

City of South Bend

BOARD OF ZONING APPEALS

June 16, 2026

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

Filed in Clerk's Office

Jun 16, 2026

Bianca Tirado
City Clerk, South Bend, IN

RE: Special Exception 2404 W. Western

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 **June 22, 2026**, Council meeting and set it for public hearing at your **July 13, 2026**, Council meeting. The petition is tentatively scheduled for public hearing at the July 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 parking lot.

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

Jun 16, 2026

Bianca Tirado
City Clerk, South Bend, IN

BILL NO. 38-26

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 2404 W. WESTERN
COUNCILMANIC DISTRICT NO. 6 IN THE CITY OF SOUTH BEND, INDIANA**

STATEMENT OF PURPOSE AND INTENT

Request a Special Exception to allow a parking lot

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:

2404 W. Western Avenue

In order to permit a parking lot.

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: 018-4024-0817

Address: 2404 Western Avenue South Bend IN. 46619

Owner: Muhammed Akram

Zoning: NC Neighborhood Center



Project Summary:

Rezone property allow continued use as parking lot

Filed in Clerk's Office

Jun 16, 2026

Bianca Tirado
City Clerk, South Bend, IN

Requested Action

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

Use requested: Parking lot variance

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

Variance(s) requested:

Use as parking lot.

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 site is currently used as a parking lot, it was previously an automotive repair facility and the building has been removed.

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

Site is currently in use as a parking lot.

(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:

Neighboring establishments have previously and are currently using the location as a parking lot.

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

Parking is needed for the area businesses as there is limited street parking available.

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:

As previously stated, this site is currently being used as a parking lot.

(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner, because:

The neighboring businesses are already using this lot for parking.

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

To restrict use of this property as a parking lot will force neighboring businesses to use street parking or fill other business's lots.

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

This property has historically been used as parking by local customers and residents.

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

This property has historically been used as parking by local customers and residents.

Contact Information

Property owner(s) of the petition site:

Name: Muhammad U. Akram

Address: 52227 Evard Dr. Granger IN 46530

Name: _____

Address: _____

Name: _____

Address: _____

Contact Person:

Name: Muhammad U. Akram

Address: 52227 Evard Dr. Granger IN

Phone Number: 574-210-2672

E-mail: Akram1@outlook.com

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

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

Property Owner (s) Signatures:



