

City of South Bend

BOARD OF ZONING APPEALS

AGENDA

Monday, January 5, 2026 - 4:00 p.m.

City Hall

Third-Floor Council Chambers

<http://southbendin.gov/sbbza>

Meeting Recordings - <https://tinyurl.com/BZArecordings2026>

ADMINISTRATIVE ITEMS:

ELECTION OF OFFICERS

PUBLIC HEARING:

1. **Location:** 1017 N HILL ST BZA#0387-26
Owner: 1017 N HILL ST LLC
Requested Action: Variance(s): from the 70' maximum lot width for a residential building with 4 or fewer units in the Northeast Neighborhood Zoning Overlay to 74' (21-05.02(i)(1))
Zoning: U1 Urban Neighborhood 1

2. **Location:** 1104 E ECKMAN ST BZA#0388-26
Owner: KOLODNY MOSHE & CHAYA
Requested Action: Variance(s): from the 20' rear setback to 10' (21-03.01(d))
Zoning: S1 Suburban Neighborhood 1

3. **Location:** 4163 WESTERN AVE BZA#0389-26
Owner: ST JOSEPH COUNTY PUBLIC LIBRARY
Requested Action: Variance(s): to allow an accessory structure in a front yard (21-06.02(d)(1))
Zoning: C Commercial

ITEMS NOT REQUIRING A PUBLIC HEARING:

1. Findings of Fact – Nov 3, 2025 & Dec 1, 2025
2. Minutes – Nov 3, 2025 & Dec 1, 2025
3. Other Business
4. Adjournment

City of South Bend **BOARD OF ZONING APPEALS**

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|--------------------|---------------------------|----------|------------|
| 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: 1017 N HILL ST
Owner: 1017 N HILL ST LLC

Project Summary

The petitioner intends to build a single family home across two lots.

Requested Action

Variance(s): from the 70' maximum lot width for a residential building with 4 or fewer units in the Northeast Neighborhood Zoning Overlay to 74' (21-05.02(i)(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 be injurious to the public health, safety, morals, and general welfare of the community. Granting the variance will only increase the allowable lot size by 4', which compared to the total lot frontage will not allow for a significant increase in buildable area above what is allowed by the ordinance. The use of the property will also stay the same, and all other development standards will still apply.

(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 slight increase in buildable area will not allow the petitioner to build a substantially larger home than they would under the code, limiting its impact on adjacent properties.

(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 intent of the 70' lot width rule is to prevent people from purchasing and combining lots in the Northeast Neighborhood, knocking down the homes on them, and decreasing the number of housing units in the area by building large single-unit homes. That is not what the petitioner is intending to do in this case. The single-unit home and garage that currently span the lots have been there for at least 60-70 years, meaning that building a new single-unit home will not decrease the number of units on site, nor build across any lots that have not already been combined for development. The two lots even have the same address.

Reducing the lots to a compliant width by selling a portion of the petitioner's property to one of their neighbors would also make the project much more difficult for them, as it would require them to go through the extensive process of hiring and paying a surveyor to adjust the lot lines. This would also be contingent on one of their neighbors agreeing to purchase their property. Meanwhile, requiring the petitioner to use just one of their lots for a structure would significantly limit the buildable area of their property. They could adjust the lot lines to make one of the lots larger and increase that buildable area, but that would also require a surveying process.

(4) The variance granted is the minimum necessary

The variance granted is the minimum necessary. 74' is the width of the petitioner's two lots combined.

(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 current owner of the property. The current home and garage have been situated across the two lots going back to at least the 1960s, and the petitioner purchased the lots prior to the creation of this rule.

Analysis & Recommendation

Analysis: While this is not a variance that staff would typically support, this is a unique circumstance that we believe presents sufficient hardship. The petitioner is wishing to build a new single-unit dwelling across two lots that, collectively, are 4' wider than the 70' maximum lot width allowed in the NNZO. However, there is currently a single-unit dwelling and garage on the property that span both lots (which have the same address) and have been there for at least 60-70 years. This means that if the petitioner were to demolish the structures and build a new dwelling in their place, the current conditions and use of the land would remain the same, and the number of housing units in the neighborhood would not go down. Adjusting the lot widths to make them zoning compliant, or give the petitioner more buildable area on just one of their width-compliant lots, would require them to hire a surveyor and/or potentially make an agreement with their neighbor to purchase some of their land, both of which would present practical difficulties.

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: 1104 E ECKMAN ST
Owner: KOLODNY MOSHE & CHAYA

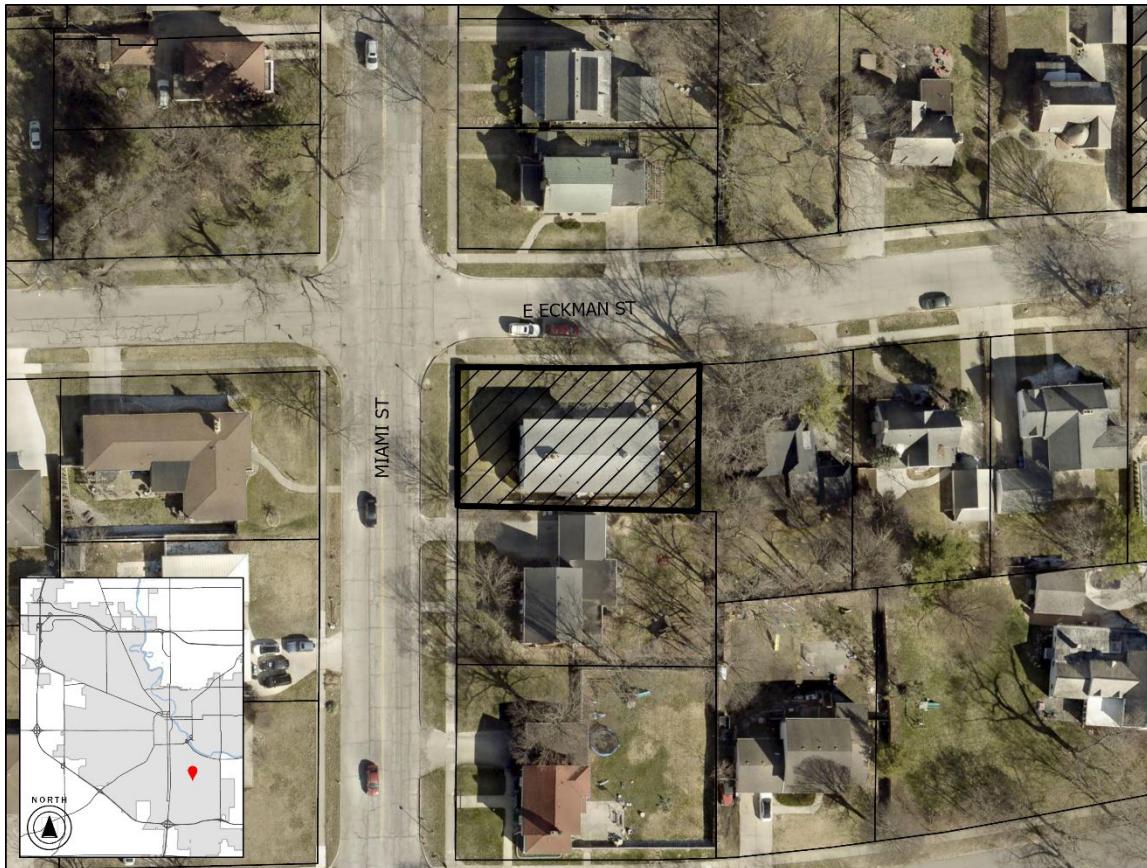
Project Summary

The applicant intends to construct a second story on the top of an attached garage.

Requested Action

Variance(s): from the 20' rear setback to 10' (21-03.01(d))

Site Location

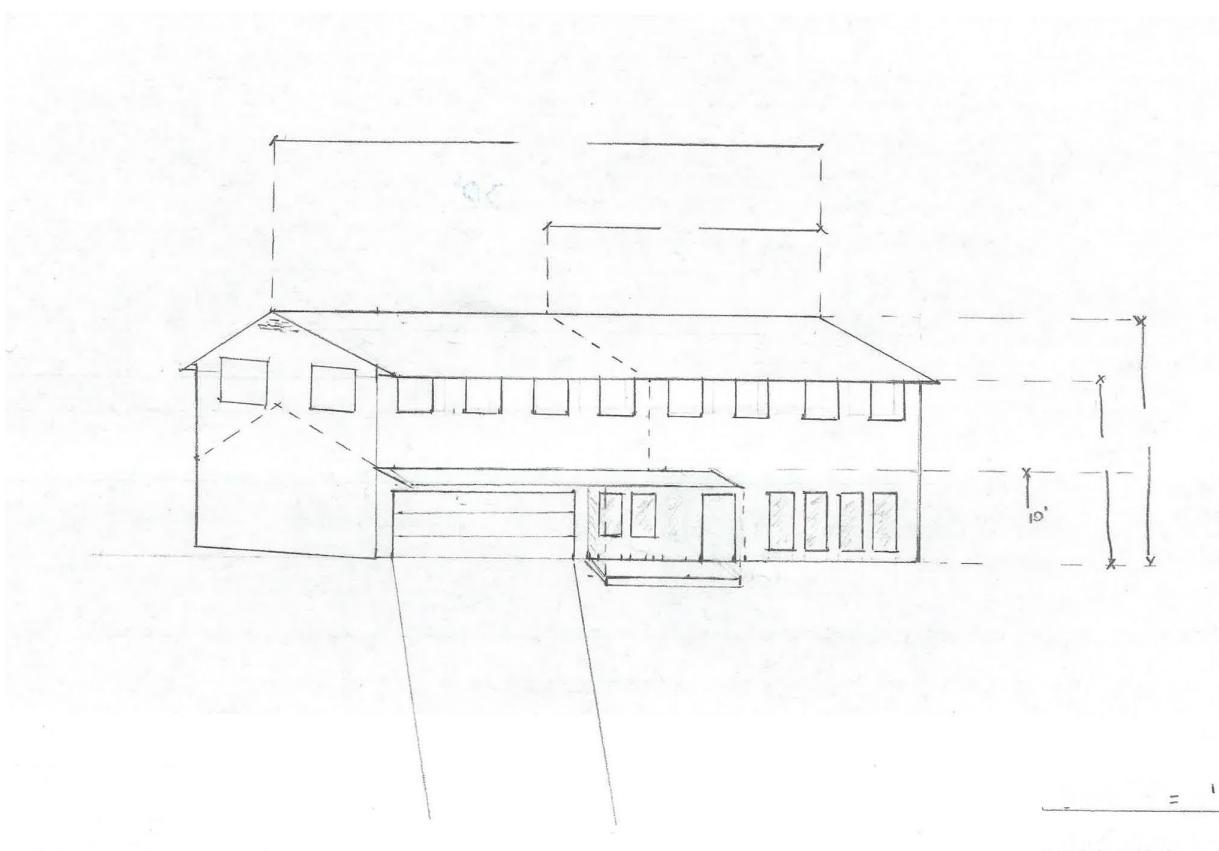
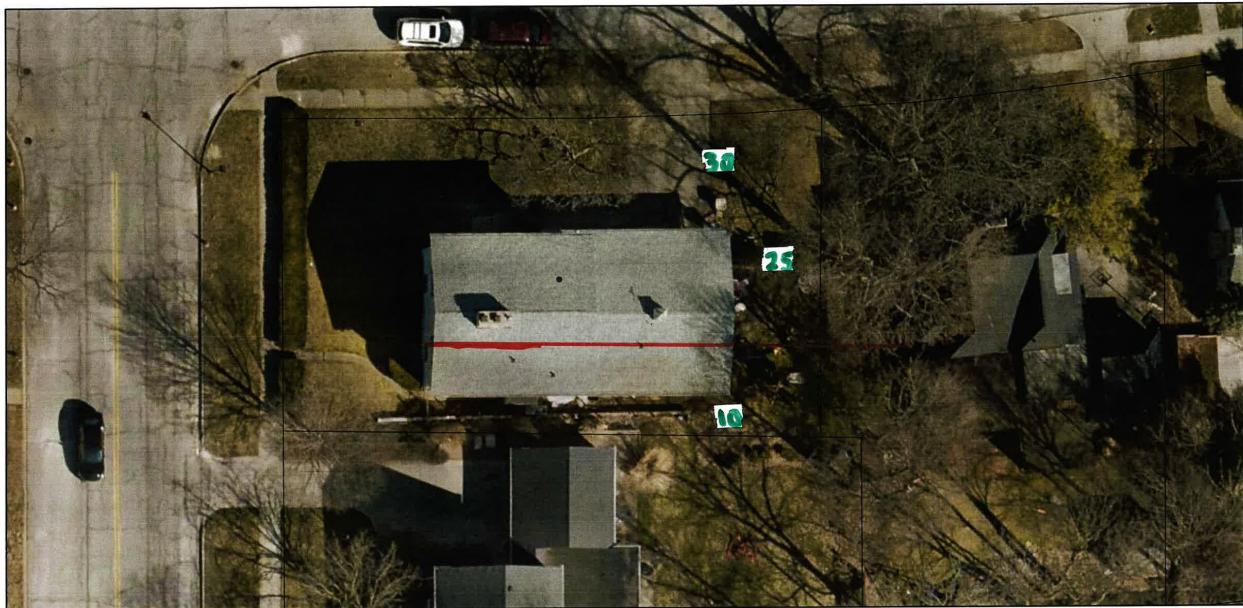


Staff Recommendation

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

Proposed Site Plan

B Z



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 building already has a second story, which this addition will simply be extending without expanding the building footprint. The vast majority of the homes surrounding this property also have two stories as well.

(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 building footprint will not be expanding past its current size. Also, if the front door of the building was to hypothetically face Miami Street instead of Eckman Street, and nothing else were to change, all the setbacks would be compliant and a variance would not be required. This shows that the impact on the property to the south, which will be closest to the proposed addition, will not be substantial.

(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. Because this lot is on a corner, the front door could face either Eckman Street or Miami Street. Because it faces Eckman Street, this makes the lot wider than it is deep, shrinking the rear setback and creating the need for this variance. However, if the front door of the building were to face Miami Street instead of Eckman Street, and nothing else changed, all the setbacks would be compliant and a variance would not be required to construct this addition, which will not expand the footprint of the house or change any of the setbacks. The fact that such a minor change would remove the need for this variance demonstrates the difficulties presented by the strict application of the ordinance.

(4) The variance granted is the minimum necessary

The variance granted is the minimum necessary, as the new requested setback is simply the current setback of the first floor of the home below where the addition is proposed. The building footprint will not be expanding, nor will the rear setback be changing.

(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 current owner of the property. The home was built in 1957, 60 years before the current owner purchased the property.

Analysis & Recommendation

Analysis: This addition will not have any substantial impacts on surrounding properties. Additionally, neither the building footprint nor the rear setback will be changing, and if the front door of the house were facing Miami Street rather than Eckman Street, this variance would not be needed.

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: 4163 WESTERN AVE
Owner: ST JOSEPH COUNTY PUBLIC LIBRARY

Project Summary

The petitioner wishes to locate a trash enclosure in a front yard.

Requested Action

Variance(s): to allow an accessory structure in a front yard (21-06.02(d)(1))

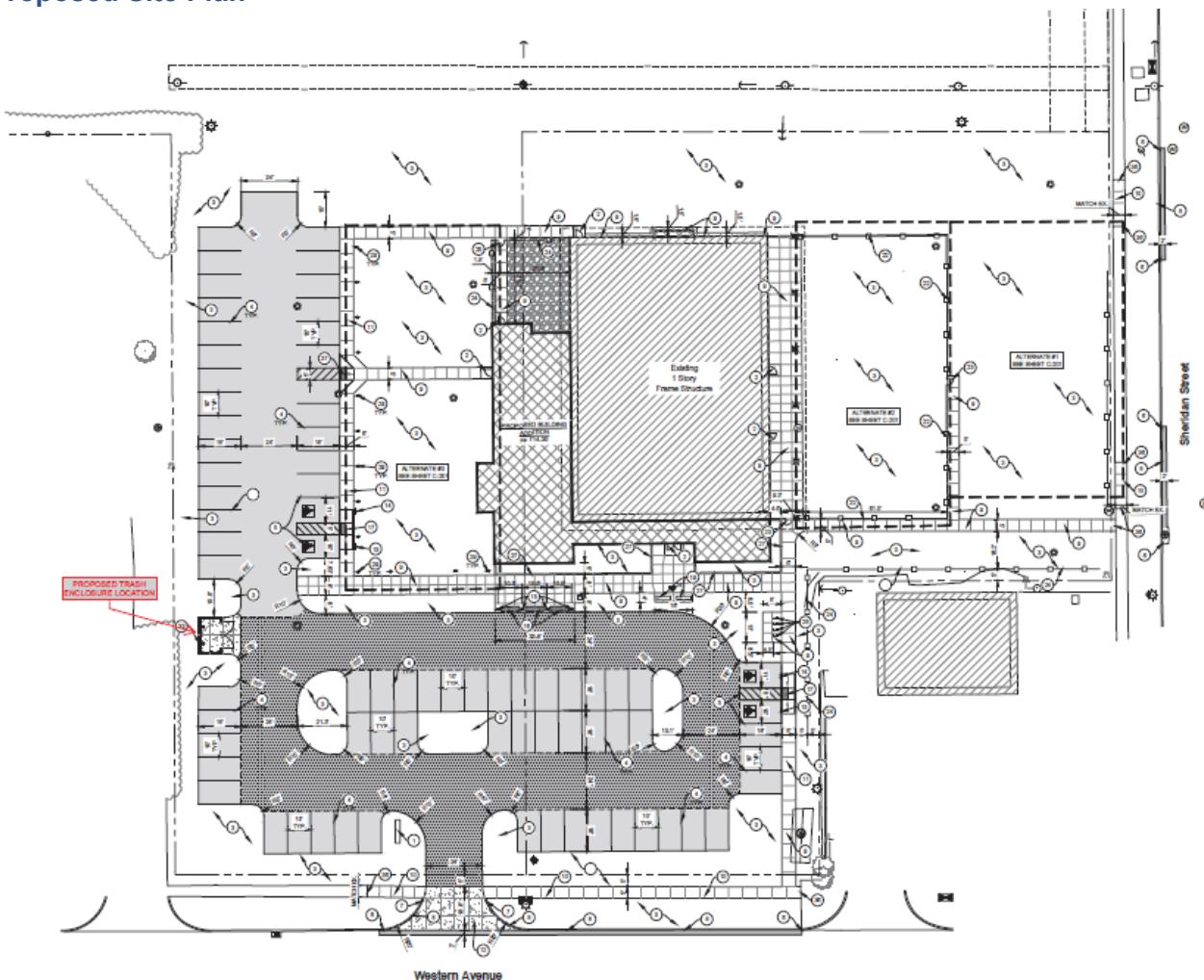
Site Location



Staff Recommendation

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

Proposed Site Plan



 SITE LAYOUT PLAN
NORTH
1' = 20'-0"

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 accessory structure in the front yard should not be injurious to the public health, safety, moral, and general welfare of the community. The structure is to support a new library in the city and its presence would not harm the welfare of adjacent properties. The location of the trash enclosure will allow waste removal trucks to access the site and remove waste without needing to reverse through public parking areas, thereby reducing potential danger to public health and safety.

(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 accessory structure should not substantially affect the use or value of neighboring properties in an adverse manner. The trash enclosure will be constructed of materials matching the new building renovation and will be partially screened with landscape planting per zoning requirements. The enclosure will be set back a significant distance from the street and will be constructed with materials that are opaque and will block views of the trash receptacles within. Additionally, the property is located along a business corridor with other commercially zoned properties and the trash enclosure will not be adjacent or visible from any residential property.

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

Accessory structures are not allowed to be placed in the front yard of a property. However, the strict application of the terms of this Chapter would make it difficult to site this accessory structure. Despite the property being large; the way the primary structure, public entrance, and parking are oriented does not allow the trash enclosure to be located behind the front facade as required. The proposed location of the trash enclosure will allow waste removal trucks to access the site and remove waste without needing to maneuver through public parking areas.

(4) The variance granted is the minimum necessary

The variance granted for the location of the accessory structure is the minimum necessary. The enclosure is in front of the front façade by the minimum necessary to practically serve it. The construction of and materials being used will meet all the other zoning trash enclosure requirements.

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

This request does not correct a hardship caused by a former or current property owner.

Analysis & Recommendation

Analysis: Accessory structures are not allowed to be placed in the front yard of a property. Though a large property, this library renovation presents unique challenges given the use of an existing building and proposed layout of the parking lot. Locating the trash enclosure behind the front facade of the building would create potential safety concerns requiring the trash truck to maneuver or reverse through a public parking area. The proposed location is set forward of the front façade, but it provides practical access to the trash truck while being well screened and significantly set back from the street.

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