



OFFICE OF THE CITY CLERK

DAWN M. JONES, CITY CLERK

ZONING AND ANNEXATION

May 8, 2023, 3:45 P.M.

Committee Members Present:

Lori K. Hamann, Henry Davis Jr*, James Snodgrass,
Sheila Niezgodski, Karen L. White

Others Present:

Dawn Jones, Victoria Trujillo, Bob Palmer, Shayla
Kimbrough, Joseph R. Molnar*, Tim Corcoran*, Eli
Wax, Sharon L. McBride*, Conrad Damien,
Cleveland Brown, Canneth Lee

Presenters:

Angela Smith

Agenda:

Bill No. 11-23 – A Public Hearing Approving a
Petition of the Advisory Board of Zoning Appeals
for the Property Located at 1306, 1330 High St. and
909 E Broadway St.

Bill No. 17-23 – A Public Hearing Approving a
Petition of the Advisory Board of Zoning Appeals
for the Property Located at 751 Cottage Grove Ave.

Bill No. 18-23 – A Public Hearing Approving a
Petition of the Advisory Board of Zoning Appeals
for the Property Located at 630 and 632 Harrison St.

Bill No. 19-23 – A Public Hearing Approving a
Petition of the Advisory Board of Zoning Appeals
for the Property Located at 506 N. Olive St.

Members marked with an asterisk (*) are present digitally

Please note the attached link for the meeting recording:

<https://docs.southbendin.gov/WebLink/browse.aspx?dbid=0&mediaid=369529>

Committee Chair Lori Hamann called to order the Zoning and Annexation Committee meeting at 4:12 p.m.

Bill No. 11-23 – A Public Hearing Approving a Petition of the Advisory Board of Zoning Appeals for the Property Located at 1306, 1330 High St. and 909 E Broadway St.

It was noted that the petitioner was absent. The petitioner has requested to table Bill No. 11-23 until the meeting of May 22, 2023.

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Council Member Sharon McBride noted that Bill *No. 11-23* has been requested to be moved three (3) times and urged the committee to progress the bill, considering the SOARD Neighborhood Association and the people from the neighborhood who have attended all the three (3) meetings, as well as the letters received, voicing the concerns.

Committee Vice-Chair Henry Davis Jr advised that, since the petitioner has not attended any of the three (3) meetings and there is no presentation from the petitioner, it may be more appropriate to table the matter indefinitely to ensure both sides are considered.

Council Member Sharon McBride noted that the business is currently operating without Council approval and needs proper zoning approval.

Committee Vice-Chair Henry Davis Jr asked whether it would be a matter for the building department or code enforcement rather than the Council.

Angela Smith, Zoning Administrator, with offices on the fourteenth (14th) floor of the Council-City building, advised that submitting a petition stays all enforcement actions, preventing zoning ordinance enforcement during the process, and reminded them about the time limit set by state law. The petitioner had requested a table to address some landscaping concerns. Angela Smith recommended that if the matter is tabled indefinitely, the petitioner must re-advertise to neighbors before presenting to the Council to ensure surrounding property owners are informed of the new date.

Committee Vice-Chair Davis Jr noted that he wanted to establish a precedent to ensure consistency in their practices.

Committee Chair Hamann asked Attorney Palmer for options other than just tabling the matter indefinitely.

Angela Smith noted a concern that the petitioner reached out to the clerk's office to request tabling the matter and believed there would not be an issue. Angela Smith suggested that if the matter were to proceed, the petitioner should be informed so they have an opportunity to attend.

Committee Member Sheila Niezgodski recommended tabling the petition until the next Council meeting.

Committee Chair Hamann inquired whether tabling the matter to the next Council meeting would waive the 30-day requirement.

Angela Smith noted that by the petitioner requesting to table the matter in the past, the 60-day requirement from state law has been waived. This waiver was granted to protect the petitioner's rights, ensuring the Council does not indefinitely postpone action on the matter.

Committee Chair Hamann asked whether the matter can be tabled indefinitely with the added requirement that the petitioner must re-advertise to neighboring owners.

Committee Member Sheila Niezgodski suggested tabling the matter until the next meeting, stating that if the petitioner does not appear, the bill will be heard. This would be the fourth tabling, and Committee member Sheila Niezgodski emphasized the need to move the bill forward, considering residents are attending the hearings.

Committee Member Karen L. White asked if they could obtain language from the attorney specifically for Bill No. 11-23 to move forward with it.

Committee Chair Lori Hamann expressed concern for the residents, noting that they are not receiving proper oversight on the property due to the matter being continuously postponed and the petitioner’s failure to show up

Angela Smith noted that the petitioner received one violation notice and must receive a second before citations can begin. The second notice, which could be sent within a week, will indicate the lack of expeditious pursuit and state that if the issue is not resolved by the next meeting, enforcement will continue, which will give the petitioner 10 days to act before citations begin.

Conrad Damien, 718 East Broadway, stated that they are opposed to the use of this property as a heavy industrial zone due to ongoing issues with junk cars, which are negatively impacting the neighborhood's safety and quality of life, and urged for a timely resolution to prevent further disruption.

Committee Chair Lori Hamann asked about tabling the meeting to May 22, 2023, with a notice that violation enforcement will start immediately if the petitioner fails to attend the meeting.

Angela Smith responded that violation enforcement can be started immediately after the meeting on May 22, 2023, if they do not show, without it being included in the motion.

Committee Member Karen L. White motioned that Bill *No. 11-23* be tabled until the meeting on May 22, 2023, for a final opportunity for the petitioner to address the issue, with the understanding that action will be taken with or without the petitioner, which was seconded by Committee Member Sheila Niezgodski and carried by a vote of five (5) ayes.

Committee Chair Lori K. Hamann – <i>Aye</i>	Committee Member Karen L. White – <i>Aye</i>
Committee Vice-Chair Henry Davis Jr – <i>Aye</i>	Committee Member Sheila Niezgodski – <i>Aye</i>
Citizen Member James Snodgrass – <i>Aye</i>	

Bill No. 17-23 – A Public Hearing Approving a Petition of the Advisory Board of Zoning Appeals for the Property Located at 751 Cottage Grove Ave.

Committee Member Sheila Niezgodski motioned to table Bill *No. 17-23* until the meeting on May 22, 2023, as requested by the petitioner, which was seconded by Committee Member Karen L. White and carried by a vote of four (4) ayes, with one (1) committee member absent.



Committee Chair Lori K. Hamann – <i>Aye</i>	Committee Member Karen L. White – <i>Aye</i>
Committee Vice-Chair Henry Davis Jr – <i>Absent</i>	Committee Member Sheila Niezgodski – <i>Aye</i>
Citizen Member James Snodgrass – <i>Aye</i>	

Bill No. 18-23 – A Public Hearing Approving a Petition of the Advisory Board of Zoning Appeals for the Property Located at 630 and 632 Harrison St.

Committee Member Karen L. White motioned to table Bill No. 18-23 until the meeting on May 22, 2023, as requested by the petitioner, which was seconded by Citizen Member James Snodgrass and carried by a vote of four (4) ayes, with one (1) committee member absent.

Committee Chair Lori K. Hamann – <i>Aye</i>	Committee Member Karen L. White – <i>Aye</i>
Committee Vice-Chair Henry Davis Jr – <i>Absent</i>	Committee Member Sheila Niezgodski – <i>Aye</i>
Citizen Member James Snodgrass – <i>Aye</i>	

Angela Smith stated that the petitioner of Bill No. 17-23 and Bill No. 18-23, who recently had her ninth child, was arranging childcare and will be prepared for the meeting of May 22, 2023.

Bill No. 19-23 – A Public Hearing Approving a Petition of the Advisory Board of Zoning Appeals for the Property Located at 506 N. Olive St.

Angela Smith introduced a petition for a special exception for vehicle repair at 506 N. Olive Street. The site, historically a gas station and then a vehicle repair shop, was later used for vehicle sales, necessitating a new approval process. The Board of Zoning Appeals has given a favorable recommendation. The owner would install appropriate landscaping for the site including parking area screening and streetscape trees to meet code requirements.

Cleveland Brown, Owner of Cleve’s Transmission and Clutch, 506 N. Olive Street, South Bend, IN 46628, stated their intent to create jobs for local kids to keep them out of trouble by teaching valuable skills.

Committee Chair Hamann requested questions about any input from the community.

Committee Vice-Chair Davis Jr noted that Cleveland Brown has been conducting business in the area for a considerable time and appreciated his efforts to enhance the space he occupies. He noted that any investment in the area will benefit the district and the business's location.

Committee Hamann requested questions from the Council.

Councilmember Canneth Lee inquired whether the petitioner was currently conducting repairs at this location or if it was their intended new site.

Angela Smith answered that they were currently operating at the location.

Committee Chair Hamann asked what changes were expected to be seen in the landscaping.

Angela Smith responded that there would be a five-foot buffer with a hedgerow to screen the parking area as well as streetscape trees planted every thirty (30) feet. The Vibrant Places grant is available to help with these improvements.

Committee Vice-Chair Davis Jr. asked whether there was a fencing requirement.

Angela Smith responded that fencing is required only if there is outdoor storage, which would be limited due to the building's position. If the petitioner wants outdoor storage, they will need to seek approval from the Board of Zoning Appeals since the site lacks a backyard. She noted that these requirements have been discussed with the petitioner

Committee Chair Lori Hamann asked if the public virtually or in the chamber wished to speak in favor of or against Bill. There were none.

Committee Chair Lori Hamann asked if there were any last-minute comments from the Council. Councilman Canneth Lee stated that the business has long been part of the community, spanning a generation and expressed hope that the petitioner will be able to make positive changes.

Committee Member Sheila Niezgodski motioned to forward Bill *No. 19-23* to the full Council with a favorable recommendation, which was seconded by Committee Member Karen L. White and carried by a vote of five (5) ayes.

Committee Chair Lori K. Hamann – <i>Aye</i>	Committee Member Karen L. White – <i>Aye</i>
Committee Vice-Chair Henry Davis Jr – <i>Aye</i>	Committee Member Sheila Niezgodski – <i>Aye</i>
Citizen Member James Snodgrass – <i>Aye</i>	

With no further business, Committee Chair Hamann adjourned the Zoning and Annexation Committee meeting at 4:39 p.m.

Respectfully Submitted,

Lori Hamann, Committee Chair

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