



OFFICE OF THE CITY CLERK

DAWN M. JONES, CITY CLERK

ZONING AND ANNEXATION

NOVEMBER 13, 2023, 4:25 P.M.

Committee Members Present: Lori Hamann, Henry Davis Jr., Karen L. White, Sheila Niezgodski

Committee Members Absent: James Snodgrass

Others Present: Dawn Jones, Victoria Trujillo, Bob Palmer, Justin LePla, Kenneth Hardy

Presenters: Amani Morrell, Zoning Specialist
Kari Myers, Zoning Specialist

Agenda: Bill No. 53-23 — An Ordinance Approving a Petition for 1132 Portage Avenue, District 1

Bill No. 54-23 — An Ordinance Approving a Petition for 1128 Portage Avenue, District 1

Bill No. 55-23 — An Ordinance Approving a Petition for 1110 Main Street, District 2

Bill No. 75-23 — An Ordinance Approving a Petition for 1119 Twyckenham Drive, District 4

Please note the attached link for the meeting recording:

<https://docs.southbendin.gov/WebLink/browse.aspx?dbid=0&mediaid=376339>

Committee Chair Hamann called to order the Zoning and Annexation Committee meeting at 4:29 p.m.

Bill No. 53-23 — An Ordinance Approving a Petition for 1132 Portage Avenue, District 1

Amani Morrell, Zoning Specialist, with offices on the fourteenth (14th) floor of the County-City building, advised that the petitioner requested a special exception for a duplex on a U1 zoned lot to legalize two (2) existing dwellings. The dwelling would be indistinguishable from nearby single-family homes. The Board of Zoning Appeals provided a favorable recommendation.

Sherri Zellers, 10426 Vistula Road, Osceola, Indiana, 46561, advised she is a small investor who purchased the duplex property as is and wishes to add a second electrical meter and legalize the units.

Committee Chair Hamann requested questions from the Committee.

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Committee Member White asked how many bathrooms each unit has.

Sherri Zellers responded that the upstairs unit has two (2) bathrooms, and the downstairs unit has one (1).

Councilmember Lee asked how soon the units would be available and the price of their rent.

Sherri Zellers responded that they would cost between one thousand two hundred (1,200) dollars and one thousand five hundred (1,500) dollars. The permits to upgrade the electrical and plumbing systems were already granted. The units will be available in one (1) month.

Committee Chair Tomas Morgan asked if the public wished to speak in favor of or against Bill No. 53-23.

Clerk Jones advised that no one from the public wished to speak in favor of or against the bill.

Committee Member Niezgodski motioned to forward Bill No. 53-23 to the Committee of the Whole with a favorable recommendation, which was seconded by Committee Member White and carried by a vote of four (4) ayes.

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

Bill No. 54-23 — An Ordinance Approving a Petition for 1128 Portage Avenue, District 1

Amani Morrell advised that the petitioner wishes to convert and renovate the single-family dwelling into two (2) units. The Board of Zoning Appeals provided a favorable recommendation.

Sherri Zellers advised that the six (6) bedroom, three (3) bath unit could be separated into two (2) dwellings. Each floor would include a laundry room and the utility room would be outside for easy access for all tenants.

Committee Chair Hamann requested questions from the Committee.

Committee Member Niezgodski asked if lead paint testing could be completed.

Sherri Zellers responded that although lead testing is part of the remediation process, some walls will be painted over.

Committee Chair Hamann asked if double access is mandated for both units.

Sherri Zellers responded that both units would have double access. The upper level would be accessible from the rooftop and the lower level’s large windows are considered access.

Committee Chair Hamann requested questions from the Council. There were none.

Committee Chair Tomas Morgan asked if the public wished to speak in favor of or against Bill No. 54-23.

Clerk Jones advised that no one from the public wished to speak in favor of or against the bill.

Committee Member Niezgodski motioned to forward Bill No. 54-23 to the Committee of the Whole with a favorable recommendation, which was seconded by Committee Member White and carried by a vote of four (4) ayes.

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

Bill No. 55-23 — An Ordinance Approving a Petition for 1110 Main Street, District 2

Kari Myers, Department of Community Investment, with offices on the fourteenth (14) floor of the County-City building, advised that the petitioner requested a special exception for a freestanding sign, which is no longer permitted in the downtown zoning district. Due to miscommunication, the sign was installed at their corporate headquarters, which has been there for many years.

Elliot Lusk, Everwise Credit Union, 1110 Main Street, South Bend, Indiana, 46601, advised that the city originally approved the sign package but advised ten (10) days later that the freestanding sign was not permitted. The sign has already been installed and does not encroach on the pedestrian area.

Committee Chair Hamann requested questions from the Committee.

Committee Member Niezgodski expressed confusion at the sign approval rationale.

Kari Myers advised that monument signs were deemed inappropriate for downtown, as business identification can be achieved with awnings and other signage. However, the Board of Zoning Appeals agreed to the exception.

Committee Chair Hamann asked if existing signs were grandfathered.

Kari Myers responded that they were.

Committee Chair Tomas Morgan asked if the public wished to speak in favor of or against Bill No. 55-23.

Clerk Jones advised that no one from the public wished to speak in favor of or against the bill.

Committee Member White motioned to forward Bill No. 55-23 to the Committee of the Whole with a favorable recommendation, which was seconded by Committee Member Niezgodski and carried by a vote of four (4) ayes.

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

Bill No. 75-23 — An Ordinance Approving a Petition for 1119 Twyckenham Drive, District No. 4

Kari Myers advised that the petitioner requested to rezone the property from S1 Suburban Neighborhood One (1) to U1 Urban Neighborhood One (1) to subdivide the existing single-family dwelling into three (3) units. The proposed dwelling is consistent with the recently adopted Northeast Neighborhood Plan, as it increases housing options. The Plan Commission provided a favorable recommendation. The petitioner was not present at the meeting.

Committee Chair Hamann asked if the public wished to speak in favor of or against Bill No. 75-23.

Clerk Jones advised that no one from the public wished to speak in favor of or against the bill.

Committee Member White motioned to forward Bill No. 75-23 to the Committee of the Whole with no recommendation, which was seconded by Committee Member Niezgodski and carried by a vote of four (4) ayes.

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

With no further business, Committee Chair Hamann adjourned the Zoning and Annexation Committee meeting at 5:00 p.m.

Respectfully Submitted,

Lori Hamann, Committee Chair

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