



# 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, AUGUST 7, 2025  
**SUBJECT:** COMMITTEE MEETING NOTICE

The following Common Council Committee Meetings have been scheduled for **Monday, August 11, 2025:**

Council Chambers  
4<sup>th</sup> 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/081125CC>

**6:30 P.M.**      **ZONING & ANNEXATION**      **CHAIRPERSON, DR. DAVIS**  
1. [Bill No. 44-25](#) - Special Exception at 221 North Ironwood Drive

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

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

cc: Mayor James Mueller  
Committee Meeting List  
Media

**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

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](http://www.southbend.in.gov)





## **SOUTH BEND COMMON COUNCIL**

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### **MEETING AGENDA**

Monday, August 11, 2025  
7:00 P.M.

The South Bend Common Council meeting will be open to the public  
at the Council Chambers on the 4<sup>th</sup> 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/SBCC081125>

1. **INVOCATION**

JAY DIXON | HUNTLY MEMORIAL BAPTIST CHURCH

2. **PLEDGE TO THE FLAG**

3. **ROLL CALL**

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

JULY 28, 2025

5. **SPECIAL BUSINESS**

SPECIAL PROCLAMATION HONORING ADRIANA SWANSON

6. **REPORTS FROM CITY OFFICES**

7. **COMMITTEE OF THE WHOLE**

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

BILL NO.

43-25 SECOND 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

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

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

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

[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

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

9. **RESOLUTIONS**

10. **BILLS ON FIRST READING**  
BILL NO.

[48-25](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE HISTORIC LANDMARK DESIGNATION AT 528 SOUTH EDDY STREET, LOCATED WITHIN 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, 4<sup>th</sup> Floor County-City Building. Reasonable efforts have been taken to provide an accurate translation of the text of the agenda, however, the officiate is the English version. Any discrepancies which may be created in the translation are not binding. Such translations do not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the Common Council or the City of South Bend, Indiana.*





## 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*

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#### **SUB-COMMITTEE ON MINUTES**

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

Troy Warner, Member

Sherry Bolden-Simpson, Member



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

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

#### **President**

Council Rules Committee, Member

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

#### **Community Relations Committee, Chairperson**

Public Works & Property Vacation Committee, Vice-Chairperson

Community Investment Committee, Member

PARC Committee, Member

Residential Neighborhoods Committee, Member

Utilities Committee, Member

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

#### **PARC Committee, Chairperson**

Residential Neighborhoods Committee, Member

Health & Public Safety Committee, Member

Information & Technology Committee, Member

### **TROY WARNER, 4<sup>TH</sup> 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, 5<sup>TH</sup> 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, 6<sup>TH</sup> 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



**43-25**

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

JUL 08 2025

Bianca Tirado  
City Clerk, South Bend, IN

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

***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](mailto:jthrow@southbendin.gov).

Sincerely,

*Jenna Throw*

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**

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**STATEMENT OF PURPOSE AND INTENT**

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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.

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- (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:

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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.

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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

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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**

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**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. 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~~

Formatted: List 1

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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

AUG 06 2025

Bianca Tirado  
City Clerk, South Bend, IN

## City of South Bend - Bill 43-25 FAQs

### What is this bill about?

This bill is about a few different things, including body camera videos — the ones that police officers take when they're doing their jobs. These videos can help show what really happened during police calls.

### What Happens When Someone Asks for a Police Video?

When someone (like a lawyer, a news reporter, or a regular person) asks for a copy of a police video, the City has to:

- Find the videos the person wants
- Watch the whole video
- Blur out people's private information, children's faces, or other private things
- Make sure it's okay to share

This takes a lot of time — sometimes hours and hours!

Sometimes people want all of the police videos, and sometimes their questions can be answered by one or two videos. The City wants to help people decide if they want all of the videos, or if they want to narrow down their request. Right now, requests for all of the videos can include a lot of videos, and they may take a long time to review.

### What Does Bill 43-25 Say?

If someone wants a copy of the video to take home or use, they might need to help pay for the time it takes to get it ready.

- The cost is \$50 per hour for the work
- But no one has to pay more than \$150 total for a video
- If you just want to watch the video at City Hall, it's free

### What Kinds of Videos Does Bill 43-25 Apply To?

- Bill 43-25 applies to "law enforcement recordings"
- "Law enforcement recordings" are videos of police activity captured by certain devices
- It includes cameras that are worn by police or attached to their vehicles provided to or used by police in the scope of their duties

### When are Videos Created?

- Videos are created when the police body cameras or motor vehicle recordings either start automatically or are turned on manually
- Body camera videos are activated upon entering the area the officer was dispatched to, when the vehicle door opens, speed, emergency light activation, or manually
- Motor vehicle recording videos are activated by speed, emergency light activation, or manually - It also includes cameras that are worn by police or attached to their vehicles



### Who Still Gets Videos Without Paying for the Work to Review Them?

Some people can still get videos without paying for the work to review them, like:

- People who are part of a criminal court case, when they use the court process to get videos
- People (or their attorneys) who are part of a civil court case, when they use a subpoena to get videos
- People watching video through the Civilian Police Review Board or other groups like the Family Justice Center, Internal Affairs, or the Prosecutor's Office
- People who were involved with the video who come in just to watch (not take a copy)

### What is a "Requestor"?

- A "requestor" is a person who was involved with a video in some way
- This includes a person who was in the video
- It also includes someone whose property was shown on the video, if the video shows inside the property
- It also includes victims of crime, injury, or property damage if the video shows what happened to them

### Why Is This Rule Important?

- It helps the City save time and money
- It keeps things fair so lawyers and businesses don't get free work that costs the public
- It still makes sure people can see what really happened when they need to

### In Plain Words:

This bill says:

If you want to take a copy of a police video, and it takes a lot of work to get it ready, you might have to help pay for it.

But if you just want to watch it or you really need it for a good reason, you can still get it free.

That way, the City can keep helping everyone — and keep things fair.



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  
**BOARD OF ZONING APPEALS**

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

Filed in Clerk's Office

August 5, 2025

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

AUG 05 2025

Bianca Tirado  
City Clerk, South Bend, IN

Re: 44-25: The petition of HAMILTON CARLEY J seeking a Use Variance for the use of Personal Care & Services (Beauty Shop) (21-06.01(k)(13)) as a Home Occupation (21-06.02(f)(12)) in Urban Neighborhood 1 (U1) at the property located at 221 N IRONWOOD DR.

Dear Council Members:

I hereby Certify that the above referenced petition of HAMILTON CARLEY J was legally advertised on July 23, 2025 and that the South Bend Board of Zoning Appeals at its public hearing on August 4, 2025 took the following action:

Upon a motion by Francisco Fotia, being seconded by Kaine Kanczuzewski and unanimously carried, a petition by HAMILTON CARLEY J seeking a Use Variance for the use of Personal Care & Services (Beauty Shop) (21-06.01(k)(13)) as a Home Occupation (21-06.02(f)(12)) at the property located at 221 N IRONWOOD DR, 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 P Staub  
Zoning Specialist

Attachment

CC: HAMILTON CARLEY J  
Building Department  
Bob Palmer

**Property Information**

Location: 221 N IRONWOOD DR and 221 N IRONWOOD DR  
Owner: HAMILTON CARLEY J

**Project Summary**

The petitioner intends to have a nail salon home occupation under the standards for Home Occupations found in 21-06.02(f)(12)(A).

**Requested Action**

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

**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.

AUG 05 2025

Bianca Tirado  
City Clerk, South Bend, IN



Proposed Site Plan



### Criteria for Decision Making: Variance(s)

State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. The standards and their justifications are as follows:

**(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community**

The approval will not be injurious to the public health, safety, morals, and general welfare of the community. The use will be a personal services location serving one customer at a time under the standards set forth by the Home Occupations accessory use standards.

**(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**

The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. The applicant intends to establish the use in an accessory structure within zoning standards. The foot traffic and activity related to this use should not result in negative impacts to the area.

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

Strict application of the terms of this Chapter would make it impossible for this use to be on this property. Beauty shops are banned as a home occupation in the code along with barber shops. The twelve standards applied to all home occupation accessory uses would mitigate any potential nuisance associated with the beauty shop home occupation use.

**(4) The variance granted is the minimum necessary**

The variance granted is the minimum necessary. This is only a use variance, not a variance to construct anything else that would be generally viewed as a commercial building or site improvements expanding the use beyond the standards for home occupations.

**(5) The variance does not correct a hardship cause by a former or current owner of the property**

The variance granted does not correct a hardship caused by a former or current owner of the property. The hardship is created by the existing code which explicitly limits specific common neighborhood uses like barbershops, photography studios, and exercise studios from being established accessory to residential uses.

### Analysis & Recommendation

**Analysis:** The existing standards for Home Occupations are strong enough to curtail any nuisances that may be associated with this use variance, particularly how clients are limited to one at a time and any space it is housed in must appear residential in nature. Additionally, the use is proposed along a major street that features more intense commercial uses nearby. If the petitioner is successful, and more business comes, the operation will likely seek a larger, commercially zoned space.



**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.





Filed in Clerk's Office

August 6, 2025

AUG 06 2025

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

Bianca Tirado  
City Clerk, South Bend, IN

RE: Bill #

Dear Committee Chair Davis:

Please find attached a proposed Ordinance which will adjust the boundaries of the historic landmark surrounding the Jefferson School building.

The original landmark ordinance was intended to protect the historic school building but, because the property description used in the landmark ordinance included the entire 19.96 acre parcel upon which many other structures and property are also located, it swept into landmark status School Field, the school's maintenance building, and other areas which are beyond the intended scope of the landmark.

The proposed Ordinance will adjust the boundaries of the landmark so that the historic Jefferson School building continues to enjoy the protection of landmark status, while permitting the South Bend Community School Corporation to manage the balance of the property as they deem best for their students and the community.

Please include this proposed Ordinance for first reading and referral to the Historic Preservation Commission on your August 11<sup>th</sup> 2025 Council meeting, and set it for public hearing at your August 25<sup>th</sup> 2025 meeting. The Historic Preservation Commission intends to hear this petition at its August 18<sup>th</sup> 2025 meeting, and will forward its recommendation to the City Clerk immediately following the hearing.

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

Very truly yours,



Tim Corcoran, Chief Planner  
Department of Community Investment

**BILL NO. 48-25**

AUG 06 2025

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

Bianca Tirado  
City Clerk, South Bend, IN

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**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE HISTORIC LANDMARK DESIGNATION AT 528 SOUTH EDDY STREET, LOCATED WITHIN THE CITY OF SOUTH BEND, INDIANA**

---

**WHEREAS**, in February of 2000, this body enacted Ordinance No. 9989-00, which designated a parcel located at 528 South Eddy Street as a historic landmark, due to the presence of the three story, brick, neoclassical Jefferson School building, which structure is of historic importance to the City and its heritage, and whose architecture, materials, and craftsmanship are exemplary in design and execution;

**WHEREAS**, the description of the landmark used in Ordinance 9989-00 resulted in the entire 19.96 acre parcel located at 528 South Eddy Street, containing School Field, a concession stand, a maintenance building, and other appurtenant land, in addition to the Jefferson School building, being designated as part of the historic landmark;

**WHEREAS**, it is clear from the record that the intent of the landmark designation was to protect the Jefferson School building, as this is the only structure and/or historically notable item mentioned in the legislative history supporting the landmark designation; and

**WHEREAS**, it is desirable to more narrowly tailor the landmark designation to continue the preservation of the Jefferson School, while removing restrictions upon the remainder of the property so that the South Bend Community School Corporation may maintain, upgrade, and alter the remainder of the buildings and property as they deem best to serve the needs of their students and the community at large.

**NOW, THEREFORE, BE IT ORDAINED** BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AS FOLLOWS:

**Section 1.** Ordinance 9989-00 is hereby amended so that the building known as the Jefferson Traditional School building located at 528 South Eddy Street in South Bend, and the land directly in front thereof, from the building to the right of way, as described in the following legal description:

A PART OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 37 NORTH, RANGE 3 EAST, PORTAGE TOWNSHIP, CITY OF SOUTH BEND, ST. JOSEPH, COUNTY, INDIANA BEING DESCRIBED AS: BEGINNING AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF SOUTH STREET AND THE EASTERLY RIGHT-OF-WAY LINE OF EDDY STREET; THENCE ALONG THE EASTERLY APPARENT RIGHT-OF-WAY LINE OF

SAID EDDY STREET FOR THE NEXT TWO (2) COURSES; THENCE N. 00°34'54" W., A DISTANCE OF 250.00 FEET AND THENCE N. 06°47'39" W., A DISTANCE OF 145.75 FEET; THENCE N. 89°29'10" E., A DISTANCE OF 390.78 FEET; THENCE S. 00°34'51" E., A DISTANCE OF 394.90 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID SOUTH STREET; THENCE S. 89°26'40" W. ALONG SAID NORTH LINE, A DISTANCE OF 375.00 FEET TO THE POINT OF BEGINNING.  
CONTAINING 3.42 ACRES MORE OR LESS.  
SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

shall continue to be designated a historic landmark as originally established in Ordinance 9989-00.

**Section 2.** Ordinance 9989-00 is additionally amended so that the balance of the parcel at 528 Eddy Street not described in Section 1 above shall be removed from the historic landmark designation.

**Section 3.** This Ordinance shall take effect upon its adoption by the Common Council, signature by the Mayor, and any publication required by law.

\_\_\_\_\_  
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