



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, JULY 24, 2025
SUBJECT: COMMITTEE MEETING NOTICE

The following Common Council Committee Meetings have been scheduled for **Monday, July 28, 2025:**

Council Chambers
4th Floor County-City Building
227 W. Jefferson 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/072825CC>

4:30 P.M. **ZONING & ANNEXATION** **CHAIRPERSON, DR. DAVIS**

1. [Bill No. 30-25](#) - Special Exception at 1114 Mayflower Road
2. [Bill No. 39-25](#) - Special Exception at 1039 Lincoln Way West (*Substitute*)
3. [Bill No. 40-25](#) - Special Exception at 1527 South Michigan Street
4. [Bill No. 42-25](#) - Amending the Zoning Ordinance for Property Located at 740 North Brookfield Street

4:45 P.M. **PERSONNEL & FINANCE** **CHAIRPERSON, NIEZGODSKI**

1. [Bill No. 43-25](#) - Amending Section 2-210 of the South Bend Municipal Code to Update Fees and Processes for Public Records Requests

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

INFORMAL MEETING OF THE COMMON COUNCIL **PRESIDENT, C. LEE**

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

cc: Mayor James Mueller
Committee Meeting List
Media

INTEGRITY | SERVICE | ACCESSIBILITY

Jasmine Jackson
CHIEF DEPUTY CITY CLERK / CHIEF OF STAFF

Matthew Neal
DEPUTY CITY CLERK / DIRECTOR OF POLICY

Margaret Gotsch
DIRECTOR OF SPECIAL PROJECTS

EXCELLENCE | ACCOUNTABILITY | INNOVATION | INCLUSION | EMPOWERMENT

455 County-City Building | 227 W. Jefferson Blvd. | South Bend, Indiana 46601 | p. 574.235.9221 | f. 574.235.9173 | www.southbend.in.gov



NOTICE FOR HEARING AND SIGHT IMPAIRED PERSONS
Auxiliary Aid or Other Services may be Available upon Request at No Charge.
Please give Reasonable Advance Request when Possible



SOUTH BEND COMMON COUNCIL

MEETING AGENDA

Monday, July 28, 2025

7:00 P.M.

The South Bend Common Council meeting will be open to the public at the Council Chambers on the 4th floor of the County-City Building, 227 W. Jefferson Blvd., South Bend, IN 46601

or available by way of a virtual meeting using the Microsoft Teams Meeting App. Public access to the meeting can be granted by this Microsoft Teams Link:

<https://tinyurl.com/SBCC072825>

1. **INVOCATION**

JOEL MOODY | SUNNYSIDE PRESBYTERIAN CHURCH

2. **PLEDGE TO THE FLAG**

3. **ROLL CALL**

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

JULY 14, 2025

5. **SPECIAL BUSINESS**

6. **REPORTS FROM CITY OFFICES**

7. **COMMITTEE OF THE WHOLE**

TIME: _____

BILL NO.

30-25 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 1114 MAYFLOWER ROAD COUNCILMANIC DISTRICT NO. 6 IN THE CITY OF SOUTH BEND, INDIANA

39-25 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 1039 LINCOLN WAY WEST & 50 SHERMAN, COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA (SUBSTITUTE)

40-25 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 1527 SOUTH MICHIGAN STREET COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

42-25 PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 740 N BROOKFIELD ST COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

43-25 PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING SECTION 2-210 OF THE MUNICIPAL CODE PERTAINING TO FEES AND PROCESSES FOR PUBLIC RECORDS REQUESTS

8. **BILLS ON THIRD READING**

TIME: _____

BILL NO.

30-25 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 1114 MAYFLOWER ROAD COUNCILMANIC DISTRICT NO. 6 IN THE CITY OF SOUTH BEND, INDIANA

39-25 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 1039 LINCOLN WAY WEST & 50 SHERMAN, COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA (SUBSTITUTE)

40-25 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 1527 SOUTH MICHIGAN STREET COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

42-25 THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 740 N BROOKFIELD ST

COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND,
INDIANA

[43-25](#) THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING SECTION 2-210 OF THE MUNICIPAL CODE PERTAINING TO FEES AND PROCESSES FOR PUBLIC RECORDS REQUESTS

9. **RESOLUTIONS**

10. **BILLS ON FIRST READING**

BILL NO.

[44-25](#) FIRST 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 221 N IRONWOOD DR COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

[45-25](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ANNEXING TO AND BRINGING WITHIN THE CITY LIMITS OF SOUTH BEND, INDIANA, AND AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED IN CLAY TOWNSHIP, CONTIGUOUS THEREWITH; COUNCILMANIC DISTRICT NO. 4, FOR 54528, 54550, 54570, 54606, 54610, 54638, 54650 WILLIS AVENUE, SOUTH BEND, INDIANA

[46-25](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 1432 SOUTH BEND AVE COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

[47-25](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE AND SEEKING A SPECIAL EXCEPTION USE FOR PROPERTY LOCATED 431 DUNDEE ST, COUNCILMANIC DISTRICT NO. 6 IN THE CITY OF SOUTH BEND, INDIANA

11. **UNFINISHED BUSINESS**

12. **NEW BUSINESS**

13. **PRIVILEGE OF THE FLOOR**

14. **ADJOURNMENT**

TIME: _____

Notice for Hearing and Sight Impaired Persons
Auxiliary Aid Or Other Services Are 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, 4th 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.



2025 COMMON COUNCIL STANDING COMMITTEES (Rev. 06-18-2025)

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
Ophelia Gooden-Rodgers, Member

Sherry Bolden-Simpson, Member
Thomas Gryp, *Citizen Member*
Kaine Kanczuzewski, *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 Marie Pickens, *Citizen Member*

Sheila Niezgodski, Member
Sherry Bolden-Simpson, Member
Citizen 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
Rachel Tomas Morgan, 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
Citizen Member

Sharon McBride, Member
Dr. Oliver Davis, Member
Savino Rivera Jr., *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
Citizen Member

Sharon McBride, Member
Dr. Oliver Davis, Member
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
Citizen Member

Ophelia Gooden-Rogers, Member
Troy Warner, Member
Citizen Member

PERSONNEL AND FINANCE COMMITTEE

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

Sheila Niezgodski, Chairperson
Karen L. White, Vice-Chairperson
Citizen Member

Dr. Oliver Davis, Member
Rachel Tomas Morgan, Member
Citizen Member

PUBLIC WORKS AND PROPERTY VACATION COMMITTEE

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

Sheila Niezgodski, Chairperson
Ophelia Gooden-Rodgers, Vice-Chairperson
Carl Littrell, *Citizen Member*

Dr. Oliver Davis, Member
Troy Warner, Member
Citizen Member

RESIDENTIAL NEIGHBORHOODS COMMITTEE

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

Karen L. White, Chairperson
Sheila Niezgodski, Vice-Chairperson
Gabriel Murei, *Citizen Member*

Ophelia Gooden-Rodgers, Member
Sharon McBride, Member
Citizen Member

UTILITIES COMMITTEE

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

Sherry Bolden-Simpson, Chairperson
Dr. Oliver Davis, Vice-Chairperson
Firdia Johnson, *Citizen Member*

Sheila Niezgodski, Member
Ophelia Gooden-Rodgers, Member
Joseph Mayer, *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
Henry Davis Jr., *Citizen Member*

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

SUB-COMMITTEE ON MINUTES

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

Troy Warner, Member

Sherry Bolden-Simpson, Member



2025 COMMON COUNCIL STANDING COMMITTEES (Rev.03-10-2025)

CANNETH LEE, 1ST District Council Member

President

Council Rules Committee, Member

OPHELIA GOODEN-RODGERS, 2nd District Council Member

Community Relations Committee, Chairperson

Public Works & Property Vacation Committee, Vice-Chairperson

Community Investment Committee, Member

PARC Committee, Member

Residential Neighborhoods Committee, Member

Utilities Committee, Member

SHARON L. MCBRIDE, 3rd District Council Member

PARC Committee, Chairperson

Residential Neighborhoods Committee, Member

Health & Public Safety Committee, Member

Information & Technology Committee, Member

TROY WARNER, 4TH District Council Member

Chairperson, Committee of the Whole

Community Investment Committee, Chairperson

Health and Public Safety, Vice-Chairperson

Council Rules Committee, Member

Public Works & Property Vacation, Member

PARC Committee, Member

Sub-Committee on the Minutes, Member

Zoning & Annexation Committee, Member

SHERRY BOLDEN-SIMPSON, 5TH District Council Member

Utilities Committee, Chairperson

Community Relations Committee, Member

Information & Technology, Vice-Chairperson

Community Investment Committee, Member

Sub-Committee on Minutes, Member

SHEILA NIEZGODSKI, 6TH District Council Member

Personnel & Finance Committee, Chairperson

Public Works & Property Vacation, Chairperson

Health & Public Safety Committee, Member

Residential Neighborhoods Committee, Vice-Chairperson

Community Relations Committee, Member

Utilities Committee, Member

DR. OLIVER DAVIS, AT LARGE Council Member

Zoning & Annexation Committee, Chairperson

Public Works & Property Vacation Committee, Member

Utilities Committee, Vice-Chairperson

Information & Technology Committee, Member

Personnel & Finance Committee, Member

Health & Public Safety Committee, Member

RACHEL TOMAS MORGAN, AT LARGE Council Member

Vice-President

Health & Public Safety Committee, Chairperson

Personnel & Finance Committee, Member

Information & Technology Committee, Chairperson

Zoning & Annexation Committee, Vice-Chairperson

Council Rules Committee, Member

KAREN L. WHITE, AT LARGE Council Member

Residential Neighborhoods Committee, Chairperson

Personnel & Finance Committee, Vice-Chairperson

Community Investment Committee, Vice-Chairperson

Zoning & Annexation Committee, Member

Community Relations Committee, Vice-Chairperson

PARC Committee, Vice-Chairperson

MAY 07 2025

Bianca Tirado
City Clerk, South Bend, IN

City of South Bend
BOARD OF ZONING APPEALS

May 6, 2025

Honorable Dr. Oliver Davis
4th Floor, County-City Building
South Bend, IN 46601

RE: Special Exception at 1114 MAYFLOWER ROAD

Dear Committee Chair Dr. Davis:

Enclosed is an Ordinance for the proposed Special Exception at the above referenced location. Please include the attached Ordinance on the Council agenda for **first reading** at your May 12, 2025 Council meeting and set it for public hearing at your June 9, 2025 Council meeting. The petition is tentatively scheduled for public hearing at the June 2, 2025 South Bend Board of Zoning Appeals meeting. The staff report and recommendation of the South Bend Board of Zoning Appeals will be forwarded to the Office of the City Clerk by noon on the Wednesday following the public hearing.

The petitioner provided the following to describe the proposed project:
A Special Exception to allow for a School (Pre-k/Primary/Secondary)

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,



Tim Staub
Zoning Specialist

CC: Bob Palmer

City of South Bend
BOARD OF ZONING APPEALS

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

July 9, 2025

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

Filed in Clerk's Office

JUL 09 2025

Bianca Tirado
City Clerk, South Bend, IN

Re: Bill#30-25: The petition of RHEDI MANAGEMENT GROUP INC seeking a Special Exception for the use of School, Pre K/Primary/Secondary (21-06.01(f)(11)) in the S1 Suburban Neighborhood 1 for property located at 1114 MAYFLOWER RD

Dear Council Members:

I hereby Certify that the above referenced petition of RHEDI MANAGEMENT GROUP INC was legally advertised on May 23, 2025 and that the South Bend Board of Zoning Appeals at its public hearing on July 7, 2025 took the following action:

Upon a motion by Caitlin Stevens, being seconded by Francisco Fotia and unanimously carried, a petition by RHEDI MANAGEMENT GROUP INC seeking a Special Exception for the use of School, Pre K/Primary/Secondary (21-06.01(f)(11)) for property located at 1114 MAYFLOWER RD, 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,



Timothy Staub
Zoning Specialist

Attachment

CC: RHEDI MANAGEMENT GROUP INC
Building Department
Bob Palmer

Property Information

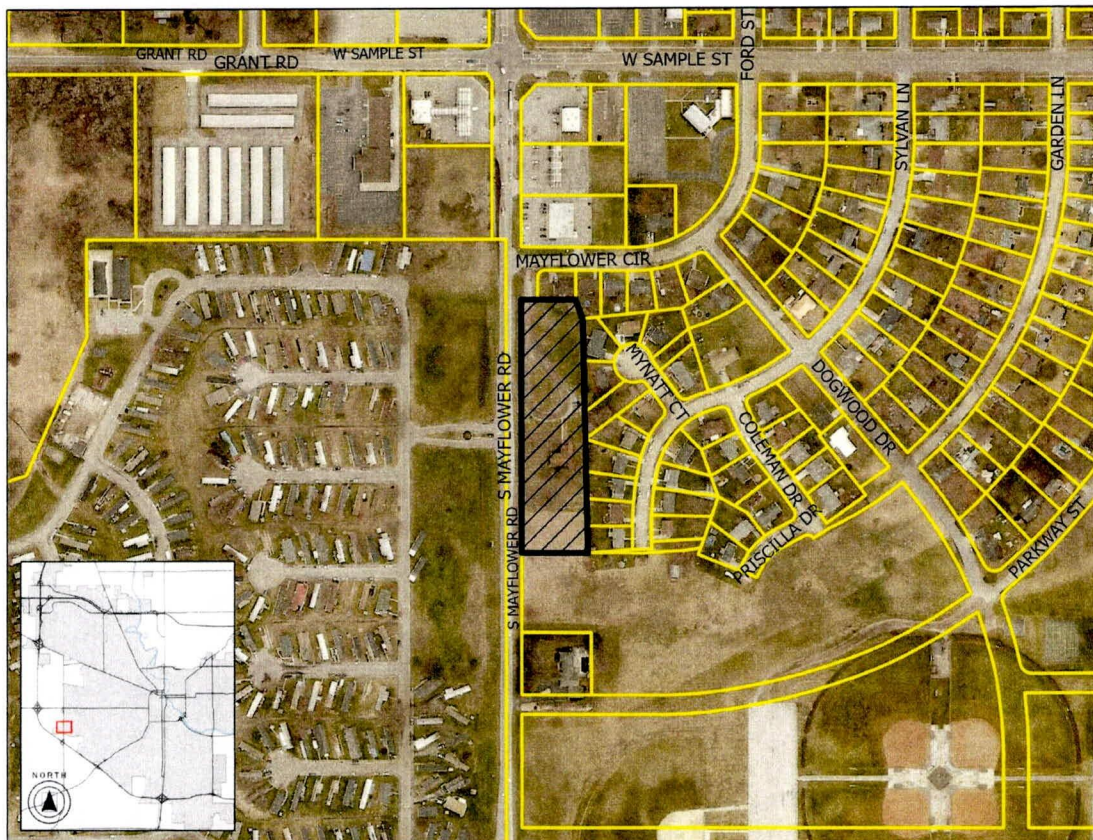
Location: 1114 MAYFLOWER RD
Owner: RHEDI MANAGEMENT GROUP INC

Project Summary

Seeking a Special Exception to allow, to be used as a School, Pre-K/Primary/Secondary, property located at 1114 MAYFLOWER RD. Zoned S1 Suburban Neighborhood 1.

Requested Action

Special Exception: to be used as a School, Pre-K/Primary/Secondary [21-06.01(f)(11)]

Site Location**Staff Recommendation**

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

Proposed Site Plan



Created by South Bend Department of Community Investment on: 6/27/2025 2:58 PM

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;

The proposed use should not be injurious to public health, safety, comfort, community moral standards, convenience, or general welfare. The petitioner is establishing a Pre-K program within the Suburban Neighborhood 1 district (S1). It supports the housing uses around it and should not generate any such injuries.

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

The proposed use should not injure or adversely affect the use of the adjacent area or property values therein. It is a pre-k program accessed by a major street in a residential area. It should benefit the adjacent uses and property values by providing an essential amenity.

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

The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein. The S1 district permits institutional uses that are compatible with the scale of the neighborhood. Additional schooling programs provide support to the uses within the district.

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

The proposed use is compatible with recommendation E 5.1 of the City comprehensive plan: Establish and maintain a consistent planning, review, and development process with institutions of higher education, private schools, and the SBCSC to address existing and future school facilities.

Analysis & Recommendation

Analysis: A pre-K program fits the surrounding land use and zoning of a suburban residential neighborhood. It supports and enhances the needs of the residents in the surrounding area. It is compatible with City Plan recommendation E 5.1: Establish and maintain a consistent planning, review, and development process with institutions of higher education, private schools, and the SBCSC to address existing and future school facilities.

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.

MAY 07 2025

Bianca Tirado
City Clerk, South Bend, IN

BILL NO. 30-25

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 1114 MAYFLOWER ROAD
COUNCILMANIC DISTRICT NO. 6 IN THE CITY OF SOUTH BEND, INDIANA**

STATEMENT OF PURPOSE AND INTENT

Request Special Exception to permit use as a School, Pre-K/Primary/Secondary

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:

1114 Mayflower Road, South Bend, IN 46619, 018-8136-4989

In order to permit School, Pre-K/Primary/Secondary use

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 _____, 2025, at _____ o'clock .m.

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

Approved and signed by me on the _____ day of _____, 2025, at ____ o'clock ____ .m.

James Mueller, Mayor
City of South Bend, Indiana

City of South Bend
BOARD OF ZONING APPEALS

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

Petition for Variance - Special Exception

Property Information

Tax Key Number: 018-8136-4989

Address: 1114 S Mayflower Road, South Bend IN 46619

Owner: Rhedi Management Inc

Zoning: Choose the current district S1 Sub-burban 1

Project Summary:

The property housed a Daycare Program since January 2012. As the new owners of the property we want to reopen the location to serve as a Daycare and Early childhood program for area residents.

Requested Action

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

Use requested: Early childhood Program / School Free

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

Variance(s) requested:

We are requesting authorization for the existing building to be used as an Early childhood center by licensed providers.

Filed in Clerk's Office

MAY 07 2025

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 early childhood center will not be injurious to the public health, safety, comfort, community moral standards, convenience, or general welfare because it is designed to serve as a supportive and enriching environment for young children and their families. The center will adhere to all applicable health and safety regulations, including those governing sanitation, fire safety, and building accessibility. Licensed educators and caregivers will provide age-appropriate instruction and care in alignment with state standards. Additionally, the center will promote family engagement, strengthen community ties, and offer an essential service that contributes to the overall well-being and development of children in the area.

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

The proposed early childhood center will not injure or adversely affect the use of the adjacent area or property values therein because it is a low-impact, community-serving use that complements surrounding residential and institutional properties. The center will maintain a clean, safe, and well-landscaped facility that enhances the aesthetic of the neighborhood and adheres to all zoning and design requirements. Increased daytime activity at the site is expected to promote neighborhood safety and vitality without generating significant noise, traffic, or environmental concerns. Additionally, a

(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 proposed early childhood center will be consistent with the character of the district in which it is located and the land uses authorized therein because it aligns with the district's intended purpose to support family-oriented, educational, and community-serving uses. The center will operate during standard daytime hours, maintain a welcoming and orderly presence, and contribute to the social infrastructure of the neighborhood. Its design and operation will reflect the scale and aesthetic of nearby properties, ensuring it integrates seamlessly with surrounding land uses while fulfilling a vital need.

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

The proposed early childhood center is compatible with the recommendations of the Comprehensive Plan because it supports key priorities such as expanding access to quality education, strengthening neighborhoods, and promoting equitable community development. The center will help meet the growing demand for early learning opportunities, particularly in underserved areas, and contribute to long-term goals around workforce readiness and family support.

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: Rhedi Management Inc

Address: 12720 Jefferson Blvd
Mishawaka IN 46545

Name: Rhondy Grandison

Address: 12720 Jefferson Blvd
Mishawaka IN 46545

Name: Edith Grandison

Address: 12720 Jefferson Blvd
Mishawaka IN 46545

Contact Person:

Name: David Turner

Address: 50771 Hollyhock Road
South Bend IN 46637

Phone Number: (301) 908-5521

E-mail: davidfturner@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:

Rhondy Grandison

JUN 13 2025

Bianca Tirado
City Clerk, South Bend, IN

City of South Bend
BOARD OF ZONING APPEALS

June 10, 2025

Honorable Dr. Oliver Davis
4th Floor, County-City Building
South Bend, IN 46601

RE: Special Exception at 1039 LINCOLN WAY W

Dear Committee Chair Dr. Davis:

Enclosed is an Ordinance for the proposed Special Exception at the above referenced location. Please include the attached Ordinance on the Council agenda for **first reading** at your **June 23, 2025**, Council meeting and set it for public hearing at your **July 14, 2025**, Council meeting. The petition is tentatively scheduled for public hearing at the July 7, 2025, 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:

Establishing a U-Haul location for vehicle rentals and associated uses.

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,



Tim Staub
Zoning Specialist

CC: Bob Palmer



City of South Bend Board of Zoning Appeals

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

July 9, 2025

Honorable Committee Chair Davis
4th Floor, County-City Building
South Bend, IN 46601

RE: 1039 Lincoln Way West – BZA#0333-25

Dear Committee Chair Davis:

Enclosed is a modified Ordinance for the proposed Special Exception at the above referenced location. The address on the original ordinance was modified from **50 Sherman** to **1039 Lincoln Way West** to reflect the correct property indicated by the Parcel ID number: 018-1074-311001.

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

Sincerely,

Tim Staub
Zoning Specialist

CC: Bob Palmer

Filed in Clerk's Office

JUL 09 2025

Bianca Tirado
City Clerk, South Bend, IN

SUBSTITUTE BILL NO. 39-25

JUL 09 2025

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 1039 LINCOLN WAY WEST & 50
SHERMAN, COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND,
INDIANA**

STATEMENT OF PURPOSE AND INTENT

Establishing a U-Haul location for vehicle rentals and associated uses.

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:

1039 LINCOLN WAY W

018-1077-3245

1039 LINCOLN WAY W

018-1074-311001

In order to permit Vehicle Sales or Rentals

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 _____, 2025, at _____ o'clock __.m.

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

Approved and signed by me on the _____ day of _____, 2025, at ____ o'clock ____m.

James Mueller, Mayor
City of South Bend, Indiana

JUL 09 2025

Bianca Tirado
City Clerk, South Bend, IN

SUBSTITUTE BILL NO. 39-25

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 1039 LINCOLN WAY WEST & 50
SHERMAN, COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND,
INDIANA**

STATEMENT OF PURPOSE AND INTENT

Establishing a U-Haul location for vehicle rentals and associated uses.

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:

1039 LINCOLN WAY W	018-1077-3245
50 SHERMAN <u>1039 LINCOLN WAY W</u>	018-1074-311001

In order to permit Vehicle Sales or Rentals

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 Lee, Council President

South Bend Common Council

Attest:

Bianca 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 _____, 2025, at _____
o'clock ____. m.

Bianca Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2025, at ____ o'clock
____.m.

James Mueller, Mayor
City of South Bend, Indiana

City of South Bend
BOARD OF ZONING APPEALS

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

July 9, 2025

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

Filed in Clerk's Office

JUL 09 2025

Bianca Tirado
City Clerk, South Bend, IN

Re: Bill#39-25: The petition of FARHAN MOHAMMED seeking a Special Exception for the use of Vehicle Sales or Rentals (21-06.01(k)) in the NC Neighborhood Center for property located at 1039 LINCOLNWAY and 1039 LINCOLNWAY

Dear Council Members:

I hereby Certify that the above referenced petition of FARHAN MOHAMMED was legally advertised on June 27, 2025 and that the South Bend Board of Zoning Appeals at its public hearing on July 7, 2025 took the following action:

Upon a motion by Francisco Fotia, being seconded by Caitlin Stevens and unanimously carried, a petition by FARHAN MOHAMMED seeking a Special Exception for the use of Vehicle Sales or Rentals (21-06.01(k)) for property located at 1039 LINCOLNWAY and 1039 LINCOLNWAY, City of South Bend, is sent to the Common Council with an unfavorable 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,



Timothy Staub
Zoning Specialist

Attachment

CC: FARHAN MOHAMMED
Building Department
Bob Palmer

Property Information

Location: 1039 LINCOLNWAY and 1039 LINCOLNWAY
Owner: FARHAN MOHAMMED

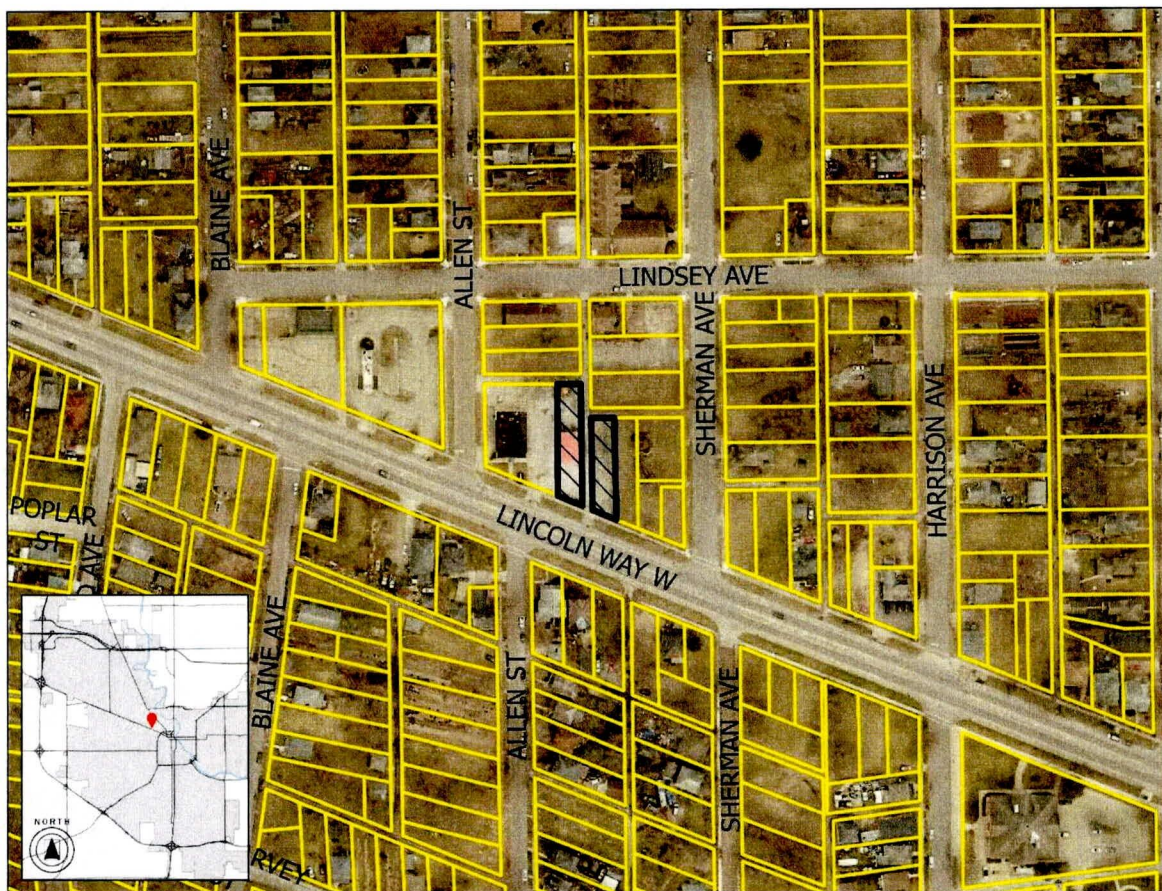
Project Summary

To allow Vehicle Sales or Rentals (21-06.01(k))

Requested Action

Special Exception: Vehicle Sales or Rental [21-06.01(k)]

Site Location

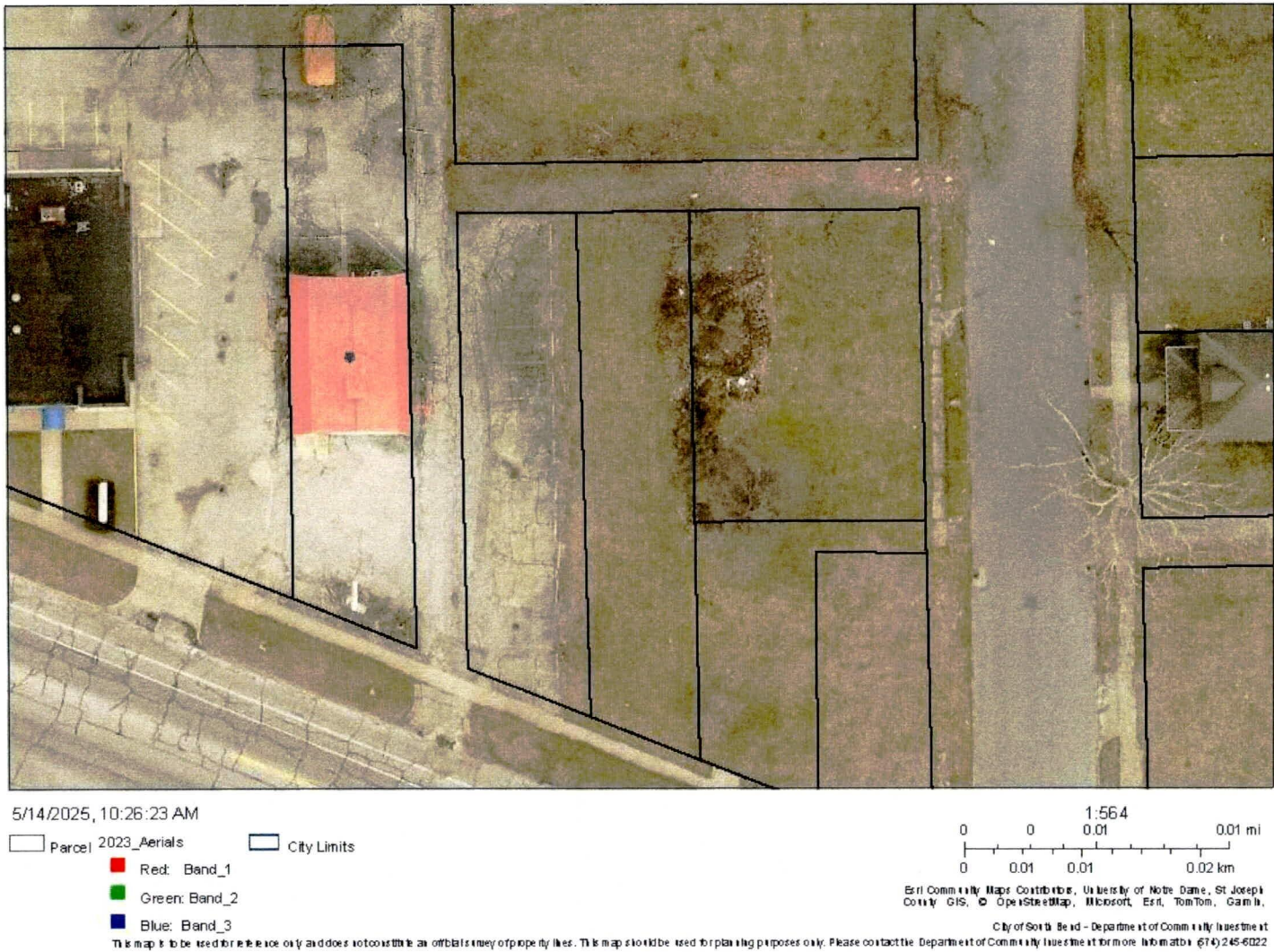


Staff Recommendation

Based on the information provided prior to the public hearing, the staff recommends the Board send the petition to the Common Council with an unfavorable recommendation.

Proposed Site Plan

South Bend Zoning



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;

The proposed use should not be injurious to the public healthy, safety, comfort, community moral standards, convenience or general welfare. It is a retail space where vehicles will be rented. The use should not cause any of these nuisances.

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

The proposed use may injure or adversely affect the use of the adjacent area or property values therein. The visual impact of a truck parking lot could have a negative impact on surrounding properties that are seeing infill residential development.

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

The proposed use is not consistent with the character of the district in which it is located and the land uses authorized therein. The intent of the district and the surrounding neighborhood is to produce an urban, walkable area with non-auto centric uses.

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

The proposed use is not compatible with the recommendations of the Near Northwest Neighborhood Plan (2019). The plan calls for the property to be Neighborhood Center as a hub for pedestrian-scale storefront retail and professional offices with active building facades. Vehicle sales and rental does not fulfill this intent.

Analysis & Recommendation

Analysis: The neighborhood plan calls for the property to be Neighborhood Center as a hub for pedestrian-scale storefront retail and professional offices with active building facades. Vehicle sales and rental does not fit within this guidance. This is a fairly dense neighborhood which is seeing urban infill, it will need a more urban style land use to support that infill. Vehicle rental is more generally meant for suburban areas. Any auto-oriented use in an NC should also be set behind the building. Additionally, the lots involved in the application cross over the public right-of-way in terms of an alley. Such a use would require the city's permission to utilize the right-of-way to conduct business or an alley vacation, which is not established at this time.

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 an unfavorable recommendation.

BILL NO. 39-25

JUN 13 2025

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 1039 LINCOLN WAY WEST & 50
SHERMAN, COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND,
INDIANA**

STATEMENT OF PURPOSE AND INTENT

**Request a Special Exception to establish a U-Haul location for vehicle rentals and
associated uses.**

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:

1039 LINCOLN WAY W 018-1077-3245

50 SHERMAN 018-1074-311001

In order to permit Vehicle Sales or Rentals

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 Lee, Council President
South Bend Common Council

Attest:

Bianca 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 _____, 2025, at _____ o'clock ____ m.

Bianca Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2025, 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: 71-08-02-334-011.000-026

Address: 1039 Lincoln Way West South Bend, IN 46616

Owner: Mohammed Farhan

Zoning: NC Neighborhood Center

Project Summary:

The proposed U-Haul rental business aims to provide a convenient and accessible transportation solution while supporting economic growth by creating jobs, increasing foot traffic to nearby establishments, and contributing to the local economy.

Requested Action

☒ Special Exception/ Use Variance – *complete and attach Criteria for Decision Making*
Use requested: Vehicle Sales OR Rentals/ U-Haul Rental Services

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

Filed in Clerk's Office

JUN 13 2025

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 U-Haul rental service will operate responsibly, minimizing disruption to the community through traffic flow measures, safety compliance, and controlled operating hours. It will serve as a valuable resource for residents and businesses, enhancing transportation convenience while supporting local economic activity. Potential concerns about aesthetics and community standards will be addressed with proper signage, property maintenance, and zoning adherence, ensuring accessibility without negatively impacting public health, safety, or welfare.

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

The business will be designed and operated to seamlessly integrate with surrounding properties, maintaining the aesthetic and functional integrity of the area. Measures will be taken to minimize any potential impact on traffic flow, noise levels, or environmental conditions, ensuring that neighboring properties retain their value and appeal. Furthermore, the presence of a U-Haul rental facility can increase convenience for local businesses and residents, potentially enhancing the desirability of the surrounding properties rather than diminishing their worth.

(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 district currently supports commercial and service-oriented businesses, making this rental facility a natural addition to the existing landscape. The proposed use aligns with the district's economic and developmental goals, supporting local commerce and providing necessary transportation solutions for residents and businesses alike. Additionally, the facility's design and operational practices will be carefully tailored to match the character of the area, preventing any disruption to the established neighborhood atmosphere.

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

The Comprehensive Plan emphasizes responsible land use and economic development, both of which are supported by this proposal. The business will provide an essential service that facilitates mobility and commerce, reinforcing the plan's objectives for accessibility, business growth, and community convenience. Additionally, the proposed operations will be structured to ensure compliance with zoning standards, environmental considerations, and neighborhood cohesion, further aligning with the long-term vision set forth in the plan.

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: Mohammed Farhan

Address: 20792 S Gatehouse Dr
South Bend, IN 46637

Name: _____

Address: _____

Name: _____

Address: _____

Contact Person:

Name: Fares Farhan

Address: 1828 Tea Rose Lane
Mishawaka, IN 46544

Phone Number: 574-217-1405

E-mail: faresfarhan1990@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:

Mohammed Farhan



LowTaxInfo

St. Joseph
County



1039 Lww

South Bend, IN 46616

Farhan Mohammed

P.O. Box 11664
South Bend, IN 46634



Spring Due by 05/12/2025: \$0.00

Fall Due by 11/10/2025: \$0.00

\$0.00

Total Due ⓘ

Property Information

Tax Year/Pay Year

2024 / 2025

Parcel Number

71-08-02-334-011.000-026

Duplicate Number

62591

Property Type

Real

Tax Unit / Description

18 - South Bend - Portage

Property Class

COMMERCIAL DRIVE-IN RESTAURANT

Mortgage Company

None

TIF

126 River West 1-SB Portge 026

Homestead Credit Filed?

No

Over 65 Circuit Breaker?

No

Legal Description

Note: Not to be used on legal documents

E 1/2 Lot 1A H Cushings

Section-Township-Range

No Info

Parcel Acres

No Info

Lot Number

No Info

Block/Subdivision

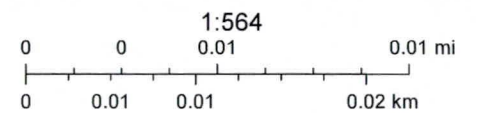
No info

South Bend Zoning



5/14/2025, 10:26:23 AM

- Parcel 2023_Aerials City Limits
- Red: Band_1
 - Green: Band_2
 - Blue: Band_3



Esri Community Maps Contributors, University of Notre Dame, St Joseph County GIS, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin,

City of South Bend - Department of Community Investment

This map is to be used for reference only and does not constitute an official survey of property lines. This map should be used for planning purposes only. Please contact the Department of Community Investment for more information (574) 245-6022

JUN 13 2025

Bianca Tirado
City Clerk, South Bend, IN

City of South Bend
BOARD OF ZONING APPEALS

June 11, 2025

Honorable Dr. Oliver Davis
4th Floor, County-City Building
South Bend, IN 46601

RE: Special Exception at 1527 S MICHIGAN ST

Dear Committee Chair Dr. Davis:

Enclosed is an Ordinance for the proposed Special Exception at the above referenced location. Please include the attached Ordinance on the Council agenda for **first reading** at your **June 23, 2025**, Council meeting and set it for public hearing at your **July 14, 2025**, Council meeting. The petition is tentatively scheduled for public hearing at the July 7, 2025, 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:
Establishing an auto repair shop (vehicle service, minor) on the property.

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,



Tim Staub
Zoning Specialist

CC: Bob Palmer

City of South Bend
BOARD OF ZONING APPEALS

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

July 9, 2025

Filed in Clerk's Office

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

JUL 09 2025

Bianca Tirado
City Clerk, South Bend, IN

Re: Bill#40-25: The petition of 1527 MICHIGAN LLC seeking a Special Exception for for use of Vehicle Service, Minor (21-06.01(k)(23)) in the NC Neighborhood Center for property located at 1527 and 1527 MICHIGAN ST

Dear Council Members:

I hereby Certify that the above referenced petition of 1527 MICHIGAN LLC was legally advertised on June 27, 2025 and that the South Bend Board of Zoning Appeals at its public hearing on July 7, 2025 took the following action:

Upon a motion by Francisco Fotia, being seconded by Caitlin Stevens and unanimously carried, a petition by 1527 MICHIGAN LLC seeking a Special Exception for for use of Vehicle Service, Minor for property located at 1527 and 1527 MICHIGAN 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,



Timothy Staub
Zoning Specialist

Attachment

CC: 1527 MICHIGAN LLC
Building Department
Bob Palmer

Property Information

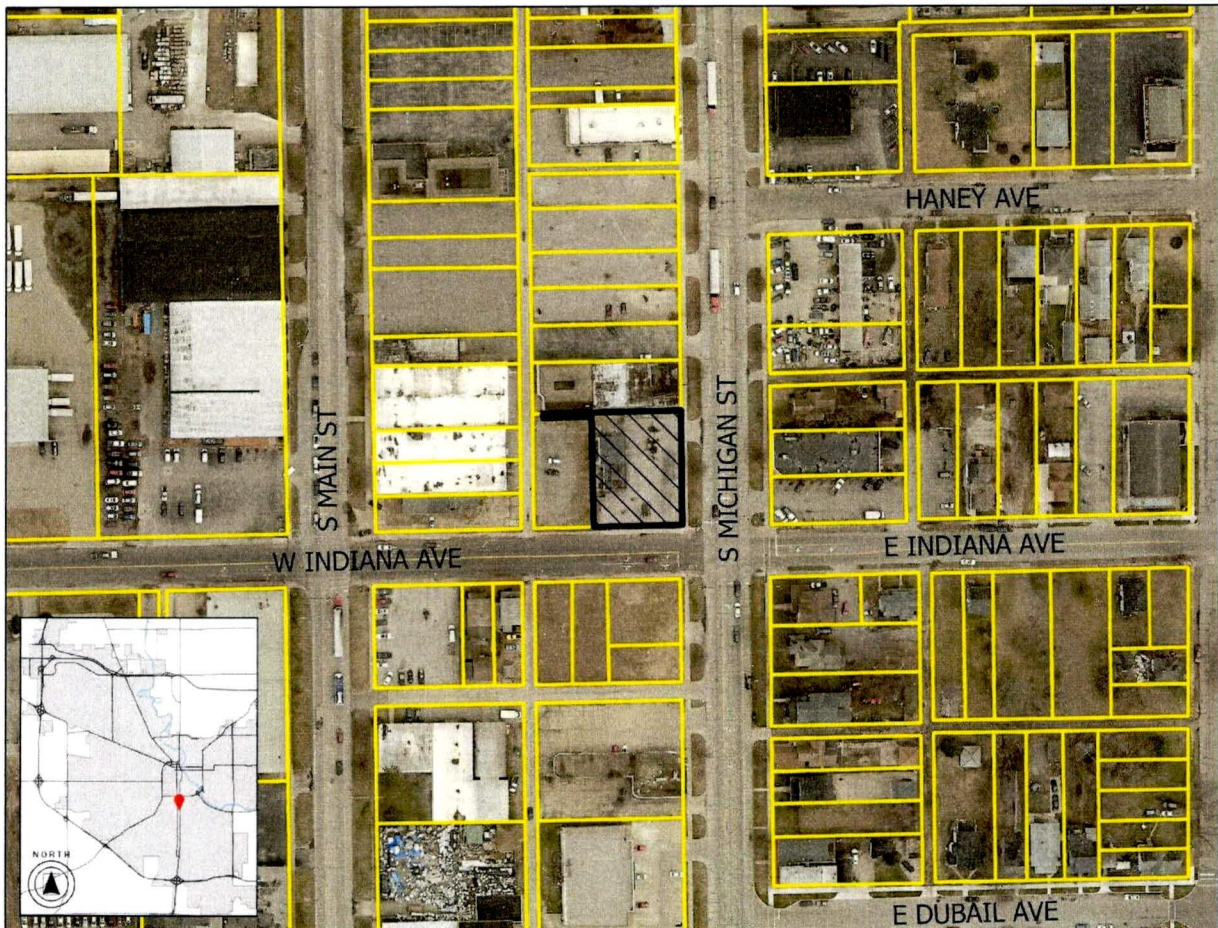
Location: 1527 and 1527 MICHIGAN ST
Owner: 1527 MICHIGAN LLC

Project Summary

To establish a Vehicle Service, Minor in an existing building

Requested Action

Special Exception: for use of Vehicle Service, Minor [21-06.01(k)(23)]

Site Location**Staff Recommendation**

Based on the information provided prior to the public hearing, the staff recommends the Board send the petition to the Common Council with an unfavorable recommendation.

Proposed Site Plan



Created by South Bend Department of Community Investment on: 6/27/2025 1:39 PM

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;

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 the adjacent area or property values therein;

The proposed use may injure or adversely affect the use of the adjacent area or property values therein. The visual impact of a long term vehicle storage could have a negative impact to surrounding property values that are seeing infill residential development. The applicant would need to add street trees and bring the existing lot up to standards.

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

The proposed use is not consistent with the character of the district in which it is located and the land uses authorized therein. The intent of the district and the surrounding neighborhood is to produce an urban, walkable area with non-auto centric uses.

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

The proposed use is not compatible with the recommendations of the 2015 Southeast Neighborhood Plan, which calls for a dense commercial use at the Michigan-Indiana intersection that serves as a walkable neighborhood center. Additionally, the 2020 zoning map designated this as a Neighborhood Center district for a mixture of storefront retail and professional offices with active building facades.

Analysis & Recommendation

Analysis: This block of S. Michigan Street is intended to be more neighborhood and pedestrian oriented. Neighborhood Center zoned lands are meant to serve local residential uses with a more active facade and little to no auto-centric uses.

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 an unfavorable recommendation.

BILL NO. 40-25

JUN 13 2025

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 1527 S MICHIGAN ST
COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA**

STATEMENT OF PURPOSE AND INTENT

Request a Special Exception to establish an auto repair shop (vehicle service, minor) on the property.

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:

1527 S MICHIGAN ST 018-8005-027801

In order to permit Vehicle Service, Minor

SECTION II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the petition of the Advisory Board of Zoning Appeals, a copy of which is on file in the Office of the City Clerk.

SECTION III. The Common Council of the City of South Bend, Indiana, hereby finds that:

1. The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience, or general welfare;
2. The proposed use will not injure or adversely affect the use of adjacent area of property values therein;
3. The proposed use will be consistent with the character of the district in which it is located, and the land uses authorized therein;
4. The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan;

SECTION IV. Approval is subject to the Petitioner complying with the reasonable conditions, if any, established by the Advisory Board of Zoning Appeals which are on file in the Office of the City Clerk.

SECTION V. This Ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the mayor, and legal publication, and full execution of any conditions or Commitments placed upon the approval.

Canneth Lee, Council President
South Bend Common Council

Attest:

Bianca 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 _____, 2025, at _____ o'clock ____ . m.

Bianca Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2025, 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

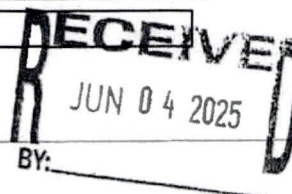
Property Information

Tax Key Number: 71-08-13-156-031.000-026

Address: 1527 Michigan Street South Bend, IN 46628

Owner: 1527 Michigan LLC

Zoning: NC Neighborhood Center



Project Summary:

The proposed auto repair shop will be ensuring compatibility with surrounding businesses. The shop will provide essential vehicle maintenance and repair services to the community, enhancing transportation reliability and local economic activity.

Requested Action

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

Use requested: Auto Shop/Mechanic Shop

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

Variance(s) requested:

Filed in Clerk's Office

JUN 13 2025

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 auto shop will follow all safety regulations, including fire codes and environmental protections. It will provide a valuable service to the community by offering vehicle repairs and maintenance, enhancing transportation reliability.

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

The shop will be designed to minimize noise and emissions. Proper site planning, landscaping, and buffer zones will ensure that nearby properties maintain their value and appeal without disruption.

(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 proposed business aligns with existing commercial or mixed-use zoning policies. It complements other businesses in the area and supports the local economy.

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

The business fits within the city's long-term development goals, bringing employment opportunities and economic growth while maintaining responsible land use.

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: 1527 Michigan LLC

Address: PO BOX 11664
South Bend, IN 46634

Name: David Farhan

Address: 2828 E Jefferson Blvd
South Bend, IN 46615

Name: _____

Address: _____

Contact Person:

Name: Fares Fahran

Address: 1828 Tea Rose Lane
Mishawaka, IN 46544

Phone Number: 574-217-1405

E-mail: faresfarhan1990@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:



42-25



City of South Bend
PLAN COMMISSION

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

Filed in Clerk's Office

Tuesday, July 22, 2025

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

JUL 23 2025
Bianca Tirado
City Clerk, South Bend, IN

Re: Bill#42-25 - A proposed ordinance of VIDA NUEVA SOUTH BEND CHRUCH OF GOD BY CARPINTEYRO JORGE to zone from I Industrial to U3 Urban Neighborhood 3, property located at 740 BROOKFIELD ST, City of South Bend - PC# 0262-25

Dear Council Members:

I hereby Certify that the above referenced ordinance of VIDA NUEVA SOUTH BEND CHRUCH OF GOD BY CARPINTEYRO JORGE was legally advertised on July 18, 2025 and that the South Bend Plan Commission at its public hearing on July 21, 2025 took the following action:

Upon a motion by Dr. Oliver Davis, being seconded by Scott Ford and unanimously carried, a proposed ordinance of VIDA NUEVA SOUTH BEND CHRUCH OF GOD BY CARPINTEYRO JORGE to zone from I Industrial to U3 Urban Neighborhood 3, property located at 740 BROOKFIELD ST, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation.

The staff report is attached. The deliberations of the Plan Commission and points considered in arriving at the above decision are shown in the minutes of the public hearing, Minutes of the public hearing are available in our office and will be posted on our website once approved.

Sincerely,

Tim Staub
Zoning Specialist

Attachment

CC: VIDA NUEVA SOUTH BEND CHRUCH OF GOD BY CARPINTEYRO JORGE
Bob Palmer

Tim Corcoran
Planning Director

Tim Corcoran
Interim Zoning Administrator

Francisco Fotia
Commission President

Property Information

Location: 740 BROOKFIELD ST
Owner: VIDA NUEVA SOUTH BEND CHURCH OF GOD BY CARPINTEYRO JORGE

Requested Action

Rezone from I Industrial to U3 Urban Neighborhood 3

Project Summary

The petitioner, which is the church on the lot to the east, is seeking to rezone their property from I Industrial to U3 Urban Neighborhood 3. Their intention is to use the property for residential purposes, which is not allowed under the current I zoning.

Location Map

Recommendation

Staff Recommendation: Based on information available prior to the public hearing, the staff recommends the Plan Commission send the rezoning petition to the Common Council with a favorable recommendation.

Filed in Clerk's Office

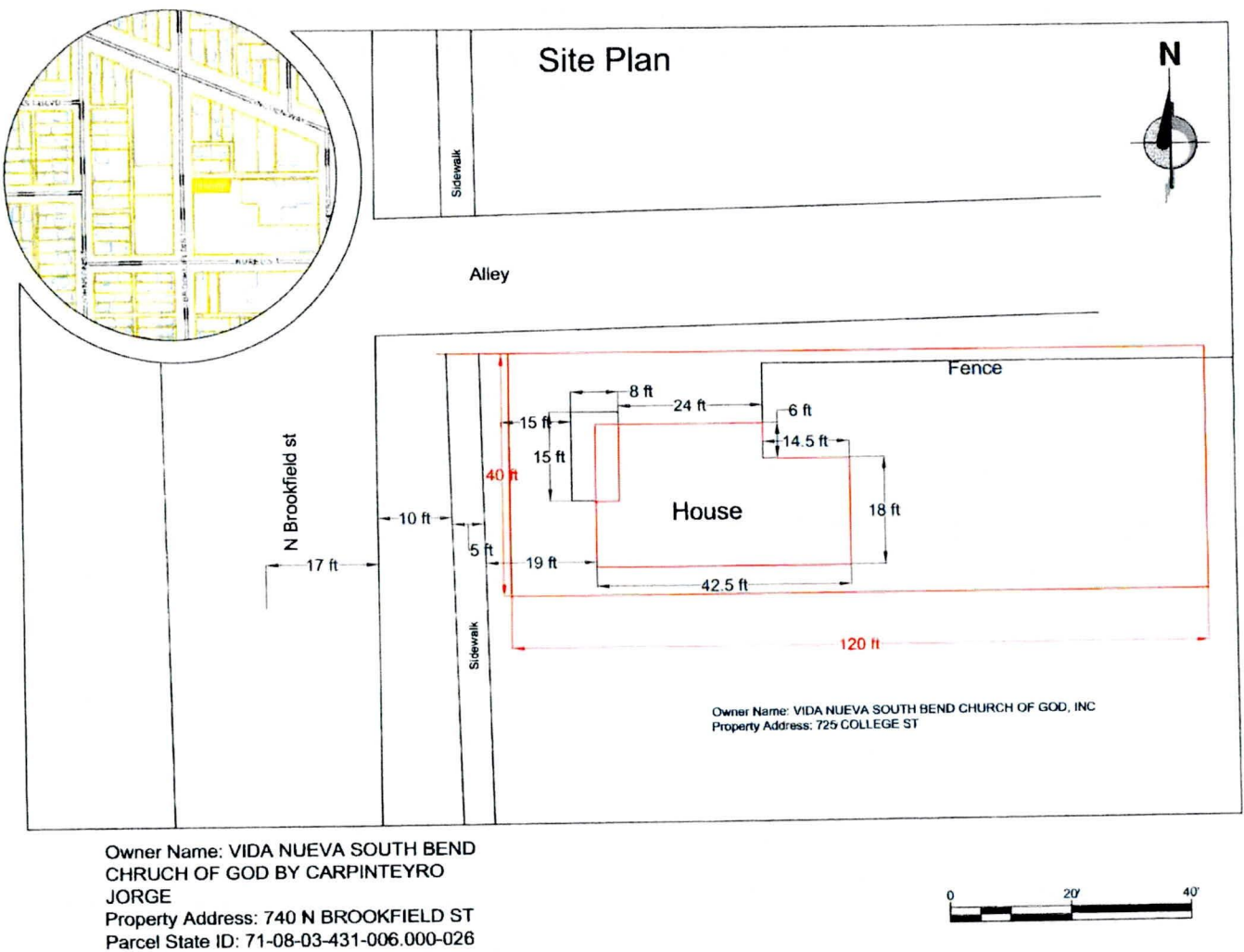
SOUTH BEND PLAN COMMISSION

JUL 23 2025

Page 1 of 4

Bianca Tirado
City Clerk, South Bend, IN

Proposed Site Plan



Site & Context

Land Uses and Zoning:

On site: A 1 unit dwelling zoned I Industrial
 North: Across an alley, a 1 unit dwelling zoned U3 Urban Neighborhood 3
 East: A church zoned I Industrial
 South: A field, a church, and a parking lot zoned I Industrial
 West: Across Brookfield Street, a commercial bakery zoned I Industrial

District Intent:

The U3 District is established to provide for, promote, and maintain the development of a full range of housing types located near neighborhood centers and along major streets in urban neighborhood centers and along major streets in urban neighborhoods in core and outlying areas of the City.

Site Plan Description:

The petitioner wishes to rezone the property to U3 so that someone can live in the existing detached house, which is not allowed under the current Industrial zoning.

Zoning and Land Use History and Trends:

There has been a detached house on the property since about 1913.

Traffic and Transportation Considerations:

Brookfield Street is a 32' wide street with one lane of traffic in each direction and on-street parking.

Agency Comments

Agency Comments:

Engineering would like to remind the petitioner that maintaining the sidewalk and curb, which likely need improvement, is their responsibility.

Staff Comments:

No additional comments at this time.

Criteria for Decision Making

Rezoning

Per State Law, the Plan Commission and Common Council shall pay reasonable regard to:

1. Comprehensive Plan:

Policy Plan:

In the city's comprehensive plan, Objective H 2 is to "maintain South Bend's housing stock in good condition," and Policy H 2.3 specifically identifies the need to "support the efforts of community organizations to rehabilitate and repair older homes."

Land Use Plan:

This property falls within the Kennedy Park neighborhood. In the 2022 neighborhood plan, the future zoning map shows the parcel as industrial.

Plan Implementation/Other Plans:

Strategy 3 in the 2022 Kennedy Park neighborhood plan outlines a desire to "develop and preserve housing in the neighborhood," with action item 3.1 specifically saying to "support the production of a range of housing types including new construction and rehabilitation of market rate and affordable units for owner and rental housing."

2. Current Conditions and Character:

The surrounding structures are mostly one story, and are a mix of homes, industrial buildings, and a few commercial properties, as well as the petitioner's church. Some buildings appear to be occupied while some appear to be vacant.

3. Most Desirable Use:

The most desirable use for this property would be to restore it to an occupied residential use, as there has been a home on the site for more than one hundred years, but the current structure is nonconforming with its zoning designation.

4. Conservation of Property Values:

Allowing this vacant home to be occupied may help to increase the value of this specific property, as well as surrounding properties.

5. Responsible Development and Growth:

Rezoning this parcel would allow for the use of an existing structure that already has utilities provided, exhibiting a responsible and low-impact instance of development.

Analysis & Recommendation

Commitments: No commitments are proposed at this time.

Analysis: Although the neighborhood plan recommends that this parcel stay zoned as industrial, rezoning it to U3 would fulfill a goal of the Kennedy Park neighborhood plan to rehabilitate housing units in the area, as well as two related goals within the city's comprehensive plan to maintain the city's existing housing stock and support community organizations in rehabilitating older homes. Additionally, it would create continuity with the U3 zoning of other residential parcels immediately to the north and allow for the use of an existing building.

Recommendation: Based on information available prior to the public hearing, the staff recommends the Plan Commission send the rezoning petition to the Common Council with a favorable recommendation.



City of South Bend PLAN COMMISSION

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

Filed in Clerk's Office

JUL 07 2025

**Bianca Tirado
City Clerk, South Bend, IN**

June 25, 2025

Honorable Committee Chair Davis
4th Floor, County-City Building
South Bend, IN 46601

RE: 740 N Brookfield St – PC#0259-25

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 July 14th, Council meeting, and set it for public hearing at your July 28, Council meeting. The petition is tentatively scheduled for public hearing at the July 21, 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:

Rezone from I Industrial to U3 Urban Neighborhood 3 to permit residential use.

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

Sincerely,

Tim Staub
Zoning Specialist

CC: Bob Palmer

Tim Corcoran
Planning Director

Tim Corcoran
Interim Zoning Administrator

Scott Ford
Commission President

BILL NO. 42-25

JUL 07 2025

ORDINANCE NO. _____

Bianca Tirado
City Clerk, South Bend, IN

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 740
N BROOKFIELD ST COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH
BEND, INDIANA**

STATEMENT OF PURPOSE AND INTENT

Petitioner desires to rezone from I Industrial to U3 Urban Neighborhood 3.

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:

LOT 7 MOONS 2ND

be and the same is hereby established as U3 Urban Neighborhood 3

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 _____, 2025, at _____ o'clock .m.

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

Approved and signed by me on the _____ day of _____, 2025, at ____ o'clock ____ .m.

James Mueller, Mayor
City of South Bend, Indiana

City of South Bend
PLAN COMMISSION

Petition for Rezoning or Combined Public Hearing

Property Information

Tax Key Number: 018-2017-0514

Address: 740 N. BROOKFIELD ST.

Owner: VINA NUEVA SOUTH BEND CHURCH OF GOD

Legal Description:

Filed in Clerk's Office

JUL 07 2025

Bianca Tirado
City Clerk, South Bend, IN



Project Summary

INDUSTRIAL TO RESIDENTIAL
TO PERMIT TO LIVE IN THE HOUSE

Requested Action

Application includes (check all that apply)

☒ Rezoning

Current District: I Choose the current district

Additional Districts, if applicable

Proposed District Choose the proposed district U3 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

Contact information

Property owner(s) of the petition site:

Name: VIDA NUEVA SOUTH BEND CHURCH OF GOD

Address: 739 COLLEGE ST.
SOUTH BEND, IN. 46628-2364

Name: _____

Address: _____

Name: _____

Address: _____

Contact Person:

Name: RICARDO CARBATAL

Address: 18144 BURTON DR.
SOUTH BEND, IN. 46637


Phone Number: (574) 3403868

E-mail: rc-fixture-gap-tooling@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:



Pastor Oscar Dominguez



Site Plan



Sidewalk

Alley

N Brookfield st

10 ft

17 ft

Sidewalk

5 ft

15 ft
15 ft
40 ft

8 ft

House

24 ft

6 ft

14.5 ft

18 ft

42.5 ft

120 ft

Fence

Owner Name: VIDA NUEVA SOUTH BEND CHURCH OF GOD, INC
Property Address: 725 COLLEGE ST

Owner Name: VIDA NUEVA SOUTH BEND
CHRUCH OF GOD BY CARPINTEYRO
JORGE
Property Address: 740 N BROOKFIELD ST
Parcel State ID: 71-08-03-431-006.000-026



1200 COUNTY-CITY BUILDING
227 W. JEFFERSON BOULEVARD
SOUTH BEND, INDIANA 46601-1830



PHONE 574/235-9241
FAX 574/235-7670
TTY 574/235-5567

CITY OF SOUTH BEND JAMES MUELLER, MAYOR

DEPARTMENT OF LAW

SANDRA KENNEDY
CORPORATION COUNSEL

JENNA K. THROW
CITY ATTORNEY

July 8, 2025

Filed in Clerk's Office

Honorable Sheila Niezgodski
4th Floor, County-City Building
227 W. Jefferson Blvd.
South Bend, IN 46601

JUL 08 2025

Bianca Tirado
City Clerk, South Bend, IN

Re: Submission of Ordinance Amending Section 2-210 of the South Bend Municipal Code

Dear Committee Chair Niezgodski:

Enclosed for your review is a proposed ordinance amending Section 2-210 of the South Bend Municipal Code, which addresses fees and processes for public records requests. The revised ordinance makes several key updates to this section, including moving the fees to a fee schedule, adopting fees for review and redaction of law enforcement recordings, prohibiting use of certain records for commercial purposes, and clarifying the handling of fees for record certification.

I respectfully request that this ordinance be placed on the Council agenda for first reading at your **July 14, 2025** meeting, and be scheduled for public hearing, second, and third reading at the **July 28, 2025** meeting. I will be presenting the Ordinance.

A full copy of the proposed ordinance is attached for your reference. Should you have any questions or require additional information, please do not hesitate to contact me at jthrow@southbendin.gov.

Sincerely,

Jenna Throw
City Attorney

JT/bm

DANIELLE WEISS
THOMAS E. PANOWICZ

MICHAEL SCHMIDT
ADAM E. TAYLOR

KYLIE CONNELL
JOHN DORBIN, JR.

JUL 08 2025

Bianca Tirado
City Clerk, South Bend, IN

BILL NO. 43-25

ORDINANCE NO. _____

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, AMENDING SECTION 2-210 OF THE MUNICIPAL CODE PERTAINING
TO FEES AND PROCESSES FOR PUBLIC RECORDS REQUESTS**

STATEMENT OF PURPOSE AND INTENT

Section 2-210 of the South Bend Municipal Code provides the regulations governing the fees for delivery of documents requested through the Access to Public Records Act, as well as fees for specific public safety services.

The proposed ordinance provides key updates to this Section, including a revision to shift the list of specific fees to a fee schedule from the Municipal Code, which will assist with the process for requesting future revisions from the Common Council.

The proposed ordinance also includes an update to include a provision, consistent with Indiana law, that no fee shall be charged for electronic transmission of records in most circumstances, unless specified by state law or court order.

The proposed ordinance clarifies the language regarding certification of records and clarifies the appropriate processing of fees for certification.

The proposed ordinance includes a provision permitted by Indiana Code 5-14-3-3(e) that prohibits the use of certain requests for information from an electronic data storage system for commercial purposes.

The proposed ordinance, together with the fee schedule, incorporates updates permitted by Indiana Code 5-14-3-8(g)(1) to permit charging for the direct costs of producing law enforcement recordings, which includes the significant time spent in reviewing and redacting law enforcement recordings consistent with the requirements of the Access to Public Records Act prior to delivery.

Review and redaction of law enforcement recordings represent a significant proportion of the time spent responding to public record requests, and adopting the charges permitted by Indiana law is expected to generate beneficial revenue for the purposes set forth in the proposed ordinance.

The proposed ordinance also incorporates guidelines set forth by Indiana Code 5-14-3-8(l) for the expenditures that may be funded with fees collected for the production of a law enforcement recording.

This ordinance amendment is necessary for the effective, efficient administration of the Access to Public Records Act process. This ordinance is in the best interest of the City and its residents.

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

SECTION I. Section 2-210 of the South Bend Municipal Code shall be amended as follows:

Sec. 2-210. Generally.

- (a) The Common Council shall adopt by Ordinance a fee schedule establishing reasonable fees for delivery of documents delivered as public records under I.C. 5-14-3-2 and providing of specified public safety services, to be paid by the requesting party not later than the time of delivery of each of the services or records described. The fee schedule may be accessed on the City's website or upon in person request.
- (b) No fee shall be charged for inspection of the public records indicated above where a copy is not provided or for electronic copies of records provided by electronic mail, except where a certification, copying, or search fee is specified by statute or by court order.
- (c) The City shall require payment by the purchaser in advance of the City's production of the record.
- (d) The additional charge for certification shall be deposited into the same fund as the fees collected for the copies of records.
- (e) A person who receives information from an electronic data storage system as described in Indiana Code 5-14-3-3(d) may not use the information for commercial purposes, including to sell, advertise, or solicit the purchase of merchandise, goods, or services, or sell, loan, give away, or otherwise deliver the information obtained by the request to any other person for these purposes. Use of the information for the preparation or publication of news, for nonprofit activities, or for academic research is not prohibited. A person who uses such information contrary to this subsection may be prohibited by the City from obtaining further records under Indiana Code 5-14-3-3(d).
- (f) Any fees collected pursuant to this section by the South Bend Police Department, other than for law enforcement recordings, shall be deposited into the law enforcement continuing education fund for training supplies and equipment with all interest earned on the monies deposited in said fund be retained therein.
- (g) Any fees collected for law enforcement recordings by the South Bend Police Department shall be deposited into the law enforcement continuing education fund and used for one (1) or more of the following purposes:
 - (1) To purchase cameras and other equipment for use in connection with the South Bend Police Department's law enforcement recording program;
 - (2) For training concerning law enforcement recording; or
 - (3) To defray the expenses of storing, producing, and copying law enforcement recordings.

Money from a fee described in this subsection, together with all interest earned on the monies deposited in said fund is to be retained therein and does not revert to the general fund at the end of the fiscal year.

-
- (h) Any fee collected pursuant to this section by the South Bend Fire Department shall be deposited into the E.M.S. Capital Fund for capital purchases and leases of E.M.S. equipment, firefighting equipment, and fire station repairs as further addressed in Section 9-17 of the South Bend Municipal Code.

(Ord. No. 9092-00, § I; Ord. No. 9510-04, §§ I, II; Ord. No. 9568-05, § I; Ord. No. 9677-06, § I, 5-22-06; Ord. No. 9780-07, § I, 8-27-07; Ord. No. 9880-08, § I, 11-10-08)

SECTION II. If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, declared to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared.

SECTION III. This Ordinance shall be effective January 1, 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 _____, 2025, at ____ o'clock __.m.

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

Approved and signed by me on the ____ day of _____, 2025, at ____ o'clock ____ .m.

James Mueller, Mayor
City of South Bend, Indiana

JUL 08 2025

Bianca Tirado
City Clerk, South Bend, IN**Fee Schedule**

The following reasonable fees are established, to be paid by the requesting party not later than the delivery time of each of these services or each of these documents described:

- (1) Each page of any document which is a public record under I.C. 5-14-3-2 which is not excepted from disclosure.
 - a. Noncolor photocopy 0.10
 - b. Color photocopy 0.25
 - (2) Motor vehicle accident reports 8.00
 - (3) Police summary report (a form of report which does not exist as a record prior to public request and is not explicitly mentioned in this section):
 - a. Victim 5.00
 - b. All others 8.00
 - (4) Police Department crime statistic compilation (a form of report which does exist as a public record prior to public request) 8.00
 - (5) Audio tapes or CDs, per item:
 - a. Those reproduced by the City of South Bend 10.00
 - b. Those requiring outside resources (plus outside costs) 2.00
 - (6) Photographs:
 - a. Those reproduced by the City of South Bend from its negatives (no larger than 8" x 10") by laser 1.00
 - b. Those reproduced by the City of South Bend using color sub-dye print method 5.00
 - c. Enlargement of Polaroid or reproductions requiring outside resources (plus outside cost) 2.00
 - (7) Fingerprinting an individual (per card) 10.00
 - (8) Fire Investigation reports 25.00
 - (9) Blueprints, per page 6.00
 - (10) Videotapes or DVD, per item:
 - a. Those reproduced by the City of South Bend 10.00
 - b. Those requiring outside resources (plus outside costs) 2.00
 - (11) Law enforcement recordings:
 - a. May be charged \$50.00 per hour, up to \$150.00 per recording, based on actual time spent to search, log, download, review, upload, edit/redact and process each video associated with the incident requested. (i.e., if the request includes two recordings, total cost may be up to \$300.00).
- Data discs, per disc 3.00
- (12) Maps, per square foot of paper 1.00
 - (13) EMS report 15.00
 - (14) Motor or recreational vehicle inspection and rebuilt salvage inspection:
 - a. Occurring at the Police station 5.00

-
- b. Vehicle inspection occurring away from the Police station 15.00
 - c. Rebuilt salvage inspection occurring away from the Police station 50.00
- (15) Limited criminal history reports
- a. Request from the subject for a copy of his/her limited criminal history 7.00
 - b. Copy of limited criminal history on another person 7.00

However such requests shall be provided free if mandated by I.C. 10-13-3.

- (16) Providing materials other than public records request 10.00

Unless described in other specific categories:

Per page (non-color) 0.25

Per page (color) 0.50

Per tape 15.00

For first photograph 15.00

For all others 5.00

- (17) Requested mailing of public records:

- a. Standard business size or smaller envelope 2.00
- b. Manila envelope 9" x 12" or larger 3.00
- c. Package 5.00

- (18) CPAT testing offered to other Fire Departments:

- a. Set up and break down costs 700.00
- b. Training session conducted by SBFD 350.00
- c. Testing conducted by SBFD (per applicant) 45.00

- (19) Processing fee for Police Department towing process fees 10.00

- (20) No trespass signs: 5.00

(21) If an individual wishes to have any records certified by the City Clerk or any employee of the City of South Bend, there shall be a five dollar (\$5.00) charge for the certification in addition to the charges, if any, set forth above.

JUL 08 2025

Bianca Tirado
City Clerk, South Bend, IN

BILL NO. _____

ORDINANCE NO. _____

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, AMENDING SECTION 2-210 OF THE MUNICIPAL CODE PERTAINING
TO FEES AND PROCESSES FOR PUBLIC RECORDS REQUESTS**

STATEMENT OF PURPOSE AND INTENT

Section 2-210 of the South Bend Municipal Code provides the regulations governing the fees for delivery of documents requested through the Access to Public Records Act, as well as fees for specific public safety services.

The proposed ordinance provides key updates to this Section, including a revision to shift the list of specific fees to a fee schedule from the Municipal Code, which will assist with the process for requesting future revisions from the Common Council.

The proposed ordinance also includes an update to include a provision, consistent with Indiana law, that no fee shall be charged for electronic transmission of records in most circumstances, unless specified by state law or court order.

The proposed ordinance clarifies the language regarding certification of records and clarifies the appropriate processing of fees for certification.

The proposed ordinance includes a provision permitted by Indiana Code 5-14-3-3(e) that prohibits the use of certain requests for information from an electronic data storage system for commercial purposes.

The proposed ordinance, together with the fee schedule, incorporates updates permitted by Indiana Code 5-14-3-8(g)(1) to permit charging for the direct costs of producing law enforcement recordings, which includes the significant time spent in reviewing and redacting law enforcement recordings consistent with the requirements of the Access to Public Records Act prior to delivery.

Review and redaction of law enforcement recordings represent a significant proportion of the time spent responding to public record requests, and adopting the charges permitted by Indiana law is expected to generate beneficial revenue for the purposes set forth in the proposed ordinance.

The proposed ordinance also incorporates guidelines set forth by Indiana Code 5-14-3-8(1) for the expenditures that may be funded with fees collected for the production of a law enforcement recording.

This ordinance amendment is necessary for the effective, efficient administration of the Access to Public Records Act process. This ordinance is in the best interest of the City and its residents.

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

SECTION I. Section 2-210 of the South Bend Municipal Code shall be amended as follows:

Sec. 2-210. Generally.

- (a) ~~The Common Council shall adopt by Ordinance a fee schedule establishing reasonable fees for delivery of documents delivered as public records under I.C. 5-14-3-2 and providing of specified public safety services. The following reasonable fees are established, to be paid by the requesting party not later than the time of delivery of each of these services or each of these records documents described:~~ The fee schedule may be accessed on the City's website or upon in person request.
- (1) ~~Each page of any document which is a public record under I.C. 5-14-3-2 which is not excepted from disclosure.~~
- a. ~~Noncolor photo copy\$ 0.10~~
- b. ~~Color photo copy 0.25~~
- (2) ~~Motor vehicle accident reports8.00~~
- (3) ~~Police summary report (a form of report which does not exist as a record prior to public request and is not explicitly mentioned in this section):~~
- a. ~~Victim5.00~~
- b. ~~All others8.00~~
- (4) ~~Police Department crime statistic compilation (a form of report which does exist as a public record prior to public request)8.00~~
- (5) ~~Audio tapes or CDs, per item:~~
- a. ~~Those reproduced by the City of South Bend10.00~~
- b. ~~Those requiring outside resources (plus outside costs)2.00~~
- (6) ~~Photographs:~~
- a. ~~Those reproduced by the City of South Bend from its negatives (no larger than 8" x 10") by laser1.00~~
- b. ~~Those reproduced by the City of South Bend using color sub-dye print method5.00~~
- c. ~~Enlargement of Polaroid or reproductions requiring outside resources (plus outside cost)2.00~~
- (7) ~~Fingerprinting an individual (per card)15.00~~
- (8) ~~Arson reports25.00~~
- (9) ~~Blueprints, per page6.00~~
- (10) ~~Videotapes or DVD, per item:~~
- a. ~~Those reproduced by the City of South Bend10.00~~

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b.—Those requiring outside resources (plus outside costs)2.00

(11) Data discs, per disc3.00

(12) Maps, per square foot of paper1.00

(13) EMS report15.00

(14) Motor or recreational vehicle inspection and rebuilt salvage inspection:

a.—Occurring at the Police station5.00

b.—Vehicle inspection occurring away from the Police station30.00

c.—Rebuilt salvage inspection occurring away from the Police station50.00

(15) Limited criminal history reports

a.—Request to process limited criminal history3.00

b.—Request from the subject for a copy of his/her limited criminal history7.00

c.—Copy of limited criminal history on another person7.00

However such request shall be provided free if mandated by I.C. 10-13-3.

(16) Processing request for limited juvenile history5.00

(17) Providing materials other than public records request\$10.00

Unless falling into other specific categories:

Per page0.10

Per tape15.00

For first photograph15.00

For all others5.00

(18) Requested mailing of public records:

a.—Standard business size or smaller envelope2.00

b.—Manila envelope 9" x 12" or larger3.00

c.—Package5.00

(19) Handgun license application, subject to refund per I.C. 35-47-2-3:

a.—Yearly handgun license application10.00

b.—Lifetime handgun license application50.00

(20) CPAT testing offered to other Fire Departments:

a.—Set up and break down costs700.00

b.—Training session conducted by SBFID350.00

c.—Testing conducted by SBFID (per applicant)45.00

(21) Processing fee for Police Department tow10.00

(22) No trespass signs:

~~a. Each laminated 19" x 26" 10.00~~

~~b. Each laminated 14" x 22" 6.00~~

~~c. Each metal 18" x 24" 35.00~~

(b) No fee shall be charged for inspection of the public records indicated above where a copy is not provided or for electronic copies of records provided by electronic mail, except where a certification, copying, or search fee is specified by statute or by court order.

~~(c) Where documents in any one (1) request exceed ten (10) pages and for requests of items (2) through (125), inclusive, the City may shall require payment by the purchaser in advance of the City's production of the record.~~

~~(d) If an individual wishes to have any records certified by the City Clerk or any employee of the City of South Bend, there shall be a five dollar (\$5.00) charge for the certification in addition to the charges, if any, set forth in the above subsection (a). The additional charge for certification shall be deposited into the same fund as the fees collected for the copies of records.~~

~~(e) A person who receives information from an electronic data storage system as described in Indiana Code 5-14-3-3(d) may not use the information for commercial purposes, including to sell, advertise, or solicit the purchase of merchandise, goods, or services, or sell, loan, give away, or otherwise deliver the information obtained by the request to any other person for these purposes. Use of the information for the preparation or publication of news, for nonprofit activities, or for academic research is not prohibited. A person who uses such information contrary to this subsection may be prohibited by the City from obtaining further records under Indiana Code 5-14-3-3(d).~~

~~(f) Any fees collected pursuant to this section by the South Bend Police Department, other than for law enforcement recordings, shall be deposited into the law enforcement continuing education fund for training supplies and equipment with all interest earned on the monies deposited in said fund be retained therein.~~

~~(g) Any fees collected for law enforcement recordings by the South Bend Police Department shall be deposited into the law enforcement continuing education fund and used for one (1) or more of the following purposes:~~

~~(1) To purchase cameras and other equipment for use in connection with the South Bend Police Department's law enforcement recording program;~~

~~(2) For training concerning law enforcement recording; or~~

~~(3) To defray the expenses of storing, producing, and copying law enforcement recordings.~~

~~Money from a fee described in this subsection, together with all interest earned on the monies deposited in said fund is to be retained therein and does not revert to the general fund at the end of the fiscal year.~~

~~(h) Any fee collected pursuant to this section by the South Bend Fire Department shall be deposited into the E.M.S. Capital Fund for capital purchases and leases of E.M.S. equipment, firefighting equipment, and fire station and fire station repairs as further addressed in Section 9-17 of the South Bend Municipal Code.~~

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(Ord. No. 9092-00, § I; Ord. No. 9510-04, §§ I, II; Ord. No. 9568-05, § I; Ord. No. 9677-06, § I, 5-22-06; Ord. No. 9780-07, § I, 8-27-07; Ord. No. 9880-08, § I, 11-10-08)

SECTION II. If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, declared to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared.

SECTION III. This Ordinance shall be effective January 1, 2026.

Canneth Lee, Council President
South Bend Common Council

Attest:

Bianca 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 _____, 2025, at _____ o'clock ____m.

Bianca Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2025, at ____ o'clock ____m.

City of South Bend

James Mueller, Mayor

JUL 17 2025

Bianca Tirado
City Clerk, South Bend, IN

City of South Bend
BOARD OF ZONING APPEALS

July 9, 2025

Honorable Dr. Oliver Davis
4th Floor, County-City Building
South Bend, IN 46601

RE: Use Variance at 221 N Ironwood Dr

Dear Committee Chair Dr. Davis:

Enclosed is an Ordinance for the proposed Use Variance at the above referenced location. Please include the attached Ordinance on the Council agenda for **first reading** at your **July 28, 2025** Council meeting and set it for public hearing at your **August 11, 2025**, Council meeting. The petition is tentatively scheduled for public hearing at the August 4, 2025, South Bend Board of Zoning Appeals meeting. The staff report and recommendation of the South Bend Board of Zoning Appeals will be forwarded to the Office of the City Clerk by noon on the Wednesday following the public hearing.

The petitioner provided the following to describe the proposed project:

To allow Personal Care & Services (Beauty Shop) (21-06.01(k)(13)) as a Home Occupation (21-06.02(f)(12) in Urban Neighborhood 1 (U1).

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,



Tim Staub
Zoning Specialist

CC: Bob Palmer

BILL NO. 44-25

JUL 17 2025

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 221 N IRONWOOD DR
COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA**

STATEMENT OF PURPOSE AND INTENT

**Use Variance to allow Personal Care & Services (Beauty Shop) (21-06.01(k)(13)) as a Home
Occupation (21-06.02(f)(12) in Urban Neighborhood 1 (U1)**

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 Use Variance be granted for property located at:

221 N IRONWOOD DR. 018-5051-1836

221 N IRONWOOD DR. 018-5051-1829

In order to allow Personal Care & Services (Beauty Shop) (21-06.01(k)(13)) as a Home
Occupation (21-06.02(f)(12) in Urban Neighborhood 1 (U1)

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. As to the Use Variance, The Common Council of the City of South Bend,
Indiana, hereby finds that:

1. The approval will not be injurious to the public health, safety, morals, and general
welfare of the community;
2. The use and value of the area adjacent to the lot included in the variance will not be
affected in a substantially adverse manner;
3. The strict application of the terms of the zoning ordinance will constitute an
unnecessary hardship if applied to the lot for which the variance is sought; and
4. The approval does not interfere substantially with the 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 Lee, Council President
South Bend Common Council

Attest:

Bianca 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 _____, 2025, at _____
o'clock ____ m.

Bianca Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2025, 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:

Address:

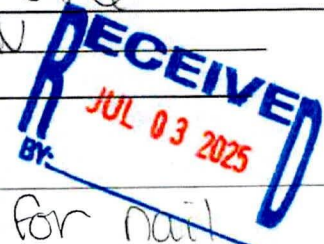
Owner:

Zoning: Choose the current district

018-5051-1836
71-09-07-228-022.000-026

221 N. Ironwood Dr. South Bend IN

Carley Hamilton



Project Summary: 16x12 shed on property for nail business.

Requested Action

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

Use requested:

nail/beauty salon

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

Variance(s) requested:

Filed in Clerk's Office

JUL 17 2025

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

Contact Information

Property owner(s) of the petition site:

Name: Carley J Hamilton
Address: 221 N Ironwood Dr South Bend IN 46615

Name: Adam Linback
Address: 221 N. Ironwood Dr. South Bend IN 46615

Name: _____

Address: _____

Contact Person:

Name: Carley Hamilton
Address: 221 N Ironwood dr. South Bend IN
46615

Phone Number: 574-252-6347

E-mail: polishedrailsprc23@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:

Carley J Hamilton
Adam Linback

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:

Appointments will be one appointment at a time, ensuring minimal traffic and no disruption. Building, plumbing and electrical codes will be met. No harmful chemicals beyond what is standard for ~~hair~~ salon services.

(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:

its design will blend with the residential surroundings. one client service minimizes traffic and/or parking issues. property values in the area are not expected to be negatively impacted.

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

a commercial space financially prohibitive and unnecessary for a single operator service. The variance allows me to ~~operate~~ operate a legitimate at home business.

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

the 12x16 structure is the smallest reasonable footprint, within all appropriate set backs, that allows for safe and professional operation of a salon.

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

this is a current request based on active zoning restrictions. The hardship arises from the zoning code not accounting for this small scale professional business.

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:

it will be operated by a licensed professional (me) and will have all required legal, electrical, and plumbing needs met. No harmful chemicals will be used. By single appointment only

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

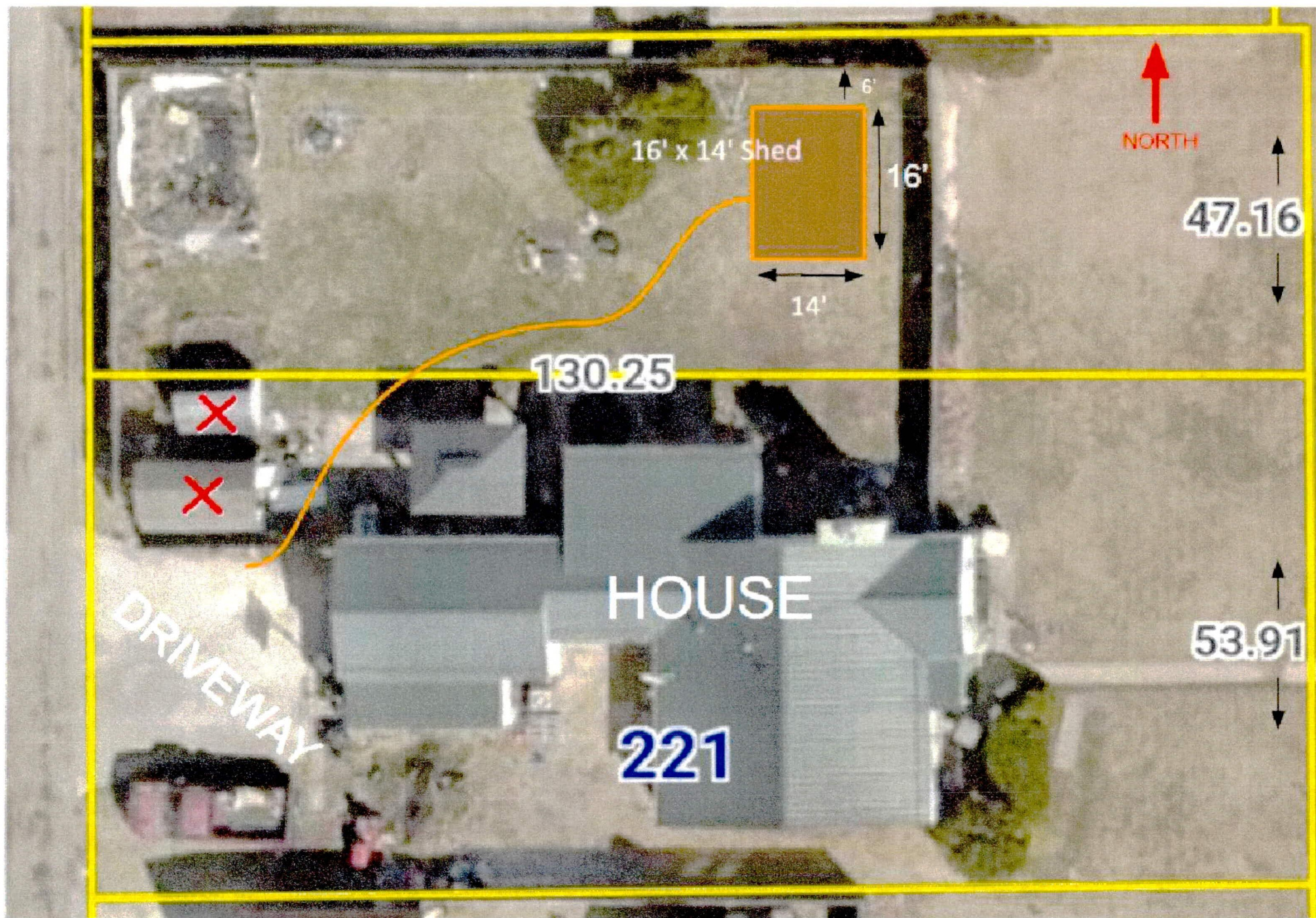
it will be professionally constructed allowing blendability with the neighborhood. There will be no noise, pollution or visual obstructions.

(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:

its not an obvious business from the street as it sits inside my property line of privacy fence

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

its a home based small business, that runs by single appointment basis, and the proposed building will maintain residential character to the area





City of South Bend PLAN COMMISSION

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

Filed in Clerk's Office

JUL 23 2025
Bianca Tirado
City Clerk, South Bend, IN

July 23, 2025

Honorable Committee Chair Oliver Davis
4th Floor, County-City Building
South Bend, IN 46601

RE: 54528, 54550, 54570, 54606, 54610, 54638, 54650 WILLIS AVENUE PC#0264-25

Dear Committee Chair Dr. Davis:

Enclosed is an Ordinance for the proposed Annexation and Zone Map Amendment at the above referenced location. Please include the attached Ordinance on the Council agenda for first reading at your July 28, 2025, Council meeting and set it for second reading on September 22, 2025 and third reading on October 13, 2025 Council meetings. The petition is tentatively scheduled for public hearing at the August 18, 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 Petitioners are requesting to annex and rezone the property including rights-of-way of Willis Avenue & Dunn Road to develop a residential project of approximately five (5) multi-story buildings having a maximum height of five (5) stories. Access to the site would be from Dunn Road and Willis Avenue and the proposed buildings would face both public streets. The project will have a streetscape with trees and landscaped buildings along with public sidewalks and interior pedestrian walks and landscaped grounds. A common area on the fifth floor of each building would take advantage of views towards the Notre Dame Campus.

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

Sincerely,

Tim Staub
Zoning Specialist

CC: Bob Palmer

JUL 23 2025

BILL NO. 45-25

ORDINANCE NO. _____

Bianca Tirado
City Clerk, South Bend, IN

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ANNEXING TO AND BRINGING WITHIN THE CITY LIMITS OF SOUTH BEND, INDIANA, AND AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED IN CLAY TOWNSHIP, CONTIGUOUS THEREWITH; COUNCILMANIC DISTRICT NO. 4, FOR 54528, 54550, 54570, 54606, 54610, 54638, 54650 WILLIS AVENUE, SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

The Petitioner desires to annex and rezone seven properties at the southeast corner of Willis Avenue and Dunn Road from R Single Family District in unincorporated St. Joseph County to U3 Urban Neighborhood 3 District in South Bend.

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

SECTION I. That the following described real estate is situated in St. Joseph County, Indiana, being contiguous by more than one-eighth (1/8) of its aggregate external boundaries with the present boundaries of the City of South Bend, Indiana, shall be and hereby is annexed to and brought within the City of South Bend:

A PART OF THE SOUTHEAST AND NORTHEAST QUARTERS OF SECTION 31, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: BEGINNING AT THE SOUTHEAST CORNER OF LOT # 40 IN THE PLAT OF "VANESS PLAT" SUBDIVISION AS RECORDED IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA RECORDER'S OFFICE; THENCE WEST (ALL BEARINGS ASSUMED) ALONG THE SOUTH LINE OF SAID LOT AND ITS' WESTERLY EXTENSION (CROSSING WILLIS AVENUE 60 FT. R/W), A DISTANCE OF 260 FEET MORE OR LESS TO THE WEST RIGHT-OF-WAY LINE OF SAID WILLIS AVENUE; THENCE NORTH ALONG SAID WEST LINE AND ITS' NORTHEASTERLY EXTENSION (CROSSING DUNN ROAD 40 FT. R/W), A DISTANCE OF 830.30 FEET MORE OR LESS TO A POINT WHICH IS THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF DUNN ROAD WITH THE WEST RIGHT-OF-WAY LINE OF WILLIS AVENUE; THENCE EAST ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID DUNN ROAD (CROSSING WILLIS AVENUE 40 FT. R/W), A DISTANCE OF 250 FEET MORE OR LESS TO A DIRECTLY NORTH OF THE NORTHEAST CORNER OF LOT # 35 IN SAID "VANESS PLAT" SAID POINT ALSO BEING ON THE PRESENT CITY OF SOUTH BEND CORPORATE LIMIT LINE; THENCE SOUTH ALONG SAID CORPORATE LINE (CROSSING DUNN ROAD 40 FT. R/W), A DISTANCE OF 40 FEET TO THE NORTHEAST CORNER OF SAID LOT; THENCE CONTINUING SOUTH ALONG SAID CORPORATE LIMIT LINE AND THE EAST LINE OF SAID "VANESS PLAT", A DISTANCE OF 778.80 FEET MORE OR LESS TO THE POINT OF BEGINNING.

CONTAINING 4.90 ACRES MORE OR LESS.

SECTION II. That the boundaries of the City of South Bend, Indiana, shall be and are hereby declared to be extended so as to include the real estate of the above-described parcel as part of the City of South Bend, Indiana.

SECTION III. Ordinance No. 10689-19, as amended, 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 above described real estate, with the exception of all adjacent rights-of-way, in the City of South Bend, St. Joseph County, State of Indiana be and the same is hereby established as U3 Urban Neighborhood 3 District.

SECTION IV. This Ordinance shall be in full force and effect 30 days from and after its passage by the Common Council, approval by the Mayor, and legal publication.

Canneth Lee, Council President
South Bend Common Council

Attest:

Bianca 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 _____, 2025, at _____ o'clock _____. m.

Bianca Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2025, at _____ o'clock _____.m.

James Mueller, Mayor
City of South Bend, Indiana



City of South Bend
**Petition for Annexation and Rezoning
or Combined Public Hearing**

Filed in Clerk's Office

JUL 23 2025

Bianca Tirado
City Clerk, South Bend, IN

Property Information

Tax Key Number: 02-1106-5375, 02-1106-5368, 02-1106-5368.01, 02-1106-5364, 02-1106-5359, 02-1106-5354, 02-1106-5346

Property Address: 54650, 54638, 54610, 54606, 54570, 54550, 54528 Willis Avenue, South Bend, IN 46637

Property Owner: Trematerra Family Land Holdings Inc., 6231 Pga Blvd., Suite 109227, Palm Beach, FL. 33418-4033

Legal Description of Annexation Area: (include any adjacent rights of way not already in the City)

A PART OF THE SOUTHEAST AND NORTHEAST QUARTERS OF SECTION 31, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: BEGINNING AT THE SOUTHEAST CORNER OF LOT # 40 IN THE PLAT OF "VANESS PLAT" SUBDIVISION AS RECORDED IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA RECORDER'S OFFICE; THENCE WEST (ALL BEARINGS ASSUMED) ALONG THE SOUTH LINE OF SAID LOT AND ITS' WESTERLY EXTENSION (CROSSING WILLIS AVENUE 60 FT. BAY A DISTANCE OF 600 FEET MORE OR LESS TO THE WEST RIGHT OF WAY LINE OF SAID

Project Summary

The Petitioners are requesting to annex and rezone the property including rights of Willis Ave. & Dunn Road to development residential development in approximately Five (5) multi-story buildings having a maximum height of Five (5) stories. Access to the site would be from Dunn Road and Willis Avenue and the proposed buildings would face both public streets. The project will have a streetscape with trees and landscaped buildings along with public sidewalks and interior pedestrian

Rezoning

County Zoning Map at: <https://www.sjcindiana.com/996/Zoning-Map>

City Zoning Map at: <https://southbendin.gov/zoning>

Current Zoning District (County): R Single Family District

Select One

Additional Districts, if applicable

Proposed Zoning District (City): U3 Urban Neighborhood 3

Select One

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.

Additional Requested Actions (check all that apply and include additional required documentation)

- ☐ **Subdivision** - complete and attach Subdivision Application
- ☐ **Special Exception** - complete and attach Criteria for Decision Making
- ☒ **Variance(s)** - list variances below, complete and attach Criteria for Decision Making

Annexation Application Checklist

- ☒ 1. Completed Application Form
- ☒ 2. Site Plan (drawn to scale)
- ☐ 3. Subdivision Application (if required)
- ☒ 4. Criteria for Decision Making (if required)
- ☒ 5. Filing Fee

Contact Information

Name: Danch, Harner & Associates, Inc. Attn: Michael Danch/Matthew Kirkwood

Address: 1643 Commerce Drive, South Bend, IN 46628

Phone Number: 574-234-4003

Email: mdanch@danchharner.com, mjkirkwood@danchharner.com

Property Owner Information (attach additional ownership list on separate page, if necessary)

Property Owner: Trematerra Family Land Holdings Inc.

Property Owner Address: 6231 Pga Blvd., Suite 104-227, Palm Beach Gardens, FL 33418-4033

Property Owner: _____

Property Owner Address: _____

By signing this petition, the Petitioner/Property Owner(s) of the above described Real Estate acknowledge(s) 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 Signature

Property Owner Name Printed

Date

Property Owner Signature

Property Owner Name Printed

Date

Completed applications should be submitted in one of the following ways:
Email: zoning@southbendin.gov
Mail: 227 W. Jefferson Blvd., Suite 1400S, South Bend, IN 46601

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: 02-1106-5375, 02-1106-5368, 02-1106-5368.01, 02-1106-5364, 02-1106-5359, 02
Address: 1643 Commerce Drive, South Bend, IN 46628
Owner: Trematerra Family Land Holdings Inc., 6231 Pga Blvd., Suite 109227, Palm Bea
Zoning: U3 Urban Neighborhood 3

Project Summary:

The Petitioners are requesting to annex and rezone the property including rights of Willis Ave. & Dunn Road to development residential development in approximately Five (5) multi-story buildings having a maximum height of Five (5) stories. Access to the site would be from Dunn Road and Willis Avenue

Requested Action

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

Use requested: _____

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

Variance(s) requested:

- A. From the 4 story Maximum Building Height to 5 stories;
- B. From the 120' Maximum Building Width to 282'

Required Documents

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

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:

The proposed variances will not be injurious to the health, safety or general welfare of the community. The proposed development will have the appearance and character of separate buildings, consistent with the maximum building widths included in the Ordinance. The proposed rooftop feature is designed to have minimal visibility from the surrounding properties.

(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 use and value of adjacent properties should not be impacted by the variance. The portion of the building which connects the two sides is located about 30' from the front property line and even further from the public sidewalk and street. The ground floor will remain a transparent lobby, creating the look and feel of separate, pedestrian scaled buildings. The rooftop feature is setback from the upper parapet and is designed to limit visibility from surrounding

+

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

Strict application of the Ordinance does not allow for creative design approach demonstrated on the site. The building is designed to have the appearance and pedestrian character of separate buildings but has a hallway connector from the upper floors to allow for efficient design and circulation. The Ordinance, itself, poses a practical difficulty in that it does not allow for higher density buildings in areas outside of the DT Downtown District. This area

+

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

The building has been designed to meet the intent of the ordinance. The building connection is a hallway on the upper floors of the building and a glazed and transparent lobby at the ground floor. The separation between the functional portion of the building exceeds what would be permitted if these were buildings on separate parcels, which allows light and air into the interior units and reduces the impact a traditional building of this length would create. The rooftop feature

+

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

The height limitations established by the Ordinance do not recognize the potential for higher density and taller buildings outside the downtown district, even when designed to minimize impact and visibility to surrounding properties.

Contact Information

Property owner(s) of the petition site:

Name: Trematerra Family Land Holdings Inc.,

Address: 6231 PGA Blvd, Suite 104-227
Palm Beach Gardens, FL, 33418

Name:

Address:

Name:

Address:

Contact Person:

Name: Danch, Harner & Associates, Inc. Attn: Michael Danch/Matthew Kirkwood

Address: 1643 Commerce Drive
South Bend, IN 46628

Phone Number: 574-234-4003.

E-mail: mdanch@danchharner.com, mjkirkwood@danchharner.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:

46-25



City of South Bend **PLAN COMMISSION**

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

July 22, 2025

Honorable Committee Chair Davis
4th Floor, County-City Building
South Bend, IN 46601

Filed in Clerk's Office

JUL 23 2025

Bianca Tirado
City Clerk, South Bend, IN

RE: 1432 South Bend Ave – PC#0263-25

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 July 28, 2025, Council meeting, and set it for public hearing at your August 25, 2025, Council meeting. The petition is tentatively scheduled for public hearing at the August 18, 2025, 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:

To create a cohesive zoning district for both parcels to allow for future multi-family development.

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

Sincerely,

Tim Staub
Zoning Specialist

CC: Bob Palmer

Tim Corcoran
Planning Director

Tim Corcoran
Interim Zoning Administrator

Francisco Fotia
Commission President

BILL NO. 46-25

JUL 23 2025

ORDINANCE NO. _____

Bianca Tirado
City Clerk, South Bend, IN

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED
1432 SOUTH BEND AVE COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF
SOUTH BEND, INDIANA**

STATEMENT OF PURPOSE AND INTENT

The purpose of the rezoning is to create a cohesive zoning district for both parcels to allow for future multifamily development.

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:

A PART OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 37 NORTH, RANGE 3 EAST, PORTAGE TOWNSHIP, CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: LOTS # 7, # 8 AND THE WEST 13 FEET OF LOT # 9 OF THE PLAT OF "PARKER AND ALLEN'S ADDITION" SUBDIVISION AS RECORDED IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA RECORDER'S OFFICE, WITH THE NORTH HALF OF A 14 FT. WIDE VACATED ALLEY ADJACENT TO AND SOUTH OF SAID LOTS AND LOT "M" OF THE PLAT OF "REPLAT OF LOTS # 14 THROUGH # 37 AND VACATED ALLEYS IN PARKER AND ALLEN'S ADDITION TO THE CITY OF SOUTH BEND" AS RECORDED IN THE RECORDS OF SAID COUNTY AND THE SOUTH HALF OF A 14 FT. WIDE VACATED ALLEY ADJACENT TO AND NORTH OF SAID LOT "M", EXCEPTING THEREFROM THAT PORTION OF LOTS TAKEN FOR STATE HIGHWAY PURPOSES.

CONTAINING 0.62 ACRES MORE OR LESS.

SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

be and the same is hereby established as URBAN NEIGHBORHOOD 3 (U3)

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 Lee, Council President
South Bend Common Council

Attest:

Bianca 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 _____, 2025, at _____ o'clock _____. m.

Bianca Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2025, at _____ o'clock _____.m.

James Mueller, Mayor
City of South Bend, Indiana

Petition for Rezoning or Combined Public Hearing

Property Information

Tax Key Number 018-5096-3388 & 018-5193-7576

Address: 1432 South Bend Ave.

Owner: Brennans Walk Holdings LLC

Legal Description:

A PART OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 37 NORTH, RANGE 3 EAST, PORTAGE TOWNSHIP, CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: LOTS # 7, # 8 AND THE WEST 13 FEET OF LOT # 9 OF THE PLAT OF "PARKER AND ALLEN'S ADDITION" SUBDIVISION AS RECORDED IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA RECORDER'S OFFICE, WITH THE NORTH HALF OF A 14 FT. WIDE VACATED ALLEY ADJACENT TO AND SOUTH OF SAID LOTS AND LOT "M" OF THE PLAT OF "REPLAT OF LOTS # 14 THROUGH # 37 AND VACATED ALLEYS IN PARKER AND ALLEN'S ADDITION TO THE CITY OF SOUTH BEND" AS RECORDED IN THE RECORDS OF SAID COUNTY. +

Project Summary

The purpose of the rezoning is to create a cohesive zoning district for both parcels to allow for future multi-family development.

Requested Action

Application includes (check all that apply)

☒ Rezoning

Current District: UF Urban Flex

S1 Suburban Neighborhood 1

Proposed District U3 Urban Neighborhood 3

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:

- 1). FROM THE MAXIMUM ALLOWED HEIGHT OF 55 FT. OR 4 STORIES TO A MAXIMUM HEIGHT OF FIVE (5) STORIES.
- 2). FROM THE REQUIRED 40 FT. SETBACK FROM S1 DISTRICT FOR BUILDINGS WITH A HEIGHT GREATER THAN 40 FT. TO 6 FEET+/-.
- 3). FROM THE MAXIMUM LENGTH OF 100 FT. FOR A BUILDING TO 107 +

Required Documents

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

Filed in Clerk's Office

JUL 23 2025

Bianca Tirado
City Clerk, South Bend, IN

Contact information

Property owner(s) of the petition site:

Name: Brennans Walk Holdings LLC

Address: 6231 PGA Blvd, Suite 104-227
Palm Beach Gardens, FL, 33418

Name: _____

Address: _____

Name: _____

Address: _____

Contact Person:

Name: Danch, Harner & Associates, Inc. Attn: Michael Danch/Matthew Kirkwood

Address: 1643 Commerce Drive
South Bend, IN 46628

Phone Number: 574-234-4003.

E-mail: mdanch@danchharner.com, mj Kirkwood@ danchharner.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:



6/16/25

PRELIMINARY SITE PLAN

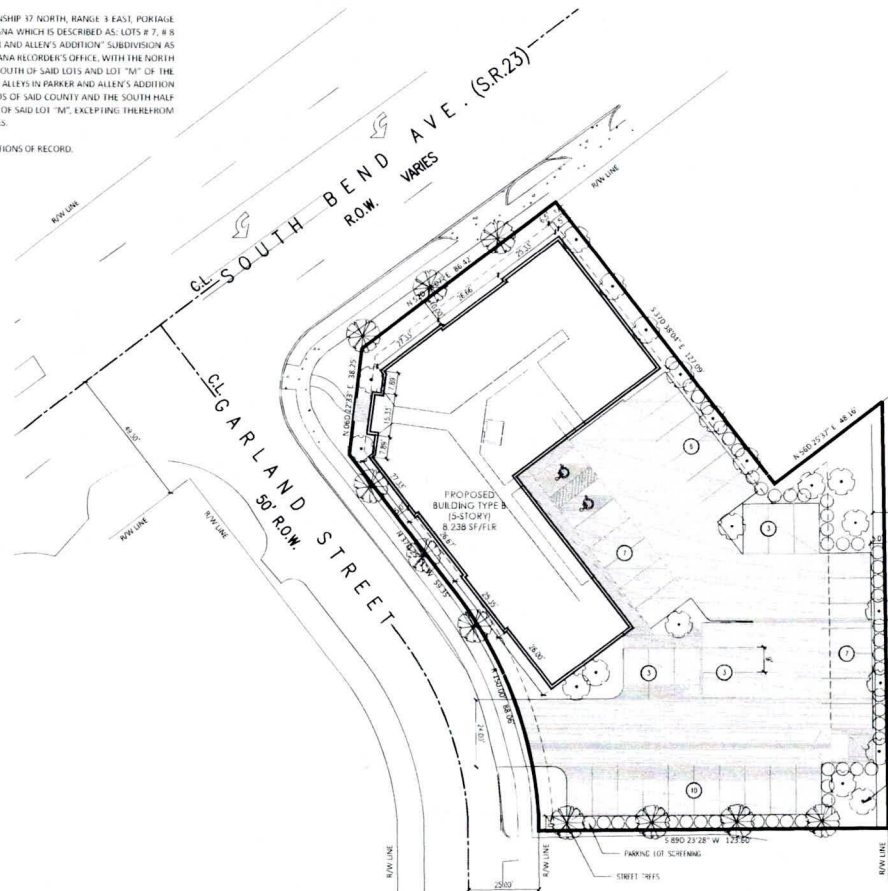
A PART OF THE NORTHWEST QUARTER, SECTION 6, T. 37 N, R. 3 E.
PORTAGE TOWNSHIP, CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA

LEGAL DESCRIPTION:

A PART OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 37 NORTH, RANGE 3 EAST, PORTAGE TOWNSHIP, CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: LOTS 8, 7, 6, 5 AND THE WEST 13 FEET OF LOT 8 OF THE PLAT OF "PARKER AND ALLEN'S ADDITION" SUBDIVISION AS RECORDED IN THE RECORDS OF THE ST. JOSEPH COUNTY INDIANA RECORDER'S OFFICE, WITH THE NORTH HALF OF A 14 FT. WIDE VACATED ALLEY ADJACENT TO AND SOUTH OF SAID LOTS AND LOT "M" OF THE PLAT OF "REPLAT OF LOTS 8, 7, 6 AND VACATED ALLEYS IN PARKER AND ALLEN'S ADDITION TO THE CITY OF SOUTH BEND" AS RECORDED IN THE RECORDS OF SAID COUNTY AND THE SOUTH HALF OF A 14 FT. WIDE VACATED ALLEY ADJACENT TO AND NORTH OF SAID LOT "M", EXCEPTING THEREFROM THAT PORTION OF LOTS TAKEN FOR STATE HIGHWAY PURPOSES.

CONTAINING 0.62 ACRES MORE OR LESS.

SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS AND RESTRICTIONS OF RECORD.



TABULATED SITE DATA

ITEM	DESCRIPTION	QUANTITY	UNIT
1	RECEIVED LOTS	8.23	SQ. FT.
2	PAVED LOT AREA	11.56	SQ. FT.
3	UNPAVED LOT AREA	1.00	SQ. FT.
4	OPEN SPACE	1.00	SQ. FT.
5	PROPOSED TOTAL LOT AREA	12.56	SQ. FT.
6	PROPOSED TOTAL LOT AREA	12.56	SQ. FT.

LEGEND SETBACKS:

1. FROM THE MAXIMUM ALLOWED HEIGHT OF 55 FT. OR 4 STORES TO A MAXIMUM HEIGHT OF FIVE (5) STORES.
2. FROM THE REQUIRED 40 FT. SETBACK FROM ST. DISTRICT FOR BUILDINGS WITH A HEIGHT GREATER THAN 40 FT. TO 8' +/-
3. LENGTH OF BUILDING FROM 120' TO 132'

REQUESTED VARIANCE:

1. FROM THE MAXIMUM ALLOWED HEIGHT OF 55 FT. OR 4 STORES TO A MAXIMUM HEIGHT OF FIVE (5) STORES.
2. FROM THE REQUIRED 40 FT. SETBACK FROM ST. DISTRICT FOR BUILDINGS WITH A HEIGHT GREATER THAN 40 FT. TO 8' +/-
3. LENGTH OF BUILDING FROM 120' TO 132'

GENERAL SURVEY DISCLAIMER NOTES:

THE INFORMATION SHOWN ON THIS DRAWING IS INTENDED FOR THE CLIENT ONLY. ANY REUSE WITHOUT WRITTEN VERIFICATION AND ADAPTATION BY THE LAND SURVEYOR FOR THE SPECIFIC PURPOSE, INTENDED WILL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO THE LAND SURVEYOR.

ANY UTILITY OR EASEMENT LOCATIONS, IF SHOWN, ARE APPROXIMATE. THE CLIENT MUST FIELD VERIFY UTILITY LOCATIONS WITH THE RESPECTIVE UTILITY COMPANY. THIS LAND SURVEYOR ASSUMES NO LIABILITY FOR THE ACCURACY OF THE LOCATION OR SIZE OF EXISTING UTILITIES OR THE EXISTENCE OR NONEXISTENCE OF ADDITIONAL UNDERGROUND UTILITIES OR STRUCTURES.

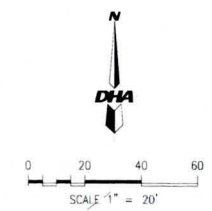
NO IMPROVEMENTS SHOULD BE MADE ON THE BASIS OF THIS PLAN ALONE. FIELD MONUMENTATION OF CRITICAL POINTS SHOULD BE ESTABLISHED PRIOR TO COMMENCEMENT OF ANY AND ALL CONSTRUCTION. FOR BUILDING LINES, EASEMENTS AND OTHER RESTRICTIONS NOT SHOWN IN FIELD, REFER TO YOUR DEED, ABSTRACT, TITLE POLICY, CONTRACTS AND LOCAL BUILDING, ZONING AND SUBDIVISION ORDINANCES.

UNLESS SPECIFICALLY SHOWN HEREON, THIS SURVEY DOES NOT PURPORT TO INDICATE THE PRESENCE OR ABSENCE OF WETLANDS AND HAZARDOUS OR ENVIRONMENTALLY INJURIOUS MATERIALS. THE SURVEYOR EXPRESSLY DISCLAIMS ANY RESPONSIBILITY OR LIABILITY FOR THE SAME.

ANY INFORMATION ON THIS DRAWING IS NOT INTENDED TO BE RETAINED FOR REUSE BY ANY PERSON, FIRM OR CORPORATION OR ANY OTHERS ON, OUTSIDE OF, THIS PROJECT OR FOR ANY USE ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN PERMISSION AND ADAPTATION BY THE SURVEYOR, REQUESTED BY THE USER, FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO THE SURVEYOR, REQUESTED BY THE USER.

ALL UNDERGROUND UTILITIES MUST BE FIELD VERIFIED BY THE CONVEYOR BEFORE ANY CONSTRUCTION MAY BEGIN.

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DATE	DRAWN BY	CHECKED BY	DATE	BY
7.15.23	MJP			
SCALE	FILE #	PREP. MANAGER		
1" = 20'	250141.3	V.K.		

REVISIONS

Deuch, Harner & Associates, Inc.
Land Surveyors • Professional Engineers
Landscape Architects • Land Planners

DHA

SHEET

C1.1

47-25



City of South Bend **PLAN COMMISSION**

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

July 23, 2025

Honorable Committee Chair Davis
4th Floor, County-City Building
South Bend, IN 46601

RE: 431 Dundee St – PC#0265-25

Dear Committee Chair Davis:

Enclosed is an Ordinance for the proposed Zone Map Amendment and Special Exception at the above referenced location. Please include the attached Ordinance on the Council agenda for first reading at your July 28, 2025, Council meeting, and set it for public hearing at your August 25, 2025, Council meeting. The petition is tentatively scheduled for public hearing at the August 18, 2025, 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:

Renovate a vacant structure to establish a fourplex multifamily residence. (See attached application for further details)

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

Sincerely,

Tim Staub
Zoning Specialist

CC: Bob Palmer

Filed in Clerk's Office

JUL 23 2025

**Bianca Tirado
City Clerk, South Bend, IN**

BILL NO. 47-25

JUL 23 2025

ORDINANCE NO. _____

Bianca Tirado
City Clerk, South Bend, IN

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, AMENDING THE ZONING ORDINANCE AND SEEKING A SPECIAL
EXCEPTION USE FOR PROPERTY LOCATED 431 DUNDEE ST, COUNCILMANIC
DISTRICT NO. 6 IN THE CITY OF SOUTH BEND, INDIANA**

STATEMENT OF PURPOSE AND INTENT

Renovating the existing structure to permit a 4 unit multifamily development.

Petitioners desire to rezone the property from U1 Urban Neighborhood 1 District to U2 Urban Neighborhood 2 and seeking a Special Exception Use for Dwelling, Multi-Unit.

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:

Lots 1501, 1502, 1503 And N 1/2 Vacated Alley
Summit Place 5th Add 02/03 Cons
W/18-4051-1885 & 1884 Per Owners Request

be and the same is hereby established as U2 Urban Neighborhood 2

SECTION II. That a Special Exception Use for Dwelling, Multi-Unit is hereby granted subject to a site development plan hereby attached and made a part of this Ordinance and which site plan contains and lists all conditions, if any, by the Advisory Plan Commission.

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

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 Lee, Council President
South Bend Common Council

Attest:

Bianca 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 _____, 2025, at _____
o'clock ____ m.

Bianca Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2025, at ____ o'clock
____.m.

James Mueller, Mayor
City of South Bend, Indiana

Petition for Rezoning or Combined Public Hearing

Property Information

Tax Key Number:

Address: 431 Dundee St. South Bend, Indiana 46619

Owner: Premier One Building Construction, LLC

Legal Description: Lots 1501, 1502, 1503 And N 1/2 Vacated Alley

Summit Place 5th Add 02/03 Cons W/18-4051-1885
& 1884 Per Owners Request

Project Summary ~~431 Dundee has gone through very minimal updates and has remained~~
See project summary on Special Exception page.

Requested Action

Application includes (check all that apply)

☒ Rezoning

Current District: U1 Urban Neighborhood 1

Additional Districts, if applicable

Proposed District U2 Urban Neighborhood 2

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: Dwelling, Multi-Unit

☐ 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

Filed in Clerk's Office

JUL 23 2025

Bianca Tirado
City Clerk, South Bend, IN

Contact information

Property owner(s) of the petition site:

Name: Premier One Building Construction, LLC
Address: 431 Dundee St.
South Bend, Indiana 46619

Name: _____

Address: _____

Name: _____

Address: _____

Contact Person: Premier One Building Construction, LLC

Name: Stephen Borysiak

Address: _____

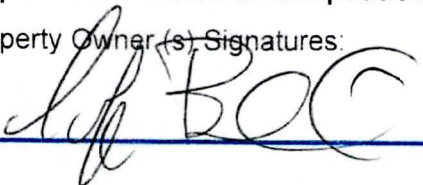
Phone Number: 574-400-3386

E-mail: Ricks99790@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:



City of South Bend
BOARD OF ZONING APPEALS

227 W. Jefferson - Suite 14005
South Bend, IN 46601
zoning@southbendin.gov

Petition for Variance - Special Exception

Property Information

Tax Key Number: _____
Address: 431 Dundee St. South Bend, Indiana 46619
Owner: Premier One Building Construction, LLC
Zoning: U1 Urban Neighborhood 1

Project Summary: 431 Dundee has gone through very minimal updates and has remained vacant & underutilized for just over 2 decades. I have recently purchased the property with the intention of completing a full scale, upscale renovation that will convert the existing vacant building to a fourplex multi family residence. The redevelopment will include new electrical systems, insulation, drywall, flooring, plumbing, HVAC, upscale kitchens, bathrooms, landscaping and more. A key feature will be the restoration of the currently sealed basement windows & the addition of adequate building exits, meeting or exceeding all safety & code requirements. Improvements will also include a tree buffer, & window coverage on at least 15% of the street facing elevation, as

Requested Action

required by
Code.

Use requested: Dwelling, 2 Units

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

Variance(s) requested:

this revitalized

fourplex located just one block from an elementary school, will help address the need for quality housing in the area while removing a long standing vacant underutilized property from the area.

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 project will enhance public safety & welfare by transforming a long vacant, previously condemned structure into safe, code-compliant housing. All renovations will meet local and state building codes, including the addition of fire-rated walls, proper exits, smoke & carbon monoxide detectors, & upgraded mechanicals. The property will be landscaped, secured, & maintained, contributing to the neighborhood's visual appeal and livability.

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

This redevelopment will improve the aesthetics, functionality, & safety of the property, thus having a positive impact on surrounding property values.

By renovating a vacant, unused building with modernized housing for families, this project will complement & uplift an existing residential neighborhood, contributing to the stability & revitalization of the neighborhood & 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 surrounding area includes a mix of single-family & multi-family residential properties as well as multiple Commercial Buildings that house one to four multi-family apartments on the upper level of the commercial buildings along Western Ave. The proposed four-plex aligns with the residential character & need in the area.

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

The project supports the City's Comprehensive Plan by promoting development, reducing vacant unimproved buildings & homes & providing much needed housing for families. It aligns with strategic goals to enhance neighborhood vitality, increase housing availability & make better use of existing buildings, all while contributing to walkable, family-friendly development near schools & community amenities.

Contact Information

Property owner(s) of the petition site:

Name: Premier One Building Construction, LLC

Address: 431 Dundee St.
South Bend, Indiana 46619

Name: _____

Address: _____

Name: _____

Address: _____

Contact Person: Premier one Building Construction, LLC

Name: Stephen Borysiak

Address: _____

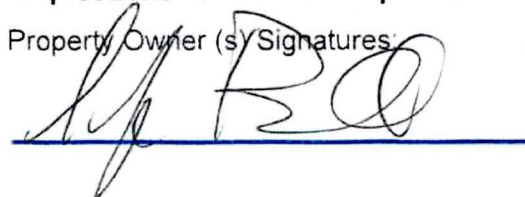
Phone Number: 574-400-3386

E-mail: Ricks99790@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:



Project Summary:

The property at 431 Dundee Street, South Bend, Indiana 46619 has had very minimal updates and remained vacant and underutilized for over two decades. I have just purchased the property, with the intention of completing a full-scale renovation that will convert the existing vacant building into a fourplex multifamily residence. This redevelopment will include new electrical systems, insulation, drywall, flooring, plumbing, HVAC, brand new kitchens, bathrooms, landscaping, and more. A key feature will be the restoration of the currently sealed basement windows and the addition of adequate building exits, meeting or exceeding all safety code requirements. Improvements will also include a tree buffer, and window coverage on at least 15% of the street-facing elevation, as required by code. This revitalized fourplex, located just one block from an elementary school, will help address the need for quality housing in the area while replacing a long standing vacant and underutilized property with a completely renovated fourplex.

Question Responses:

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

The project will enhance public safety and welfare by transforming a long-vacant, previously condemned structure into safe, code-compliant housing. All renovations will meet local and state building codes, including the addition of fire-rated walls, proper exits, smoke and carbon monoxide detectors, and upgraded mechanicals. The property will be landscaped, secured, and maintained, contributing to the neighborhood's visual appeal and livability.

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

This redevelopment will improve the aesthetics, functionality, and safety of the property, thus having a positive impact on surrounding property values. By renovating a vacant, unused building with modernized housing for families, this project will complement and uplift the existing residential neighborhood, contributing to the stability and revitalization of the neighborhood & 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 surrounding area includes a mix of single-family and multifamily residential properties, as well as multiple commercial buildings that house one to four multi-family apartments on the upper level of the commercial buildings in the area. The proposed fourplex aligns with the residential character & need in the area. The building will be updated to visually and functionally blend with nearby properties, while still offering diverse housing options within the community.

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

The project supports the City's Comprehensive Plan by promoting development, reducing vacant unimproved buildings and providing much-needed housing for families. It aligns with strategic goals to enhance neighborhood vitality, increase housing diversity and availability, and make better use of existing structures, all while preserving and contributing to walkable, family friendly development near schools and community amenities.