\_\_, 2026, at \_\_\_\_ o'clock  
\_\_\_\_.m.

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

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

215 S Dr. Martin Luther King Jr Blvd - Suite  
500, South Bend, IN 46601  
zoning@southbendin.gov

**Petition for Variance - Special Exception**

**Property Information**

Tax Key Number: 018-1072-3037

#0402-26

Address: 915 Harrison Ave, South Bend, IN 46616

Owner: Near Northwest Neighborhood, Inc.

Zoning: U1 Urban Neighborhood 1



3/2/26

**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/ Use Variance – *complete and attach Criteria for Decision Making*  
Use requested: Dwelling - 2 Units
- Variance(s) - *List variances below, complete and attach Criteria for Decision Making*  
Variance(s) requested:

Filed in Clerk's Office

Mar 11, 2026

Bianca Tirado  
City Clerk, South Bend, IN

**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:**

**(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: 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:

Kathy Schuth  
Digitally signed by Kathy Schuth  
DN: cn=Kathy Schuth, o=Near Northwest  
Neighborhood, Inc., ou,  
email=nnndirector@nearnorthwest.org, c=US  
Date: 2026.01.30 18:01:24 -0500

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

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

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

City Hall  
215 S. Martin Luther King, Jr. Blvd.  
Suite 500  
South Bend, IN 46601  
(574) 235-7627

Filed in Clerk's Office

April 8, 2026

**Apr 8, 2026**

Common Council of South Bend  
3rd Floor Council Chambers  
South Bend, IN 46601

Bianca Tirado  
City Clerk, South Bend, IN

Re: 14-26: The petition of NEAR NORTHWEST NEIGHBORHOOD INC seeking a Special Exception for a Dwelling, 2 Units in U1 Urban Neighborhood 1 [21-03.03(c)] in the U1 Urban Neighborhood 1 for property located at 915 HARRISON AVE

Dear Council Members:

I hereby Certify that the above referenced petition of NEAR NORTHWEST NEIGHBORHOOD INC was legally advertised on March 27, 2026 and that the South Bend Board of Zoning Appeals at its public hearing on April 6, 2026 took the following action:

Upon a motion by Mark Burrell, being seconded by Kaine Kanczuzewski and unanimously carried, a petition by NEAR NORTHWEST NEIGHBORHOOD INC seeking a Special Exception for a Dwelling, 2 Units in U1 Urban Neighborhood 1 [21-03.03(c)] for property located at 915 HARRISON 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,



Brian Killen  
Zoning Administrator

Attachment

CC: Bob Palmer

---

**Property Information**

Location: 915 HARRISON AVE  
Owner: NEAR NORTHWEST NEIGHBORHOOD INC

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**Project Summary**

The petitioner seeks to build a new two unit dwelling.

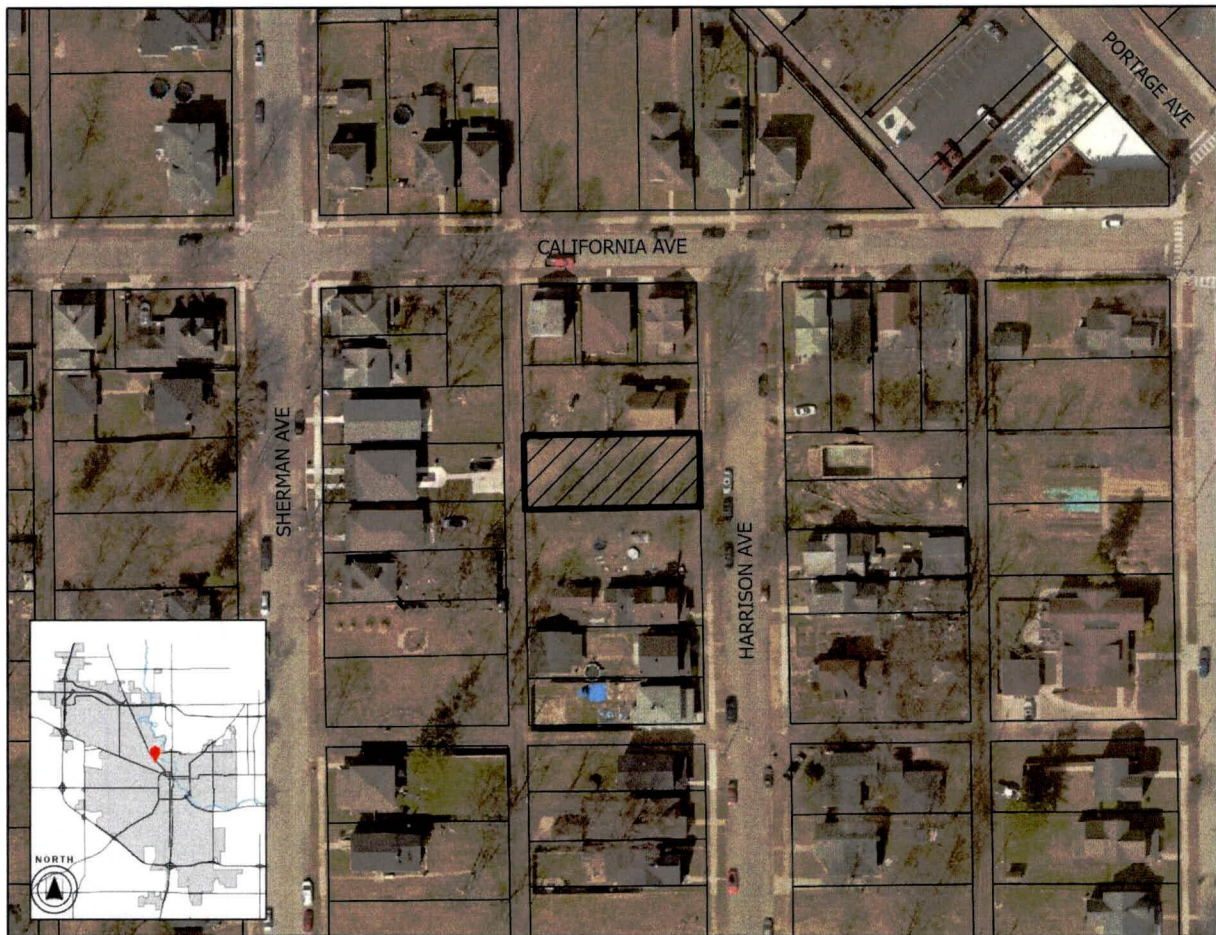
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**Requested Action**

Special Exception: a Dwelling, 2 Units in U1 Urban Neighborhood 1 [21-03.03(c)]

---

**Site Location**

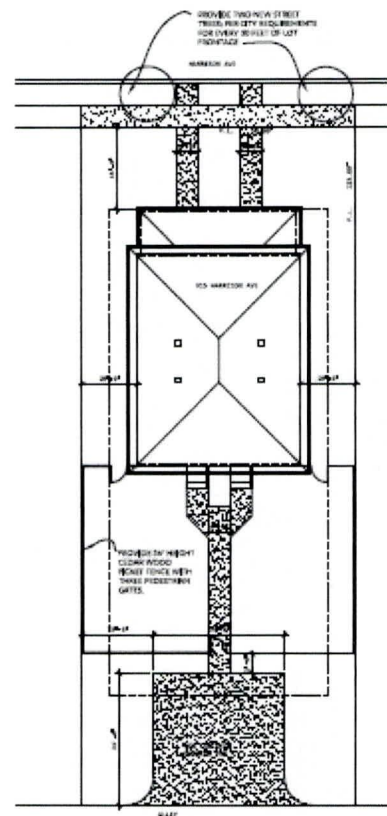


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**Staff Recommendation**

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.

Proposed Site Plan



## Criteria for Decision Making: Special Exception

**A Special Exception 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 this Special Exception should not be injurious to the public health, safety, morals, and general welfare of the community. The building shall be a newly constructed duplex on a vacant lot, which will provide more housing units in the neighborhood and help to 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;**

Building this two unit dwelling should not injure or adversely affect the uses or values of adjacent properties and the area around the building. As proposed, the building is consistent with the scale, character, and land use of the surrounding neighborhood, and will provide housing on a lot that is currently vacant, potentially raising 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;**

A two unit dwelling will complement the existing housing stock, match the scale and character of the neighborhood, and provide infill housing on a vacant lot.

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

The petition is consistent with Objective H1.1 from the city's comprehensive plan, which is to encourage residential developments that contain a mix of housing types, densities, price ranges, and amenities. It also aligns with the 2019 Near Northwest Neighborhood Plan, which identified this stretch of Harrison Avenue as a target area for development.

## Analysis & Recommendation

**Analysis:** The construction of a new duplex that is consistent with the scale and character of the surrounding neighborhood will provide additional housing units and fill in a lot that is currently vacant.

**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.



**15-26**

# City of South Bend

## **BOARD OF ZONING APPEALS**

March 10, 2026

Honorable Dr. Oliver Davis  
3rd Floor, City Hall  
South Bend, IN 46601

Filed in Clerk's Office

**Mar 11, 2026**

Bianca Tirado  
City Clerk, South Bend, IN

RE: Special Exception at 1245 E. Madison Street

Dear Committee Chair Dr. Davis:

Enclosed is an Ordinance for the proposed Special Exception at the above-mentioned location. Please include the attached Ordinance on the Council agenda for **first reading** at your **March 23, 2026**, Council meeting and set it for public hearing at your **April 13, 2026**, Council meeting. The petition is tentatively scheduled for public hearing at the April 6, 2026, 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 the use of 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,



Brian Killen  
Zoning Administrator

CC: Bob Palmer

Mar 11, 2026

Bianca Tirado  
City Clerk, South Bend, IN

**BILL NO. 15-26**

**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 1245 E. MADISON STREET  
COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA**

---

**STATEMENT OF PURPOSE AND INTENT**

**Request a Special Exception to allow a two-unit dwelling**

---

**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:

1245 E. Madison Street

In order to permit a two-unit dwelling.

**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.

---

Canneth J. Lee, Council President  
South Bend Common Council

Attest:

---

Bianca L. Tirado, 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 \_\_\_\_\_, 2026, at \_\_\_\_\_ o'clock .m.

---

Bianca L. Tirado, City Clerk  
Office of the City Clerk

Approved and signed by me on the \_\_\_\_\_ day of \_\_\_\_\_, 2026, at \_\_\_\_ o'clock \_\_\_\_ .m.

---

James Mueller, Mayor  
City of South Bend, Indiana

**Petition for Variance - Special Exception**

**Property Information**

Tax Key Number: 71-09-06-360-015.000-026  
Address: 1245 E Madison  
Owner: Nathanael Sprunger  
Zoning: U2 Urban Neighborhood 2

Filed in Clerk's Office

**Mar 11, 2026**

Bianca Tirado  
City Clerk, South Bend, IN

**Project Summary:**

Construction of a duplex thoughtfully designed to resemble a larger single family home.

**Requested Action**

- Special Exception/ Use Variance – *complete and attach Criteria for Decision Making*  
Use requested: Dwelling- 2 Units
- Variance(s) - *List variances below, complete and attach Criteria for Decision Making*  
Variance(s) requested:

**PAID**  
3/4/26  
Per km

**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:**

This is simply a 2 unit dwelling

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

The dwelling will take the place of the existing inferior dwelling. As such, the surrounding properties will likely enjoy an increased property value.

**(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 dwelling will be constructed mostly to resemble a detached home.

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

This construction helps address the "missing middle" while still maintaining the character of the neighborhood.

**Contact Information**

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

Name: Nathanael Sprunger

Address: 1511 E Jefferson Blvd  
South Bend, IN 46617

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

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

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

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

**Contact Person:**

Name: Nathanael Sprunger

Address: 1511 E Jefferson Blvd  
South Bend, IN 46617

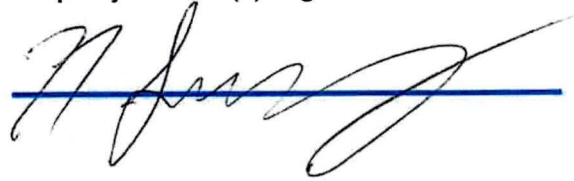
Phone Number: 574-242-2222

E-mail: Nathan.sprunger@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:



3/6/26

\_\_\_\_\_

\_\_\_\_\_

# Housing

A range of housing strategies will help ensure the Northeast Neighborhood is a successful, diverse, mixed-income area.

## Market Extremes

In parts of the Northeast Neighborhood, especially near the University of Notre Dame, affordable houses have been replaced with high-priced units. In some cases, this process has included the consolidation of residential lots for a single-family house, leading to fewer housing units. Other houses are used as second homes for out-of-town owners or exclusively for short-term rentals through platforms such as Airbnb or Vrbo. Together, these factors constrain the supply of housing in those areas and increase prices well beyond what most households would be able to afford.

Conversely, in other parts of the Northeast Neighborhood, most often in its southern and eastern portions, the cost of constructing or rehabilitating housing is greater than the appraised value of the property once it is completed. This financial gap is a barrier to the supply of quality, attainable housing.

Several tactics can be employed to encourage an adequate supply of housing at various price points.

- Multi-unit housing can usually be built and offered at a lower cost per unit than detached houses.
- A nonprofit community land trust, which would own the land and steward it for the community's benefit, could be established to ensure long term housing affordability.
- The short-term rental of houses not having a permanent occupant could be restricted.
- In stronger market areas, lot consolidations should be discouraged.
- In weaker market areas, pre-approved building plans for residential structures and grants to construct sewer laterals are among the potential ways to make new construction of attainable housing units possible.
- Additionally, housing providers, both for-profit and nonprofit, can use tax credits, government grants, and other financing tools to rehabilitate or build new housing units for lower-income households. Some of these affordable units could be dedicated specifically for senior housing.

## Missing Middle

A mix of housing types and price points can mean that housing is available for people of all household types and income levels. One way to support this mix is through "missing middle" housing. Missing middle housing is a range of house-scale buildings with multiple units — compatible in scale and form with detached single-family houses — located in a walkable neighborhood. This housing is called "missing" because zoning regulations had made it difficult or impossible to build over the last half-century and "middle" because it sits in the middle of a spectrum between detached single-family houses and mid-rise to high-rise apartment buildings, in terms of form, scale, number of units, and often, affordability.

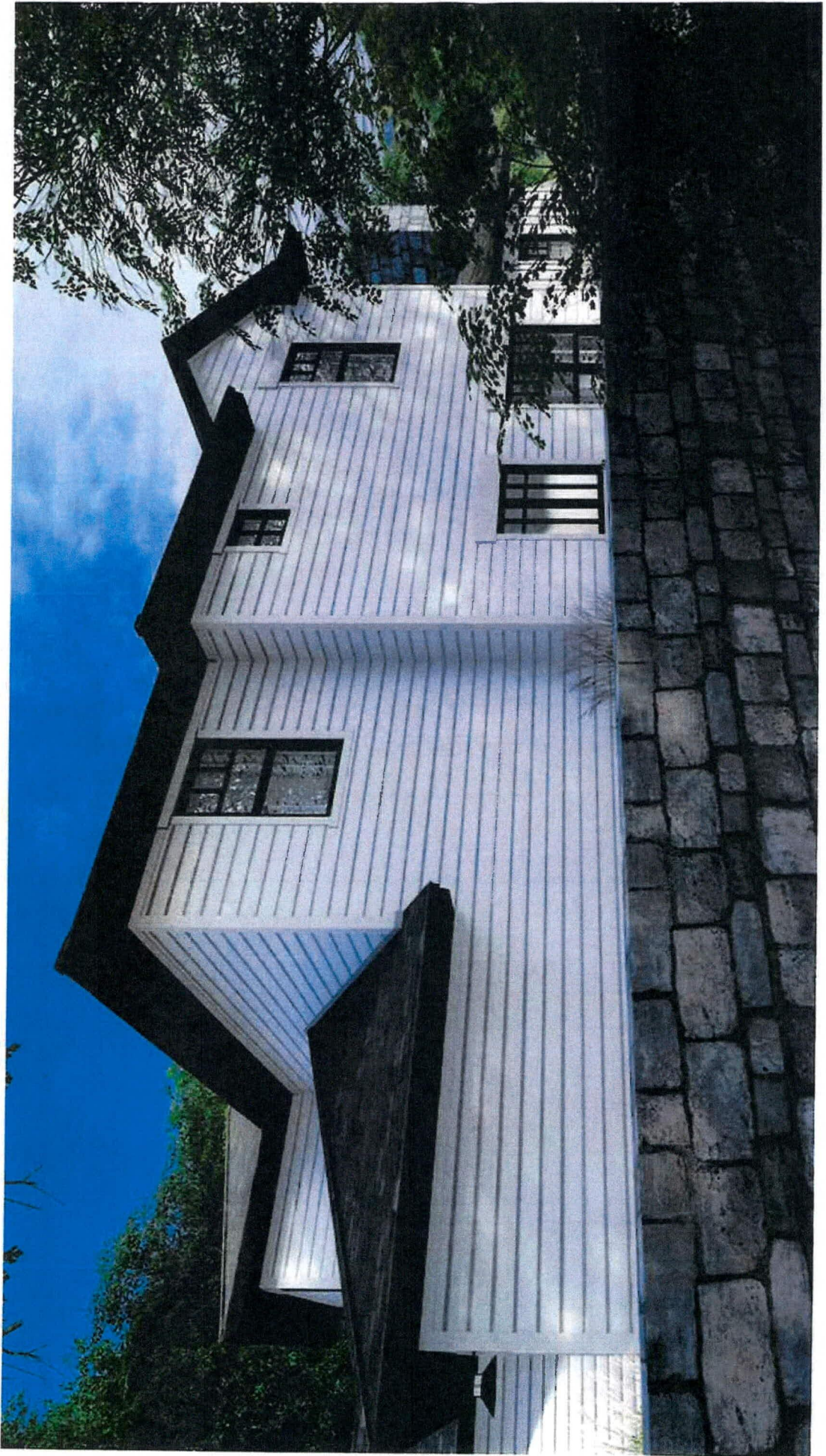
Often seen in South Bend in the form of duplexes, townhouses, and small apartment buildings, missing middle housing was part of the historic development of the city. Many of these types can still offer opportunities for ownership and for the amenities that can be found in detached houses or in large apartment buildings. The South Bend Zoning Ordinance has been reformed to promote missing middle housing, but changes to the zoning map for the neighborhood can further encourage these units.

## Repair and Quality

Housing repair assistance can allow neighborhood residents to stay in their homes as they age. Code Enforcement can ensure that houses and their yards are kept in acceptable condition; in particular, the City's Rental Safety Verification Program Code can assure a level of quality for rental housing units.



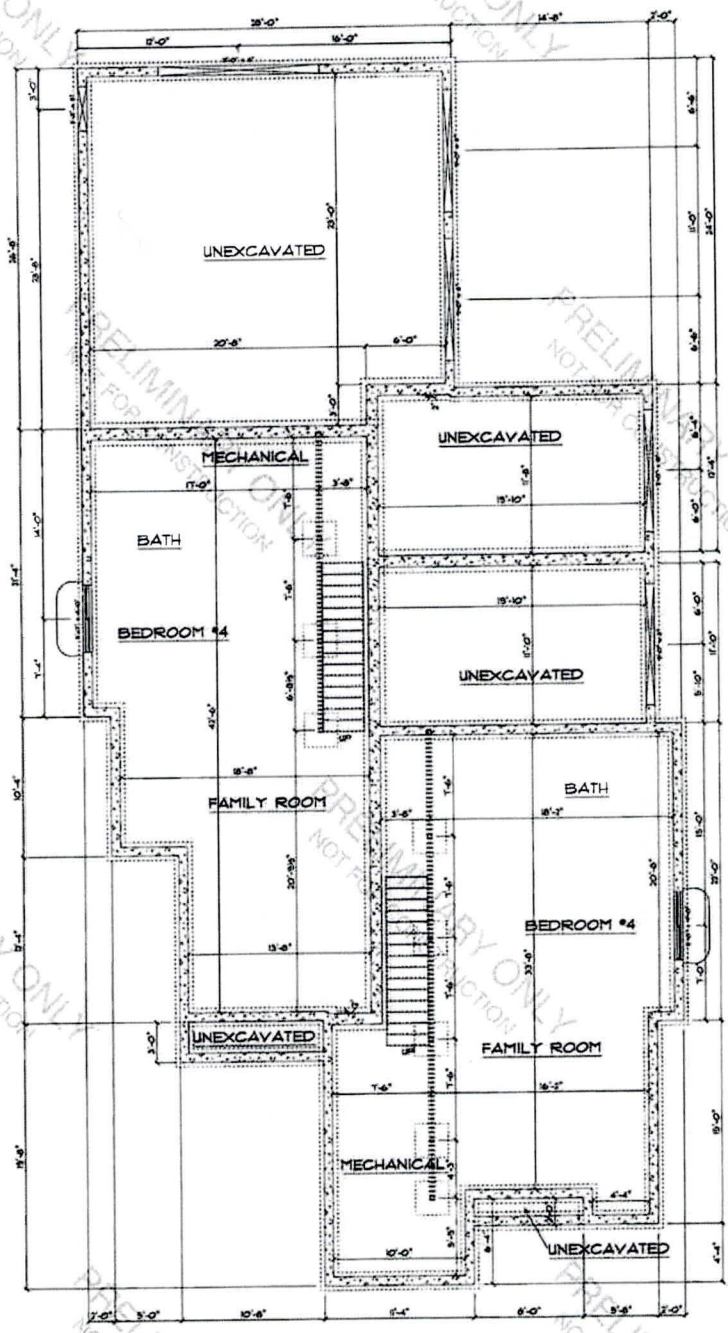






These plans were designed with standard construction practices in mind. Due to variations in local, state, and federal codes, revisions may be required to these plans. It remains the responsibility of the builder to review this information and assure that it is revised to become code compliant, appropriate, and complete.

PRELIMINARY ONLY  
NOT FOR CONSTRUCTION



- NOTES:**
- 2X6 EXTERIOR HOUSE WALLS
  - 9'-1 1/8" FIRST FLOOR WALL HT.
  - UNIT 1 - MAIN FLOOR LIVING AREA = 844 SQ. FT.
  - UNIT 2 - MAIN FLOOR LIVING AREA = 911 SQ. FT.
  - 9'-1 1/8" SECOND FLOOR WALL HT.
  - UNIT 1 - SECOND FLOOR LIVING AREA = 809 SQ. FT.
  - UNIT 2 - SECOND FLOOR LIVING AREA = 784 SQ. FT.
  - 9' FOUNDATION WALLS
  - BASEMENT UNFINISHED

DEPENDENCIES, FLOOR, AND ROOF LOADS, AND BEAM DESIGN SHOULD BE CHECKED PRIOR TO ORDERING MATERIALS OR STARTING CONSTRUCTION

These plans are not approved, stamped, or signed by an architect or engineer.

INAPPROPRIATE FOR CONSTRUCTION



DESIGNED BY	REVISED	FINAL	SCALE	DATE	PROJECT NO.
BRDGLT P			1/4" = 1'-0"	3/5/2016	8P26034

FOUNDATION PLAN

1245 MADISON

INAPPROPRIATE FOR CONSTRUCTION

PRELIMINARY ONLY  
NOT FOR CONSTRUCTION

PRELIMINARY ONLY  
NOT FOR CONSTRUCTION

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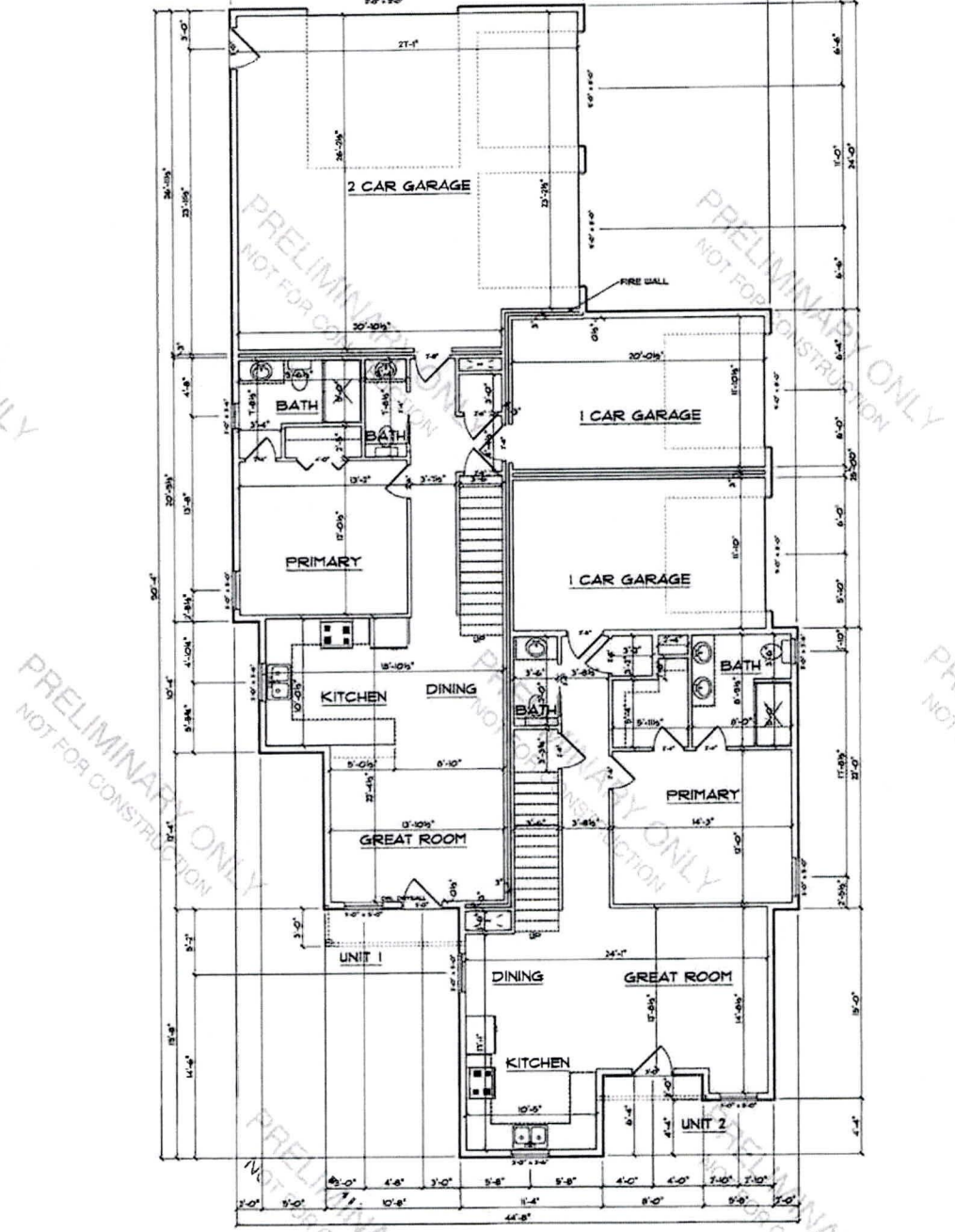
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PRELIMINARY ONLY  
NOT FOR CONSTRUCTION



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  - 9'-1 1/8" FIRST FLOOR WALL HT.
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  - UNIT 2 - MAIN FLOOR LIVING AREA = 911 SQ. FT.
  - 9'-1 1/8" SECOND FLOOR WALL HT.
  - UNIT 1 - SECOND FLOOR LIVING AREA = 809 SQ. FT.
  - UNIT 2 - SECOND FLOOR LIVING AREA = 784 SQ. FT.
  - 5' FOUNDATION WALLS
  - BASEMENT UNFINISHED

DIMENSIONS, FLOOR, AND ROOF LOADS, AND DEATH DESIGN SHOULD BE CHECKED PRIOR TO ORDERING MATERIALS OR STARTING CONSTRUCTION



DESIGNED BY	REVISED	FINAL	SCALE	DATE	PROJECT NO.
BRIDGET P			1/4" = 1'-0"	3/8/2026	SP26-034

MAIN FLOOR PLAN  
1245 MADISON

\* These plans are not approved, stamped or signed by an architect or engineer. \*

PRELIMINARY ONLY  
NOT FOR CONSTRUCTION

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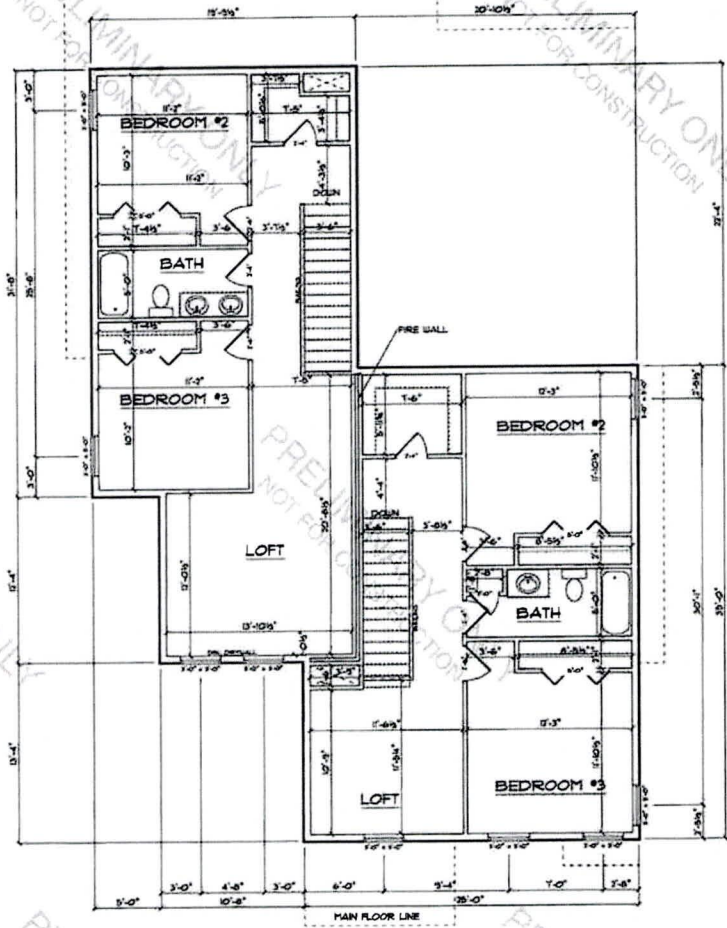


These plans were designed with standard construction practices in mind. Due to variations in local, state, and federal codes, revisions may be required to these plans. It remains the responsibility of the builder to review this information and assure that it is revised to become code compliant, appropriate, and complete.

PRELIMINARY ONLY  
NOT FOR CONSTRUCTION

PRELIMINARY ONLY  
NOT FOR CONSTRUCTION

PRELIMINARY ONLY  
NOT FOR CONSTRUCTION



**NOTES:**

- 2X6 EXTERIOR HOUSE WALLS
- 9'-1 1/8" FIRST FLOOR WALL HT.
- UNIT 1 - MAIN FLOOR LIVING AREA = 844 SQ. FT.
- UNIT 2 - MAIN FLOOR LIVING AREA = 911 SQ. FT.
- 9'-1 1/8" SECOND FLOOR WALL HT.
- UNIT 1 - SECOND FLOOR LIVING AREA = 809 SQ. FT.
- UNIT 2 - SECOND FLOOR LIVING AREA = 784 SQ. FT.
- 9' FOUNDATION WALLS
- BASEMENT UNFINISHED

DIMENSIONS, FLOOR, AND ROOF LOADS, AND BEAM DESIGN SHOULD BE CHECKED PRIOR TO ORDERING MATERIALS OR STARTING CONSTRUCTION

PRELIMINARY ONLY  
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NOT FOR CONSTRUCTION



DESIGNED BY	REVISED	FINAL	SCALE	DATE	PROJECT NO.
BRDGLT P			1/4" = 1'-0"	3/8/2026	BP26-034

<b>SECOND FLOOR PLAN</b>
1245 MADISON

\* These plans are not approved, stamped or signed by an architect or engineer. \*



These plans were designed with standard construction practices in mind. Due to variations in local, state, and federal codes, revisions may be required to these plans. It remains the responsibility of the builder to review this information and assure that it is revised to become code compliant, appropriate, and complete.

PRELIMINARY ONLY  
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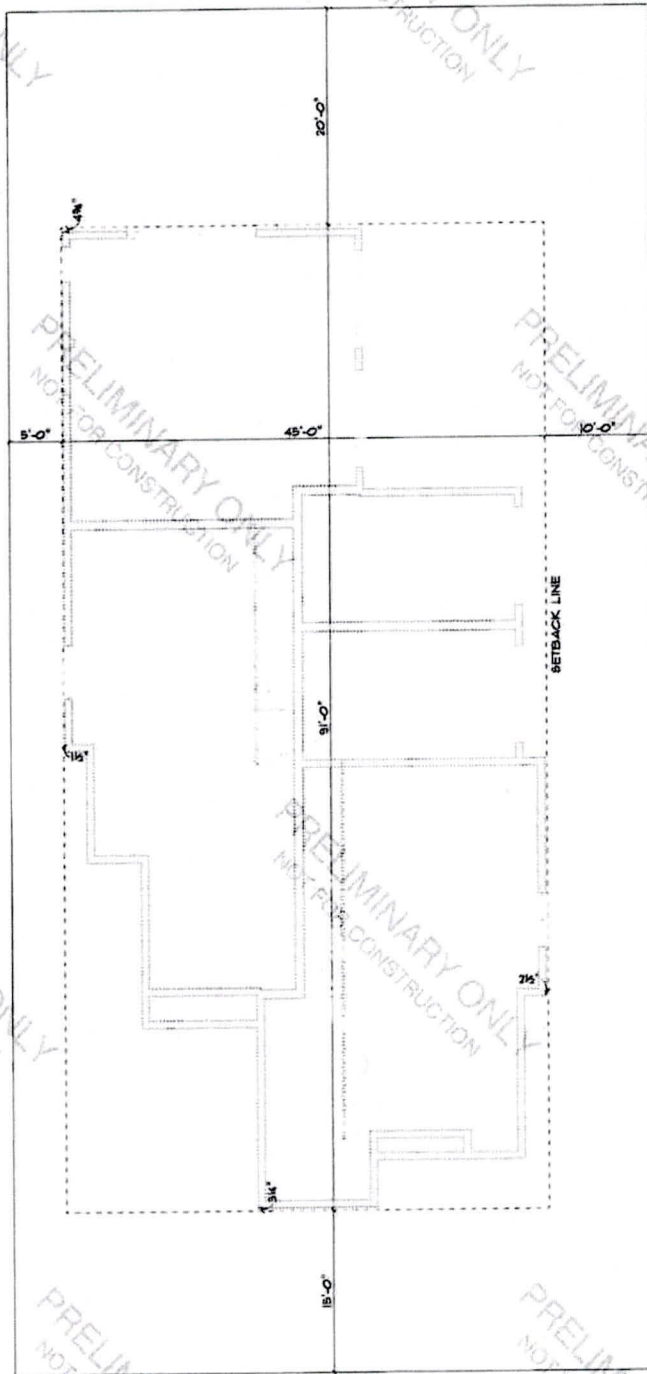
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**NOTES:**

- 2x6 EXTERIOR HOUSE WALLS
- 9'-1 1/8" FIRST FLOOR WALL HT.
- UNIT 1 - MAIN FLOOR LIVING AREA = 844 SQ. FT.
- UNIT 2 - MAIN FLOOR LIVING AREA = 811 SQ. FT.
- 9'-1 1/8" SECOND FLOOR WALL HT.
- UNIT 1 - SECOND FLOOR LIVING AREA = 809 SQ. FT.
- UNIT 2 - SECOND FLOOR LIVING AREA = 764 SQ. FT.
- 8" FOUNDATION WALLS
- BASEMENT UNFINISHED

DRINKING, FLOOR, AND ROOF LOADS, AND BEAM DESIGN SHOULD BE CHECKED PRIOR TO ORDERING MATERIALS OR STARTING CONSTRUCTION

These plans are not approved, stamped or signed by an architect or engineer.



DESIGNED BY DRDGLT P	REVISIONS	FINAL	SCALE 1" = 5'-0"	DATE 3/8/2026	PROJECT NO. 8P26-034	SITE PLAN 1245 MADISON
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City of South Bend  
**BOARD OF ZONING APPEALS**

City Hall  
215 S. Martin Luther King, Jr. Blvd.  
Suite 500  
South Bend, IN 46601  
(574) 235-7627

Filed in Clerk's Office

April 8, 2026

Apr 8, 2026

Common Council of South Bend  
3rd Floor Council Chambers  
South Bend, IN 46601

Bianca Tirado  
City Clerk, South Bend, IN

Re: 15-26: The petition of Sprunger Nathan seeking a Special Exception for a Dwelling, 2 Units in U1 Urban Neighborhood 1 [21-03.03(c)] in the U1 Urban Neighborhood 1 for property located at 1245 MADISON ST

Dear Council Members:

I hereby Certify that the above referenced petition of Sprunger Nathan was legally advertised on March 27, 2026 and that the South Bend Board of Zoning Appeals at its public hearing on April 6, 2026 took the following action:

Upon a motion by Mark Burrell, being seconded by Kaine Kancuzewski and unanimously carried, a petition by Sprunger Nathan seeking a Special Exception for a Dwelling, 2 Units in U1 Urban Neighborhood 1 [21-03.03(c)] for property located at 1245 MADISON 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,



Brian Killen  
Zoning Administrator

Attachment

CC: Bob Palmer

---

**Property Information**

Location: 1245 MADISON ST  
Owner: Sprunger Nathan

---

**Project Summary**

The petitioner seeks to build a new two unit dwelling.

---

**Requested Action**

Special Exception: a Dwelling, 2 Units in U1 Urban Neighborhood 1 [21-03.03(c)]

---

**Site Location**

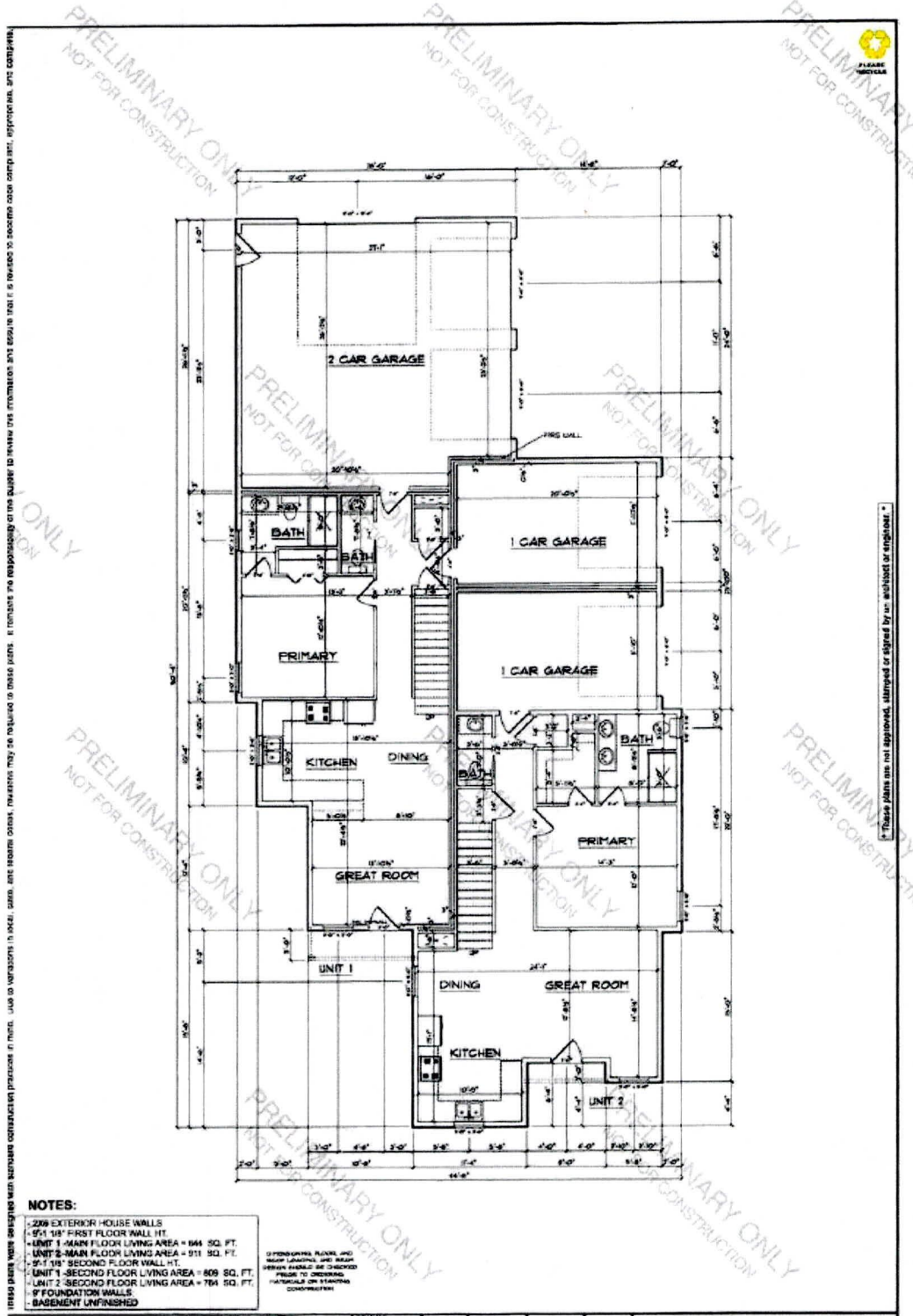


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**Staff Recommendation**

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.

Proposed Site Plan





## Criteria for Decision Making: Special Exception

**A Special Exception 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 this Special Exception should not be injurious to the public health, safety, morals, and general welfare of the community. The new two unit dwelling would replace an existing one unit dwelling, providing more housing units in the neighborhood and helping to increase 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;**

Building this two unit dwelling should not injure or adversely affect the uses or values of adjacent properties and the area around the building. As proposed, it is consistent with the scale, character, and land use of the surrounding neighborhood.

**(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 would complement the existing housing stock in the neighborhood, which is made up of predominantly one and two unit dwellings, while matching the scale and character of surrounding structures.

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

The petition is consistent with Objective H1.1 from the city's comprehensive plan, which is to encourage residential developments that contain a mix of housing types, densities, price ranges, and amenities. It also aligns with the 2022 Northeast Neighborhood Plan, which suggested lower density residential uses in the section of the neighborhood where this property is located.

## Analysis & Recommendation

**Analysis:** The construction of a new duplex will provide additional housing units for the neighborhood while matching the existing scale and character.

**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.



**16-26**

# City of South Bend

## **BOARD OF ZONING APPEALS**

March 10, 2026

Honorable Dr. Oliver Davis  
3rd Floor, City Hall  
South Bend, IN 46601

Filed in Clerk's Office

**Mar 11, 2026**

Bianca Tirado  
City Clerk, South Bend, IN

RE: Special Exception at 1010 Fuerbringer Street

Dear Committee Chair Dr. Davis:

Enclosed is an Ordinance for the proposed Special Exception at the above-mentioned location. Please include the attached Ordinance on the Council agenda for **first reading** at your **March 23, 2026**, Council meeting and set it for public hearing at your **April 13, 2026**, Council meeting. The petition is tentatively scheduled for public hearing at the April 6, 2026, 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 the use of 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,



Brian Killen  
Zoning Administrator

CC: Bob Palmer

Mar 11, 2026

Bianca Tirado  
City Clerk, South Bend, IN

**BILL NO. 16-26**

**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 1010 FUERBRINGER STREET COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA**

---

**STATEMENT OF PURPOSE AND INTENT**

**Request a Special Exception to allow a two-unit dwelling**

---

**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:

1010 Fuerbringer Street

In order to permit a two-unit dwelling.

**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.

---

Canneth J. Lee, Council President  
South Bend Common Council

Attest:

---

Bianca L. Tirado, 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 \_\_\_\_\_, 2026, at \_\_\_\_\_ o'clock .m.

---

Bianca L. Tirado, City Clerk  
Office of the City Clerk

Approved and signed by me on the \_\_\_\_ day of \_\_\_\_\_, 2026, 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**

Tax Key Number: 018-1030-1330

Address: V/L Adj 1010 Fuerbringer, South Bend, IN 46616

Owner: Jose Guevara

Zoning: U1 Urban Neighborhood 1

**Project Summary:**

Construction of a residential duplex in the City of South Bend, with the purpose of providing new housing solutions that benefit the local community, in alignment with the development objectives established by the city.

**Requested Action**

Special Exception/ Use Variance – *complete and attach Criteria for Decision Making*

Use requested: Duplex construction

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

Variance(s) requested:

Filed in Clerk's Office

Mar 11, 2026

Bianca Tirado  
City Clerk, South Bend, IN

**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:**

The construction of the duplex will facilitate the achievement of the social objectives of Sustainable Housing Development, to guarantee the community a healthy life and promote the well-being of all age groups. The construction of the duplex has an efficient living space, adequate ventilation. We will adhere to the laws, and we will ensure that our main mission prevails, building new houses to promote the best quality of life, in modern homes, with spaces designed for excellent coexistence. Housing is the space where the educational and cultural values of the entire community are recreated.

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

The proposed housing is designed at a scale and with materials that are consistent with the surrounding structures, respecting required setbacks and the established character of the neighborhood; ensuring the preservation of the area's residential nature and the overall tranquility of the community.

**(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 current zoning of this parcel requires a special exception for the proposed housing; however, the design complies with the intent of the district by promoting residential use and adhering to the permitted density. The proposed typology respects the surrounding context and aligns with the existing urban pattern.

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

The Plan emphasizes the need to expand the supply of affordable housing and to increase density in underutilized areas in a controlled manner. This proposal aligns with those objectives by offering a housing solution that is compatible with the existing infrastructure.

## 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: Jose Guevara

Address: 418 Rosewood Dr, Apt3, Mishawaka, IN 46544

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

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

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

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

### Contact Person:

Name: Jose Guevara

Address: 418 Rosewood Dr, Apt 3, Mishawaka, IN 46544

Phone Number: 574 327-0044

E-mail: gromsolutionsllc@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.**

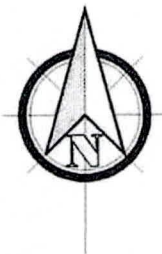
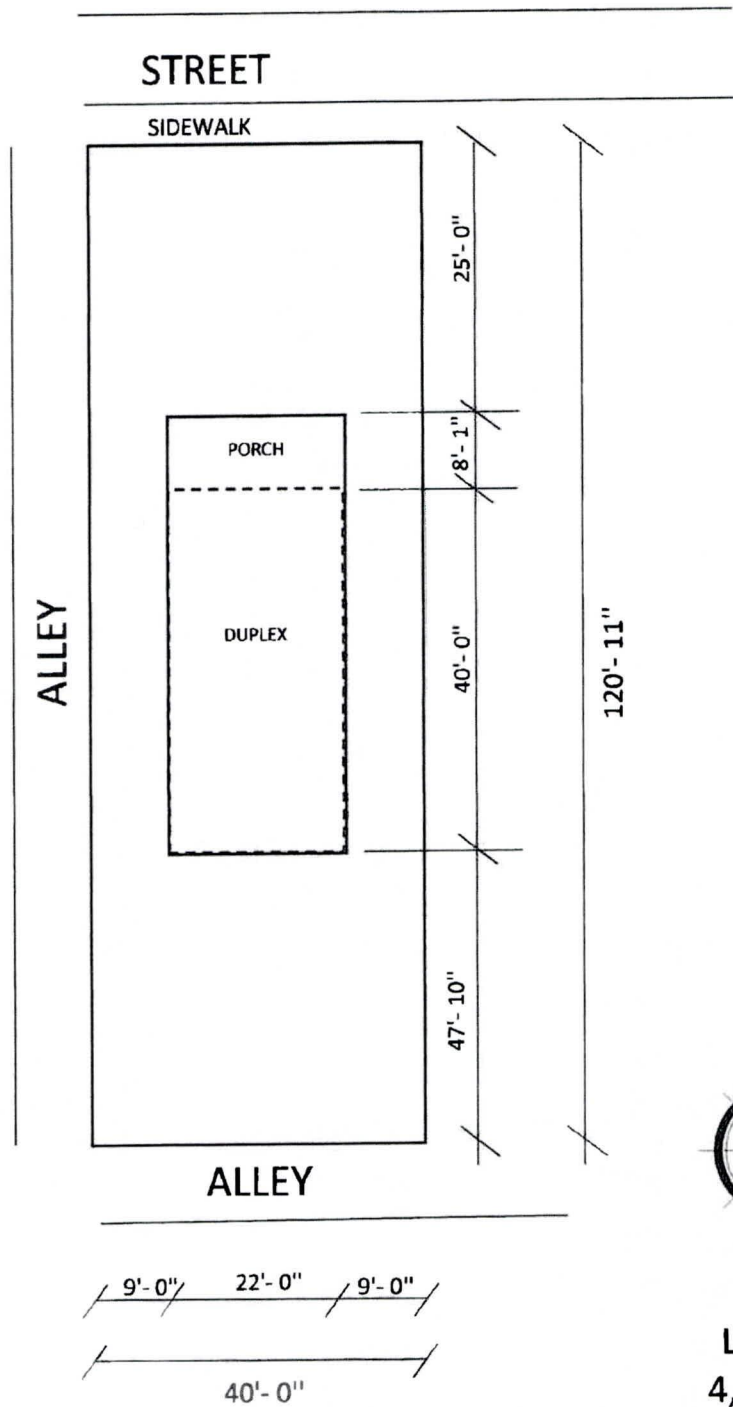
Property Owner (s) Signatures:

  
\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

# SITE PLAN PROPOSAL FOR STACKED DUPLEX PROJECT 1010 FUERBRINGER STREET



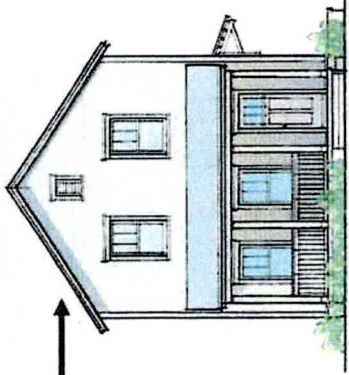
Lot Area  
4,800 sqft

## Facade for the property

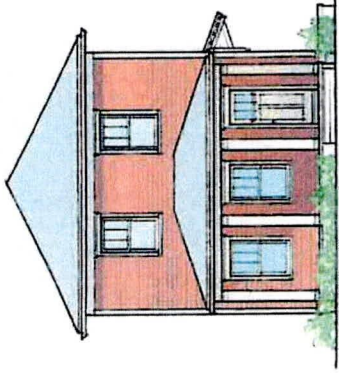
### Option A

#### The Stacked Duplex

The Stacked Duplex provides two identical 2-bedroom units that support a slight increase of density and the development on the city's most narrow infill lots with affordable housing options. The massing and elevation options fit within the scale and vernacular character of South Bend's oldest urban neighborhoods. An optional basement could provide storage or expansion of the ground floor unit.



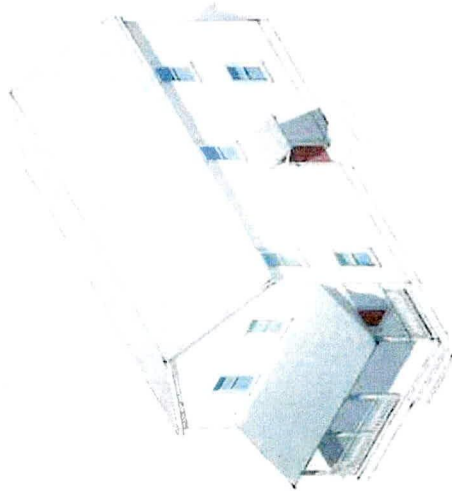
Option A



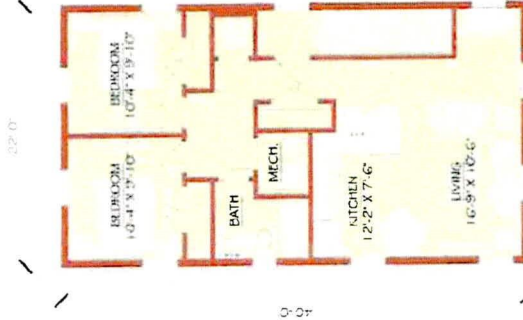
Option B



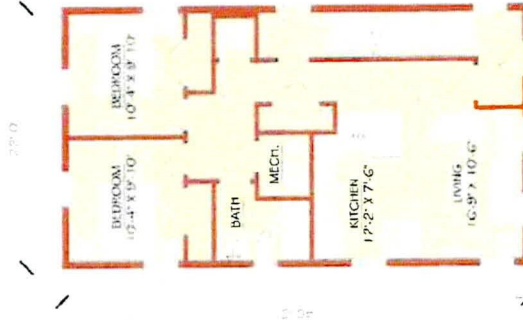
Option C



ZONING DISTRICTS ALLOWED



Second Floor



Ground Floor

#### Building Type Overview

##### Building Dimensions

Building Height	2 story
Building Width	22'
Building Depth (incl. porch)	48'
Program	2 bed / 1 bath
Unit Configuration	1,760 sq. ft.
Unit Size (finished gross)	880 sq. ft.
Basement (unfinished)	176 sq. ft.
Porch (unconditioned)	880 sq. ft.
1st Floor	880 sq. ft.
2nd Floor	880 sq. ft.
Lot Standards	
Lot Width (min.)	32'
Lot Width (max.)	70'

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

City Hall  
215 S. Martin Luther King, Jr. Blvd.  
Suite 500  
South Bend, IN 46601  
(574) 235-7627

April 8, 2026

Filed in Clerk's Office

**Apr 8, 2026**

Common Council of South Bend  
3rd Floor Council Chambers  
South Bend, IN 46601

Bianca Tirado  
City Clerk, South Bend, IN

Re: 16-26: The petition of GUEVARA JOSE seeking a Special Exception for a Dwelling, 2 Units in U1 Urban Neighborhood 1 [21-03.03(c)] in the U1 Urban Neighborhood 1 for property located at 1010 FUERBRINGER ST

Dear Council Members:

I hereby Certify that the above referenced petition of GUEVARA JOSE was legally advertised on March 27, 2026 and that the South Bend Board of Zoning Appeals at its public hearing on April 6, 2026 took the following action:

Upon a motion by Kaine Kanczuzewski, being seconded by Mark Burrell and unanimously carried, a petition by GUEVARA JOSE seeking a Special Exception for a Dwelling, 2 Units in U1 Urban Neighborhood 1 [21-03.03(c)] for property located at 1010 FUERBRINGER 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,



Brian Killen  
Zoning Administrator

Attachment

CC: Bob Palmer

---

**Property Information**

Location: 1010 FUERBRINGER ST  
Owner: GUEVARA JOSE

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**Project Summary**

The petitioner seeks to build a new two unit dwelling using the stacked duplex pre-approved plan.

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**Requested Action**

Special Exception: a Dwelling, 2 Units in U1 Urban Neighborhood 1 [21-03.03(c)]

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**Site Location**

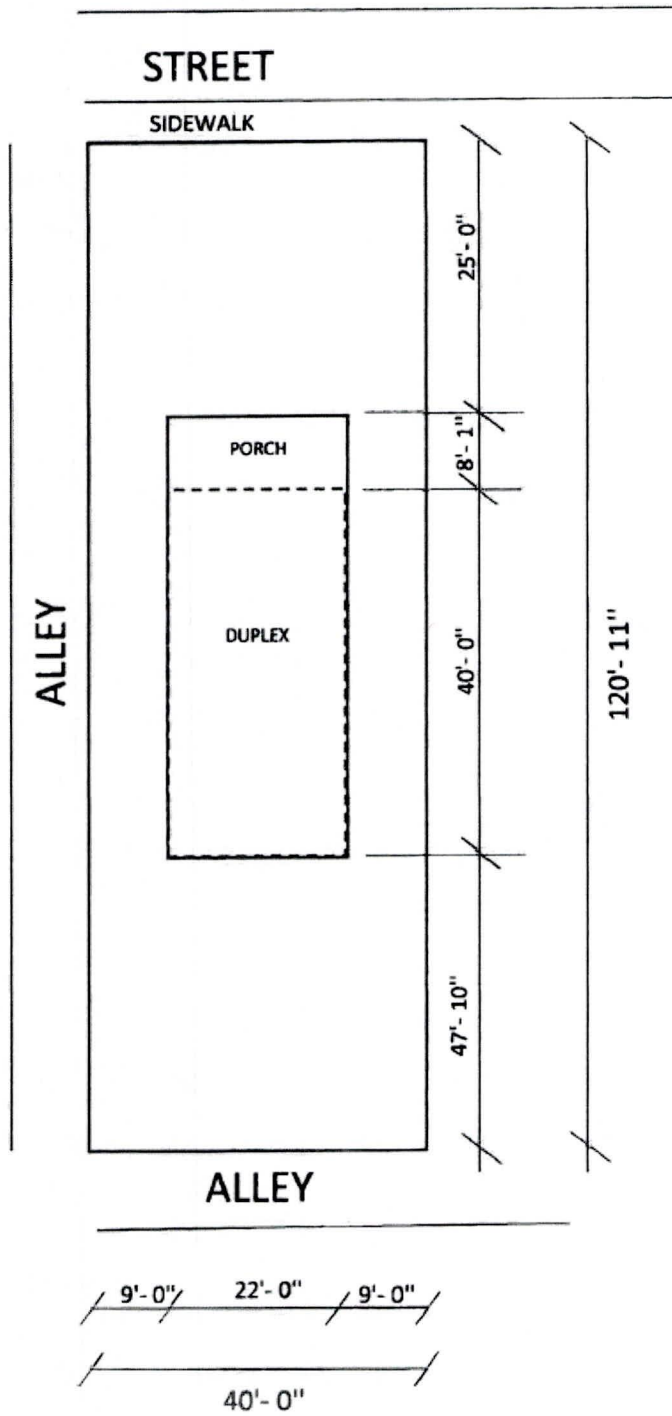


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**Staff Recommendation**

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.

Proposed Site Plan



## Criteria for Decision Making: Special Exception

**Special Exception 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 this Special Exception should not be injurious to the public health, safety, morals, and general welfare of the community. The building shall be a newly constructed duplex on a vacant lot, which will provide more housing units in the neighborhood and help to 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;**

Building this two unit dwelling should not injure or adversely affect the uses or values of adjacent properties and the area around the building. As proposed, the building is consistent with the scale, character, and land use of the surrounding neighborhood, and will provide housing on a lot that is currently vacant, potentially raising 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;**

A two unit dwelling will complement the existing housing stock, match the scale and character of the neighborhood, and provide infill housing on a vacant lot.

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

The petition is consistent with Objective H1.1 from the city's comprehensive plan, which is to encourage residential developments that contain a mix of housing types, densities, price ranges, and amenities.

## Analysis & Recommendation

**Analysis:** The construction of a new duplex that is consistent with the scale and character of the surrounding neighborhood will bring new residents to the area and provide additional housing on a lot that is currently vacant.

**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.



17-26

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

March 10, 2026

Honorable Dr. Oliver Davis  
3rd Floor, City Hall  
South Bend, IN 46601

Filed in Clerk's Office

Mar 11, 2026

Bianca Tirado  
City Clerk, South Bend, IN

RE: Special Exception 812 Oak Street

Dear Committee Chair Dr. Davis:

Enclosed is an Ordinance for the proposed Special Exception at the above-mentioned location. Please include the attached Ordinance on the Council agenda for **first reading** at your **March 23, 2026**, Council meeting and set it for public hearing at your **April 13, 2026**, Council meeting. The petition is tentatively scheduled for public hearing at the April 6, 2026, 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 the use of 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,



Brian Killen  
Zoning Administrator

CC: Bob Palmer

Mar 11, 2026

**BILL NO. 17-26**

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

Bianca Tirado  
City Clerk, South Bend, IN

**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 812 OAK STREET COUNCILMANIC  
DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA**

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**STATEMENT OF PURPOSE AND INTENT**

**Request a Special Exception to allow a two-unit dwelling**

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**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:

812 Oak Street

In order to permit a two-unit dwelling.

**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.

\_\_\_\_\_  
Canneth J. Lee, Council President  
South Bend Common Council

Attest:

\_\_\_\_\_  
Bianca L. Tirado, 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 \_\_\_\_\_, 2026, at \_\_\_\_\_ o'clock .m.

\_\_\_\_\_  
Bianca L. Tirado, City Clerk  
Office of the City Clerk

Approved and signed by me on the \_\_\_\_\_ day of \_\_\_\_\_, 2026, at \_\_\_\_ o'clock  
\_\_\_\_.m.

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

**Petition for Variance - Special Exception**

**Property Information**

Tax Key Number: 018-1028-1238  
Address: 812 Oak St, South Bend, IN 46616  
Owner: Jose Guevara / Buildnovation LLC  
Zoning: U1 Urban Neighborhood 1

**Project Summary:**

Construction of a residential duplex in the City of South Bend, with the purpose of providing new housing solutions that benefit the local community, in alignment with the development objectives established by the city.

**Requested Action**

- Special Exception/ Use Variance – *complete and attach Criteria for Decision Making*  
Use requested: Duplex construction
- Variance(s) - *List variances below, complete and attach Criteria for Decision Making*  
Variance(s) requested:

Filed in Clerk's Office

Mar 11, 2026

Bianca Tirado  
City Clerk, South Bend, IN

**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:**

The construction of the duplex will facilitate the achievement of the social objectives of Sustainable Housing Development, to guarantee the community a healthy life and promote the well-being of all age groups. The construction of the duplex has an efficient living space, adequate ventilation. We will adhere to the laws, and we will ensure that our main mission prevails, building new houses to promote the best quality of life, in modern homes, with spaces designed for excellent coexistence. Housing is the space where the educational and cultural values of the entire community are recreated.

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

The proposed housing is designed at a scale and with materials that are consistent with the surrounding structures, respecting required setbacks and the established character of the neighborhood; ensuring the preservation of the area's residential nature and the overall tranquility of the community.

**(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 current zoning of this parcel requires a special exception for the proposed housing; however, the design complies with the intent of the district by promoting residential use and adhering to the permitted density. The proposed typology respects the surrounding context and aligns with the existing urban pattern.

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

The Plan emphasizes the need to expand the supply of affordable housing and to increase density in underutilized areas in a controlled manner. This proposal aligns with those objectives by offering a housing solution that is compatible with the existing infrastructure.

## 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: Jose Guevara - Buildnovation LLC

Address: 418 Rosewood Dr, Apt3, Mishawaka, IN 46544

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

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

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

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

### Contact Person:

Name: Jose Guevara

Address: 418 Rosewood Dr, Apt 3, Mishawaka, IN 46544

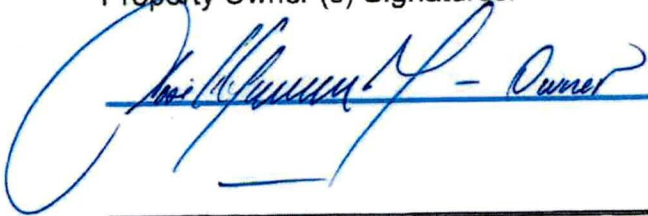
Phone Number: 574 327-0044

E-mail: gromsolutionsllc@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.**

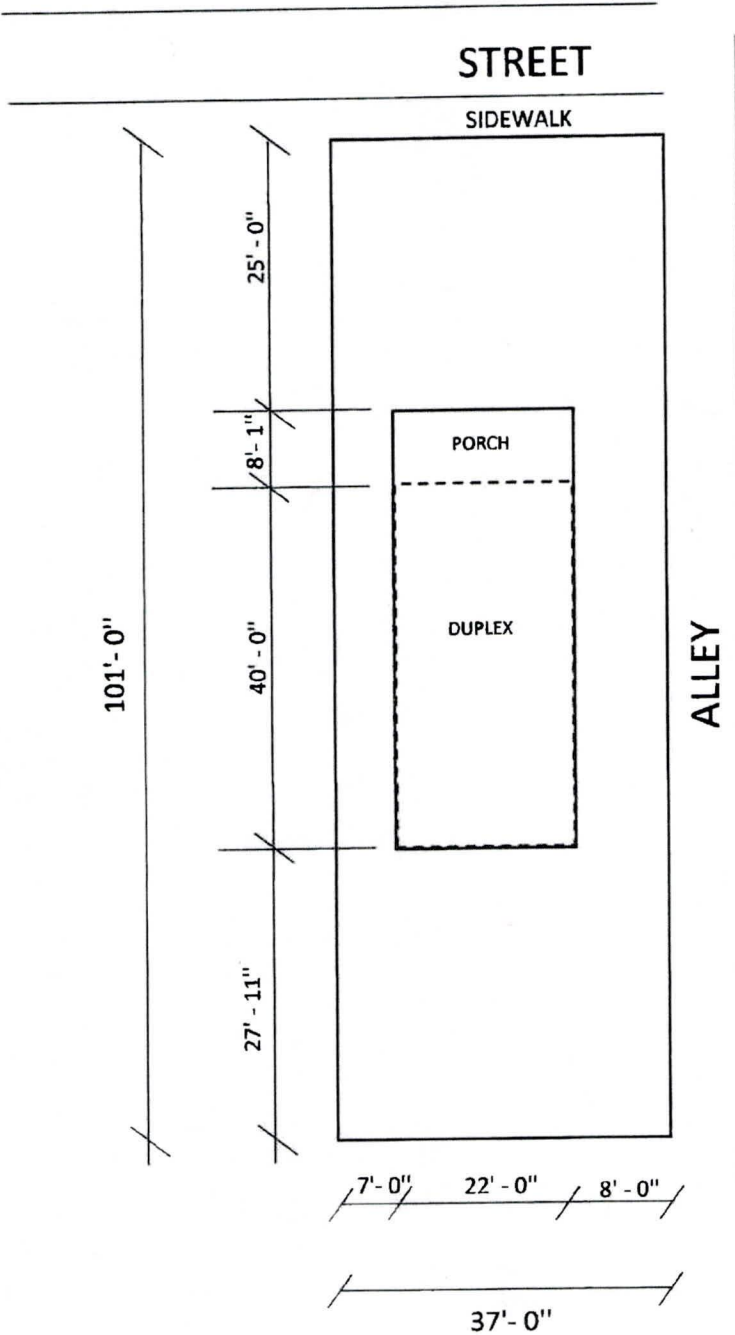
**The undersigned authorizes the contact person listed above to represent this petition before the South Bend Plan Commission and Common Council and to answer any and all questions related to this petition.**

Property Owner (s) Signatures:

 - Owner

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

# SITE PLAN PROPOSAL FOR STACKED DUPLEX PROJECT 812 OAK STREET



Lot Area  
3,737 sqft

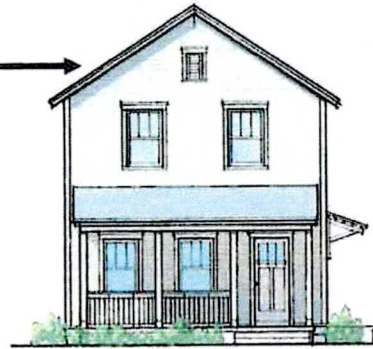
# South Bend Neighborhood Infill | Stacked Duplex

## Facade for the property

### Option A

#### The Stacked Duplex

The Stacked Duplex provides two identical 2-bedroom units that support a slight increase of density and the development on the city's most narrow infill lots with affordable housing options. The massing and elevation options fit within the scale and vernacular character of South Bend's oldest urban neighborhoods. An optional basement could provide storage or expansion of the ground floor unit.



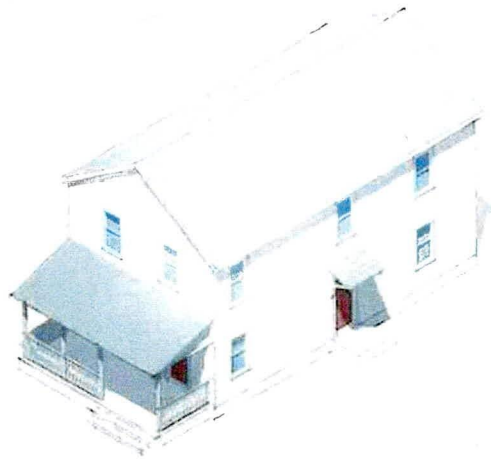
Option A



Option B

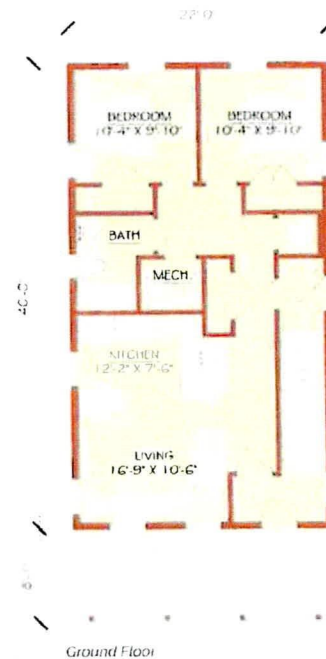


Option C

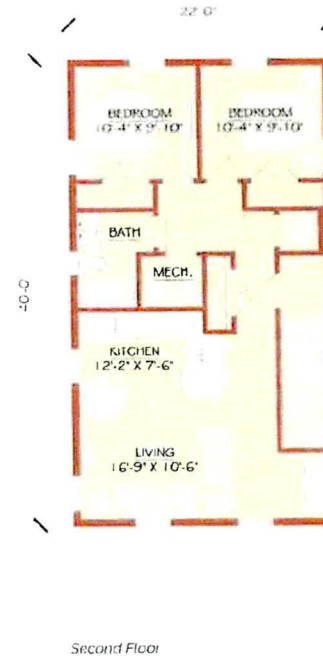


#### ZONING DISTRICTS ALLOWED

S S U I UF



Ground Floor



Second Floor

#### Building Type Overview

##### Building Dimensions

Building Height	2 story
Building Width	22'
Building Depth (incl porch)	48'

##### Program

Unit Configuration	2 bed / 1 bath
Unit Size (finished gross)	1,760 sq. ft.
Basement (unfinished)	880 sq. ft.
Porch (unconditioned)	176 sq. ft.
1st Floor	880 sq. ft.
2nd Floor	880 sq. ft.

##### Lot Standards

Lot Width (min.)	32'
Lot Width (max.)	70'

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

City Hall  
215 S. Martin Luther King, Jr. Blvd.  
Suite 500  
South Bend, IN 46601  
(574) 235-7627

April 8, 2026

Filed in Clerk's Office

**Apr 8, 2026**

Common Council of South Bend  
3rd Floor Council Chambers  
South Bend, IN 46601

Bianca Tirado  
City Clerk, South Bend, IN

Re: 17-26: The petition of BUILDNOVATION LLC seeking a Special Exception for a Dwelling, 2 Units in U1 Urban Neighborhood 1 [21-03.03(c)] in the U1 Urban Neighborhood 1 for property located at 812 OAK ST

Dear Council Members:

I hereby Certify that the above referenced petition of BUILDNOVATION LLC was legally advertised on March 27, 2026 and that the South Bend Board of Zoning Appeals at its public hearing on April 6, 2026 took the following action:

Upon a motion by Kaine Kanczuzewski, being seconded by Mark Burrell and unanimously carried, a petition by BUILDNOVATION LLC seeking a Special Exception for a Dwelling, 2 Units in U1 Urban Neighborhood 1 [21-03.03(c)] for property located at 812 OAK ST, City of South Bend is tabled.

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,



Brian Killen  
Zoning Administrator

Attachment

CC: Bob Palmer

---

**Property Information**

Location: 812 OAK ST  
Owner: BUILDNOVATION LLC and Jose Guevara

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**Project Summary**

The petitioner seeks to build a new two unit dwelling using the stacked duplex pre-approved plan.

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**Requested Action**

Special Exception: a Dwelling, 2 Units in U1 Urban Neighborhood 1 [21-03.03(c)]

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**Site Location**

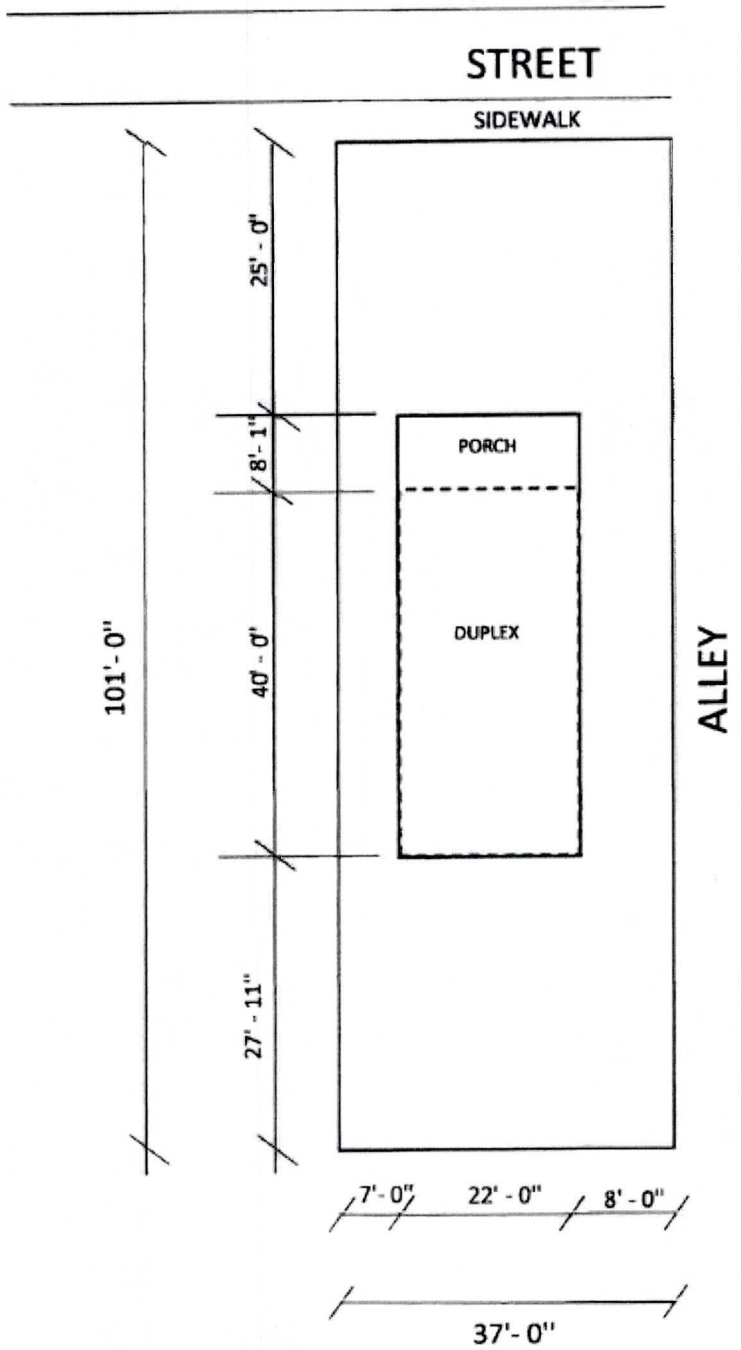


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**Staff Recommendation**

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.

Proposed Site Plan



## Criteria for Decision Making: Special Exception

**A Special Exception 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 this Special Exception should not be injurious to the public health, safety, morals, and general welfare of the community. The building shall be a newly constructed duplex on a vacant lot, which will provide more housing units in the neighborhood and help to 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;**

Building this two unit dwelling should not injure or adversely affect the uses or values of adjacent properties and the area around the building. As proposed, the building is consistent with the scale, character, and land use of the surrounding neighborhood, and will provide housing on a lot that is currently vacant, potentially raising 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;**

A two unit dwelling will complement the existing housing stock, match the scale and character of the neighborhood, and provide infill housing on a vacant lot.

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

The petition is consistent with Objective H1.1 from the city's comprehensive plan, which is to encourage residential developments that contain a mix of housing types, densities, price ranges, and amenities.

## Analysis & Recommendation

**Analysis:** The construction of a new duplex that is consistent with the scale and character of the surrounding neighborhood will bring new residents to the area and provide additional housing on a lot that is currently vacant.

**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.



**18-26**

# City of South Bend

## **BOARD OF ZONING APPEALS**

March 18, 2026

Honorable Dr. Oliver Davis  
3rd Floor, City Hall  
South Bend, IN 46601

Filed in Clerk's Office

**Mar 18, 2026**

Bianca Tirado  
City Clerk, South Bend, IN

RE: Special Exception at 1249 Corby Boulevard

Dear Committee Chair Dr. Davis:

Enclosed is an Ordinance for the proposed Special Exception at the above-mentioned location. Please include the attached Ordinance on the Council agenda for **first reading** at your **March 23, 2026**, Council meeting and set it for public hearing at your **April 13, 2026**, Council meeting. The petition is tentatively scheduled for public hearing at the April 6, 2026, 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 the use of 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,



Brian Killen  
Zoning Administrator

CC: Bob Palmer

Mar 18, 2026

Bianca Tirado  
City Clerk, South Bend, IN

**BILL NO. 18-26**

**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 1249 CORBY BOULEVARD  
COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA**

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**STATEMENT OF PURPOSE AND INTENT**

**Request a Special Exception to allow a two-unit dwelling**

---

**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:

1249 Corby Boulevard

In order to permit a two-unit dwelling.

**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.

\_\_\_\_\_  
Canneth J. Lee, Council President  
South Bend Common Council

Attest:

\_\_\_\_\_  
Bianca L. Tirado, 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 \_\_\_\_\_, 2026, at \_\_\_\_ o'clock .m.

\_\_\_\_\_  
Bianca L. Tirado, City Clerk  
Office of the City Clerk

Approved and signed by me on the \_\_\_\_ day of \_\_\_\_\_, 2026, 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

Tax Key Number: 018-5092-3282

Address: 1249 Corby Blvd, South Bend, IN 46617

Owner: Atwell IRA Investment LLC

Zoning: U1 Urban Neighborhood 1

#### Project Summary:

Owner is seeking approval to build a two family dwelling. The style will be consistent with the scale and character of the surrounding neighborhood.

#### Requested Action

- Special Exception/ Use Variance – *complete and attach Criteria for Decision Making*  
Use requested: Two family dwelling
- Variance(s) - *List variances below, complete and attach Criteria for Decision Making*  
Variance(s) requested:

Filed in Clerk's Office

**Mar 18, 2026**

Bianca Tirado  
City Clerk, South Bend, IN

#### 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:**

The proposed two unit dwelling will be constructed in a manner that is consistent with the surrounding area. The new two unit dwelling will eliminate a vacant lot that is in disrepair and unused, thus increasing safety and improving the overall general welfare.

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

The proposed two unit dwelling will not injure or adversely affect the use of the adjacent area or property values because it is in keeping with the residential feel of the surrounding neighborhood, while offering gentle density on a currently underutilized parcel. Additionally, this is a now vacant lot which will be converted to gentle density.

**(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 two unit dwelling will match the scale and character of the surrounding residential neighborhood. The architectural style of the two unit dwelling will be consistent with the neighborhood and will complement the existing housing stock.

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

The proposed use is consistent with the Comprehensive Plan because it follows objective H1.1: encourage residential developments to contain a mix of housing types, densities, price ranges, and amenities.

## 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: Atwell IRA Investments, LLC

Address: 6565 Heritage Park PL  
Lakeland FL 33813

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

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

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

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

### Contact Person:

Name: Elissa Gunsorek

Address: 7821 Morse Rd  
New Albany, OH 43054

Phone Number: 513-225-3421

E-mail: egunsorek@eco-gv.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:

Everett Atwell for Atwell IRA Investments LLC dotloop verified  
03/13/26 9:56 AM EDT  
FRBP-QZJX-ARYU-AKA7

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

LOCATION MAP



BUILDING INFORMATION

PARCEL NUMBER: 018-5040-3182 (County ID)  
 LOT AREA: 6,500 S.F. (0.145 AC)  
 LOT COVERAGE:  
 DUPLEX: 2,320 S.F. (37.1%)  
 PORCH AREA: 206 S.F. (3.2%)  
 GARAGE: 872 S.F. (13.5%)  
 TOTAL: 3,398 S.F. (52.8%)

PROJECT INFORMATION

# New Two-Family Dwelling

1249 Corby Blvd.  
 South Bend, Indiana 46617

REAL ESTATE DEVELOPMENT CONSULTING  
 ARCHITECTURAL & ENGINEERING  
 DEVELOPMENT SERVICES

615.562.4206 · karamkarak@redev.com

## New Two-Family Dwelling

1249 Corby Boulevard  
 South Bend, IN

SEAL

REVISION RECORD

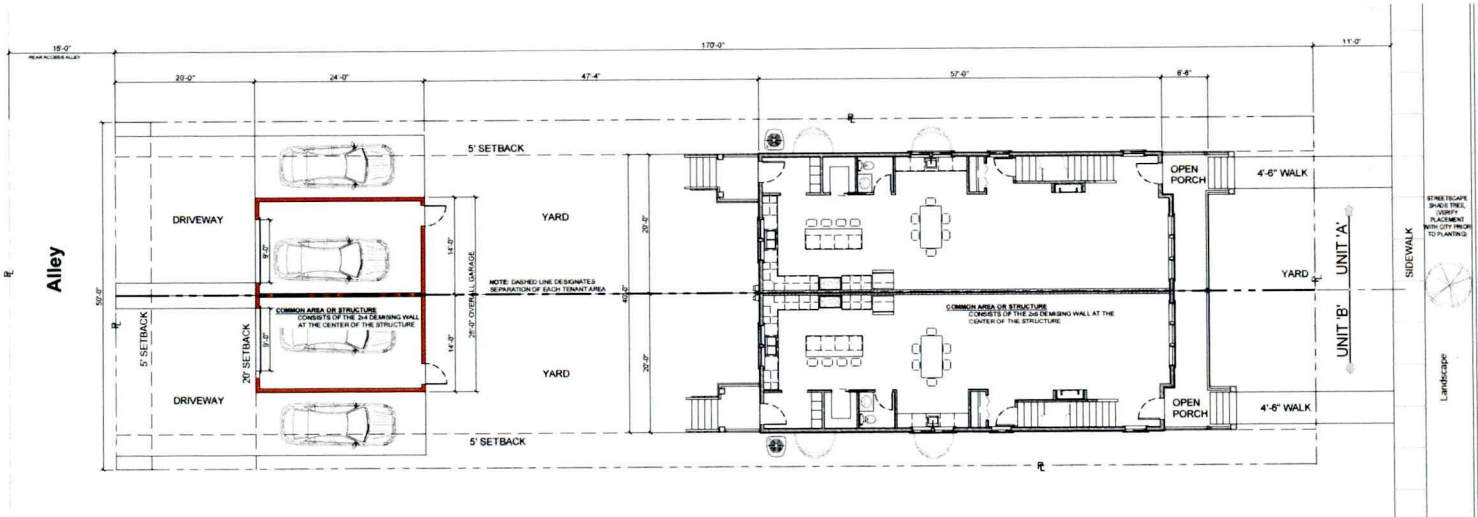
NO.	DATE

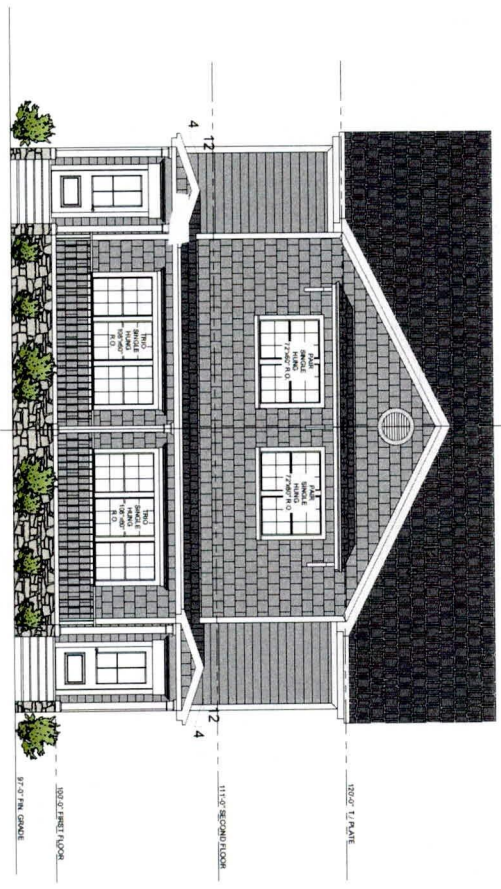
ZONING: 2026.03.16  
 PERMIT:  

JOB NUMBER: 26\_SB03

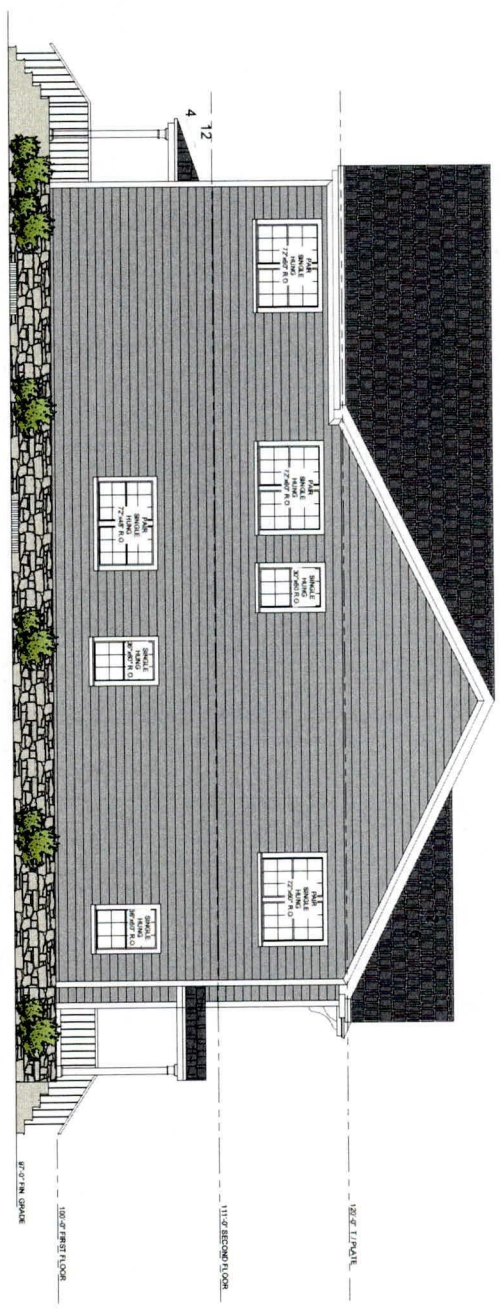
SHEET TITLE: TITLE SHEET

SHEET NUMBER: A0.0





1 FRONT (SOUTH) ELEVATION  
Scale: 1/4" = 1'-0"



2 LEFT SIDE (WEST) ELEVATION  
Scale: 1/4" = 1'-0"

## New Two-Family Dwelling

1249 Corby Boulevard  
South Bend, IN

REAL ESTATE DEVELOPMENT CONSULTING  
ARCHITECTURE • ENVIRONMENTAL • CIVIL ENGINEERING  
DEVELOPMENT SERVICES

614.562.4385 - kmmkank@yahoo.com

REVISION RECORD	
NO.	DATE

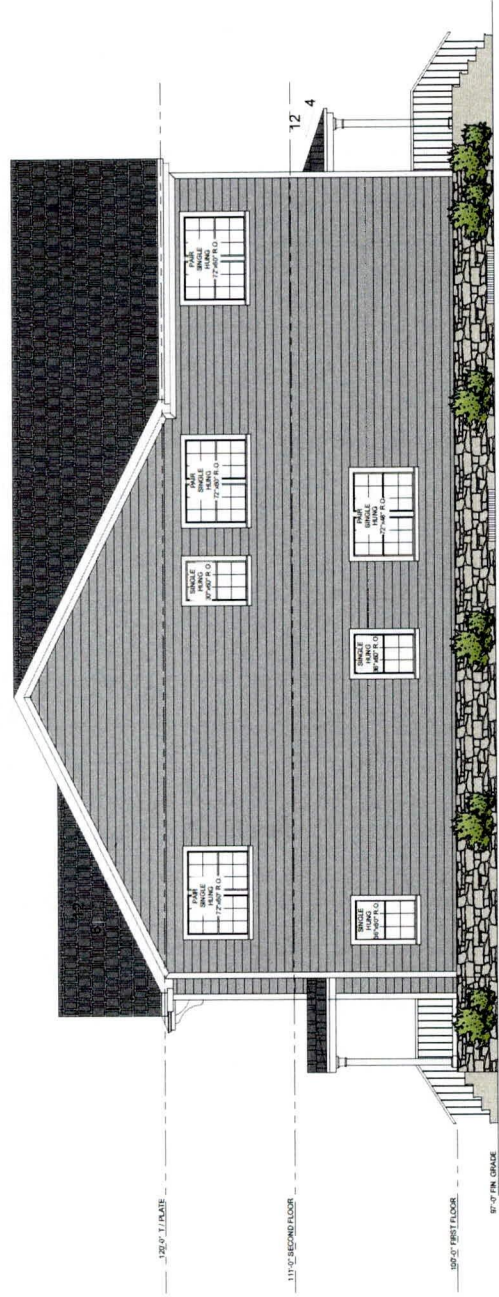
ZONING	206.03.16
PERMIT	

JOB NUMBER	20 SB03
SHEET TITLE	EXTENSION ELEVATIONS
SHEET NUMBER	A2.1

A2.1



**3 REAR (NORTH) ELEVATION**  
Scale: 1/4" = 1'-0"



**4 RIGHT SIDE (EAST) ELEVATION**  
Scale: 1/4" = 1'-0"

SEAL

**New Two-Family Dwelling**  
1249 Corby Boulevard  
South Bend, IN

REAL ESTATE DEVELOPMENT CONSULTING  
ARCHITECTURE • ENVIRONMENTAL • CIVIL ENGINEERING  
DEVELOPMENT SERVICES  
kennetha@reeco.com 614.622.4365

REVISION RECORD	
NO.	DATE

JOB NUMBER: 26\_SBP03  
SHEET TITLE: EXTERIOR ELEVATIONS  
ZONING: 2026.03.18  
PERMIT:  

SHEET NUMBER: A2.2

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

City Hall  
215 S. Martin Luther King, Jr. Blvd.  
Suite 500  
South Bend, IN 46601  
(574) 235-7627

Filed in Clerk's Office

April 8, 2026

**Apr 8, 2026**

Common Council of South Bend  
3rd Floor Council Chambers  
South Bend, IN 46601

Bianca Tirado  
City Clerk, South Bend, IN

Re: 18-26: The petition of D3RE LLC seeking a Special Exception for a Dwelling, 2 Units in U1 Urban Neighborhood 1 [21-03.03(c)] in the U1 Urban Neighborhood 1 for property located at 1249 CORBY BLVD

Dear Council Members:

I hereby Certify that the above referenced petition of D3RE LLC was legally advertised on March 27, 2026 and that the South Bend Board of Zoning Appeals at its public hearing on April 6, 2026 took the following action:

Upon a motion by Mark Burrell, being seconded by Kaine Kanczuzewski and unanimously carried, a petition by D3RE LLC seeking a Special Exception for a Dwelling, 2 Units in U1 Urban Neighborhood 1 [21-03.03(c)] for property located at 1249 CORBY 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,



Brian Killen  
Zoning Administrator

Attachment

CC: Bob Palmer

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**Property Information**

Location: 1249 CORBY BLVD  
Owner: D3RE LLC

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**Project Summary**

The petitioner seeks to build a new two unit dwelling.

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**Requested Action**

Special Exception: a Dwelling, 2 Units in U1 Urban Neighborhood 1 [21-03.03(c)]

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**Site Location**

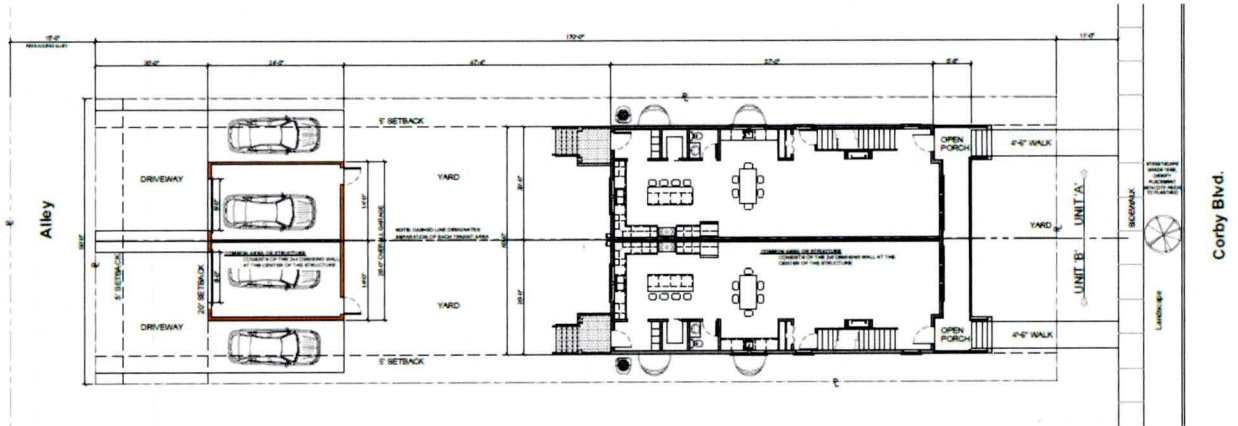


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**Staff Recommendation**

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.

Proposed Site Plan



3 REAR (NORTH) ELEVATION  
Scale: 1/4" = 1'-0"



4 RIGHT SIDE (EAST) ELEVATION  
Scale: 1/4" = 1'-0"

## Criteria for Decision Making: Special Exception

**A Special Exception 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 this Special Exception should not be injurious to the public health, safety, morals, and general welfare of the community. The building shall be a newly constructed duplex on a vacant lot, which will provide more housing units in the neighborhood and help to 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;**

Building this two unit dwelling should not injure or adversely affect the uses or values of adjacent properties and the area around the building. As proposed, the building is consistent with the scale, character, and land use of the surrounding neighborhood, and will provide housing on a lot that is currently vacant, potentially raising 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;**

A two unit dwelling will complement the existing housing stock, match the scale and character of the neighborhood, and provide infill housing on a vacant lot.

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

The petition is consistent with Objective H1.1 from the city's comprehensive plan, which is to encourage residential developments that contain a mix of housing types, densities, price ranges, and amenities. It also aligns with the 2022 Northeast Neighborhood Plan, which suggested lower density residential uses in the section of the neighborhood where this property is located.

## Analysis & Recommendation

**Analysis:** The construction of a new duplex that is consistent with the scale and character of the surrounding neighborhood will provide additional housing units and provide further neighborhood infill on 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.



**26-11**

# CITY OF SOUTH BEND

## COMMUNITY INVESTMENT

April 8, 2026

Filed in Clerk's Office

Council Member Troy Warner  
Chairperson, Community Investment Committee  
South Bend Common Council  
South Bend City Hall, 3<sup>rd</sup> Floor  
South Bend, Indiana 46601

Apr 8, 2026

Bianca Tirado  
City Clerk, South Bend, IN

RE: **Declaratory Resolution**: Mixed-Use Development Real Property Tax Abatement for  
**Wharf Partners LLC**

Dear Council Member Warner,

Please find the enclosed Declaratory Resolution and supporting information pertaining to a tax abatement petition submitted by Wharf Partners LLC, an Indiana Limited Liability Company. This petition package includes:

- Department of Community Investment's summary report
- Petition for abatement
- Statement of Benefits form (SB-1 / Real Property)
- Supporting information

The report outlines the Department's findings relative to the referenced petition. The petitioner proposes to construct a new mixed-use building at **312-318 E. Colfax Avenue**. The building will total approximately 112,000 square feet and include 30,200 square feet of commercial space along with 22 to 32 condominiums. The project will complement the Phase 1 building, *Three Twenty at The Cascade*, which was completed in 2019.

The total investment for this phase of the Cascade project is approximately \$50,000,000. The project meets the qualifications for a six-year (6) mixed-use development real property tax abatement.

A representative from Wharf Partners LLC will be available to meet with the Committee on Monday, April 13, 2026.

If you or other Council members have questions about the report or need additional information, please feel free to call me at (574) 235-5838.

Sincerely,

Erik Glavich  
Director, Growth and Opportunity

EXCELLENCE | ACCOUNTABILITY | INNOVATION | INCLUSION | EMPOWERMENT

South Bend City Hall, Suite 500 | 215 S. Martin Luther King Jr. Blvd. | South Bend, IN 46601 | p 574.235.9371 | www.southbendin.gov

Apr 8, 2026

Bianca Tirado  
City Clerk, South Bend, IN

**BILL NO. 26-11**  
**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE COMMON COUNCIL OF THE  
CITY OF SOUTH BEND DESIGNATING CERTAIN AREAS WITHIN  
THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS

**312-318 E. Colfax Avenue, South Bend, Indiana 46617**

AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A  
SIX-YEAR (6) REAL PROPERTY TAX ABATEMENT FOR

**Wharf Partners LLC**

---

WHEREAS, a petition for real property tax abatement consideration has been filed with the City Clerk for consideration by the Common Council of the City of South Bend, Indiana, requesting that the area described as:

*Key Number:* 71-08-12-130-011.000-026  
*Local Parcel Number:* 018-5001-000202  
*Commonly Known As:* 312 E. Colfax Avenue  
*Legal Description:* Lot 1 Cascade Minor Sub 19/20 NP #546 4/12/2018

*Key Number:* 71-08-12-130-002.000-026  
*Local Parcel Number:* 018-5001-000201  
*Commonly Known As:* 318 E. Colfax Avenue  
*Legal Description:* Lot 3 Cascade Minor Sub 19/20 NP #546 4/12/2018

be designated as an Economic Revitalization Area under the provisions of Indiana Code 6-1.1-12.1 et seq. and South Bend Municipal Code Sections 2-76 et seq.; and

WHEREAS, the petitioner has agreed to and has accepted responsibility to report any changes in the Key Numbers and legal descriptions to the Department of Community Investment and to the Office of the City Clerk; and

WHEREAS, the Department of Community Investment has concluded an investigation and prepared a report with information sufficient for the Common Council to determine that the area qualifies as an Economic Revitalization Area under Indiana Code 6-1.1-12.1 et seq. and South Bend Municipal Code Sections 2-76 et seq., and has further prepared maps and plats showing the boundaries and such other information regarding the area in question as required by law; and

WHEREAS, the Community Investment Committee of the Common Council has reviewed said report and recommended to the Common Council that the area qualifies as an Economic Revitalization Area.

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

SECTION I. The Common Council hereby determines and finds that the Petition for Real Property Tax Abatement and the Statement of Benefits form completed by the Petitioner meet the requirements of Indiana Code 6-1.1-12.1 et seq. for tax abatement.

SECTION II. The Common Council hereby determines and finds the following:

A. That the description of the proposed redevelopment or rehabilitation meets the applicable standards for such development;

B. That the estimate of the value of the redevelopment or rehabilitation is reasonable for projects of this nature;

C. That the estimate of the number of individuals who will be employed or whose employment will be retained by the Petitioner can reasonably be expected to result from the proposed described redevelopment or rehabilitation;

D. That the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained by the Petitioner can be reasonably expected to result from the proposed redevelopment or rehabilitation;

E. That the other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation; and

F. That the totality of benefits is sufficient to justify the requested deduction, all of which satisfy the requirements of Indiana Code 6-1.1-12.1-3.

SECTION III. The Common Council hereby determines and finds that the proposed described redevelopment or rehabilitation can be reasonably expected to yield benefits identified in the Statement of Benefits, Sections 1 through 3 of the Petition for Real Property Tax Abatement Consideration and the Memorandum of Agreement between the Petitioner and the City of South Bend, and that the Statement of Benefits form completed by the petitioner, said form being prescribed by the State Board of Accounts, is sufficient to justify the deduction granted under Indiana Code 6-1.1-12.1-3.

SECTION IV. The Common Council hereby accepts the report and recommendation of the Community Investment Committee that the area herein described be designated as an Economic Revitalization Area and hereby adopts a Resolution designating the area as an Economic Revitalization Area for purposes of real property tax abatement.

SECTION V. The designation as an Economic Revitalization Area shall expire on December 31, 2029.

SECTION VI. The Common Council hereby determines that the property owner is qualified for and is granted property tax deduction for a period of six (6) years as shown by the schedule outlined below as well as the attachment pursuant to Indiana Code 6-1.1-12.1-17.

Year 1 - 100%  
Year 2 - 100%  
Year 3 - 100%  
Year 4 - 100%  
Year 5 - 100%  
Year 6 - 100%

SECTION VII. The Common Council directs the City Clerk to cause notice of the adoption of this Declaratory Resolution for Real Property Tax Abatement to be published pursuant to Indiana Code 5-3-1 and Indiana Code 6-1.1-12.1-2.5, said publication providing notice of the public hearing before the Common Council on the proposed confirming of said declaration.

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

---

Canneth J. Lee, Council President  
South Bend Common Council

Attest:

---

Bianca L. Tirado, 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 \_\_\_\_\_, 2026, at \_\_\_\_\_ o'clock .m.

---

Bianca L. Tirado, City Clerk  
Office of the City Clerk

Approved and signed by me on the \_\_\_\_ day of \_\_\_\_\_, 2026, at \_\_\_\_ o'clock  
\_\_\_\_.m.

---

James Mueller, Mayor  
City of South Bend, Indiana

# TAX ABATEMENT REPORT

TO: South Bend Common Council

FROM: Erik Glavich, Director, Growth and Opportunity

SUBJECT: Mixed-Use Development Real Property Tax Abatement Petition  
for **Wharf Partners LLC**

DATE: April 8, 2026

---

On April 8, 2026, a petition for tax abatement from Wharf Partners LLC was filed with the Office of the City Clerk. The petition seeks consideration for a mixed-use development real property tax abatement for property at 312-318 E. Colfax Avenue in South Bend.

Pursuant to Chapter 2, Article 6, Section 2-84.9 of the Municipal Code of the City of South Bend, the petition was referred to the Department of Community Investment for purposes of investigation and preparation of a report determining whether the area qualifies as an Economic Revitalization Area pursuant to Indiana Code 6 1.1-12.1 and all zoning requirements have been met.

The Department of Community Investment has reviewed the petition, investigated the area, and makes the following report.

## **Project Summary**

- Wharf Partners LLC, the petitioner, proposes to develop a mixed-use building comprising commercial space and for-sale residential condominiums. The approximately 112,000-square-foot building will include 30,200 square feet of commercial space.
- The proposed development is part of the larger *Cascade* project and is designed to complement the existing building located at 320 E. Colfax Avenue. That building, completed by the petitioner in 2019, similarly integrates commercial and residential uses.
- The new building will include between 22 and 32 for-sale condominium units. Units will consist of two-, three-, and four-bedroom layouts, ranging in size from approximately 1,550 to 3,429 square feet.
- The costs for this new phase of the Cascade project are estimated to be \$50,000,000.
- The development will significantly enhance the walkability and vitality of the urban waterfront environment along the east bank.

## **Employment Impact**

Per this petition and supporting material, it is estimated:

- Upon completion of the building's commercial spaces, the petitioner estimates that fifteen (15) new full-time jobs with an estimated total annual payroll of \$750,000 will be created.

## **Tax Estimates**

The petitioner qualifies for six-year (6) mixed-use development real property tax abatement.

- Current estimated combined annual real property taxes: \$4,487
  - Tax Year 2025 tax liability for the parcels.

### Commercial Spaces

- Estimated annual taxes after the project's completion: \$312,046
  - Estimate for commercial spaces only.
  - Assumptions: Land assessed value is \$294,000; Real property Improvements assessed value is \$9,000,000.
- Total estimated taxes during the six-year (6) abatement period: \$1,872,276
  - Estimated taxes being abated during the abatement period: \$1,775,398
  - Estimated total taxes to be paid during the abatement period: \$96,878

### Residential Units

As set forth in the Statement of Benefits Form (Form SB-1) and to be memorialized in the Memorandum of Agreement, the residential tax abatement will apply only to units owned by the petitioner, Wharf Partners LLC. Upon the sale of any residential unit to a third party, the tax abatement for that unit will terminate. For units retained by the petitioner, the abatement period shall not exceed six years.

The estimates provided below are based on the assumption that ten residential units will receive the abatement and that the average abatement period for each of those units will be three years. This scenario assumes that all units except those ten will be sold before the petitioner begins to realize the benefits of the abatement. These estimates are intended to provide context regarding the scale and magnitude of potential tax savings associated with the residential components of the building covered by this abatement.

- Estimated annual taxes after the project's completion: \$335,300
  - The estimated tax liability for each residential unit is \$33,530.
  - Assumptions PER UNIT: Land assessed value is \$35,000; Real property Improvements assessed value is \$1,455,000.
- Total estimated taxes during the abatement period: \$1,006,700
  - Estimated taxes being abated during the abatement period: \$953,800
  - Estimated total taxes to be paid during the abatement period: \$52,900

The tax estimates for the residential units assume that the tax abatement will apply to each unit for a period of three years. These estimates do not include any tax liability incurred or taxes that would be paid by an owner after Wharf Partners LLC sells a unit.

## Abatement Qualification

1. A review of the tax abatements previously granted finds that the petitioner has been granted the following prior abatement.
  - Resolution No. 4714-18 (5/14/18): Six-year (6) real property tax abatement
2. The property is properly zoned for the proposed project.
3. Taxes on the property have been paid in full.
4. A review of the South Bend Redevelopment designation areas finds that the property is in the River East Development Area.
5. A review of the Tax Abatement Ordinance No. 9394-03 finds that the petitioner meets the qualifications for a six-year (6) mixed-use development real property tax abatement under Division 5 (Mixed Use Development Real Property Tax Abatement), Section 2-80 (Mixed Use Developments in Central Business District) and Division 9 (Miscellaneous Real Property Tax Abatement Guidelines), Section 2-84 (Council's authority to enlarge real property tax abatement general standards).

## Wharf Partners LLC

*South Bend Portage Township - Real Property Tax Abatement Schedule (Retail Establishment) \**

Type of Property: Retail Establishment  
 Estimated Project Cost: \$ 15,000,000 New Construction  
 Property Address: 312-318 E. Colfax Avenue  
 Tax Key Number: 71-08-12-130-002.000-026; 71-08-12-130-011.000-026

Tax Year / Pay Year:	Project Complete		2029 / Pay 2030	2030 / Pay 2031	2031 / Pay 2032	2032 / Pay 2033	2033 / Pay 2034
	Before Project 2027 / Pay 2028	No Abatement 2028 / Pay 2029					
<b>Assessed Value (AV)</b>							
Land	\$ 294,000	\$ 294,000	\$ 294,000	\$ 294,000	\$ 294,000	\$ 294,000	\$ 294,000
Structure (60% AV of Project Cost)	26,200	9,000,000	9,000,000	9,000,000	9,000,000	9,000,000	9,000,000
<b>Gross Assessed Value</b>	<b>320,200</b>	<b>9,294,000</b>	<b>9,294,000</b>	<b>9,294,000</b>	<b>9,294,000</b>	<b>9,294,000</b>	<b>9,294,000</b>
<b>Abatement</b>							
Abatement Deduction	-	-	(8,973,800)	(8,973,800)	(8,973,800)	(8,973,800)	(8,973,800)
Standard Homestead Deduction	-	-	-	-	-	-	-
Supplemental Homestead Deduction	-	-	-	-	-	-	-
Non-Homestead Standard Deduction	-	-	-	-	-	-	-
<b>Net Assessed Value</b>	<b>320,200</b>	<b>9,294,000</b>	<b>320,200</b>	<b>320,200</b>	<b>320,200</b>	<b>320,200</b>	<b>320,200</b>
<b>Property Taxes</b>							
Assume constant tax rate of 5.0426%							
Gross Tax (Tax Rate x Net AV)	16,146	468,659	16,146	16,146	16,146	16,146	16,146
Local Tax Credit	(1,517)	-	-	-	-	-	-
Circuit Breaker Credit	(3,879)	(156,613)	-	-	-	-	-
Supplemental Homestead Credit	-	-	-	-	-	-	-
<b>Taxes Due</b>	<b>\$ 10,751</b>	<b>\$ 312,046</b>	<b>\$ 16,146</b>	<b>\$ 16,146</b>	<b>\$ 16,146</b>	<b>\$ 16,146</b>	<b>\$ 16,146</b>
<b>Capex</b>							
Circuit Breaker Cap	3%	3%	3%	3%	3%	3%	3%
	9,606	278,820	278,820	278,820	278,820	278,820	278,820
Debt Service (0.3575% of Net AV)	1,145	33,226	1,145	1,145	1,145	1,145	1,145
<b>Max Tax Under the Cap</b>	<b>10,751</b>	<b>312,046</b>	<b>279,965</b>	<b>279,965</b>	<b>279,965</b>	<b>279,965</b>	<b>279,965</b>

Pay Year	Abatement	Estimated Pre-Project Tax Liability	Projected Additional Tax Liability	Total Projected Tax Liability (Current + Add'l)	Taxes Abated	Net Taxes Paid
2029	100%	\$ 10,751	\$ 301,295	\$ 312,046	\$ (295,900)	\$ 16,146
2030	100%	10,751	301,295	312,046	(295,900)	16,146
2031	100%	10,751	301,295	312,046	(295,900)	16,146
2032	100%	10,751	301,295	312,046	(295,900)	16,146
2033	100%	10,751	301,295	312,046	(295,900)	16,146
2034	100%	10,751	301,295	312,046	(295,900)	16,146
<b>Total:</b>		<b>64,504</b>	<b>1,807,772</b>	<b>1,872,276</b>	<b>(1,775,398)</b>	<b>96,878</b>

\* This schedule is for estimation purposes only and assumes constant tax rates equal to those for 2024 Payable 2025. The true tax values will ultimately be determined by the actual assessed valuation and the then current tax rates.



### Wharf Partners LLC

*South Bend Portage Township - Real Property Tax Abatement Schedule (Multi-Family Residence) \**

Type of Property: Multi-Family Residence  
 Estimated Project Cost: \$ 24,250,000 New Construction

Property Address: 312-318 E. Colfax Avenue  
 Tax Key Number: 71-08-12-130-002.000-026; 71-08-12-130-011.000-026

Tax Year / Pay Year:	Project Complete			2029 / Pay 2030	2030 / Pay 2031	2031 / Pay 2032	2032 / Pay 2033	2033 / Pay 2034
	Before Project 2027 / Pay 2028	No Abatement 2028 / Pay 2029	With Abatement 2028 / Pay 2029					
<b>Assessed Value (AV)</b>								
Land	\$ 350,000	\$ 350,000	\$ 350,000	\$ 350,000	\$ 350,000	\$ 350,000	\$ 350,000	\$ 350,000
Structure (60% AV of Project Cost)	-	14,550,000	14,550,000	14,550,000	14,550,000	14,550,000	14,550,000	14,550,000
<b>Gross Assessed Value</b>	<b>350,000</b>	<b>14,900,000</b>	<b>14,900,000</b>	<b>14,900,000</b>	<b>14,900,000</b>	<b>14,900,000</b>	<b>14,900,000</b>	<b>14,900,000</b>
<b>Abatement</b>								
Abatement Deduction	-	-	(10,825,000)	(10,080,000)	(9,573,400)	-	-	-
Standard Homestead Deduction	-	-	-	-	-	-	-	-
Supplemental Homestead Deduction	-	-	-	-	-	-	-	-
Non-Homestead Standard Deduction	-	(3,725,000)	(3,725,000)	(4,470,000)	(4,976,600)	(4,976,600)	(4,976,600)	(4,976,600)
<b>Net Assessed Value</b>	<b>350,000</b>	<b>11,175,000</b>	<b>350,000</b>	<b>350,000</b>	<b>350,000</b>	<b>9,923,400</b>	<b>9,923,400</b>	<b>9,923,400</b>
<b>Property Taxes</b>								
Assume constant tax rate of 5.0426%								
Gross Tax (Tax Rate x Net AV)	17,649	563,511	17,649	17,649	17,649	500,397	500,397	500,397
Local Tax Credit	(1,658)	-	-	-	-	-	-	-
Circuit Breaker Credit	(4,240)	(225,560)	-	-	-	(166,921)	(166,921)	(166,921)
Supplemental Homestead Credit	-	-	-	-	-	-	-	-
<b>Taxes Due</b>	<b>\$ 11,751</b>	<b>\$ 337,951</b>	<b>\$ 17,649</b>	<b>\$ 17,649</b>	<b>\$ 17,649</b>	<b>\$ 333,476</b>	<b>\$ 333,476</b>	<b>\$ 333,476</b>
<hr/>								
	3%	2%	2%	2%	2%	2%	2%	2%
Circuit Breaker Cap	10,500	298,000	298,000	298,000	298,000	298,000	298,000	298,000
Debt Service (0.3575% of Net AV)	1,251	39,951	1,251	1,251	1,251	35,476	35,476	35,476
<b>Max Tax Under the Cap</b>	<b>11,751</b>	<b>337,951</b>	<b>299,251</b>	<b>299,251</b>	<b>299,251</b>	<b>333,476</b>	<b>333,476</b>	<b>333,476</b>

Pay Year	Abatement	Estimated Pre-Project Tax Liability	Projected Additional Tax Liability	Total Projected Tax Liability (Current + Add'l)	Taxes Abated	Net Taxes Paid
2029	100%	\$ 11,751	\$ 326,199	\$ 337,951	\$ (320,302)	\$ 17,649
2030	100%	11,751	323,536	335,287	(317,638)	17,649
2031	100%	11,751	321,725	333,476	(315,827)	17,649
2032	0%	11,751	321,725	333,476	-	333,476
2033	0%	11,751	321,725	333,476	-	333,476
2034	0%	11,751	321,725	333,476	-	333,476
<b>Total:</b>		<b>70,508</b>	<b>1,936,635</b>	<b>2,007,143</b>	<b>(953,767)</b>	<b>1,053,376</b>

\* This schedule is for estimation purposes only and assumes constant tax rates equal to those for 2024 Payable 2025. The true tax values will ultimately be determined by the actual assessed valuation and the then current tax rates.



# City of South Bend Petition for Incentives

*Petition must include a \$250 filing fee payable to the "City of South Bend" before processing can be complete*

**Instructions: Complete pages 1-3 AND the proper Form SB-1 for the type of abatement (real property or personal property) for which you are applying.**



General Information		Project Name	Cascade Phase 2	Project Number	
Legal name as registered with Secretary of State		Wharf Partners LLC			
Business structure		LLC			
Company website		www.atthecascade.com			
Proposed Project Information					
Proposed project address		312 East Colfax Ave	Parent company name		
City, State, Zip		South Bend, IN 46617	Legal owner		Wharf Partners LLC
Site acreage or acreage required		Approx. 0.56 acres	Is the real estate owned or leased?		Owned
Square feet of facility		Approx. 112,000	If leased, by whom?		
Primary Contact Information					
Primary company contact name		Frank Perri	Title	Managing Member	
Address of company contact		PO Box 148	Phone	574-532-5646	
City, State, Zip		South Bend, IN 46624	Email	fperri@earthdesignsred.com	
Senior Official Information					
Company senior official name			Title		
Address of company contact (if different from above)			Phone		
City, State, Zip			Email		
Consultant Information/Agent					
Hired business consultant/agent name			Consultant release? (Y/N)		
Address			Local economic development partners approval? (Y/N)		
City, State, Zip			Email		
Project Overview					
Brief description of your company, project, and why the property is necessary for economic growth		<p>Three Twelve at The Cascade is an eight-story, concrete and glass mixed-use development totaling approximately 112,000 square feet, including commercial space. Upon completion, the project will represent an investment of approximately \$50 million.</p> <p>The subject property is currently vacant and underutilized. Its development is essential to advancing economic growth in the downtown district. The project will significantly increase the property's assessed value, expand the local tax base, and generate both construction and permanent jobs. The inclusion of commercial space will support new business activity and drive sustained foot traffic, benefiting surrounding businesses.</p> <p>As a high-quality, large-scale investment in a prominent downtown location, this project will serve as a catalyst for additional private investment, helping to accelerate redevelopment momentum and strengthen the overall economic vitality of the area.</p>			
Certified Technology Park appropriate					
Is the project in a Tax Incremental Financing (TIF) area? If so, which?		River East			
Have Building Permits been issued? (Y/N) [Note-Not eligible for abatement if Yes]		N	Number of residential units created by project		22-32
If this is a petition for personal property tax abatement, has the equipment been installed?		N/A			

Investment Details			
Public Infrastructure needs (Off-site of project in dollars)	Has any 504 funding been received?	What is the value of any equipment being purchased in Indiana for the project?	What is the value of any equipment being purchased from out of state for the project?
N/A	No	N/A	N/A

New Project Investments								
Calendar Year	2024	2025	2026	2027	2028	2029	2030	2031
Land Acquisition								
Building Lease Payments								
Building Purchase Costs								
New Building Construction			\$ 15,000,000.00	\$ 25,000,000.00	\$ 10,000,000.00			
Existing Building Improvements								
New Machinery & Equipment								
Special Tooling/Retooling								
New Furniture/Fixtures								
New Computer/IT Hardware								
New Software								
On-site Rail Infrastructure								
On-site Fiber Infrastructure								
<b>TOTAL</b>	<b>\$ 0.00</b>	<b>\$ 0.00</b>	<b>\$ 15,000,000.00</b>	<b>\$ 25,000,000.00</b>	<b>\$ 10,000,000.00</b>	<b>\$ 0.00</b>	<b>\$ 0.00</b>	<b>\$ 0.00</b>

Full-Time Permanent Indiana-Resident Positions by Calendar Year						
Calendar Year	Jobs retained	Hourly average wage, w/o benefits or bonuses	CUMULATIVE # of net NEW full time permanent jobs created at project	Hourly average wage, w/o benefits or bonuses, of cumulative net new jobs	Total training expenditure - not cumulative	Total # to be trained - not cumulative
2026						
2027						
2028			15	\$ 25.00		
2029			15	\$ 25.00		
2030						
2031						
2032						
2033						
2034						
2035						
2036						
2037						

**Provide hourly wage information for new employees in the following positions.**

	Full time	Part time
Laborers		
Technical		
Managerial		
Administrative		

Who will be the individual responsible for coordinating with WorkOne on recruiting?

Does your company have an EEO hiring policy?  Are you an EEO employer?

Please list the number of full time and part time minority and/or female employees for the following years:						Please describe your commitment to diversity and inclusion by detailing your outreach and recruitment efforts for the last three years as well as current policies.
Year	2026		2025		2024	
	Full Time	Part Time	Full Time	Part Time	Full Time	Part Time
Black						
Hispanic						
Asian						
Indian						
Female						
Other						

Three Twelve at The Cascade is committed to fostering a diverse and inclusive environment that reflects the broader South Bend community. Through equitable hiring practices, inclusive workplace policies, and engagement with a diverse range of contractors and vendors, we aim to ensure that the economic benefits of this project are broadly shared. We believe that creating opportunities for individuals of all backgrounds strengthens both the project and the surrounding district.

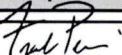
**Complete the table below for Real Property Tax Abatement only.**

**\*\*\* Sign at the bottom for all requested incentives (real AND personal property). \*\*\***

**Public Benefit Item:**

Information is required on both the construction companies and the companies which will provide materials purchased for this project. Please complete the table below with the appropriate information. If you qualify for the points, please enter the full amount of available points.		Qualify (Yes or No)	Earned Points	Available Points	
1	<b>Construction Related (Contractors):</b>				
	A.	Employ Local Companies (75%)	Y	20	20
	B.	Purchase Materials from Local Companies (75%)	Y	20	20
	C.	Require Employees vs. Independent Contractors	Y	19	19
	D.	Require Prevailing Wage	Y	22	22
	E.	Require Health Benefits	Y	22	22
	F.	Require Retirement Benefits	N	0	18
	G.	Maintain Affirmative Action Plan	Y	20	20
		<b>Sub-total Construction Related:</b>		123	141
2	<b>Wage &amp; Benefit Related (Owner):</b>				
	A.	Pay Target Wage Levels	Y	33	33
	B.	Provide Health Benefits	N	0	34
	C.	Provide Retirement Benefits	N	0	29
	D.	Provide Training	Y	28	28
	E.	Provide Child Care	N	0	15
	F.	Provide Transportation Assistance	N	0	14
	G.	Provide Employer Assisted Housing program	N	0	9
	<b>Sub-total Wage &amp; Benefit Related:</b>		61	162	
3	<b>Workforce Related:</b>				
	A.	Create New Jobs	Y	42	42
	B.	Retain Existing Jobs	N	0	41
	C.	Maintain Affirmative Action Plan	N	0	35
	D.	Provide Targeted Hiring Preference	Y	34	34
	<b>Sub-total Workforce Related:</b>		76	152	
4	<b>Support a Municipal Facility:</b>				
	A.	Support a SB Municipal Facility (donations to the zoo, conservatory, museum, etc.)	Y	84	84
		If 4A is "Y," then type Name of Facility (required if "Y"):	VPA		
	<b>Sub-total Municipal Facility:</b>		84	84	
<b>Sub-total from Above:</b>			344	539	

The undersigned owner(s) of real property, located within the City of South Bend, hereby petition the Common Council of the City of South Bend for a real and/or personal property tax abatement consideration and pursuant to I.C., 6-1.1-12.1-1, et seq., and South Bend Municipal Code Sec. 2-76 et seq., for this petition state the above.

<b>Submitted By:</b>		<b>Date:</b>	April 7, 2026
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**For Staff Use Only Below This Line**

What is the CURRENT assessed value?	Land:	\$ 107,900	Real Property Improvements:	\$ 26,200	Personal Property:	\$ 0
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What is the projected assessed value?	Real Property Improvements:	\$ 23,550,000	Personal Property:	\$ 0
---------------------------------------	-----------------------------	---------------	--------------------	------

What is the six digit NAICS code?	N/A
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What is the tax key number(s) for this project?	71-08-12-130-002.000-026; 71-08-12-130-011.000-026
-------------------------------------------------	----------------------------------------------------

Please attach a Google map and street view of the location.

Please list the amount of real and personal property taxes paid for the last five years when applicable.	Real Property Taxes:	Personal Property Taxes:
Tax Year 2025 / Pay 2026	\$ 4,486.98	
Tax Year 2024 / Pay 2025	\$ 4,519.22	
Tax Year 2023 / Pay 2024	\$ 4,730.84	
Tax Year 2022 / Pay 2023	\$ 4,752.78	
Tax Year 2021 / Pay 2022	\$ 6,270.16	

Please fill out the following Public Benefit Summary Information and add to total from above.

			(Y or N)	Points	Points
<b>Public Benefit Item:</b>					
<b>Project Related:</b>					
5	A.	Redevelop a Site that has Special Needs	Y	49	49
	B.	Develop Based on Local University Research	N	0	35
	C.	Achieve a Physical Element of a Plan	Y	36	36
	<b>Sub-total Project Related:</b>			85	120
6	<b>Super Size Projects (point values are cumulative):</b>				
	A.	100% to 199%	Y	25	25
	B.	200% to 299%	Y	68	68
	C.	300% to 399%	Y	65	65
	D.	400% and Over	Y	52	52
<b>Sub-total Super Size Projects:</b>			210	210	
7	<b>Pay for Municipal Infrastructure (point values are cumulative):</b>				
	A.	Pay for Oversizing or Upgrading	N	0	14
	B.	Pay for 26-50% of Extension Cost	N	0	26
	C.	Pay for 51-75% of Extension Cost	N	0	39
	D.	Pay for 76-100% of Extension Cost	N	0	52
<b>Sub-total Infrastructure Related:</b>			0	131	
<b>Total from Applicant Section:</b>				344	539
<b>Total from Staff Section:</b>				295	461
<b>Total Public Benefit Points:</b>				639	1000



**STATEMENT OF BENEFITS  
REAL ESTATE IMPROVEMENTS**

State Form 51767 (RB / 5-25)

Prescribed by the Department of Local Government Finance

20 26 PAY 20 27

**FORM SB-1 / Real Property**

**PRIVACY NOTICE**

Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-1.1.

This statement is being completed for real property that qualifies under the following Indiana Code (*check one box*):

- Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
- Residentially distressed area (IC 6-1.1-12.1-4.1)
- New agricultural improvement (IC 6-1.1-12.1-4)

**INSTRUCTIONS:**

- This statement must be submitted to the body designating the Economic Revitalization Area **PRIOR** to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body **BEFORE** the initiation of the redevelopment or rehabilitation of real property or a new agricultural improvement for which the person wishes to claim a deduction.
- To obtain a deduction, a Form 322/RE must be filed with the county auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. A property owner who failed to file a deduction application within the prescribed deadline may file an application between January 1 and May 10 of a subsequent year.
- A property owner who files for the deduction must provide the county auditor and designating body with a Form CF-1/Real Property. The Form CF-1/Real Property should be attached to the Form 322/RE when the deduction is first claimed and then updated annually for each year the deduction is applicable. IC 6-1.1-12.1-5.1(b)
- For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed.

SECTION 1		TAXPAYER INFORMATION			
Name of Taxpayer <b>Wharf Partners LLC</b>					
Address of Taxpayer (number and street, city, state, and ZIP code) <b>PO Box 148</b>					
Name of Contact Person <b>Frank Perri</b>		Telephone Number <b>(574) 532-5646</b>		Email Address <b>fperri@earthdesignsred.com</b>	
SECTION 2		LOCATION AND DESCRIPTION OF PROPOSED PROJECT			
Name of Designating Body <b>South Bend Common Council</b>				Resolution Number	
Location of Property <b>312-318 E. Colfax Avenue, South Bend, IN 46617</b>		County <b>St. Joseph</b>		DLGF Taxing District Number <b>026 (South Bend-Portage)</b>	
Description of Real Property Improvements, Redevelopment, or Rehabilitation (use additional sheets, if necessary) <b>See attached sheet. (Parcels 71-08-12-130-002.000-026; 71-08-12-130-011.000-026)</b>				Estimated Start Date (month, day, year) <b>06/01/2026</b>	
				Estimated Completion Date (month, day, year) <b>06/30/2029</b>	
SECTION 3		ESTIMATE OF EMPLOYEES AND SALARIES FROM PROPOSED PROJECT			
Current Number <b>0</b>	Salaries <b>\$0</b>	Number Retained <b>0</b>	Salaries <b>\$0</b>	Number Additional <b>15</b>	Salaries <b>\$750,000</b>
SECTION 4		ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT			
		REAL ESTATE IMPROVEMENTS			
		COST		ASSESSED VALUE	
Current Values		0		\$26,200	
(+ ) Plus Estimated Values of Proposed Project		\$50,000,000		\$30,000,000	
(- ) Less Values of Any Property Being Replaced		0		\$26,200	
Net Estimated Values Upon Completion of Project		\$50,000,000		\$30,000,000	
SECTION 5		WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER			
Estimated Solid Waste Converted (pounds) <b>0</b>			Estimated Hazardous Waste Converted (pounds) <b>0</b>		
Other Benefits:					
SECTION 6		TAXPAYER CERTIFICATION			
I hereby certify that the representations in this schedule are true.					
Signature of Authorized Representative 				Date Signed (month, day, year) <b>April 7, 2026</b>	
Printed Name of Authorized Representative <b>Frank Perri</b>			Title <b>Managing Member</b>		

**FOR USE OF THE DESIGNATING BODY**

We find that the applicant meets the general standards in the resolution adopted or to be adopted by this body. Said resolution, passed or to be passed under IC 6-1.1-12.1, provides for the following limitations:

A. The designated area has been limited to a period of time not to exceed 6 calendar years\* (see below). The date this designation expires is 12/31/2029. NOTE: This question addresses whether the resolution contains an expiration date for the designated area.

B. The type of deduction that is allowed in the designated area is limited to:

1. Redevelopment or rehabilitation of real estate improvements	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
2. Residentially distressed areas	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
3. New agricultural improvement	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

C. The amount of the deduction is limited to \$ N/A.

D. Other limitations or conditions (specify) N/A

E. Number of years allowed:

<input type="checkbox"/> Year 1	<input type="checkbox"/> Year 2	<input type="checkbox"/> Year 3	<input type="checkbox"/> Year 4	<input type="checkbox"/> Year 5 (* see below)
<input checked="" type="checkbox"/> Year 6	<input type="checkbox"/> Year 7	<input type="checkbox"/> Year 8	<input type="checkbox"/> Year 9	<input type="checkbox"/> Year 10

F. For a Statement of Benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17?

Yes       No

If yes, attach a copy of the abatement schedule to this form.  
If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

We have also reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved (signature and title of authorized member of designating body)	Telephone Number ( 574 )	Date Signed (month, day, year)
Printed Name of Authorized Member of Designating Body	Name of Designating Body	
Attested by (signature and title of attester)	Printed Name of Attester	

\* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

In accordance with IC 6-1.1-12.1-17, where the Form SB-1/Real Property was approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. The deduction period should be as follows:

- A. For residentially distressed areas, the deduction period may not exceed ten (10) years.
- B. For the redevelopment or rehabilitation of real property, the deduction period may not exceed ten (10) years.
- C. For a new agricultural improvement, the deduction period may not exceed five (5) years.

**IC 6-1.1-12.1-17  
Abatement Schedules**

**Sec. 17. (a)** A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

- (1) The total amount of the taxpayer's investment in real and personal property.
- (2) The number of new full-time equivalent jobs created.
- (3) The average wage of the new employees compared to the state minimum wage.
- (4) The infrastructure requirements for the taxpayer's investment.
- (5) In the case of a deduction for new farm equipment or new agricultural improvement, an agreement by the deduction applicant to predominately use the area for agricultural purposes for a period specified by the designating body.

**(b)** This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. Except as provided in subsection (d) and section 18 of this chapter, an abatement schedule may not exceed ten (10) years.

**(c)** An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.

**(d)** An abatement schedule for new farm equipment or new agricultural improvement may not exceed five (5) years.

## **Statement of Benefits: Real Estate Improvements**

Taxpayer: Wharf Partners LLC

Location of Property: 312-318 E. Colfax Avenue, South Bend, IN 46617

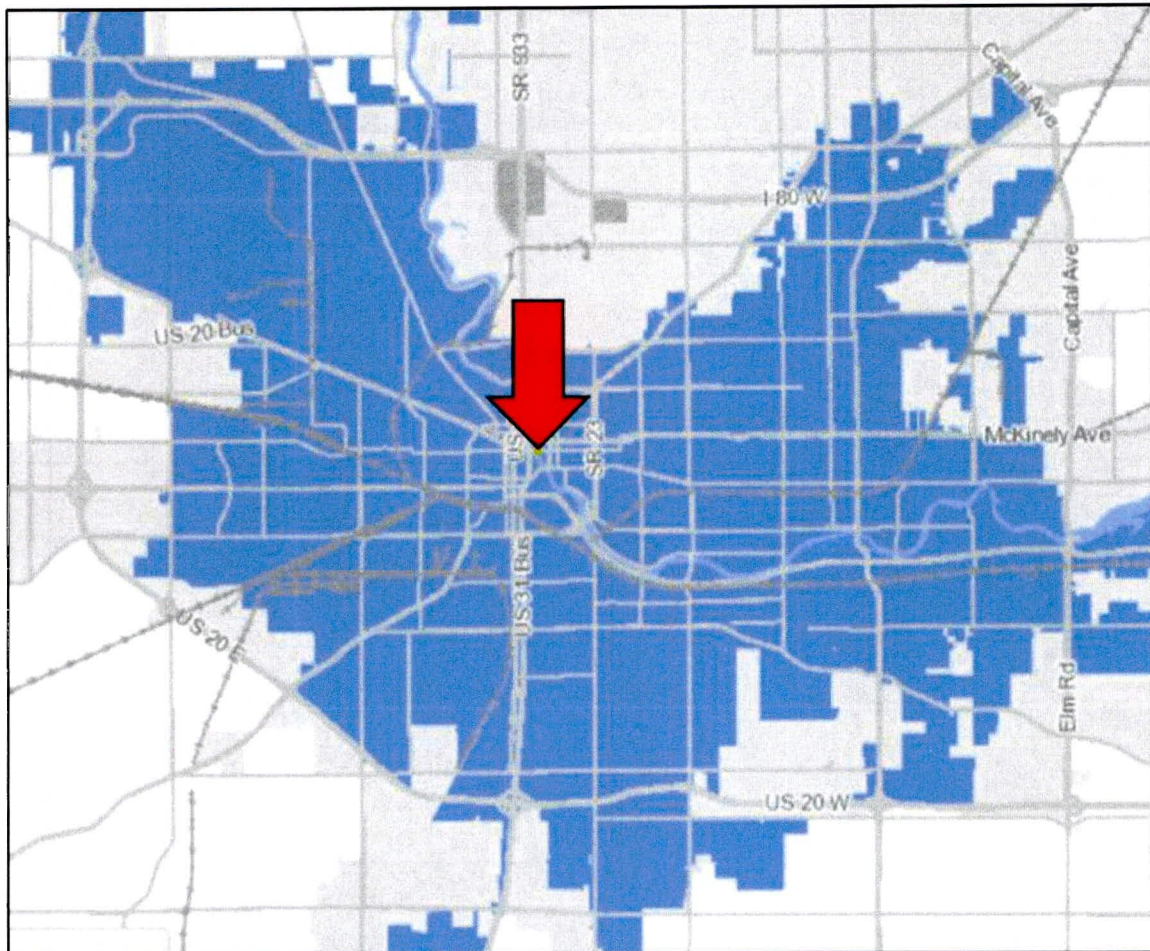
Parcels: 71-08-12-130-002.000-026; 71-08-12-130-011.000-026

### Description of Real Property Improvements:

The development includes approximately 30,189 square feet of planned commercial space, currently planned for floors 1, 2, and 3. All commercial space in the development will be eligible for abatement.

The development will also include at least 22 for-sale condominiums. The condominiums will be 2, 3, and 4 bedrooms, and will range from 1550 to 3429 square feet. Each condominium will be eligible for tax abatement while owned by the developer, who is also the taxpayer. The abatement on each individual condominium will expire when it is sold to a third party.

# Aerial and Street Views



**Views from E. Colfax Avenue**



**View from the West Bank (N. Dr. Martin Luther King Jr. Boulevard)**



# Project Renderings and Floor Plan





Colfax Avenue Side





**19-26**



City of South Bend  
**PLAN COMMISSION**

City Hall  
215 S. Martin Luther King, Jr. Blvd.  
Suite 500  
South Bend, IN 46601  
(574) 235-7627  
[www.southbendin.gov/zoning](http://www.southbendin.gov/zoning)

March 31, 2026

Filed in Clerk's Office

**Mar 31, 2026**

Honorable Committee Chair Davis  
Third Floor, County-City Building  
South Bend, IN 46601

Bianca Tirado  
City Clerk, South Bend, IN

RE: Unaddressed parcels at the southern terminus of S. Glen St. and S. Dorothy St. – PC#0302-26

Dear Committee Chair Davis:

Enclosed is an Ordinance for the proposed Zone Map Amendment at the above referenced location. Please include the attached Ordinance on the Council agenda for first reading at your April 13, 2026, Council meeting, and set it for public hearing at your April 27, 2026, Council meeting. The petition is tentatively scheduled for public hearing at the April 20, 2026, South Bend Plan Commission meeting. The recommendation of the South Bend Plan Commission will be forwarded to the Office of the City Clerk by noon on the day following the public hearing.

The petitioner provided the following to describe the proposed project:

The petitioner, the City of South Bend Venue Parks and Arts, owns the subject parcels and is seeking a subdivision to adjoin the parcels with the existing park space. As part of that effort, they are also seeking to zone the parcels Open Space to be consistent with the existing park and district intent.

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

Sincerely,

Brian Killen  
Zoning Administrator

CC: Bob Palmer

Mar 31, 2026

Bianca Tirado  
City Clerk, South Bend, IN

**BILL NO. 19-26**

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

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT THE UNADDRESSED PARCELS AT SOUTHERN TERMINUS OF GLEN AND DOROTHY STREET (PARCEL IDs: 018-8154-5549, 018-8154-5550, 018-8154-5563, 018-8154-5556) COUNCILMANIC DISTRICT NO. 6 IN THE CITY OF SOUTH BEND, INDIANA**

---

**STATEMENT OF PURPOSE AND INTENT**

Petitioners desire to rezone the property from Suburban Neighborhood (S1) District to Open Space (OS) District.

---

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

**SECTION I.** Ordinance No. 10689-19, which ordinance is commonly known as the Zoning Ordinance of the City of South Bend, Indiana, be and the same hereby amended in order that the zoning classification of the following described real estate in the City of South Bend, St. Joseph County, State of Indiana:

Parcel 018-8154-5563 -- 207 Ft E & W X 228.1 Ft N & S Beg 187 Ft W & 1076 Ft S Of Ne Cor E1/2 Ne 1/4 Sec 22-37-2e;

Parcel 018-8154-5550 -- 300' E & W X 57' N & S Beg 1132.9' S Of Nw Cor Ne Ne Being Lots 78 & 85 Rum Village Hts Pro. 22-37-2e;

Parcel 018-8154-5549 -- 300' E & W X 171' N & S Beg 1303.9' S & 338.2' E Of Nw Cor E1/2 Ne 1.18 Ac Sec 22-27-2e; and

Parcel 018-8154-5556 -- 1.60 Ac In Ne 1/4 Sec 22-37-2e

be and the same is hereby established as Open Space (OS)

**SECTION II.** This ordinance is and shall be subject to commitments as provided by Chapter 21-12.07(f)(7) Commitments, if applicable.

**SECTION III.** 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.

---

Canneth J. Lee, Council President  
South Bend Common Council

Attest:

---

Bianca L. Tirado, 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 \_\_\_\_\_, 2026, at \_\_\_\_\_ o'clock .m.

---

Bianca L. Tirado, City Clerk  
Office of the City Clerk

Approved and signed by me on the \_\_\_\_ day of \_\_\_\_\_, 2026, at \_\_\_\_ o'clock  
\_\_\_\_.m.

---

James Mueller, Mayor  
City of South Bend, Indiana



Land Surveying · Civil Engineering · Planning · Architecture · Project Funding · GIS · Environmental · Renewable Energy · Landscape Architecture

March 10, 2026

Department of Community Investment  
Attn: Brian Killen  
215 S. Dr. Martin Luther King Jr Blvd  
South Bend, IN 46601

Filed in Clerk's Office

**Mar 31, 2026**

Bianca Tirado  
City Clerk, South Bend, IN

**RE: REZONING AND SUBDIVISION PETITION FOR PORTION OF RUM VILLAGE**

Enclosed, please find the following item for the above referenced project:

- Cover letter to the City of South Bend Plan Commission
- Petition for Rezoning and Combined Public Hearing
- Minor Subdivision Application
- Subdivision Plat
- Subdivision Support Data Sheet
- Filing Fee

Should you have any questions please contact me at 574-232-4388.

Sincerely,

Angela M. Smith  
Senior Planner

enclosures

J:\Projects\2025 Projects\2025-01744 Rum Village\08\_Permitting and Submittals\Transmittal Sheet.docx



Land Surveying · Civil Engineering · Planning · Architecture · Project Funding · GIS · Environmental · Renewable Energy · Landscape Architecture

March 10, 2026

South Bend Plan Commission  
215 S. Dr. Martin Luther King Jr Blvd  
South Bend, IN 46601

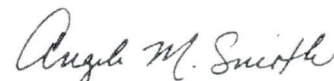
**RE: REZONING AND SUBDIVISION PETITION FOR PORTION OF RUM VILLAGE**

Dear Commission Members:

Attached please find a combined hearing petition for property owned by the South Bend Venue Parks and Arts. The property is the portion of Rum Village Park that lies west of Gertrude Street. The proposed rezoning petition will bring all the property currently owned by VPA to a single, appropriate district of OS Open Space. The subdivision consolidates the parcels to a single lot, including the appropriate dedication of the right-of-way along Gertrude Street.

We look forward to the opportunity to present this project to the City of South Bend Plan Commission and Common Council. Please schedule this petition for the next regularly scheduled Plan Commission meeting and subsequent meetings with the South Bend Common Council.

Sincerely,

  
Angela M. Smith  
Senior Planner

j:\projects\2025 projects\2025-01744 rum village\08\_permitting and submittals\submittal letter.docx

## Petition for Rezoning or Combined Public Hearing

### Property Information

Tax Key Number 018-8154-5549, 018-8154-5550, 018-8154-5563, 018-8154-55556,

Address: Unaddressed parcels at the southern terminus of S. Glen St. and S. Dorothy St.

Owner: City Of South Bend Indiana For Department Of Public Parks

Legal Description:

See attached

### Project Summary

The City of South Bend Venue Parks and Arts owns the subject parcels and is seeking a subdivision to adjoin the parcels with the existing park space. As part of that effort, they are also seeking to zone the parcels OS to be consistent with the existing park and district intent.

### Requested Action

Application includes (check all that apply)

Rezoning

Current District: S1 Suburban Neighborhood 1  Additional Districts, if applicable

Proposed District OS - Open Space  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: \_\_\_\_\_

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

## Subdivision Application

### Property Information

Tax Key Number: 018-8154-5549, 018-8154-5550, 018-8154-5563, and 018-8154-5556  
and 018-8154-5573

### Project Summary

Subdivision Name: RUM VILLAGE PARK - GERTRUDE STREET MINOR SUBDIVISION

Total Area of Subdivision: 44.13 acres Number of Buildable Lots: 1

Average Lot Size: 44.13 Number of Lots in original plat:

Linear Feet of New Streets: 0'

### Requested Action

Application includes (check all that apply)

Subdivision

Subdivision Type: Choose the current district

Waivers from Chapter 21-11 - *List waivers below*

Rezoning – *complete and attach rezoning application*

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
- Plat Containing all information shown on pages 3 and 4 of this application
- Proof of Ownership
- Filing Fee
- Additional documents as noted above
- Approved drainage plan verification (for major subdivision only)

**Contact information**

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

Name: City Of South Bend Indiana For Department Of Public Parks

Address: 301 S. St. Louis Blvd  
South Bend, IN 46617

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

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

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

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

**Contact Person:**

Name: Jones Petrie Rafinski - Attn: Angela Smith

Address: 325 S. Lafayette Blvd  
South Bend, IN 46601

Phone Number: 574-232-4388

E-mail: asmith@jpr1source.com

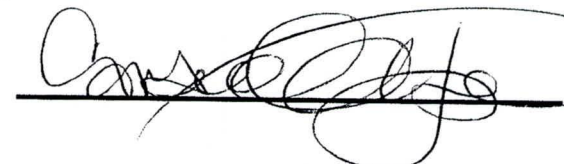
**By signing this petition, the Petitioner/Property Owners of the above described Real Estate acknowledge they are responsible for understanding and complying with the South Bend Zoning Ordinance and any other ordinance governing the property. Failure of staff to notify the petitioner of a requirement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

  
\_\_\_\_\_

  
\_\_\_\_\_

  
\_\_\_\_\_

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

## Plat Contents

### Drawing Format:

An original drawing on twenty-four-inch by thirty-six-inch paper with a 1" border, at a scale not to exceed one-inch equals 200 feet, unless otherwise approved by staff. All printed numbers, letters and typed information shall be a minimum size of a 11-point font. The drawing shall be adaptable to photographic reduction and will maintain complete legibility. The drawing shall be formatted so that all information appears on 11" x 17" paper when reproduced at 50% reduction.

### Plat Drawing with the following contents:

- Name of the subdivision, which shall not duplicate or closely approximate the name of any other subdivision within the incorporated and unincorporated areas of the *County*.
- Legal description of the subdivision which shall include section, township, range and governmental township.
- Township, range or section line accurately tied to the subdivision by bearing and distances in feet and hundredths thereof.
- Boundary of subdivision, based on accurate traverse survey with angular and lineal dimensions in feet and hundredths thereof. The traverse survey shall be closed to a minimum accuracy of 1:10,000. A boundary closure sheet shall be provided.
- Lot* dimensions in feet and hundredths thereof, angles or bearings expressed in degrees, minutes and seconds. For Major Primary subdivision, the lot layout and dimensions can be approximate.
- Lot* numbers. For Administrative Lot Line Adjustments, new lots shall be designated by letters with original lot lines shown with dotted lines.
- All *easements* dimensioned and labeled as for their specific uses.
- All right-of-way lines and widths of rights-of-way, existing and required for dedication.
- Elevation of the one hundred-year *flood*, when applicable.
- A note, when applicable, to indicate existing predevelopment soil conditions contain historical wetness indicators and therefore that when building a structure below grade, special consideration should be given to soil conditions.
- The location of all public wells and delineation of any wellhead protection area, when applicable.
- Delineation of wetlands identified by the National Wetlands Inventory, when applicable.
- Delineation of airport noise sensitive zone, when applicable.
- Name, address, seal and certification of the *registered land surveyor* preparing the subdivision, in a manner prescribed by the *Commission*.
- Deed of dedication, in a manner prescribed by the *Commission*. Not required for Major Primary Subdivisions.
- Notarized *Owner's* certification, in a manner prescribed by the *Commission*.
- Scale, graphic bar scale, north point and date.
- An area four (4) inches vertical by nine (9) inches horizontal within which the *Commission* may affix its certificate of approval without obscuring or obliterating any other items on the subdivision.
- Any additional information requested by staff.

### Support Data Drawing with the following contents:

- Natural features such as wooded areas, swamps, wetlands and marshes.

- Existing man-made structures and improvements within the proposed subdivision.
- Existing topographic contours at vertical intervals of five (5) feet or less from available data. United States Geological Survey data may be used.
- Existing street patterns within a three-hundred-foot area adjacent to the proposed subdivision.
- Future access plan of the entire property which is being subdivided.
- The adjacent roads and the nearest major intersection.
- Existing and proposed sewers, water mains, culverts, or other underground facilities within and adjacent to the tract, indicating pipe sizes, grades and exact locations as obtained from public records. If water mains and sewers are not adjacent to the tract, the direction to and distance to the nearest ones, and their size shall be shown.
- Scale, graphic bar scale, north point and date.
- Name and address of the *subdivider*.
- Name and address of the *registered land surveyor*.
- A vicinity key map at a scale of one (1) equals two thousand (2,000) or three thousand (3,000) feet showing the location of the subdivision, *major streets* and physical features, such as rivers and creeks, within a distance of two (2) miles.

### Major Subdivisions:

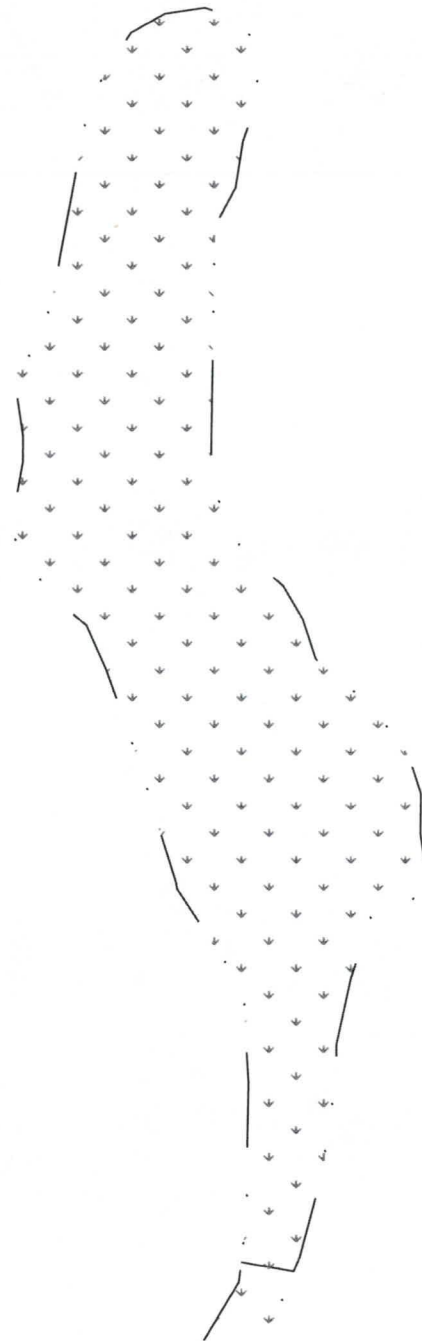
A drainage plan approval letter shall be submitted at the time of application for primary approval of a Major Subdivision.

A report from the *City Engineer* shall be submitted to the *Staff* prior to secondary approval of a Major Subdivision. The report shall indicate that the requirements of Section 21-14.08 Improvements have been satisfactorily completed or that plans and specifications for improvements have been approved and *performance guarantees* for the improvements have been filed and approved. These guarantees shall:

- i. Run to the *City*; and
- ii. Provide satisfactory surety as required by the latest *standards* adopted by the *Board*. The surety shall be foreclosed if improvements and installations have not been completed within twelve (12) months from the date of the *Committee's* granting of the secondary approval of the subdivision; however, an extension of time may be granted by the *Board* at their public meeting, provided a request for such extension has been petitioned to the *Board* by the applicant or his successor in title prior to the time surety would lapse as defined above.

### Digital Submissions:

At the time of application, an electronic copy of the plat and support data drawings shall be submitted to staff. All Major Subdivision plats shall submit a digital copy of the approved subdivision in accordance with the requirements set forth in the "Digital Data Submission Standards" as adopted by St. Joseph County.



**LOT 1**  
44.13 ACRES±  
(EXCLUDING ROAD R/W)

1 024  
"X" INC  
BETM  
FEN

CAPPED REBAR FND.  
(LANG FEENEY)  
CAPPED REBAR IS  
S47°45'05"E 1.95' FROM  
SW CORNER

4" IRON PIPE, +0.6'  
PE IS 3.24' EAST OF  
NE

Hkpc2

Hkka

MfaC2

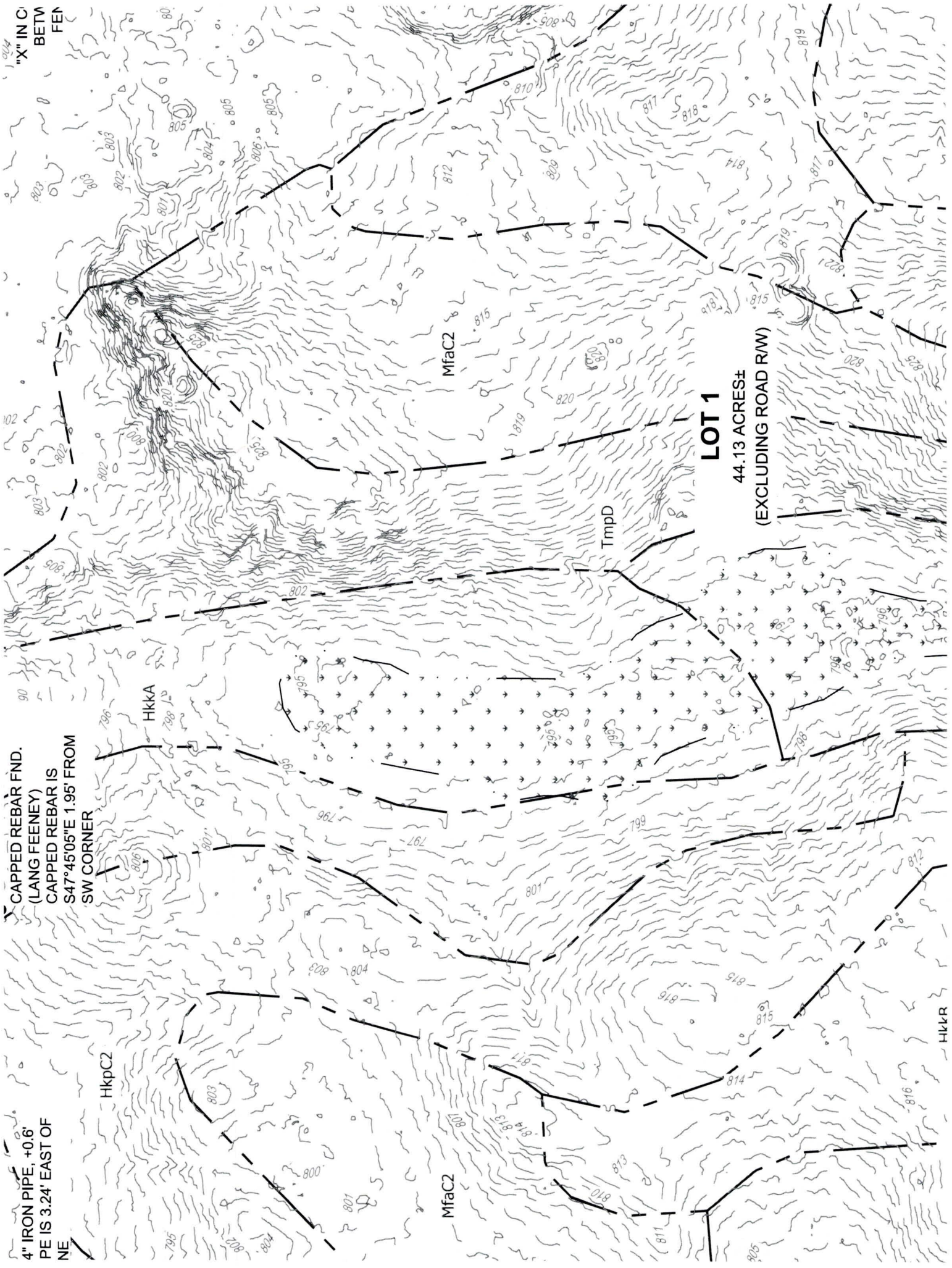
MfaC2

TmpD

**LOT 1**

44.13 ACRES±  
(EXCLUDING ROAD RW)

Hkkr



# 20-26

South Bend Common Council  
4<sup>th</sup> Floor County City Building  
227 W Jefferson  
South Bend, IN 46601

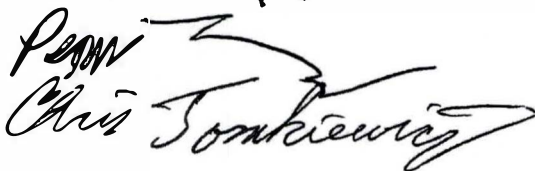
February, 26,2026

Dear Honorable Council,

Please accept this Ordinance to vacate a portion of the street Left of way as shown in the attached diagram. There are no utilities currently located within the portion of the vacation area. Our plan is simply to increase our yard space.

We respectfully request approval to acquire the right of way as shown in the attached request. Thank you for your consideration. If you have any questions or concerns, please feel free to contact us at tomkiewicz.pt@gmail.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Peggy" on the top line and "Chris Tomkiewicz" on the bottom line, with a large flourish extending from the end of the name.

Christopher and Peggy Tomkiewicz  
2801 W Calvert St  
South Bend, IN  
46613

Filed in Clerk's Office

Apr 1, 2026

Bianca Tirado  
City Clerk, South Bend, IN

Apr 1, 2026

Bianca Tirado  
City Clerk, South Bend, IN

**BILL NO. 20-26**

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

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, TO VACATE THE FOLLOWING DESCRIBED PROPERTY: WESTERN ½ OF THE UNIMPROVED NORTH/SOUTH RIGHT-OF-WAY NORTH OF CALVERT AND IMMEDIATELY EAST OF 2801 WEST CALVERT**

---

**STATEMENT OF PURPOSE AND INTENT**

**Petitioner requests the vacation in order to expand his yard.**

---

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 Ordinances 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:

Western ½ of the unimproved north/south right-of-way north of Calvert and immediately east of 2801 W. Calvert, more particularly described as set forth in Exhibit A.

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 properties may be injuriously or beneficially affected by such vacating:

2810 W Calvert Street – Parcel ID 018-8110-4170

**SECTION IV.** The purpose of the vacation of the real property is to expand the petitioner’s yard.

**SECTION V.** The vacation is subject to the elimination of the alley approach by hiring a private contractor bonded with the City to tear out the approach, replace with curb, and establish a tree lawn in accordance with City standards and specifications within ninety (90) days of final approval by the Common Council.

**SECTION VI.** This Ordinance shall be in full force and effect after adoption by the Common Council, approval by the Mayor, and any publication required by law, with an effective date of \_\_\_\_\_, 2026.

\_\_\_\_\_  
Canneth J. Lee, Council President  
South Bend Common Council

Attest:

\_\_\_\_\_  
Bianca L. Tirado, 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 \_\_\_\_\_, 2026, at \_\_\_\_\_ o'clock .m.

\_\_\_\_\_  
Bianca L. Tirado, City Clerk  
Office of the City Clerk

Approved and signed by me on the \_\_\_\_ day of \_\_\_\_\_, 2026, at \_\_\_\_ o'clock  
\_\_\_\_.m.

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

075-285301

5

018-8110-4168

018-8110-4170

W GALVERT ST

018-8110-4177

018-8110-4179

018-8106-3992

018-8106-3994

018-8106-4005

018-8106-3995

018-8106-4007



# CITY OF SOUTH BEND

## BOARD OF PUBLIC WORKS

January 13, 2026

Mr. Christopher Tomkiewicz  
2801 W. Calvert St.  
South Bend, IN 46613  
[Tomkiewicz.tt@gmail.com](mailto:Tomkiewicz.tt@gmail.com)

RE: ROW Vacation – ROW East of 2801 W. Calvert St. (Preliminary Review)

Dear Mr. Tomkiewicz:

At its January 13, 2026 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 right of way. If you still wish to pursue this vacation, please bring this BPW Recommendation Packet to the City Clerk's Office, located on the 4<sup>th</sup> 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 vacation will affect your property taxes, please contact the Auditor's Office.

In its Ordinance, the City of South Bend Common Council included the Board of Public Works' requirement that you **eliminate the alley approach by hiring a private contractor bonded with the City to tear out the approach, replace with curb, and establish a tree lawn in accordance with City standards and specifications.** These updates should be made within ninety (90) days of final approval from the Common Council. Please notify us when this work is complete. If you have any further questions, please call this office at (574) 235-9251.

Sincerely,

/s/ Hillary Horvath  
Hillary Horvath, Clerk



**INTEROFFICE MEMORANDUM  
BOARD OF PUBLIC WORKS**

**DATE:** August 29, 2025

**TO:** Kyle Ludlow, Public Works  
Eric Horvath, Public Works  
Chris Dressel, Community Investment  
Derek Erquhart, Fire Department  
Brad Rohrscheib, Police Department

**FROM:** Hillary Horvath, (hhorvath@southbendin.gov)

**SUBJECT:** REQUEST FOR RECOMMENDATIONS – ROW VACATION

**APPLICANT:** Christopher Tomkiewicz

**LOCATION:** Unimproved ROW East of 2801 W. Calvert St

---

**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/ENGINEERING:** Favorable Recommendation

**COMMUNITY INVESTMENT:** Favorable Recommendation

**FIRE:** Favorable Recommendation

**POLICE:** Favorable recommendation



# STREET/ALLEY VACATION BPW APPLICATION

City of South Bend – Board of Public Works  
227 W. Jefferson Boulevard, Ste. 1316  
South Bend, IN 46601

Date: 8/29/25 Phone #: 574 261-7864  
Name: Christopher Tomkiewicz E-mail: Tomkiewicz.AH@gmail.com  
Property Address: 2801 W Colvert St

Applicant property information:  Residential  Commercial  Industrial

Describe the general street/alley location with boundaries (Ex: 1st East/West Alley, west of St. Peter St and north of Howard St):

West Colvert / Railroad owned field around me.

Describe the reason for the request, proposed use, and any changes made to the request following from preliminary review:

Bigger yard

The following MUST be attached to this application:

- \$300 payment (check or money order)
- Preliminary review form with staff comments

### Office Use Only

Fee Paid Date: 8/29/2025

Check/Money Order #: \_\_\_\_\_

BPW Recommendation:  Favorable  Not Favorable

CITY OF SOUTH BEND, INDIANA  
BOARD OF PUBLIC WORKS

Elizabeth A. Maradik  
Elizabeth A. Maradik, President

Murray L. Miller  
Murray L. Miller, Member

Abigail E. Magas, P.E.  
Abigail E. Magas, Member

Joseph R. Molnar  
Joseph R. Molnar, Vice President

Breana N. Micou  
Breana N. Micou, Member

Hillary R. Horvath  
Attest: Hillary R. Horvath, Clerk

Date: January 13, 2026

This application expires 90 days from the BPW meeting date, which is April 13, 2026.



# STREET/ALLEY VACATION PRELIMINARY REVIEW

City of South Bend – Board of Public Works  
227 W. Jefferson Boulevard, Ste. 1316  
South Bend, IN 46601

Date: June 6, 1995 Phone #: 574-261-7864  
Name: Chris Tomkiewicz Email: tomkiewicz45@gmail.com

Property Address: 2801 W. Calvert

Applicant property information:  Residential  Commercial  Industrial

Describe the general street/alley location with boundaries (Ex: 1st East/West Alley, west of St. Peter St and north of Howard St):  
West Calvert / rail road own field around me. (Unimproved ROW east of 2801 W. Calvert)

Is your property adjacent to the street/alley of interest?  Yes  No  
Do any property owners currently access the street/alley?  Yes  No  
Is there a future property development plan associated with this request?  Yes  No

Describe the reason for this vacation request and proposed use :  
For a bigger yard.

This is a request for preliminary review of alley or street vacation with regard to Board of Public Works basic criteria. Staff will review the information provided and give feedback to the applicant.

**OFFICE USE ONLY:**

Do less than 50% of properties on the full block have direct street access?  Yes  No  
Is this the only midblock connection?  Yes  No  
Is the block length greater than 600'?  Yes  No  
Will the vacation result in: dead end alley, interference with bike route, violations of minimum traffic safety standards?  Yes  No  
Are there public or private utilities in the alley?  Yes  No

**Preliminary Staff Comments:**

Favorable recommendation for a partial vacation that includes the western 1/2 (approx. 26 ft) of the unimproved N-S ROW north of Calvert and immediately east of 2801 Calvert

Partial vacation allows for continued access to underground utilities.

**Chris Dressel**

---

**From:** Chris Dressel  
**Sent:** Wednesday, August 6, 2025 1:03 PM  
**To:** tomkiewicz45@gmail.com  
**Cc:** Gemma Stanton; Kyle Ludlow; Diane Stauffer  
**Subject:** RE: Your ROW vacation request - 2801Calvert  
**Attachments:** Public Right of Way Vacation Procedure\_Current.pdf; ROW Vacation Application - 2801 W. Calvert St. - Final Preliminary Review.pdf

Hello Chris,

Please find attached a completed City of South Bend preliminary review form in response to your request to vacate the Public Right of Way immediately east of 2801 W. Calvert.

**Your request has received a FAVORABLE RECOMMENDATION for a partial vacation.**

- Following a site visit on 7-11-2025 and further staff review, your request has received a favorable recommendation for a vacation of the western ½ of the ROW (approximately 26') The eastern ½ of the ROW should be preserved to maintain access to existing utilities.
- Next steps are attached as part of the Public Right of Way Vacation procedure. If you wish to continue your request, please send the same attached completed preliminary review form to [PWEngineering@southbendin.gov](mailto:PWEngineering@southbendin.gov) and pay the \$300 filing fee – processing for the Board of Public Works follows.

Please let me know if you have any questions. I will mail the attached documents per your earlier request.

Chris



**Chris Dressel**  
*Senior Planner*

City of South Bend  
Department of Community Investment  
Division of Planning and Community Resources

County-City Building  
227 W. Jefferson Blvd  
South Bend, IN 46615

[cdressel@southbendin.gov](mailto:cdressel@southbendin.gov)  
574-235-5847  
[Southbendin.gov](http://Southbendin.gov)

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Excellence    Accountability    Innovation    Inclusion    Empowerment



Name	Mailing Address	Mailing City	Maili	Mailing Zi	Parcel ID	Property Address	Property City	Proper	Zip
KIDDER MARK A & LORRIE J	2814 West Calvert St	South Bend	IN	46613	018-8110-4177	2814 W CALVERT ST	SOUTH BEND	IN	46613
RECENDIZ ALEJANDRO DIAZ	2714 W Calvert St	South Bend	IN	46613	018-8106-3994	2714 W CALVERT ST	SOUTH BEND	IN	46613
SHELTON BROOKE UND 1/4									
INT & THOMAS NIA UND 1/4									
INT & CANTU BRYCE UND 1/4									
INT & THOMAS ESSA UND 1/4									
INT JTWROS	2808 W Calvert St	South Bend	IN	46613	018-8110-4178	2808 W CALVERT ST	SOUTH BEND	IN	46613
ALLEN CRAIG	2802 W Calvert St	South Bend	IN	46613	018-8110-4179	2802 W CALVERT ST	SOUTH BEND	IN	46613
WASHINGTON CATHERINE	2813 W Calvert St	South Bend	IN	46613	018-8110-4168	2813 W CALVERT ST	SOUTH BEND	IN	46613
GILLS LENNIE P	2807 West Calvert St	South Bend	IN	46613	018-8110-4169	2807 W CALVERT ST	SOUTH BEND	IN	46613
TOMKIEWICZ CHRISTOHER A									
AND PEGGY F	2801 W Calvert St	South Bend	IN	46613	018-8110-4170	2801 W CALVERT ST	SOUTH BEND	IN	46613
RECENDIZ ALEJANDRO DIAZ	2714 W Calvert St	South Bend	IN	46613	018-8106-3993				
RECENDIZ ALEJANDRO DIAZ	2714 W Calvert St	South Bend	IN	46613	018-8106-3992				
NEW JERSEY IND AND ILL RR									
CO % NORFOLK SOUTHERN									
CORP	Taxation Department	Atlanta	GA	30308	018-8075-2856				
NEW JERSEY IND AND ILL RR									
CO % NORFOLK SOUTHERN									
CORP	Taxation Department	Atlanta	GA	30308	018-8075-285301				





**21-26**

City of South Bend  
**PLAN COMMISSION**

City Hall  
215 S. Dr. Martin Luther King, Jr. Blvd.  
Suite 500  
South Bend, IN 46601  
(574) 235-7627  
[www.southbendin.gov/zoning](http://www.southbendin.gov/zoning)

April 7, 2026

Honorable Dr. Oliver Davis  
3rd Floor, City Hall  
South Bend, IN 46601

Filed in Clerk's Office

**Apr 8, 2026**

Bianca Tirado  
City Clerk, South Bend, IN

RE: Proposed Zoning Text Amendment #7.5

Dear Committee Chair Dr. Davis:

Enclosed is an Ordinance for proposed Text Amendments for Chapter 3, 4, 6, 13, 14, and 17 of the City of South Bend Municipal Code. The Common Council of the City of South Bend, Indiana, adopted a new zoning ordinance for the City of South Bend that went into effect on January 1, 2020, last amended January 2026. However, the numerous references to the zoning code mentioned in the rest of the Municipal Code were not updated to align with the newly adopted Chapter 21 code language. The intent of this package of text amendments is to amend Chapter 3, 4, 6, 13, 14, and 17 to align with Chapter 21.

Please include the attached Ordinance on the Council agenda for first reading at your April 7, 2026 Council meeting and set it for public hearing at your April 27, 2026 Council meeting. The petition will not be heard by the South Bend Plan Commission, instead will be heard directly by Common Council.

If you have any questions, please call our office at (574) 235-7627.

Sincerely,

Brian Killen  
Zoning Administrator

Apr 8, 2026

Bianca Tirado  
City Clerk, South Bend, IN

**BILL NO. 21-26**

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

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTERS 3, 4, 6, 13, 14, and 17 OF THE SOUTH BEND MUNICIPAL CODE TO ALIGN WITH ZONING CHAPTER 21**

**STATEMENT OF PURPOSE AND INTENT**

The Common Council of the City of South Bend, Indiana, adopted a new zoning ordinance for the City of South Bend that went into effect on January 1, 2020. Other chapters of the South Bend municipal code which make references to the zoning ordinance and zoning districts must be updated accordingly to ensure continued alignment.

NOW, THEREFORE, be it ordained by the Common Council of the City of South Bend, Indiana, as follows:

**SECTION I. Chapter 3, Advertising, of the *South Bend Municipal Code*, Article 2 Illuminated Signs, Division 2 Construction and Height Specifications, Section 3-21 Flat signs minimum height is hereby amended as follows:**

Illuminated signs flat against a building may be erected at entrance door height if the entire sign box is flat against the building wall; otherwise, the sign shall ~~clear the sidewalk by nine (9) feet~~ meet the projecting sign clearance standards set forth at subsection 21-10.05(d)(4).

**SECTION II. Chapter 3, Advertising, of the *South Bend Municipal Code*, Article 2 Illuminated Signs, Division 2 Construction and Height Specifications, Section 3-24 Anchorage and height of signs above public way is hereby amended as follows:**

- (a) Illuminated signs projecting over public property shall meet the standards for projecting signs set forth at subsection 21-10.05(d)(4).:
  - (1) ~~Be supported by a structure anchored wholly within the lot lines;~~
  - (2) ~~Have the lowest part overhanging the public way at least ten (10) feet above such public way; provided, that such sign does not project within two (2) feet of the curb line;~~

- (3) ~~If installed over an alley, be at least eighteen (18) feet above the roadway.~~

**SECTION III. Chapter 4, Licenses, of the *South Bend Municipal Code*, Article 4 Specific Business Regulations, Section 4-18.5 Adult businesses, subsection (a) Definitions is hereby amended as follows:**

- (1) Adult business shall have the meaning set forth at subsection ~~21-08.02(e)~~ 21-06.01(k)(1).
- (2) Adult mini motion picture theater shall have the meaning set forth at subsection ~~21-08.02(e)(6)~~ 21-06.01(k)(1)(B)(vi).
- (3) Adult motion picture theater shall have the meaning set forth at subsection ~~21-08.02(e)(9)~~ 21-06.01(k)(1)(B)(ix).
- (8) Specified anatomical areas shall have the meaning set forth at subsection ~~21-08.02(e)(17)~~ 21-06.01(k)(1)(B)(xvii).
- (9) Specified sexual activities shall have the meaning set forth at subsection ~~21-08.02(e)(18)~~ 21-06.01(k)(1)(B)(xviii).

**SECTION IV. Chapter 4, Licenses, of the *South Bend Municipal Code*, Article 4 Specific Business Regulations, Section 4-22 Carnivals and circuses, subsection (e) Zoning Restrictions is hereby amended as follows:**

- (1) No license shall be issued to any proposed carnival or circus for a location within one thousand (1,000) feet of any of the following zoning use districts as defined by the zoning chapter of this Code:
  - a. ~~“A” Residence~~ S1 Suburban Neighborhood 1 District.
  - b. ~~“A-1” Residence~~ S2 Suburban Neighborhood 2 District.
  - c. ~~“A-2” Planned Residential Development~~ U1 Urban Neighborhood 1 District
  - d. ~~“A-3” High Priority Residential Office and Professional~~ U2 Urban Neighborhood 2 District
  - e. ~~“B” Residence~~ U3 Urban Neighborhood 3 District.
  - f. ~~“B-1” Residence~~ UF Urban Neighborhood Flex District.

**SECTION V. Chapter 4, Licenses, of the *South Bend Municipal Code*, Article 4 Specific Business Regulations, Section 4-23 Fertilizer manufacturing facilities, subsection (f) Zoning restrictions is hereby amended as follows:**

Fertilizer manufacturing facilities shall be located only in areas zoned "~~E~~" Heavy Industrial District; ~~however, n~~ No fertilizer manufacturing facility shall be located within one thousand (1,000) feet of any property not zoned "I" Industrial District. ~~of the following zoning districts as defined by the zoning chapter of this Code:~~

- ~~(1) "A" Residence District.~~
- ~~(2) "A 1" Residence District.~~
- ~~(3) "A 2" Planned Residential Development District~~
- ~~(4) "A 3" Mixed Use Multifamily Residential and Commercial.~~
- ~~(5) "B" Residence District.~~
- ~~(6) "B 1" Residence District.~~
- ~~(7) "C 1" Commercial, Limited Use District.~~
- ~~(8) "C 2" Planned Shopping Center District.~~

**SECTION VI. Chapter 4, Licenses, of the *South Bend Municipal Code*, Article 4 Specific Business Regulations, Section 4-40 Outdoor motion picture theaters, subsection (f) Zoning restrictions is hereby amended as follows:**

- (1) No license shall be issued to any proposed outdoor motion picture theater for a location within one thousand (1,000) feet of any of the following zoning use districts as defined by the zoning chapter of this Code:
  - a. ~~"A" Residence~~ S1 Suburban Neighborhood 1 District.
  - b. ~~"A 1" Residence~~ S2 Suburban Neighborhood 2 District.
  - c. ~~"A 2" Planned Residential Development~~ U1 Urban Neighborhood 1 District
  - d. ~~"A 3" High Priority Residential Office and Professional~~ U2 Urban Neighborhood 2 District
  - e. ~~"B" Residence~~ U3 Urban Neighborhood 3 District.
  - f. ~~"B 1" Residence~~ UF Urban Neighborhood Flex District.

**SECTION VII. Chapter 4, Licenses, of the *South Bend Municipal Code*, Article 4 Specific Business Regulations, Section 4-51 Scrap metal dealers, junk dealers, valuable metal dealers and recycling operations is hereby amended as follows:**

(d) *Application; zoning restrictions.*

(2) No license shall be issued to any proposed scrap or junkyard, recycling operation or transfer station for a location within one thousand (1,000) feet of any lot being lawfully used, entirely or in part, as a ~~single-family, two-family or multifamily~~ 1 unit, 2unit, or multi-unit dwelling, or any of the following zoning use districts as defined by the zoning chapter of this Code:

- a. ~~SF1 Single Family and Two Family~~ S1 Suburban Neighborhood 1 District
- b. ~~SF2 Single Family and Two Family~~ S2 Suburban Neighborhood 2 District
- c. ~~MF1 Urban Corridor Multifamily~~ U1 Urban Neighborhood 1 District
- d. ~~MF2 High Density Multifamily~~ U2 Urban Neighborhood 2 District
- e. ~~OB Office Buffer~~ U3 Urban Neighborhood 3 District
- f. ~~MU Mixed Use~~ UF Urban Neighborhood Flex District
- g. ~~"O" Office~~ NC Neighborhood Center District
- h. ~~LB Local Business~~ DT Downtown District
- i. ~~CB Community Business District~~ OS Open Space District
- j. ~~CBD Central Business District~~ U University District
- k. ~~GB General Business District~~ C Commercial District

unless such footage requirement is waived by specific resolution of the Common Council. Such resolution must incorporate one of the following considerations for such a waiver: that the majority of the business operation would take place within an enclosed structure, that the business would be located beyond one-half (½) of the footage requirement or that a majority of the owners affected by the new business which are within the one thousand-foot requirement give approval.

(l) *Operation and maintenance rules and regulations.*

(2) The operators of such yards shall conform with the following rules and regulations:

- a. Minimum lot area for new yards: All new scrap and junkyards, and recycling operations shall have a minimum lot area of five

(5) acres and shall be zoned ~~GI General~~ Industrial District pursuant to the zoning provisions of this Code.

**SECTION VIII. Chapter 4, Licenses, of the *South Bend Municipal Code*, Article 4 Specific Business Regulations, Section 4-62 Waste to energy facilities, subsection (f) Zoning restrictions is hereby amended as follows:**

Waste to energy facilities shall be located only in areas zoned "E" Heavy I Industrial District; ~~however, n~~ No waste to energy facility shall be located within one thousand (1,000) feet of any property not zoned "I" Industrial District of the following zoning districts as defined by the zoning chapter of this Code:

- (1) ~~"A" Residence District.~~
- (2) ~~"A 1" Residence District.~~
- (3) ~~"A 2" Planned Residential Development District~~
- (4) ~~"A 3" Mixed Use Multifamily Residential and Commercial.~~
- (5) ~~"B" Residence District.~~
- (6) ~~"B 1" Residence District.~~
- (7) ~~"C 1" Commercial, Limited Use District.~~
- (8) ~~"C 2" Planned Shopping Center District.~~

**SECTION IX. Chapter 6, Building, of the *South Bend Municipal Code*, Article 1 General Provisions, Section 6-4.1. Filing fees; improvement location permits and document processing/preparation fees is hereby amended as follows:**

- (4) Northeast Neighborhood ~~Development Area Overlay~~ Zoning Overlay District a/k/a ~~Northeast Neighborhood Development Area~~ Design Review Fees:

Required for all standalone residential or commercial new construction, in addition to and separate from any other permit, processing, or review fee:  
\$160.00

The Department's review or processing of all of the above listed matters is subject to form and submission requirements which are available for inspection in the office of the Building Department, and viewable on the City website, [www.southbendin.gov](http://www.southbendin.gov).

**SECTION X. Chapter 6, Building, of the *South Bend Municipal Code*, Article 9 Floodplain Code, Section 6-38.3 General provisions, subsection (i) is hereby amended as follows:**

*Penalties for Violation.* Failure to obtain a Floodplain Development Permit in the SFHA or failure to comply with the requirements of a Floodplain Development Permit or conditions of a variance shall be deemed to be a violation of this article. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Zoning Code for the City of South Bend in Section 21-14.03(i). All violations shall be punishable by a fine as set forth in Section 21-13.02(h).

**SECTION XI. Chapter 13, Offenses and Miscellaneous Provisions, of the *South Bend Municipal Code*, Article 7 Noise Control, Section 13-80 Definitions, subsection (a) is hereby amended as follows:**

- (3) *C Commercial Districts.* ~~C-1 and C-2~~ NC, DT, and C Commercial-D districts as defined in the zoning chapter of this code.
- (11) *Residential Districts.* ~~A, A-1, A-2, A-3, B, and B-1~~ residence S1, S2, U1, U2, U3, UF, OS, and U districts as defined in the zoning chapter of this Code.

**SECTION XII. Chapter 14, Specific Public Safety Regulations, of the *South Bend Municipal Code*, Article 1 Roller Skates and Skateboards, Section 14-3 Same—On sidewalks is hereby amended as follows:**

- (a) No person shall roller skate or ride a skateboard on any city sidewalk in the following areas of the City:
  - (1) ~~"A-3" Mixed Use Multifamily Residential and Commercial~~ NC Neighborhood Center Districts ~~(except where specifically posted otherwise).~~
  - (2) ~~The Central Business~~ DT Downtown District.
  - (3) ~~"C-1"~~ Commercial Districts.
  - (4) ~~"C-2" Planned Shopping Center I~~ Industrial District ~~(except where specifically posted otherwise).~~
  - (5) ~~"C"~~ Commercial Districts.
  - (6) ~~"D"~~ Light Industrial Districts.
  - (7) ~~"E"~~ Heavy Industrial Districts.as defined in Chapter 21 (entitled "Zoning") of this code, and on all sidewalks adjacent to nursing homes, hospitals, fire stations, schools, churches, and synagogues.

- (b) — ~~Persons may roller skate or ride a skateboard on sidewalks in the following areas of the City:~~
- ~~(1) — “A” Residence Districts.~~
  - ~~(2) — “A 1” Residence Districts.~~
  - ~~(3) — “A 2” Planned Residential Development Districts.~~
  - ~~(4) — “B” Residence Districts.~~
  - ~~(5) — “B 1” Residence Districts.~~
- ~~as defined in Chapter 21 (entitled “Zoning”) of this Code.~~

~~(e)(b)~~  
~~(d)(c)~~

**SECTION XIII. Chapter 14, Specific Public Safety Regulations, of the *South Bend Municipal Code*, Article 8 Residential Lawn Parking Regulations, Section 14-41 Definitions is hereby amended as follows:**

*Residential use:* ~~Real estate which is zoned S1 Suburban Neighborhood 1, S2 Suburban Neighborhood 2, U1 Urban Neighborhood 1, U2 Urban Neighborhood 2, U3 Urban Neighborhood 3, or UF Urban Neighborhood Flex, SF1 Single Family and Two Family Dwelling as further addressed in South Bend Municipal Code section 21-03-02.01; SF2 Single Family and Two Family Dwelling as further addressed in South Bend Municipal Code section 21-02.02; MF1 Urban Corridor Multifamily District as further addressed in South Bend Municipal Code section 21-02.03; or MF2 High Density Multifamily District as further addressed in South Bend Municipal Code section 21-02.04.~~

**SECTION XIV. Chapter 14, Specific Public Safety Regulations, of the *South Bend Municipal Code*, Article 9 Regulations Addressing Special Events in Residentially Zoned Area, Section 14-51 Definitions is hereby amended as follows:**

*Residentially zoned area:* ~~Real estate which is zoned S1 Suburban Neighborhood 1, S2 Suburban Neighborhood 2, U1 Urban Neighborhood 1, U2 Urban Neighborhood 2, U3 Urban Neighborhood 3, or UF Urban Neighborhood Flex, SF1 single family and two family dwelling as further addressed in South Bend Municipal Code section 21-03-03. SBMC § 21-02.01; SF2 single family and two family dwelling as further addressed in SBMC § 21-02.02; MF1 urban corridor multifamily district as further addressed in SBMC § 21-02.03; or MF2 high density multifamily district as further addressed in SBMC § 21-02.04.~~

**SECTION XV. Chapter 17, Sewers and Water, of the South Bend Municipal Code, Article 1 General Provisions, Section 17-4 Drains and downspouts disconnection requirements; limited exceptions, subsection (c) is hereby amended as follows:**

Due to the extraordinary estimated costs to implement the Long Term Control Plan (LTCP) mandated by the Environmental Protection Agency (EPA) and the Indiana Department of Environmental Management (IDEM), all buildings, residences, sump pumps, and parking lots which currently direct their storm water into the sanitary or combined sewers shall disconnect by the following dates:

Residential properties: December 31<sup>st</sup>, 2020;

Commercial properties: December 31<sup>st</sup>, 2020;

with the following limited exceptions and requirements:

- (1) All properties located in a UF Urban Flex, NC Neighborhood Center, DT Downtown, or C Commercial Commercial/Mixed Use Ddistricts, as defined in Sections 21-03 and 21-04 of Article 3 of Chapter 21 of the South Bend Municipal Code, ~~which include: OB Office Buffer District, MU Mixed Use District, O Office District, LB Local Business District, CB Community Business District, CBD Central Business District, and GB General Business District, as well as all PUD Planned Unit Development Districts~~ and all industrial properties, shall disconnect all buildings, sump pumps, and parking lots which currently direct their storm water into the sanitary or combined sewers. If disconnecting is not practical or possible or if the cost incurred would make disconnecting financially impractical or financially impossible the building owner may, at their choosing, enter the In-Lieu of Disconnect Fee Program instead of disconnecting. By entering this program the building owner agrees to pay to the City a one-time fee of \$0.61 per square foot of connected impervious surface.

All funds received by the City for the In-Lieu of Disconnect Fee Program shall be specifically designated to reduce the financial burden on residents of the combined sewer overflow LTCP.

By December 31<sup>st</sup> 2020 all commercial and industrial buildings shall have either disconnected or shall have entered the In-Lieu of Disconnect Fee Program. The Department of Public Works shall, by December 31<sup>st</sup> 2017, make available on the City's website a guidance document that will assist commercial building owners in obtaining further information on how to join the Program. The guidance document shall also outline how commercial building owners may pay the In-Lieu of Disconnect Fee in installments.

**SECTION XVI. Chapter 17, Sewers and Water, of the *South Bend Municipal Code*, Article 8 Flood Hazard Area Standards, Section 17-65 Certain utility construction or reconstruction in flood hazard areas is hereby amended as follows:**

All new or replacement watermains, valves, or other appurtenances and all new or replacement sewers, manholes, and other appurtenances constructed or reconstructed in a Special Flood Hazard Area, as defined in section ~~21-12.03(a)(21)~~ 21-14.02(a)(64), shall be designed and constructed as to minimize or eliminate infiltration of floodwaters into these systems and discharges from the systems into floodwaters.

**SECTION XVIII. This Ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.**

\_\_\_\_\_  
Canneth J. Lee, Council President  
South Bend Common Council

Attest:

\_\_\_\_\_  
Bianca L. Tirado, 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 \_\_\_\_\_, 2026, at \_\_\_\_ o'clock \_\_m.

\_\_\_\_\_  
Bianca L. Tirado, City Clerk  
Office of the City Clerk

Approved and signed by me on the \_\_\_\_ day of \_\_\_\_\_, 2026, at \_\_\_\_ o'clock \_\_\_\_m.

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



**22-26**



City of South Bend  
**PLAN COMMISSION**

City Hall  
215 S. Dr. Martin Luther King, Jr. Blvd.  
Suite 500  
South Bend, IN 46601  
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[www.southbendin.gov/zoning](http://www.southbendin.gov/zoning)

April 7, 2026

Honorable Dr. Oliver Davis  
3rd Floor, City Hall  
South Bend, IN 46601

Filed in Clerk's Office

**Apr 8, 2026**

RE: Proposed Zoning Text Amendment #8 for Chapter 21

Bianca Tirado  
City Clerk, South Bend, IN

Dear Committee Chair Dr. Davis:

Enclosed is an Ordinance for a proposed Text Amendment to Chapter 21. The Common Council of the City of South Bend, Indiana, adopted a new zoning ordinance for the City of South Bend that went into effect on January 1, 2020. Since its last amendment in January 2026, use of the Ordinance has identified a few standards that need further clarification, correction, or revision. Changes to these standards will support a more vibrant, resilient community while improving the ease of use of the zoning ordinance.

Please include the attached Ordinance on the Council agenda for first reading at your April 13, 2026 Council meeting and set it for public hearing at your April 27, 2026 Council meeting. The petition is tentatively scheduled for public hearing at the April 20, 2026 South Bend Plan Commission meeting. The recommendation of the South Bend Plan Commission will be forwarded to the Office of the City Clerk by noon on the day following the public hearing.

If you have any questions, please call our office at (574) 235-7627.

Sincerely,

Brian Killen  
Zoning Administrator

Apr 8, 2026

Bianca Tirado  
City Clerk, South Bend, IN

**BILL NUMBER 22-26**

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

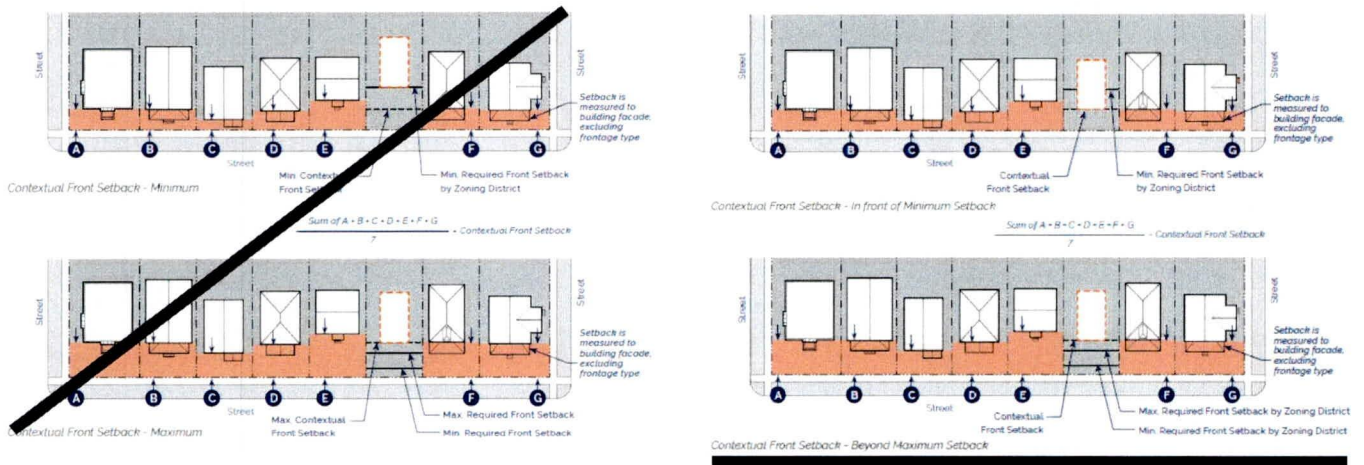
**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 21 OF THE SOUTH BEND MUNICIPAL CODE TO MAKE MISCELLANEOUS CHANGES FOR CLARIFICATION AND CONSISTENCY TO SIMPLIFY DEVELOPMENT PROCESS AND TO ACHIEVE HIGHER QUALITY DEVELOPMENT**

**STATEMENT OF PURPOSE AND INTENT**

The Common Council of the City of South Bend, Indiana, adopted a new zoning ordinance for the City of South Bend that went into effect on January 1, 2020. Since its adoption in November 2019, use of the Ordinance has identified a few standards that need further clarification, correction, or revision. Changes to these standards will support a more vibrant, resilient community while improving the ease of use of the zoning ordinance.

NOW, THEREFORE, be it ordained by the Common Council of the City of South Bend, Indiana, as follows:

**SECTION I. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 2 Definitions & Measurements, Section 21-02.03 Measurements, subsection (b) Building Placement, Contextual Front Setback diagrams are hereby amended as follows:**

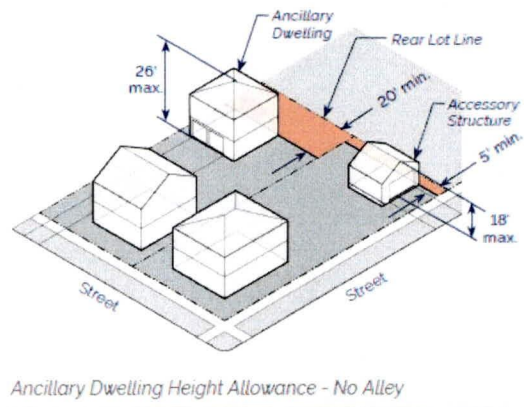
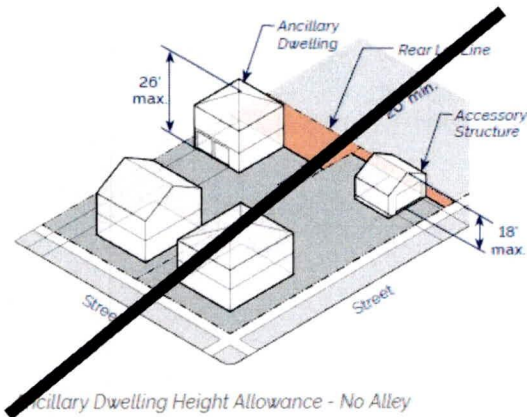


**SECTION II.** Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 2 Definitions & Measurements, Section 21-02.03 Measurements, subsection (d) Building Form is hereby amended as follows:

(2) **Building Height (Stories).**

- (D) A single one-story shared amenity space ~~per~~ on a Stacked Flats, Shop, or Mid-Rise/Tower building type shall not count as a story toward the maximum number if it meets the following criteria:

**SECTION III.** Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 2 Definitions & Measurements, Section 21-02.03 Measurements, subsection (e) Building Components, Ancillary Dwelling Height Allowance - No Alley diagram are hereby deleted and replaced with new Ancillary Dwelling Height Allowance - No Alley diagram as follows:



**SECTION IV.** Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 2 Definitions & Measurements, Section 21-02.03 Measurements, subsection (f) Building Standards, (2) Building Width is hereby amended as follows:

- (A) For the Stacked Flats, Shop, and Mid-Rise/Tower building types, the Zoning Administrator may grant the following allowances if the building design meets the intent of the ordinance:

- i. ~~Elevated hallway connections between structures that are set back at least 20 feet from the front or corner facade shall not count toward continuity of building width.~~  
If buildings or parts of a building are connected by an elevated hallway (open at the ground floor), the width of each building or part of a building shall be measured independently. The connection, which shall not count toward building width, shall be set back a minimum of 20 feet from the front or corner facade.
- ii. In a U3 or UF district, if buildings or parts of a building are at least four stories in height and connected by a hallway, the width of each building or part of a building shall be measured independently. The connection, which shall not count toward building width, shall be set back a minimum of 20 feet from the front or corner facade and may be at grade or elevated.
- iii. In a NC or DT district, if a building is designed as multiple buildings, the building width of each uniquely designed part shall be measured independently. Each part shall not exceed 120 feet in width, shall have a frontage type, and shall be made architecturally distinct through means such as variations in building and parapet heights, building materials and ornamentation, and window pattern, grouping, and size.
- iv. ~~The Zoning Administrator may permit an increase in the~~ The maximum building width may be increased of up to 25% to fill out the lot frontage when it is contextually appropriate and the building design meets the intent of the ordinance.

**SECTION V. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.01 S1 Suburban Neighborhood 1, subsection (f) Building Form; Section 21-03.02 S2 Suburban Neighborhood 2, subsection (f) Building Form; Section 21-03.03 U1 Urban Neighborhood 1, subsection (f) Building Form; Section 21-03.04 U2 Urban Neighborhood 2, subsection (f) Building Form; Section 21-03.05 U3 Urban Neighborhood 3, subsection (f) Building Form are hereby amended as follows:**

**Building Height**

Accessory buildings, except for ancillary dwelling units, shall not be taller than the primary building on a lot.

**SECTION VI.** Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.01 S1 Suburban Neighborhood 1, subsection (j) Landscape; Section 21-03.02 S2 Suburban Neighborhood 2, subsection (j) Landscape; Section 21-03.03 U1 Urban Neighborhood 1, subsection (j) Landscape; Section 21-03.04 U2 Urban Neighborhood 2, subsection (j) Landscape; Section 21-03.05 U3 Urban Neighborhood 3, subsection (j) Landscape; Section 21-03.06 UF Urban Neighborhood Flex, subsection (j) Landscape; Section 21-03.07 NC Neighborhood Center, subsection (j) Landscape; Section 21-03.08 DT Downtown, subsection (j) Landscape are hereby amended as follows:

**Parking Lot Screening (of 4 or more spaces)**

Buffers shall comply with Section 21-09.01~~(n)~~(o).

**SECTION VII.** Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.04 U2 Urban Neighborhood 2, subsection (f) Building Form is hereby amended as follows:

**Building Height**

Primary Building (max.) 35' and 2.5 stories<sup>1</sup>

Accessory Building (max.)<sup>+2</sup>

<sup>1</sup> Apartment Houses may be built to a maximum height of 3 stories if building width is 30' or less.

<sup>+2</sup>

**SECTION VIII.** Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.06 UF Urban Neighborhood Flex, subsection (c) Principal Uses is hereby amended as follows:

Restaurant

~~Special Exception~~ Allowed subject to conditions

**SECTION IX.** Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.06 UF Urban Neighborhood Flex, subsection (f) Building Form is hereby amended as follows:

**Building Design**

Total Non-Residential or Non-Civic Use (max.) 5,000 square feet  
Restaurant (max.) 2,000 square feet

**SECTION X.** Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 4 Special Districts, Section 21-04.01 OS Open Space, subsection (i) Landscape; Section 21-04.02 U University, subsection (i) Landscape; Section 21-04.03 C Commercial, subsection (i) Landscape; Section 21-04.04 I Industrial, subsection (i) Landscape are hereby amended as follows:

**Parking Lot Screening (of 4 or more spaces)**

Buffers shall comply with Section 21-09.01~~(n)~~(o).

**SECTION XI.** Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.01 Principal Uses, Table 21-06A: Principal Uses by Zoning District is hereby amended as follows:

Retail & Service	UF
Restaurant	<del>Special Exception</del> <u>Allowed subject to conditions</u>

**SECTION XII.** Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.01 Principal Uses, subsection (g) Industrial, Manufacturing, & Processing, sub-subsection (2)(A)(i) Industrial, Heavy Standards; Article 6 Uses, Section 21-06.01 Principal Uses, subsection (g) Industrial, Manufacturing, & Processing, sub-subsection (3)(A)(i) Industrial, Light Standards; Article 6 Uses, Section 21-06.01 Principal Uses, subsection (g) Industrial, Manufacturing, & Processing, sub-subsection (5)(A)(i) Warehouse/Distribution Standards; Article 6 Uses, Section 21-06.01 Principal Uses, subsection (g) Industrial, Manufacturing, & Processing, sub-subsection (6)(A)(i) Waste Processing/Recycling Facility Standards; Article 6 Uses, Section 21-06.01 Principal Uses, subsection (k) Retail & Service, sub-subsection (2)(A)(iii) Animal Care Establishment Standards; Article 6 Uses, Section 21-06.01 Principal Uses, subsection (k) Retail & Service, sub-subsection (7)(A)(vii) Drive-Through Facility Standards; Article 6 Uses, Section 21-06.01 Principal Uses, subsection (k) Retail & Service, sub-subsection (7)(A)(viii) Drive-Through Facility Standards; Article 6 Uses, Section 21-06.01 Principal Uses, subsection (k) Retail & Service, sub-subsection (11)(A)(iv) Gas/Fuel Station Standards; Article 6 Uses, Section 21-06.01 Principal Uses, subsection (k) Retail & Service, sub-subsection (11)(A)(v) Gas/Fuel Station Standards; Article 6 Uses, Section

**21-06.01 Principal Uses, subsection (k) Retail & Service, sub-subsection (17)(A)(i) Retail & Service, Heavy Standards; Article 6 Uses, Section 21-06.01 Principal Uses, subsection (k) Retail & Service, sub-subsection (17)(A)(ii) Retail & Service, Heavy Standards; Article 6 Uses, Section 21-06.01 Principal Uses, subsection (k) Retail & Service, sub-subsection (18)(A)(iii) Self-Storage Facility Standards; Article 6 Uses, Section 21-06.01 Principal Uses, subsection (k) Retail & Service, sub-subsection (21)(A)(viii) Vehicle Sales or Rental Standards; Article 6 Uses, Section 21-06.01 Principal Uses, subsection (k) Retail & Service, sub-subsection (21)(A)(ix) Vehicle Sales or Rental Standards; Article 6 Uses, Section 21-06.01 Principal Uses, subsection (k) Retail & Service, sub-subsection (22)(A)(iii) Vehicle Service, Major Standards; Article 6 Uses, Section 21-06.01 Principal Uses, subsection (l) Transportation, sub-subsection (4)(A)(i) Parking Lot Standards; Article 6 Uses, Section 21-06.01 Principal Uses, subsection (m) Utilities, sub-subsection (2)(A)(i) Utilities, Major Standards; Article 6 Uses, Section 21-06.01 Principal Uses, subsection (m) Utilities, sub-subsection (3)(A)(i) Utilities, Minor Standards; Article 6 Uses, Section 21-06.01 Principal Uses, subsection (m) Utilities, sub-subsection (4)(D)(vi) Wireless Communication Tower Standards; Article 6 Uses, Section 21-06.02 Accessory Uses and Structures, subsection (f) Accessory Use Definitions and Standards, sub-subsection (14)(A)(i) Mechanical Equipment Standards; Article 6 Uses, Section 21-06.02 Accessory Uses and Structures, subsection (f) Accessory Use Definitions and Standards, sub-subsection (25)(A)(i) Storage, Outdoor Standards; Article 7 Access & Parking, Section 21-07.04 Off-Street Loading, subsection (d) Design and Construction of Loading Areas, sub-subsection (4) Landscaping; Article 9 Site Development, Section 21-09.01 Landscape, subsection (p) Parking Lot Landscape, sub-subsection (2)(A) Parking Lot Screening; Article 9 Site Development, Section 21-09.01 Landscape, subsection (p) Parking Lot Landscape, sub-subsection (2)(B) Parking Lot Screening are hereby amended as follows:**

All in-text references to Section 21-09.01(n) are changed to Section 21-09.01(o).

**SECTION XIII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.01 Principal Uses, subsection (j) Residential is hereby amended as follows:**

**(1) Dwelling, Ancillary**

**(A) Standards:**

- (vii) A detached ancillary dwelling ~~shall not be taller in feet than the primary building on the lot and~~ shall meet all accessory height requirements of the applicable zoning district.

**SECTION XIV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.01 Principal Uses, subsection (k) Retail & Services is hereby amended as follows:**

**(7) Drive-Through Facility**

**(A) Standards:**

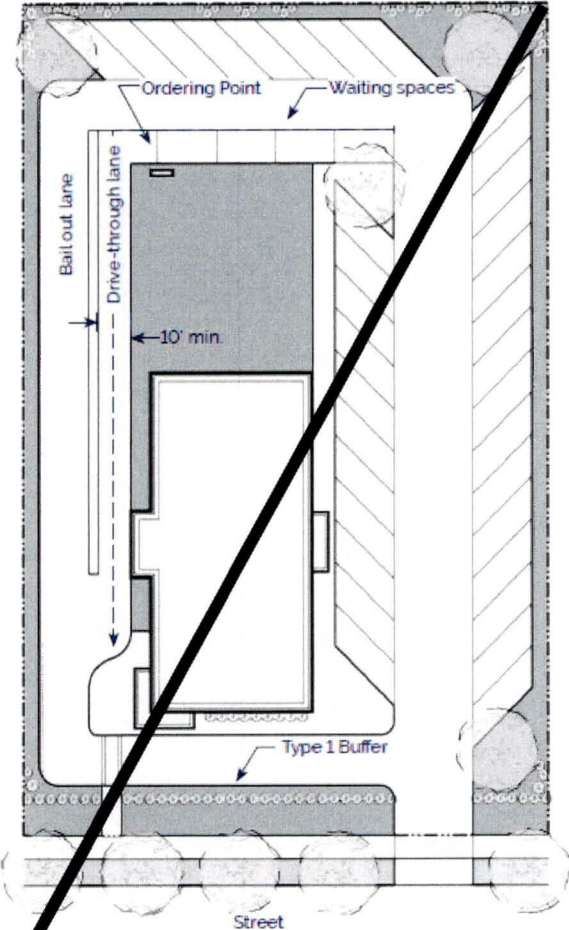
- (x) A drive-through facility shall serve people on foot, bicycle, or other modes of transportation besides a motor vehicle during all hours of operation. This may be achieved through means such as a carryout counter, walk-up window, pickup outside of the primary building, or allowing non-motor vehicle users to utilize the drive-through lane.

**(15) Restaurant**

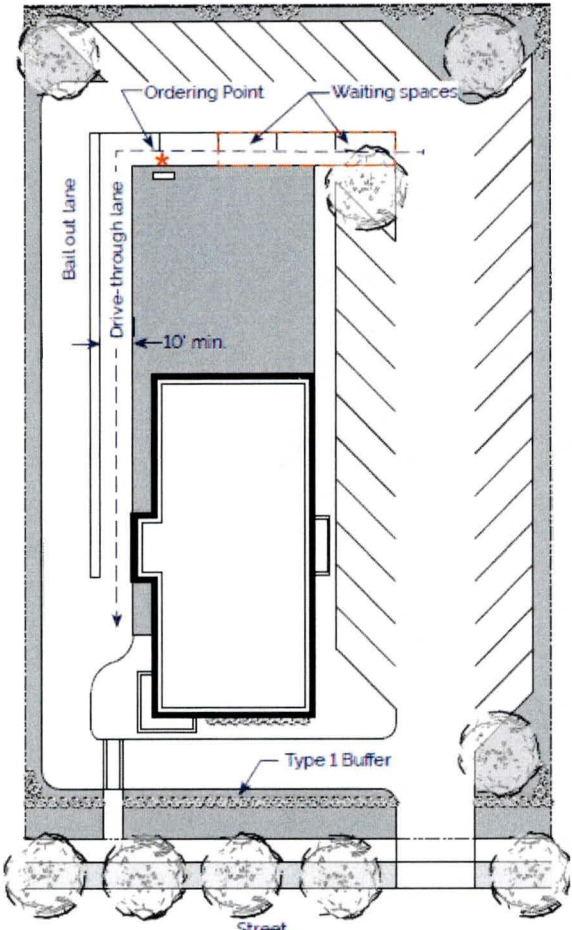
**(A) Standards:**

- (i) In a UF district, a restaurant exceeding 2,000 square feet shall require a special exception.

**SECTION XV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.01 Principal Uses, subsection (k) Retail & Services, Drive-Through Layout diagram is hereby amended as follows:**

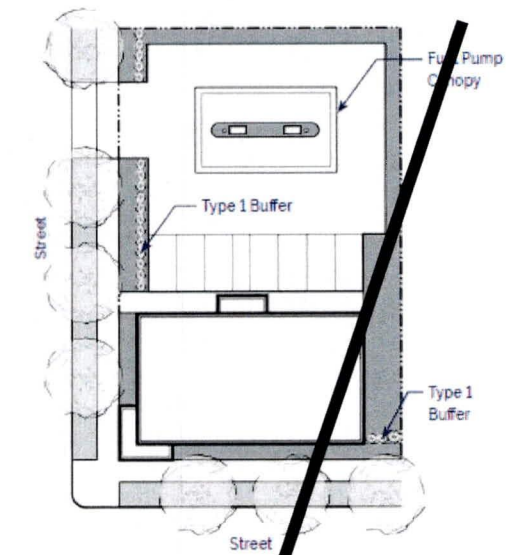


Drive-Through Layout

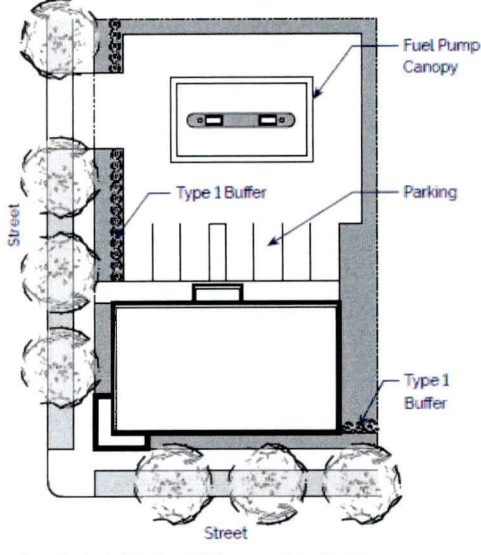


Drive-Through Layout

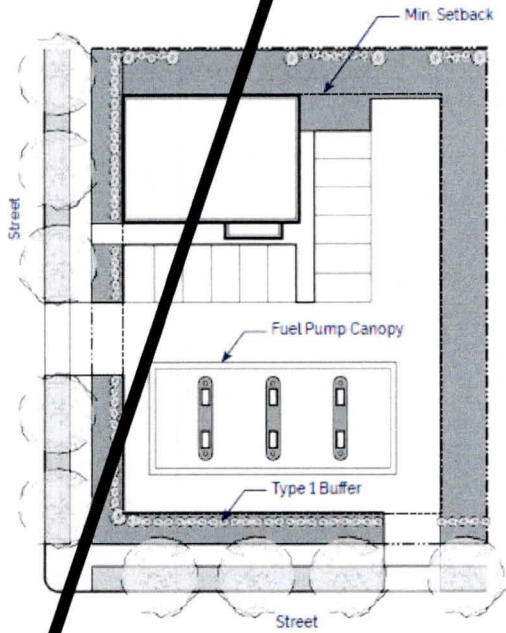
**SECTION XVI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.01 Principal Uses, subsection (k) Retail & Services, Gas fuel/station layout diagrams are hereby amended as follows:**



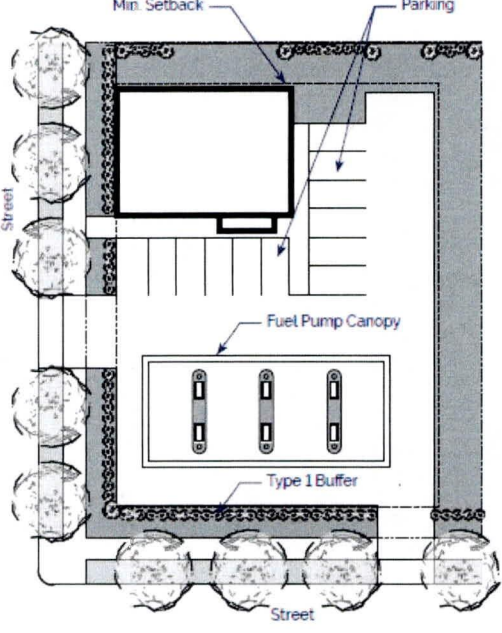
*Gas/fuel station layout for an urban location*



*Gas/fuel station layout for an urban location*



*Gas/fuel station layout for a suburban location*



*Gas/fuel station layout for a suburban location*

**SECTION XVII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.01 Principal Uses, subsection (k) Retail & Service, subsection (21)(A)(x) Vehicle Sales or Rental Standards; Article 7 Access & Parking, Section 21-07.03 Vehicle Access & Parking, subsection (e)(2) Design and Construction of Off-Street Vehicle Parking Areas, Landscape of Off-Street Parking Areas are hereby amended as follows:**

All in-text references to Section 21-09.01(o) are changed to Section 21-09.01(p).

**SECTION XVIII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.01 Principal Uses, subsection (l) Transportation is hereby amended as follows:**

**(4) Parking Lot**

A non-accessory parking lot for the storage of motor vehicles made available to the general public, with or without a fee. Parking lots serving a permitted use located on an adjacent lot or a lot ~~separated from the subject lot by a street or alley~~ no greater than 250 feet from the subject lot shall be considered as accessory parking lots. Includes parking structures, whether underground, at ground level, or above ground level, in which more than 50 percent of the gross floor area is used for parking vehicles.

**SECTION XIX. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.02 Accessory Uses and Structures, subsection (f) Accessory Use Definitions and Standards is hereby amended as follows:**

**(14) Mechanical Equipment**

**(A) Standards:**

(iii) Vents, air conditioners, and utility meters, except where such elements are enclosed, camouflaged, screened, obscured, or otherwise not visible from the street, are prohibited as part of a front or corner facade.

~~(iii)~~(iv)

~~(iv)~~(v)

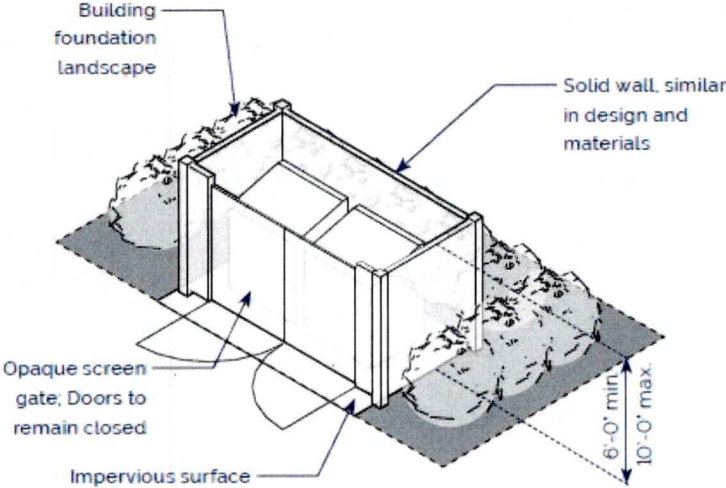
**SECTION XX.** Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.02 Accessory Uses and Structures, subsection (f) Accessory Use Definitions and Standards is hereby amended as follows:

**(27) Trash and Recycling Containers**

**(A) Standards:**

- (iv) Building foundation landscape, designed per Section 21-09.01~~(m)~~(n), shall be installed along any sides of the enclosure not screened by a building.

**SECTION XXI.** Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.02 Accessory Uses and Structures, subsection (f) Accessory Use Definitions and Standards, sub-subsection (27), Trash and Recycling Containers is hereby amended by adding a diagram as follows:



*Trash enclosure design*

**SECTION XXII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 7 Access & Parking, Section 21-07.03 Vehicle Access & Parking, subsection (i) Commercial and Recreational Vehicles is hereby amended as follows:**

- (1) **Large Vehicles.** No tractor, trailer, tractor-trailer combination, or vehicle (including but not limited to a tow truck, dump truck, flatbed truck, semi-trailer, and the like) equal to or in excess of one and one half (1 ½) tons capacity, or which has a bed more than 8 feet long, may not be parked on any land or premises except in an OS, U, C, or I district. However, the foregoing shall not apply to ~~school buses~~ vehicles used for ~~the transportation of school children to and from school or to and from a school sponsored activity~~ related to the following uses: School, Pre-K/Primary/Secondary; Group Residence, State Regulated; Residential Care Facility; and Day Care Center.

**SECTION XXIII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.01 Building Standards, subsection (e) Building Materials for New Construction – Front and Corner Facades is hereby amended as follows:**

- (9) In a NC or DT district, ~~the following additional regulations apply.~~
- (A) ~~V~~inyl siding is prohibited.
- (B) ~~V~~ents, air conditioners, and other utility elements, except where such elements are enclosed, camouflaged, screened, obscured, or otherwise not visible from the street, are prohibited as part of a front or corner facade.

**SECTION XXIV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.02 Building Types, subsection (d) Carriage House is hereby amended as follows:**

- (3) **Building Type Standards**

**Allowed Frontage Types<sup>1</sup>**

<sup>1</sup> Building frontages are only required on facades facing a street or open space.

**SECTION XXV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.02 Building Types, subsection (f) Cottage Court is hereby amended as follows:**

- (3) **Building Type Standards**  
**Lot Requirements**

If a cottage court is subdivided into multiple lots, each lot shall front onto the open space and meet the building coverage requirements of the applicable zoning district.

**SECTION XXVI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.02 Building Types, subsection (h) Townhouse is hereby amended as follows:**

**(3) Building Type Standards**

**Building Dimensions**

Building Width (total of all attached Townhouses)

U2 district

4 units max.; ~~ø~~ 72' max.

All other districts

8 units max.; ~~ø~~ 168' max.

**SECTION XXVII.** Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.02 Building Types, subsection (i) Apartment House is hereby amended as follows:

**(3) Building Type Standards**

**Building Dimensions**

Building Width

U2 district

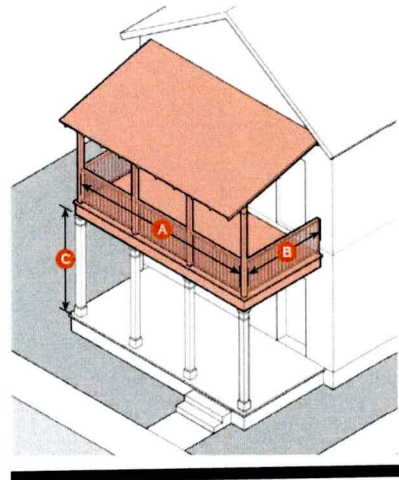
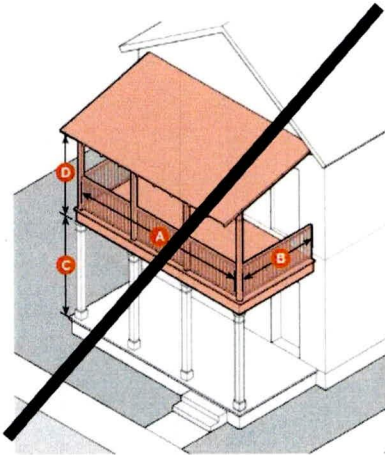
48' max. if 1-2 stories

30' max. if 3 stories

**SECTION XXVIII.** Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.02 Building Types, subsection (i) Apartment House, first Illustrative Examples image is hereby amended with a new image as follows:



**SECTION XXIX.** Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.03 Building Frontage Types, subsection (e) Gallery, Gallery diagram is hereby amended as follows:

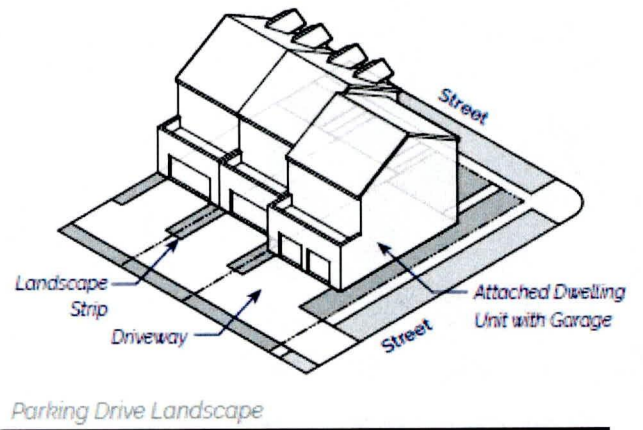
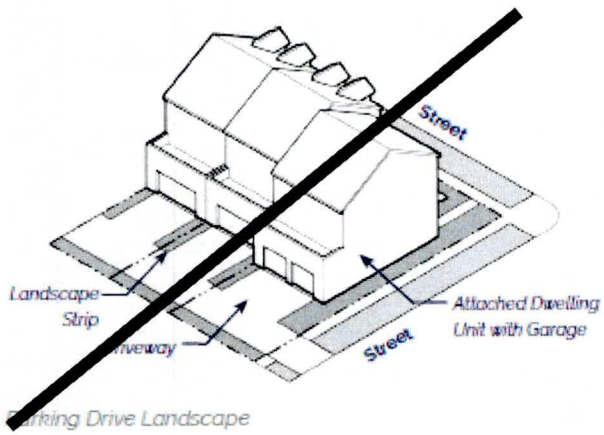


**SECTION XXX.** Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.03 Building Frontage Types, subsection (e) Gallery, subsection (2) Frontage Standards table is hereby amended as follows:

<b>(2) Frontage Standards</b>		
<b>Dimensions</b>		
Width, Clear	8' min.	<b>A</b>
Depth, Clear	6' min.	<b>B</b>
Ground Floor Height, Clear	8' min.	<b>C</b>
Height	2 story max. <sup>1</sup>	<b>D</b>
<sup>1</sup> A 2-story gallery may be approved by the Zoning Administrator on stacked flats, shops, or mid-rise/towers.		
<b>Standards</b>		
Galleries shall be supported from below by a porch, arcade, or other structure; or visually supported by brackets, corbels, or beams along its full depth.		
In a NC or DT district with a retail ground floor, a gallery shall extend over the sidewalk with approval of the Board of Public Works.		

<b>(2) Frontage Standards</b>		
<b>Dimensions</b>		
Width, Clear	8' min.	<b>A</b>
Depth, Clear	6' min.	<b>B</b>
Ground Floor Height, Clear	8' min.	<b>C</b>
<b>Standards</b>		
Galleries shall be supported from below by a porch, arcade, or other structure; or visually supported by brackets, corbels, or beams along its full depth.		
In a NC or DT district with a retail ground floor, a gallery shall extend over the sidewalk with approval of the Board of Public Works.		

**SECTION XXXI.** Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 9 Site Development, Section 21-09.01 Landscape, subsection (p) Parking Lot Landscape, Parking Drive Landscape diagram is hereby amended as follows:



**SECTION XXXII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 9 Site Development, Section 21-09.04 Outdoor Lighting, subsection (c) Exempt is hereby amended as follows:**

- (1) **Residential Buildings of up to 4 Units.** All outdoor light fixtures used for the illumination of personal property, provided that such outdoor light fixtures shall meet the maximum allowable light levels permitted by Section 21-09.04(f) and the maximum color temperature permitted by Section 21-09.04(i)(2).

**SECTION XXXIII. This Ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.**

\_\_\_\_\_  
Canneth J. Lee, Council President  
South Bend Common Council

Attest:

\_\_\_\_\_  
Bianca L. Tirado, 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 \_\_\_\_\_, 2026, at \_\_\_\_ o'clock .m.

\_\_\_\_\_  
Bianca L. Tirado, City Clerk  
Office of the City Clerk

Approved and signed by me on the \_\_\_\_ day of \_\_\_\_\_, 2026, at \_\_\_\_ o'clock  
\_\_\_\_.m.

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