

# City of South Bend

## BOARD OF ZONING APPEALS

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### South Bend Board of Zoning Appeals MEETING AGENDA

Monday, June 1, 2026 - 4:00 p.m.

City Hall

Third-Floor Council Chambers

Meeting Link - <http://southbendin.gov/sbbza>

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

#### PUBLIC HEARING:

- Location:** 2410 SOLOMON AVE BZA#0424-26  
**Owner:** GRIMES JUNE A LIVING TRUST AS TRUSTEE & LIFE ESTATE  
**Requested Action:** Variance(s): to increase the maximum number of detached accessory buildings on a S1 lot from one (1) to two (2) [21-06.02(e)]; and from the 5' minimum side setback for an accessory structure in S1 to 2' [21-06.02(d)(2)]  
**Zoning:** S1 Suburban Neighborhood 1
- Location:** 2503 FLAT CREEK DRIVE BZA#0421-26  
**Owner:** HOLLAND ALEC J & STROMSODT KAYLA HW  
**Requested Action:** Variance(s): from the 3' maximum height for a less than or equal to 50% open fence in an established corner yard to 6' [21-09.02(c)(1)]  
**Zoning:** S1 Suburban Neighborhood 1
- Location:** 3421 NORTHSIDE BLVD BZA#0423-26  
**Owner:** BORKOWSKI JOHN W & KENNEDY KATHLEEN A HW  
**Requested Action:** Variance(s): from the 3' maximum height for a less than or equal to 50% open fence in an established corner yard to 6' [21-09.02(c)(1)]  
**Zoning:** U1 Urban Neighborhood 1
- Location:** 715 ST. PETER and 743 SOUTH BEND AVE and 710 TURNOCK BZA#0425-26  
**Owner:** HERITAGE TOWNHOMES LLC  
**Requested Action:** Variance(s): from the requirement for a decorative element that is at least 50 percent open on a fence exceeding 5' in height in the Northeast Neighborhood Zoning Overlay district [21-05.02(g)(1)(A)]  
**Zoning:** U2 Urban Neighborhood 2
- Location:** 332 IRONWOOD DR (**Petitioner has requested to Withdraw**) BZA#0420-26  
**Owner:** CRESSY & EVERETT INC  
**Requested Action:** Variance(s): from the 32 sf maximum area for an NC freestanding sign to 181 sf [21-10.05(c)]; and from the 8' maximum height for an NC freestanding sign to 19.1' [21-10.05(c)]  
**Zoning:** NC Neighborhood Center

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

**ITEMS NOT REQUIRING A PUBLIC HEARING:**

1. Findings of Fact - May 4, 2026
2. Minutes - May 4, 2026
3. Other Business
4. Adjournment

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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.

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**Property Information**

Location: 2410 SOLOMON AVE  
Owner: GRIMES JUNE A LIVING TRUST AS TRUSTEE & LIFE ESTATE

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**Project Summary**

The petitioner's garage was damaged by a tree, so they intend to demolish it and replace it with a new garage in the same location.

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**Requested Action**

Variance(s):

- To increase the maximum number of detached accessory buildings on a S1 lot from one (1) to two (2) [21-06.02(e)]
- From the 5' minimum side setback for an accessory structure in S1 to 2' [21-06.02(d)(2)]

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**Site Location**



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**Staff Recommendation**

Based on the information provided prior to the public hearing, the staff recommends the Board approve the variances 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 these variances would allow the petitioner to rebuild their garage in the same location as it has been for decades, meaning that no greater impact would be had on the community than what was already existing. Additionally, having a detached garage in the proposed location (off of the back corner of the house) is very typical in this neighborhood.

**(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 variances will not be affected in a substantially adverse manner. Having a detached garage in the proposed location (off of the back corner of the house) is very typical in this neighborhood, and the petitioner's neighbor to the northeast not only has the same house-detached garage configuration on their property, but their garage is also located right on the same lot line.

**(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. If the new garage were to be built in essentially the same place but pushed a few feet off the lot line to a compliant side setback, it would be very difficult to maneuver a vehicle around the house and into the garage given the width of the lot and the placement of the home. Achieving both a compliant side setback and proper maneuvering space would require the petitioner to move the garage further back into their property and away from the property line, inhibiting the use of their backyard. Additionally, there is not enough room for the petitioner to attach the garage to the side of their home.

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

The variance granted is the minimum necessary. The petitioner is requesting to put the garage back in the same location as it was previously, and moving it any farther from the property line would make access difficult. The structure is also not directly on the lot line; it is set back a few feet.

**(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 former garage was built decades ago by a previous owner.

## Analysis & Recommendation

**Analysis:** If the new garage were to be built in essentially the same place but pushed a few feet off the lot line to a compliant side setback, it would be very difficult to maneuver a vehicle around the house and into the garage given the width of the lot and the placement of the home. Achieving both a compliant side setback and proper maneuvering space would require the petitioner to move the garage further back into their property and away from the property line, inhibiting the use of their backyard. Additionally, there is not enough room for the petitioner to attach the garage to the side of their home, and detached garages located adjacent to the rear corner of the home are very common in this neighborhood.

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

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**Property Information**

Location: 2503 FLAT CREEK DRIVE  
Owner: HOLLAND ALEC J & STROMSODT KAYLA HW

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**Project Summary**

The applicant intends to install a 6' privacy fence in their corner yard.

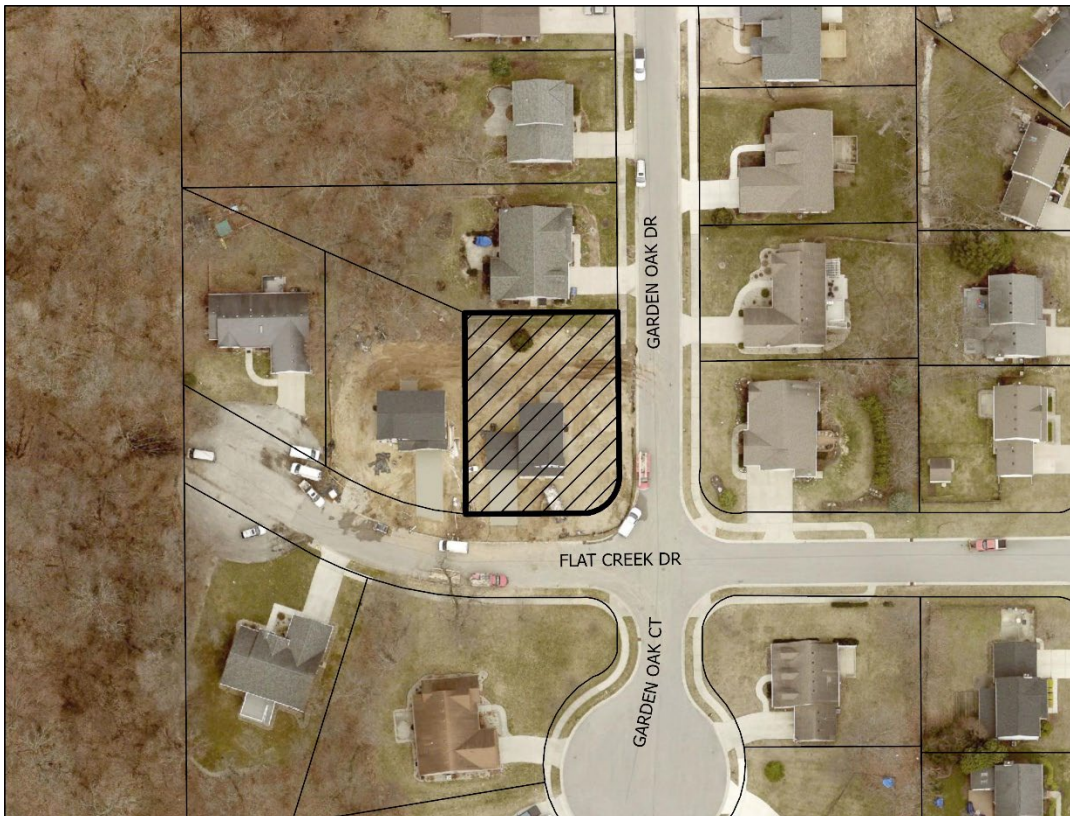
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**Requested Action**

Variance(s): from the 3' maximum height for a less than or equal to 50% open fence in an established corner yard to 6' [21-09.02(c)(1)]

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**Site Location**

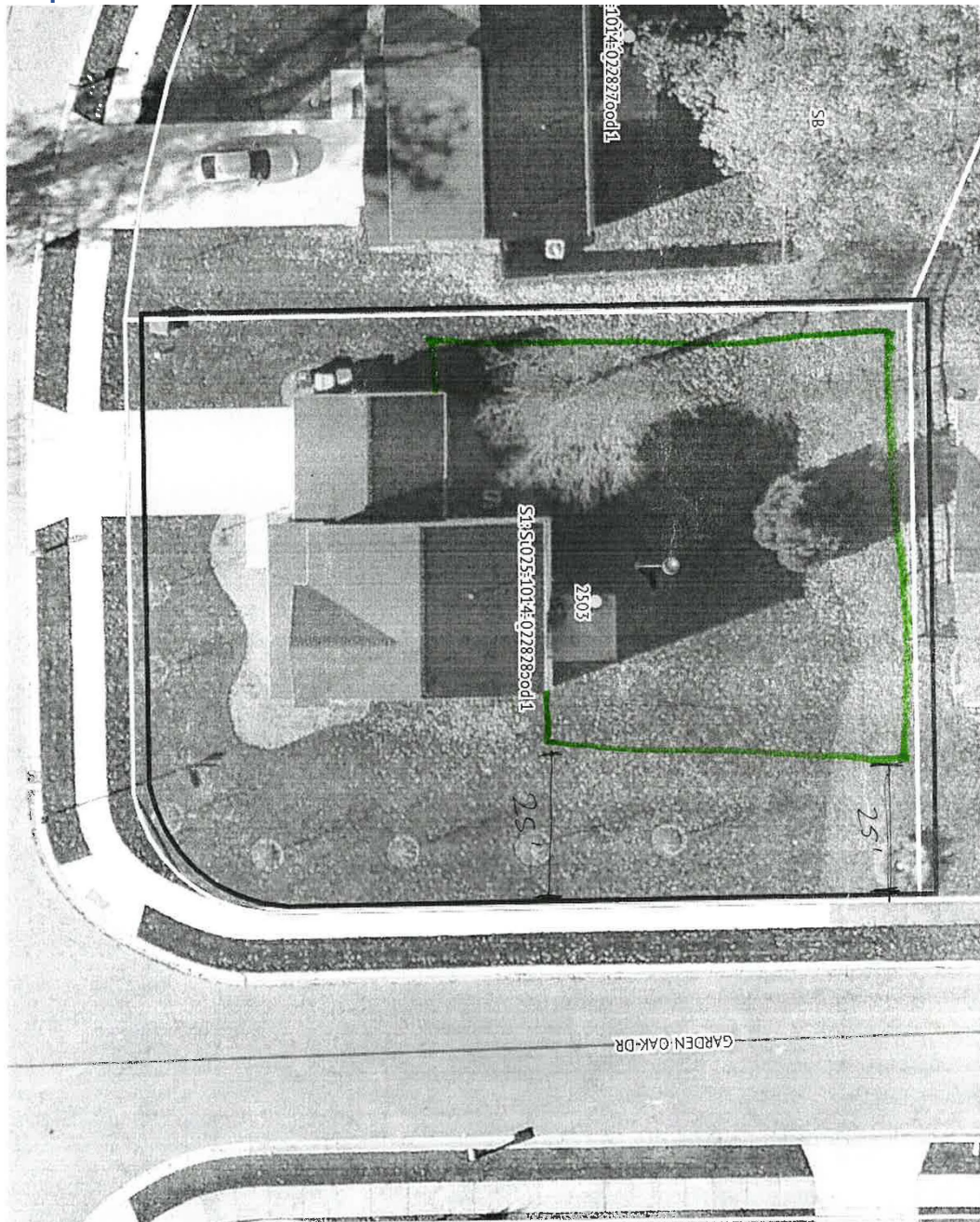


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**Staff Recommendation**

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. Having a corner privacy fence set 25' from the sidewalk would not have a negative impact on the pedestrian experience.

**(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. The fence is not encroaching into the front yard of the neighbor to the north, and if that neighbor wanted to put up a fence along their south lot line up to their front facade, they could do so.

**(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 developer of this lot and nearby lots sought to maximize the building setback from the corner lot line, but this reduced the size of the rear yards and limited the potential for private outdoor space.

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

The variance granted is the minimum necessary. The applicant seeks to encroach into the corner yard and create 400 extra square feet to utilize in their backyard. The fence will be set back 25' from the property line and align itself with the neighboring house's setback, not interfering with the alignment of structures moving down the street.

**(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 developer created large corner lots without considering the existing zoning rules regarding fences. At the time of construction, they could have placed the house at least 15' closer to the side street, creating a larger yard to permit a fence on. This is no fault of the owners of the property.

## Analysis & Recommendation

**Analysis:** The applicant had no control over the building decisions made by the developer to set their house more than 30' from the side street, creating a large corner yard. If the developer had used the minimum setbacks as intended, the applicant would have a substantially larger rear yard. Additionally, this fence does not encroach into the neighbor's frontage, allowing the established building pattern along the street to remain uninterrupted. The encroachment also

does not go to the sidewalk, but is set back 25' from the lot line, aligning it with the front setback in the S1 district.

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

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**Property Information**

Location: 3421 NORTHSIDE BLVD  
Owner: BORKOWSKI JOHN W & KENNEDY KATHLEEN A HW

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**Project Summary**

The petitioner has put up a 6' privacy fence in their corner yard and is requesting a variance to allow the fence to remain in place.

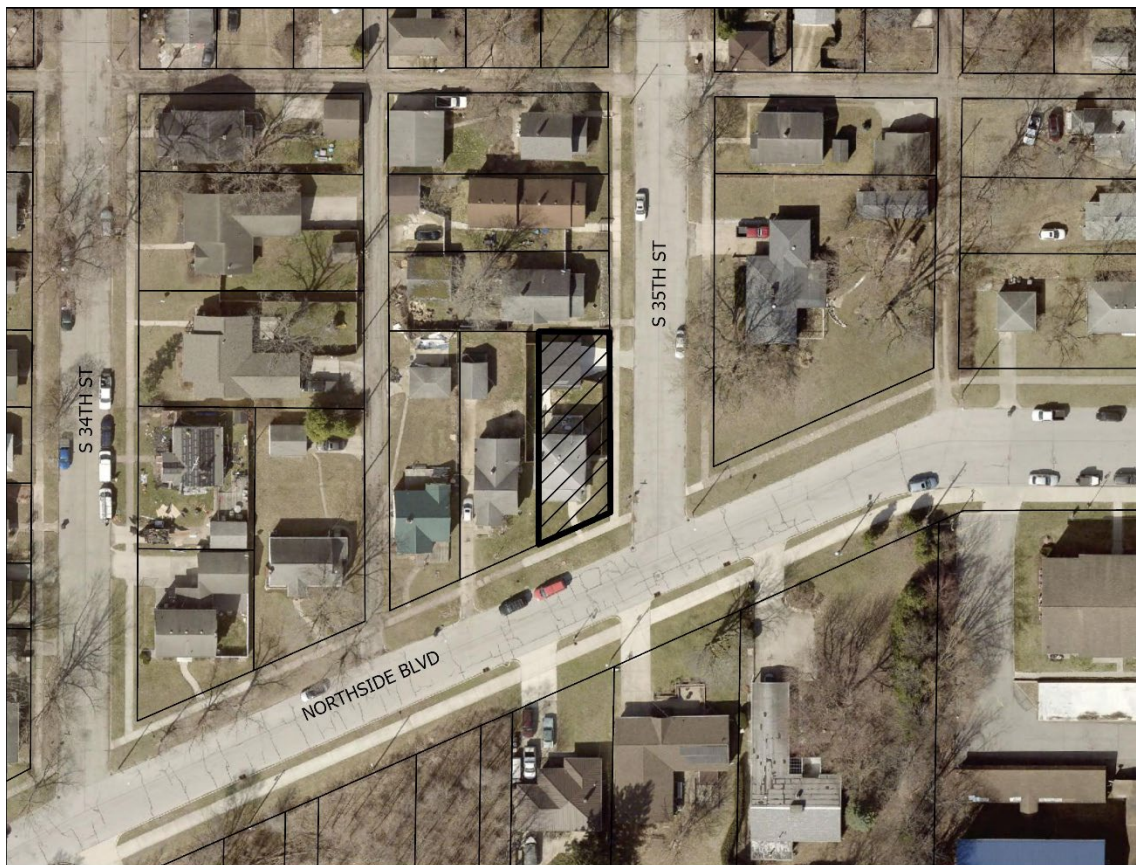
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**Requested Action**

Variance(s): from the 3' maximum height for a less than or equal to 50% open fence in an established corner yard to 6' [21-09.02(c)(1)]

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**Site Location**

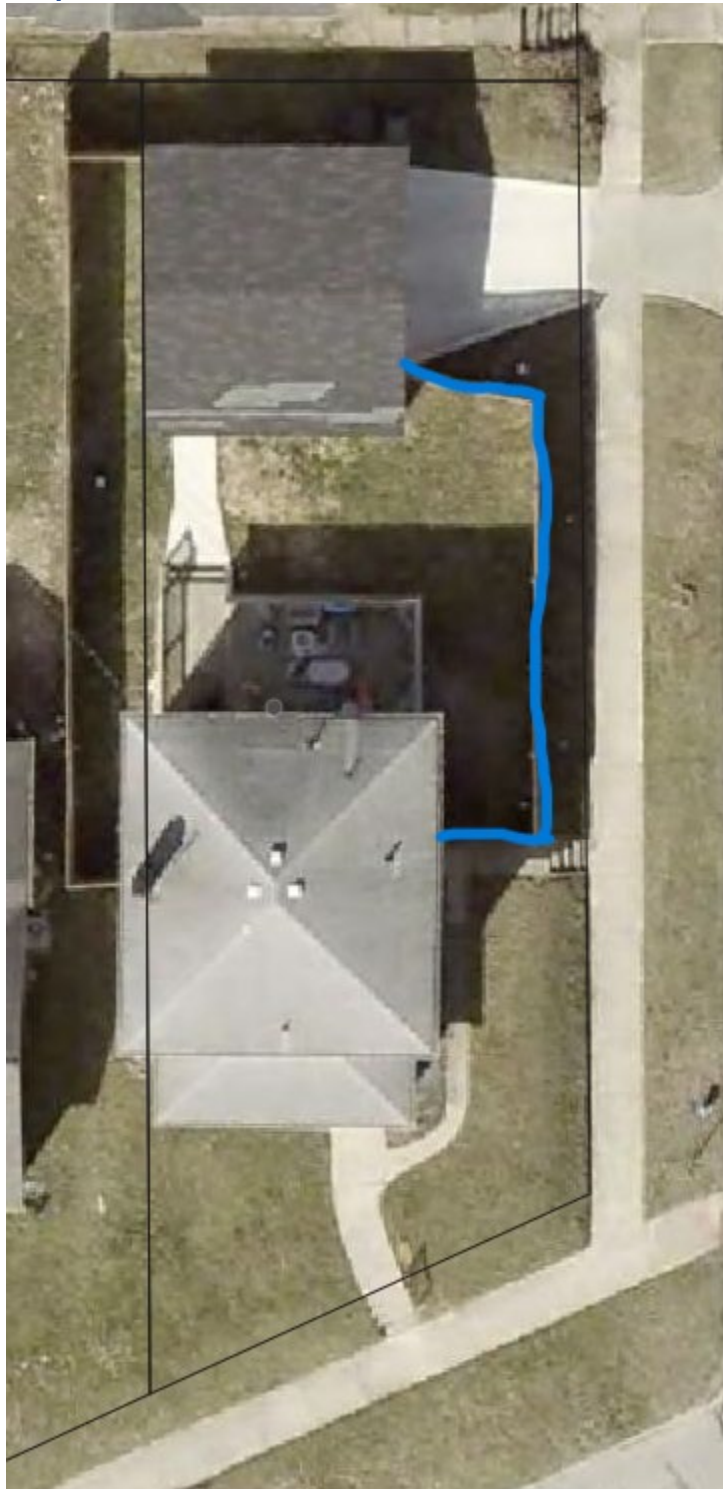


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**Staff Recommendation**

Based on the information provided prior to the public hearing, the staff recommends the Board approve the variance as written, conditional on a portion of the fence being removed so that it starts at the rear corner of the home. This also assumes that any additional fence or decorative element above the 6' maximum height will be removed.

**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. Having a corner privacy fence relatively close to the sidewalk can have a negative impact on the pedestrian experience, causing a small impact on the general welfare. However, the fence is set back a bit from the sidewalk, helping to limit this potential injury.

**(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. Having a corner privacy fence relatively close to the sidewalk can have a negative impact on the pedestrian experience, potentially impacting the value of the area, but such impact is likely very small, if anything.

**(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 petitioner's backyard is relatively small, largely due to the fact that the house is on a corner, and was sited close to the western property line in a way that makes the corner yard larger and the rear yard (backyard) smaller. Building a privacy fence at the desired height in the rear yard (as allowed by the ordinance without a variance) would therefore impact the usability of their property significantly.

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

The variance granted is the minimum necessary. Removing a portion of the fence so that it starts at the rear corner of the home reduces the length of the fence along the sidewalk, while not removing a highly usable portion of the petitioner's backyard. Additionally, the fence is set back a few feet from the sidewalk at the top of a small hill, creating a buffer for pedestrians while not infringing too much on the usability of the petitioner's backyard.

**(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 the current owner of the property. The location of the house and the orientation of the lot was decided long before the petitioner purchased the property.

## Analysis & Recommendation

**Analysis:** If the petitioner were to build a 6' privacy fence where they are allowed without a variance, it would significantly decrease the usable area in their backyard, which is relatively

small to begin with. The fence is set back a few feet from the sidewalk to provide a buffer for pedestrians, and does not extend all the way to the rear of the property in a way that would abut their neighbor's front yard.

**Staff Recommendation:** Based on the information provided prior to the public hearing, the staff recommends the Board approve the variance as written, conditional on a portion of the fence being removed so that it starts at the rear corner of the home.

**Property Information**

Location: 715 ST. PETER and 743 SOUTH BEND AVE and 710 TURNOCK  
Owner: HERITAGE TOWNHOMES LLC

**Project Summary**

The petitioner has put up a 6' fence without a decorative element for the top 1' that they are requesting to keep in place as built.

**Requested Action**

Variance(s): from the requirement for a decorative element that is at least 50 percent open on a fence exceeding 5' in height in the Northeast Neighborhood Zoning Overlay district [21-05.02(g)(1)(A)]

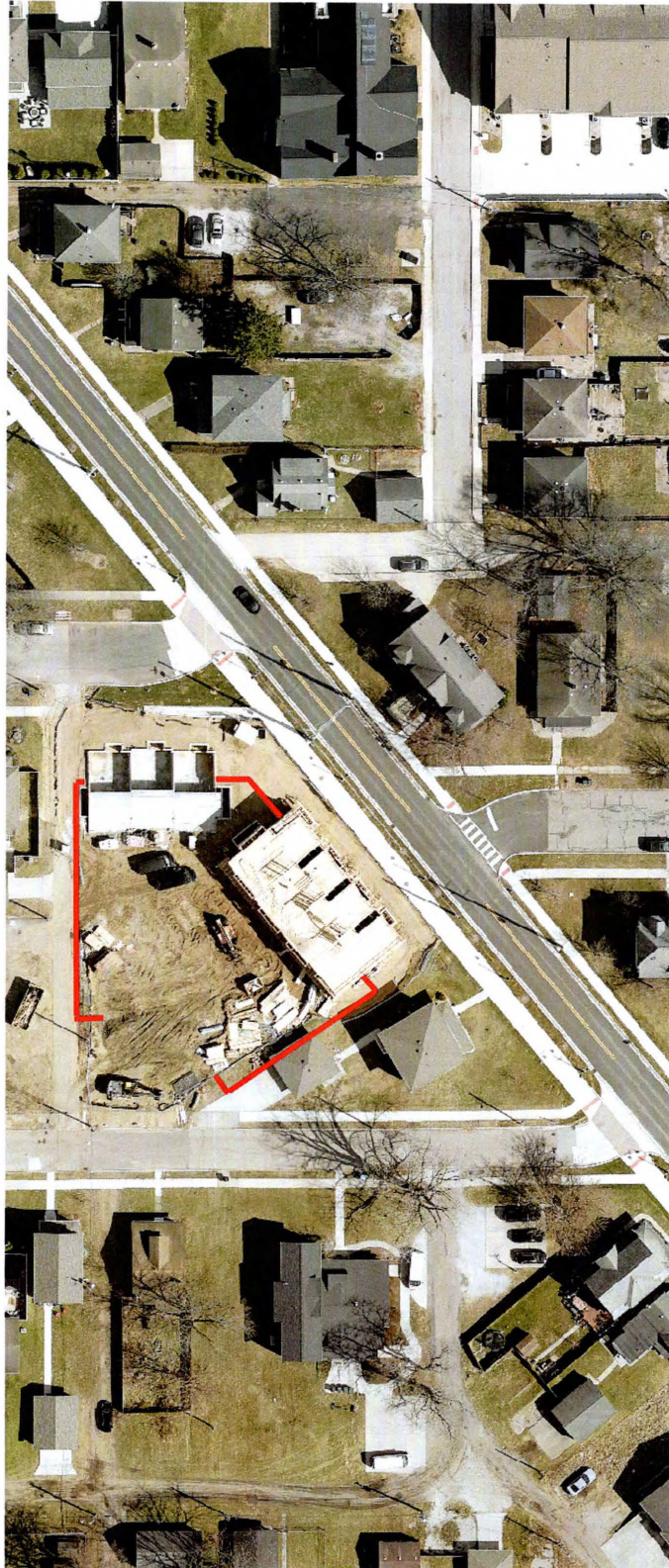
**Site Location**



**Staff Recommendation**

Based on the information available prior to the public hearing, Staff recommends the Board deny 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**

Approval of the variance will not be injurious to the public health, safety, morals and general welfare of the community. The fencing is of a code-compliant height considering where it is located on these properties, it just does not have a decorative element at the top as required in this neighborhood. Not having the decorative element will not be injurious to the community, especially since the fencing is located along the sides of the buildings on these properties and is not facing a street.

**(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 properties included in the variance will not be affected in a substantially adverse manner. The fencing has the appearance of a typical 6' privacy fence, and the difference in the value of these properties, and those of others nearby, caused by the fence not having a decorative element at the top versus having it would likely be negligible.

**(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 not result in practical difficulties in the use of these properties. The petitioner installed fencing on adjacent properties with the decorative element as required by the ordinance, demonstrating that they were capable of doing so on these properties as well.

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

The variance granted is not the minimum necessary. The petitioner put up fencing on adjacent properties with the decorative element, demonstrating that they can do so on these properties as well.

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

The variance granted would correct a hardship caused by the current owner of these properties. The fencing was installed without a permit; if the property owner had submitted for a permit before installation, staff would have notified them that the fencing was not compliant. The property owner also chose to put up this fencing without the decorative element.

## Analysis & Recommendation

**Analysis:** There is no hardship to justify this variance. The petitioner installed fencing with the decorative element on a different section of the fence, showing that they could have done the same for these other sections.

**Staff Recommendation:** Based on the information available prior to the public hearing, staff recommends the Board deny the variance as presented.

**Property Information**

Location: 332 IRONWOOD DR  
Owner: CRESSY & EVERETT INC

**Project Summary**

The petitioner intends to replace an existing changeable copy section of a sign with an Electronic Message Center (EMC), which from a zoning standpoint makes it a new sign that has to align with current zoning standards.

**Requested Action**

Variance(s):

- from the 32 sf maximum area for an NC freestanding sign to 181 sf [21-10.05(c)]
- from the 8' maximum height for an NC freestanding sign to 19.1' [21-10.05(c)]

**Site Location**



**Staff Recommendation**

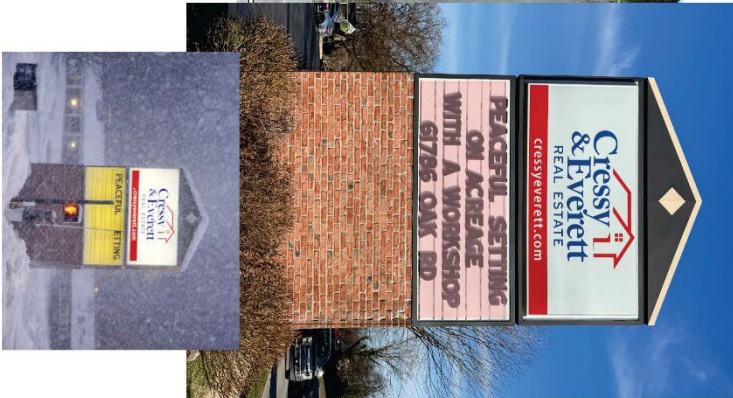
Based on the information provided prior to the public hearing, staff recommends the Board approve the variances conditioned on the maximum area not exceeding 95 sf, and the maximum height not exceeding 12.5'.

Proposed Site Plan

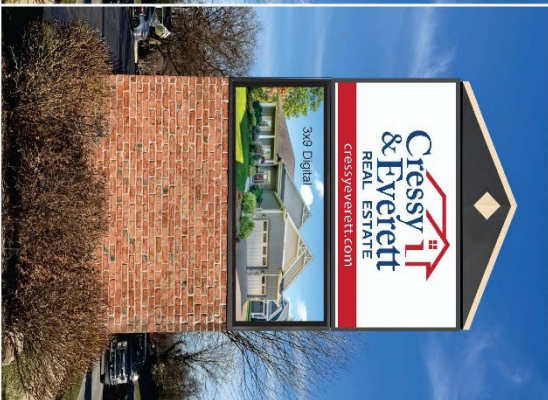
Parcel County /id: 018-5065-227102  
Owner Name: CRESSY & EVERETT INC  
Property Address: 332 N IRONWOOD DR  
Parcel State ID: 71-09-05-352-004,000-026



Current Existing Sign is 3ft from property line and 54ft from right of way



Current



Proposed - 3'x9' digital

"Art Works for Your Image as well as ours"  
**Art Works**  
SIGN COMPANY, INC  
www.artworkssign.com  
55881 Curran Rd Ph. (574) 360-9290  
Mishawaka, IN 46545

## 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 of the variances as recommended by staff will not be injurious to the public health, safety, morals, and general welfare of the community. Electronic Message Centers can be slightly more distracting for drivers than typical signs, but it is typically not a significant difference. They are also relatively common around the city. Additionally, the overall sign structure would be reduced in size.

**(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 variances will not be affected in a substantially adverse manner if the variances are approved as recommended by staff. The size and height of the overall sign structure will be reduced, helping to reduce its impact. This property is also located at the intersection of two relatively wide streets with commercial uses on all sides, where an EMC makes sense contextually and would not be likely to substantially affect the use and value of adjacent properties.

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

The zoning ordinance states that when the structure of a sign is changed, like when an EMC is added into an existing sign, that sign must come into compliance with current zoning standards. The strict application of the Neighborhood Center (NC) freestanding sign standards would result in slight practical difficulties for the property owner in this instance due to the construction of the existing sign and the local context.

NC, the zoning district for the property in question, is a zone primarily intended for urban commercial corridors with narrower streets, lower speed limits, and dense, mixed-use development located along the street. This means that there is typically less room along the street for freestanding signage, and signs do not need to be as tall or as large as in more auto-oriented areas with higher speeds, where higher and larger signs are easier to see for passing drivers. Therefore, the maximum height and surface area for freestanding signs in NC are significantly lower than in the Commercial (C) district, which is intended for auto-oriented development with parking lots in front of buildings. Although this property is zoned NC, it is located at a wide intersection with relatively auto-oriented commercial development on all sides, which is more characteristic of a C environment.

The large masonry base of the current sign also presents some practical difficulty in making the sign zoning compliant, as most of it would have to be demolished to meet those standards. Additionally, there is existing landscaping surrounding the base that the city would like to see maintained, meaning that the base must remain at least a few feet tall so that the actual signage is located over the top of the landscaping.

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

The variances recommended by staff are the minimum necessary for reasonable visibility of the sign. Approving variances for a maximum height of 12.5 ft and a maximum surface area of 95 sf (explained further in the analysis) would put the sign in the middle of the NC and C standards, which is appropriate given the current zoning and real-life context. As it currently stands, the sign is about 19.17 ft in height and 181.6 sf in area. This makes it not only over the 8 ft height and 32 sf area maximums for freestanding signs in NC, but also the 15 ft and 100 sf maximums in the Commercial district.

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

The variance does not correct a hardship caused by the owner of the property. The sign appears to have been on the property in its current state for at least 20 years.

## Analysis & Recommendation

**Analysis:** Although this property is zoned NC, the development on it and surrounding properties aligns more with C, meaning that a taller, larger sign that is closer to C standards could be warranted. The sign's large masonry base, and the landscaping surrounding it, also present hardships to shrinking the size of the existing sign.

Based on these factors, staff recommends approving a variance for a maximum sign height of 12.5', and a variance for a maximum sign area of 95 sf. This would require the petitioner to bring the base down to 3' in height – the point at which it would not count towards the sign area, but the actual signage would still be visible above the landscaping. The width of the base could stay the same, helping to reduce the amount of the base that would need to be demolished. The ornamental piece at the top of the sign would also have to be removed. However, the petitioner could keep the two sections of actual signage essentially the same size as they are currently, and swap out the current changeable copy section with an EMC like they are proposing. Overall, this new configuration would bring the sign more into zoning compliance; bring the height and size between the maximums allowed in NC and C, which fits with the local context; and reduce the amount of structural alterations that the petitioner would have to make to the existing signage.

**Staff Recommendation:** Based on the information provided prior to the public hearing, the staff recommends the Board approve the variances conditioned on the maximum area not exceeding 95 sf, and the maximum height not exceeding 12.5'.