

City of South Bend

BOARD OF ZONING APPEALS

AGENDA

Monday, December 1, 2025 - 4:00 p.m.

City Hall

Third Floor Council Chambers

www.southbendin.gov/SBBZA

Meeting Recordings - <https://tinyurl.com/BZArecordings>

PUBLIC HEARING:

- Location:** 1005 WHITE OAK DR BZA#0382-25
Owner: JOHNSON DELORES R
Requested Action: Special Exception: to permit Dwelling, 2 Units (21-06.01(j)(3))
Zoning: S1 Suburban Neighborhood 1
- Location:** 3526 ST JOHNS WAY BZA#0384-25
Owner: ST JOHN THE BAPTIST CATHOLIC CHURCH
Requested Action: Variance(s): from the 4' maximum height of a 50% open fence in the front and corner yards to 6' (21-09.02(c)(1))
Zoning: S1 Suburban Neighborhood 1
- Location:** 626 PORTAGE AVE BZA#0385-25
Owner: FOWLER LLC
Requested Action: Variance(s): to reduce minimum Visible Light Transparency (VLT) from 50% to 31% to count towards facade transparency (21-02.03(f)(1)(A))
Zoning: UF Urban Neighborhood Flex

ITEMS NOT REQUIRING A PUBLIC HEARING:

- Findings of Fact- November 3, 2025
- Minutes- November 3, 2025
- Other Business
- 2026 Meeting Schedule
- Adjournment

Caitlin Stevens	Mayoral Appointee	1/1/2024	12/31/2027
Francisco Fotia	Plan Commission Appointee	1/1/2024	12/31/2027
Kaine Kanczuzewski	Common Council Appointee	1/1/2023	12/31/2026
Mark Burrell	Mayoral Appointee	1/1/2024	12/31/2027

NOTICE FOR HEARING AND SIGN IMPAIRED PERSONS

Auxiliary Aid or other services may be available upon request at no charge. Please give reasonable advance request when possible.

Property Information

Location: 1005 WHITE OAK DR
Owner: JOHNSON DELORES R

Project Summary

Petitioner intends to construct a 2 unit dwelling in the future.

Requested Action

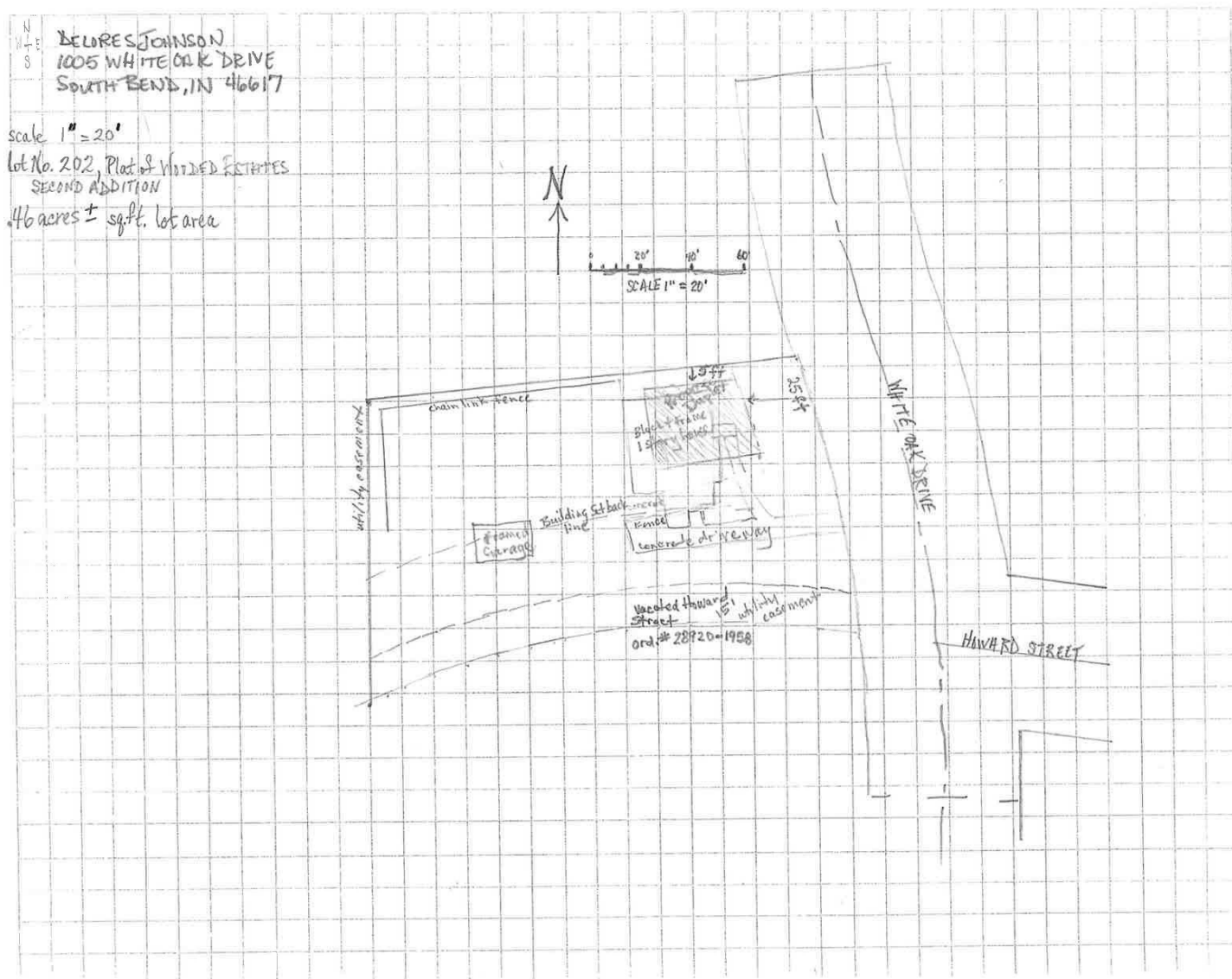
Special Exception: a Dwelling, 2 Units in S1 Suburban Neighborhood 1 (21-06.01(j)(3))

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



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. A two-unit structure would increase the housing supply and allow more neighbors to live in the neighborhood.

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

Building a two-unit structure should not injure or adversely affect the uses or values of adjacent properties and the area around the property. As proposed, the structure would be similar to the land use of the surrounding neighborhood, while bringing new neighbors to the area and increasing the local housing supply.

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

Although the district where this property is located is predominantly made up of single-unit dwellings, a two-unit dwelling is very similar in terms of land use, and can be made to appear as of a similar character and scale.

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

The petition is consistent with Objective H1.1 from the city's comprehensive plan, which is to encourage residential developments that contain a mix of housing types, densities, price ranges, and amenities. The future land use map in the comprehensive plan also recommends that the district this parcel is in be used for low-density residential development, and while a two-unit dwelling would be slightly denser than the single-unit dwellings that would surround it, it is still a lower-density type of building in general and would still be appropriate in its local context.

Analysis & Recommendation

Analysis: The construction of a new duplex that is consistent with the scale and character of the surrounding neighborhood will bring new residents to the area and provide additional housing.

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.

Property Information

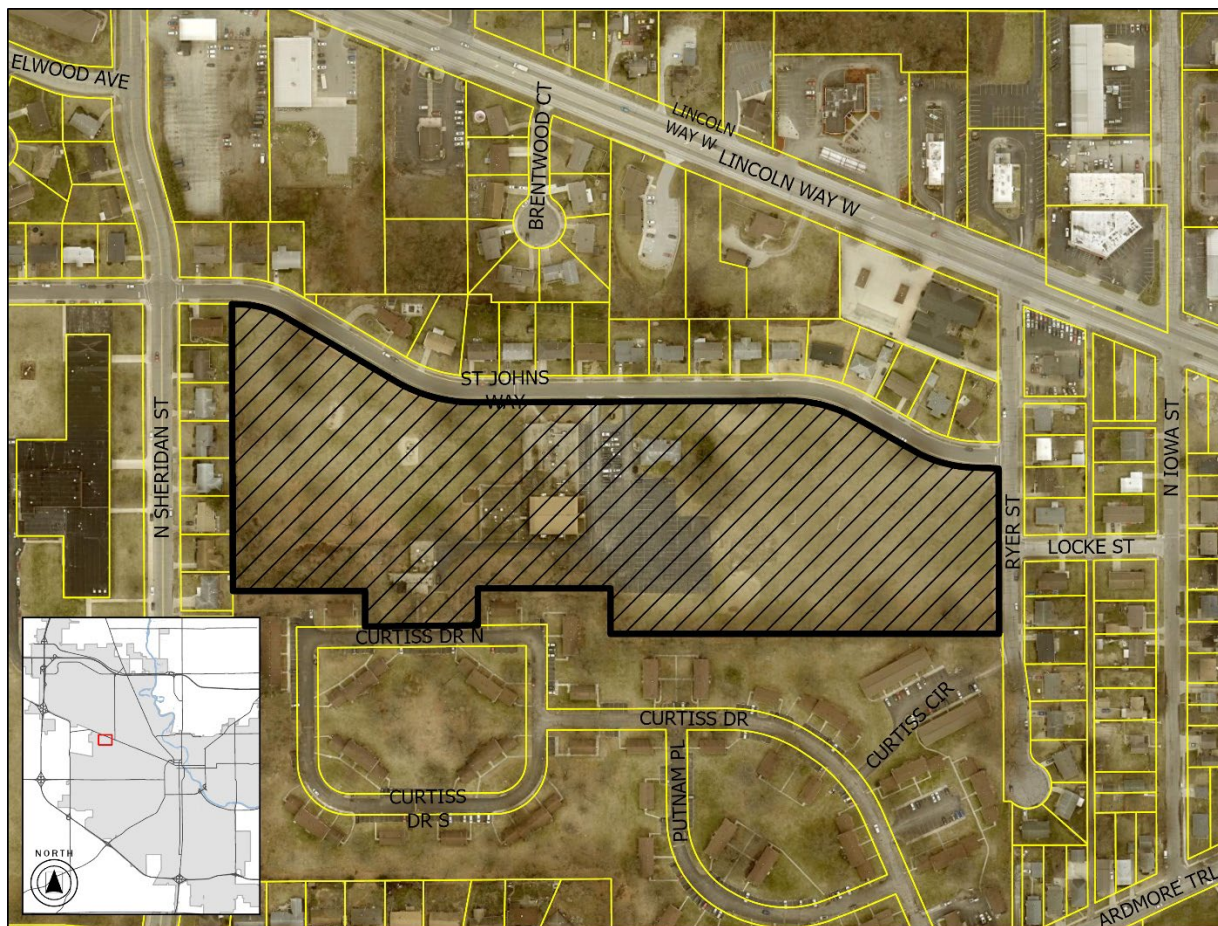
Location: 3526 ST JOHNS WAY
Owner: ST JOHN THE BAPTIST CATHOLIC CHURCH

Project Summary

The petitioner wishes to build a 6' tall, 50% open aluminum fence in the front and corner yard to provide proper protection for schoolchildren playing outside.

Requested Action

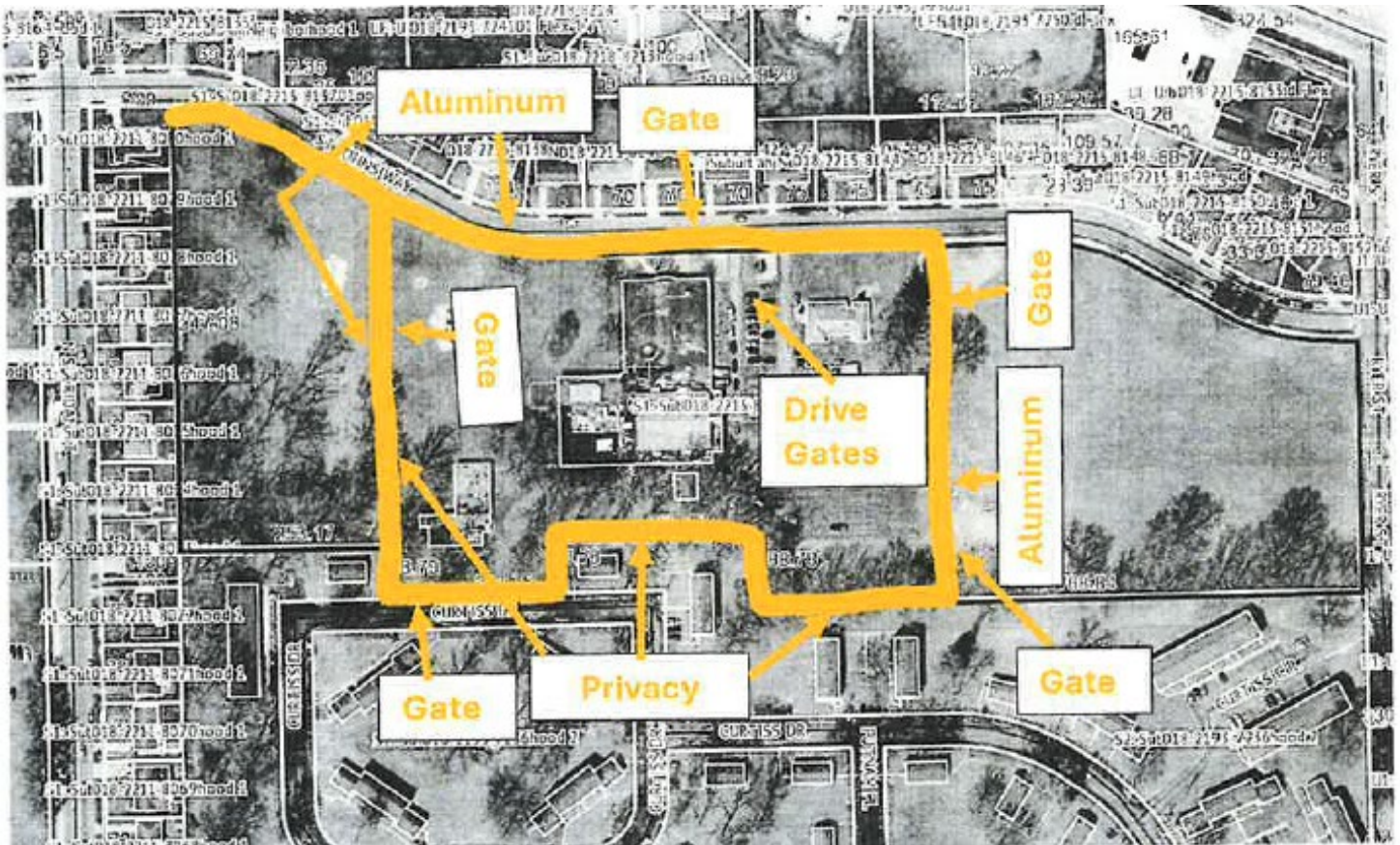
Variance(s): from the 4' maximum height of a 50% open fence in the front and corner yards to 6' (21-09.02(c)(1))

Site Location

Staff Recommendation

Based on the information provided prior to the public hearing, the staff recommends the Board approve the variance as presented.

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 cause any significant injury to the public health, safety, morals, and general welfare of the community. This is adding a fence to enclose a play area for children, helping to ensure the safety of users of the property. While a 6' fence close to the sidewalk could be undesirable, that the fence will be 50% open in this area would limit any impact.

(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 will not be affected in a substantially adverse manner. A 50% open fence will limit the impact.

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

The strict application of the terms of this Chapter would result in practical difficulties in the use of the property. The fencing will keep the children safe while they are playing outside, and the gates placed along the fence will provide controlled access to the facility. A 4' maximum fence height as typically allowed by the ordinance would make it easier for children to leave the property and easier for trespassers to get near the school.

(4) The variance granted is the minimum necessary

The variance granted is the minimum necessary. If granted, it would help provide a secure and safe enclosure of the yards on both sides of the building so that children can safely utilize them for play. 6' is also an allowable fence height in the rear and side yards of this property, meaning that the height would not be exceeding the maximum allowable fence height in this district (ignoring the yard placement).

(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.

Analysis & Recommendation

Analysis: The 6' fence is required to provide proper protection for children attending school and playing outside in the front and corner yards on the property.

Staff Recommendation: Based on the information provided prior to the public hearing, the staff recommends the Board approve the variance as presented.

Property Information

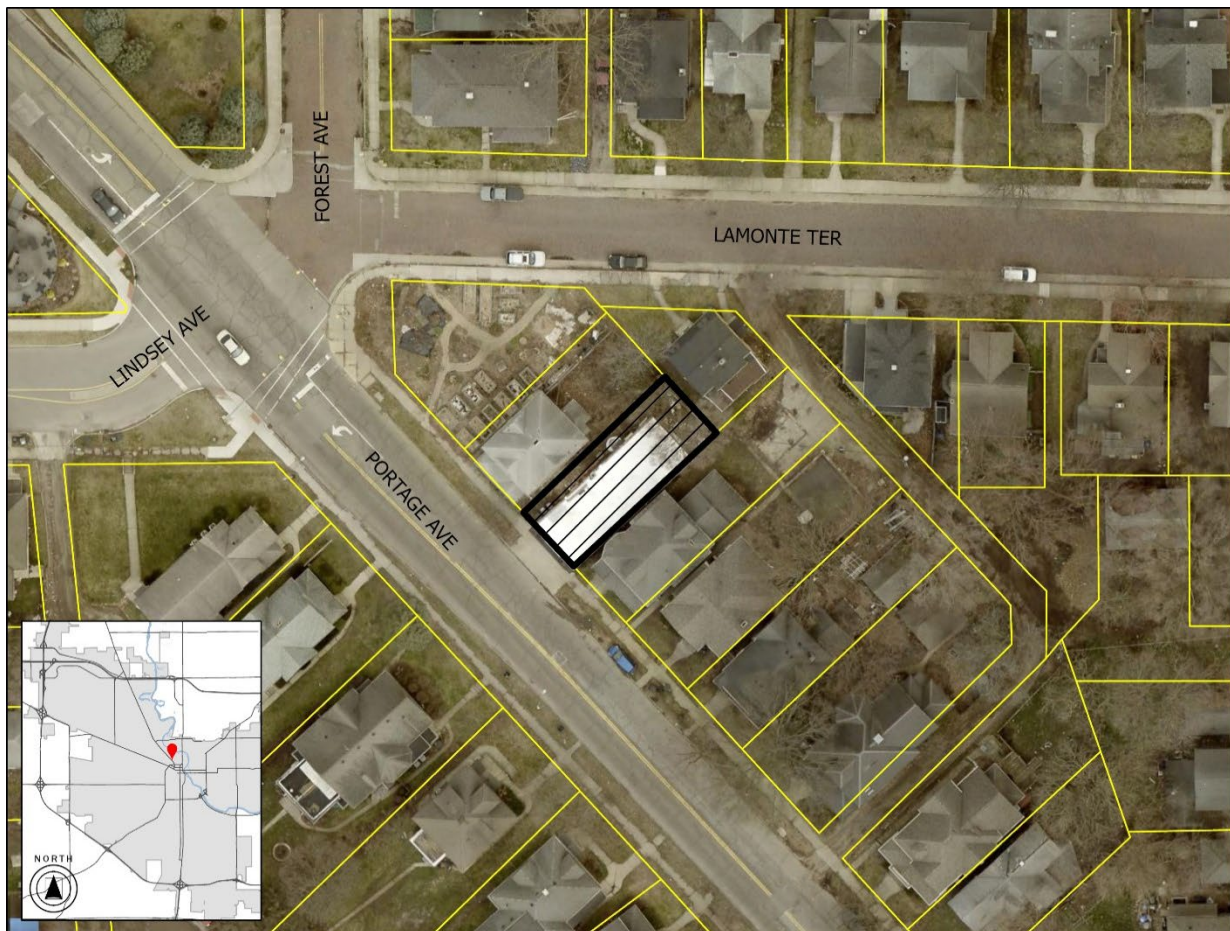
Location: 626 PORTAGE AVE
Owner: FOWLER LLC

Project Summary

Renovate the frontage to improve access to the building.

Requested Action

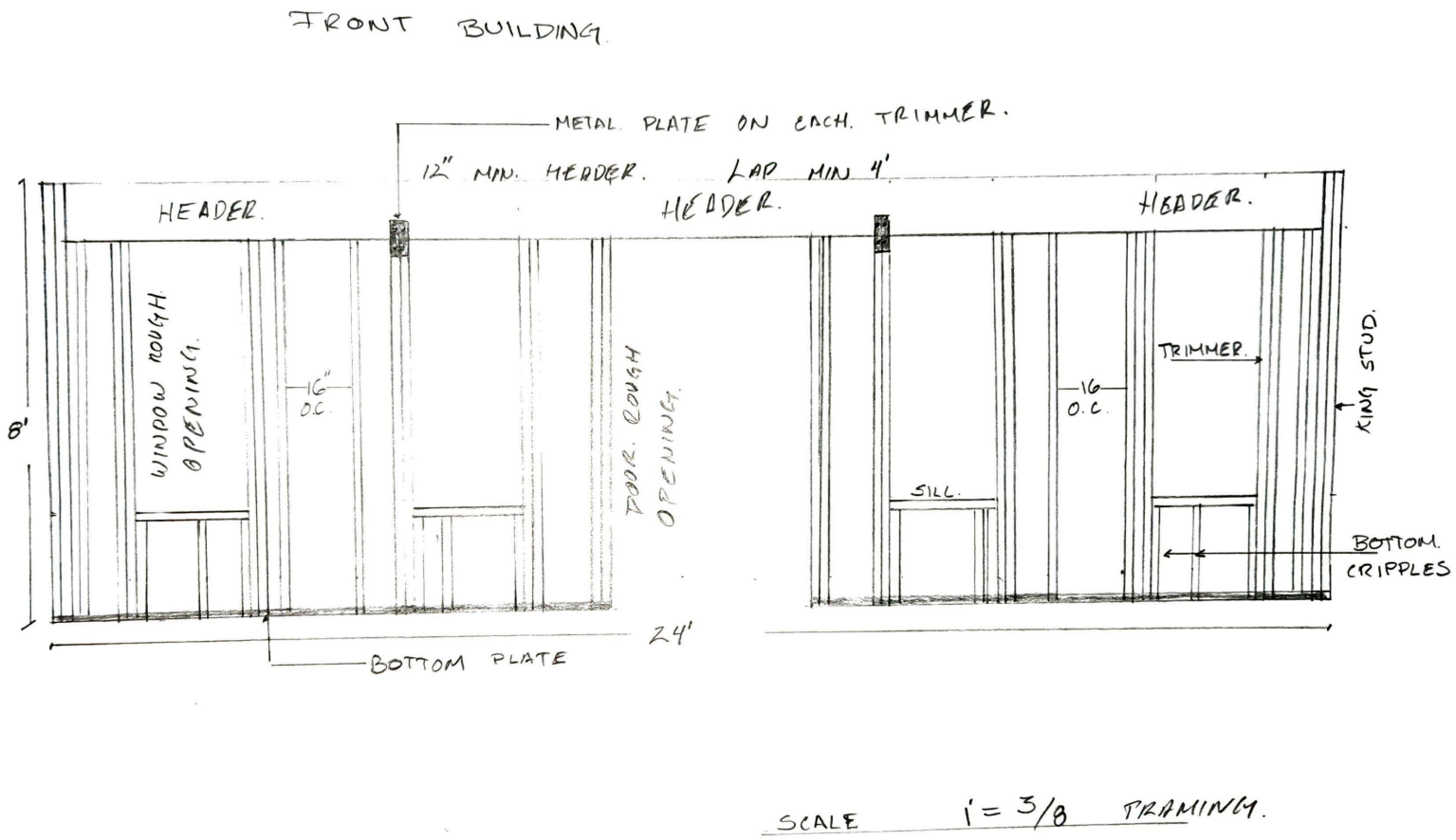
Variance(s): to reduce minimum Visible Light Transparency (VLT) from 50% to 31% to count towards facade transparency (21-02.03(f)(1)(A))

Site Location

Staff Recommendation

Based on the information provided prior to the public hearing, staff recommends the Board approve the variance as presented.

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 applicant is replacing windows on a facility that works with sun sensitive material while maintaining a level of transparency to the facility that is compliant with the zoning district.

(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 should not be affected in a substantially adverse manner. The applicant is just replacing windows that face the street.

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

The strict application of the chapter would make it very difficult to conduct the use within the the building. There are solar sensitive products within the facility and the reduced VLT of windows protects the products from damage. While it would be possible to hang drapes or shades, these would prevent the employees of the building from seeing out of the front window for any activity as the structure is on the lot line.

(4) The variance granted is the minimum necessary

The variance granted is the minimum necessary because this is the highest VLT percentage that will still protect the products in the building.

(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 the former or current owner of the property. The older windows were installed before the current zoning code and current building standards. These would allow the applicant to modernize the windows and protect the items inside the building.

Analysis & Recommendation

Analysis: The applicant is adhering to the intent to maintain transparency along the front facade, while only reducing the light transmittance. This reduction is to protect the contents of the building from the damage the sun could cause. This structure is in the Chapin Park Historic District and front facade changes will require a Certificate of Acceptance from the Historic Preservation Commission (HPC). The applicant should work with HPC staff to ensure a respectful design approach to the building.

Staff Recommendation: Based on the information provided prior to the public hearing, Staff recommends the Board approve the variance as presented.