

SOUTH BEND BOARD OF ZONING APPEALS

MINUTES

Monday, July 6, 2026
4:00 p.m.

3rd Floor, Council Chambers
City Hall, South Bend, IN

MEMBERS PRESENT: Mark Burrell, Francisco Fotia, Kaine Kanczuzewski, Caitlin Stevens

ALSO PRESENT: Tim Corcoran, Michael Divita, Brian Killen, Mark Dellostritto, Kelly Meehan, Tom Panowicz

PUBLIC HEARINGS:

- 1 The petition of BORKOWSKI JOHN W & KENNEDY KATHLEEN A HW seeking the following variance(s): from the 3' maximum height for a less than 50% open fence in a corner yard to 6' [21-09.02(c)], property located at 3421 NORTHSIDE BLVD. Zoned U1 Urban Neighborhood 1.** *(Audio Position: 03:00)*

STAFF REPORT

The staff report was presented by Mark Dellostritto .

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. This also assumes that any additional fence or decorative element above the 6' maximum height will be removed.

PETITIONER – Kathleen Kennedy, 3421 Northside Blvd, appeared virtually to present.

INTERESTED PARTIES

There was no one from the public to speak.

PUBLIC COMMENT

There was no one from the public to speak.

After careful consideration, the following action was taken:

Upon a motion by Kaine Kanczuzewski, being seconded by Caitlin Stevens and unanimously carried, a petition by BORKOWSKI JOHN W & KENNEDY KATHLEEN A HW seeking

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the following variances: 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)] was APPROVED as presented, and will issue written Findings of Fact.

Caitlin Stevens - Yes

Kaine Kanczuzewski - Yes

Mark Burrell -Yes

Francisco Fotia -Yes

- 2 The petition of HERITAGE TOWNHOMES LLC seeking the following 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)], property located at 715 ST. PETER and 743 SOUTH BEND AVE and 710 TURNOCK. Zoned U2 Urban Neighborhood 2.** *(Audio Position: 08:45)*

STAFF REPORT

The staff report was presented by Mark Dellostritto .

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.

PETITIONER – Chris Loftus, Milestone Fencing, appeared virtually to present on behalf of the petitioner.

INTERESTED PARTIES

There was no one from the public to speak.

PUBLIC COMMENT

There was no one from the public to speak.

After careful consideration, the following action was taken:

Upon a motion by Kaine Kanczuzewski, being seconded by Mark Burrell and unanimously carried, a petition by HERITAGE TOWNHOMES LLC seeking the following variances: 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)] was TABLED as presented.

Caitlin Stevens - Yes

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Kaine Kanczuzewski - Yes

Mark Burrell -Yes

Francisco Fotia -Yes

- 3 The petition of CHRISTOPHER CAPITAL CORPORATION seeking the following variance(s): from the 3' maximum height in S1 for a fence that is less than 50% open in a front yard to 5'; and from the 4' maximum height in S1 for a fence that is more than 50% open in a front yard to 5'1", property located at 1237 JEFFERSON BLVD and 1228 COLFAX AVE and 1237 JEFFERSON. Zoned S1 Suburban Neighborhood 1.**

(Audio Position: 13:26)

STAFF REPORT

The staff report was presented by Mark Dellostritto .

Analysis: It does not make sense for this gate to be subject to the zoning ordinance's standard fence rules. The primary function of this gate is not to serve as a typical fence, but to regulate access to the petitioner's driveway, which extends from Jefferson Boulevard through the property to Colfax Avenue and is occasionally mistaken for public right-of-way. Additionally, the gate will take up a very small percentage of the petitioner's very wide frontage along Jefferson Boulevard; the actual swinging gate will only be made up of two segments of fence-like material; and the support columns would be allowed without a variance if there was no wall connecting them, because technically, they would not constitute a fence.

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

PETITIONER – Christopher J. Murphy III, petitioner, appeared virtually to present Lanni Woodruff, Rootbound, appeared virtually to present as well.

INTERESTED PARTIES

There was no one from the public to speak.

PUBLIC COMMENT

Tim Corcoran, 215 S Dr Martin Luther King Blvd, appeared in person in support of the petition.

After careful consideration, the following action was taken:

Upon a motion by Mark Burrell, being seconded by Caitlin Stevens and unanimously carried, a petition by CHRISTOPHER CAPITAL CORPORATION seeking the following variances: from the 3' maximum height in S1 for a fence that is less than 50% open in a front yard to 5'; and from the 4' maximum height in S1 for a fence that is more than 50% open in a front yard to 5'1" [21-09.02(c)(1)] was APPROVED as presented, and will issue written Findings of Fact.

Caitlin Stevens - Yes
Kaine Kanczuzewski - Yes
Mark Burrell -Yes
Francisco Fotia -Yes

- 4 The petition of WELDY FAMILY REVOCABLE TRUST AND WELDY VERLYN R AND CELINE T AS TRUSTEES OF seeking the following variance(s): from the 3' maximum height of a less than 50% open fence in the corner yard to 6' [21-09.02(c)(1)], property located at 634 29TH ST. Zoned U1 Urban Neighborhood 1.**

(Audio Position:25:14)

STAFF REPORT

The staff report was presented by Mark Dellostritto .

Analysis: The proposed fence would be relatively short in length, and there would be a buffer made up of the petitioner's garage and an alley between the end of the fence and the property facing Hastings Street to the east. Also, 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 not very large. Finally, pushing the fence north off the sidewalk would require the relocation of existing flower beds, and the fence would be installed in the same place as the existing one, meaning that no additional negative impact would be generated.

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

PETITIONER – Lisa Buck, 634 29th St, appeared in person to present

INTERESTED PARTIES

There was no one from the public to speak.

PUBLIC COMMENT

There was no one from the public to speak.

After careful consideration, the following action was taken:

Upon a motion by Caitlin Stevens, being seconded by Kaine Kanczuzewski and unanimously carried, a petition by WELDY FAMILY REVOCABLE TRUST AND WELDY VERLYN R AND CELINE T AS TRUSTEES OF seeking the following variances: from the 3' maximum height of a less than 50% open fence in the corner yard to 6' [21-09.02(c)(1)] was APPROVED as presented, and will issue written Findings of Fact.

Caitlin Stevens - Yes

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Kaine Kanczuzewski - Yes
Mark Burrell -Yes
Francisco Fotia -Yes

- 5 The petition of LICHON JOHN PAUL JOSEPH & KATHRYN ANN HW seeking the following variance(s): From a rear extension maximum of one story that encroaches into a required rear setback for a primary structure, to 1.5 stories. [21.08-01(g)(16)(A)], property located at 1704 JEFFERSON BLVD. Zoned S1 Suburban Neighborhood 1.**

(Audio Position: 29:27)

STAFF REPORT

The staff report was presented by Mark Dellostritto .

Analysis: There is no hardship to justify this variance. There is nothing unique about the property that warrants the construction of a rear extension that is over the allowed height in terms of stories or feet.

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

PETITIONER – John Paul Lichon, 1704 Jefferson Blvd, appeared in person to present, John Spalding, Spalding Design Group, 106 LWE Mishawaka, appeared in person to present

INTERESTED PARTIES

There was no one from the public to speak.

PUBLIC COMMENT

Kevin Powers, 1616 Sunnymede, appeared in person in support of the petition.

After careful consideration, the following action was taken:

Upon a motion by Caitlin Stevens, being seconded by Mark Burrell and unanimously carried, a petition by LICHON JOHN PAUL JOSEPH & KATHRYN ANN HW seeking the following variances: From a rear extension maximum of one story that encroaches into a required rear setback for a primary structure, to 1.5 stories. [21.08-01(g)(16)(A)] was TABLED as presented.

Caitlin Stevens - Yes
Kaine Kanczuzewski - Yes
Mark Burrell -Yes
Francisco Fotia -Yes

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ITEMS NOT REQUIRING A PUBLIC HEARING

1. Findings of Fact - Upon a motion by Caitlin Stevens, and seconded by Mark Burrell and unanimously carried, the findings of fact from the June 1, 2026, Board of Zoning Appeals meeting were approved.
2. Minutes - Upon a motion by Mark Burrell, and seconded by Caitlin Stevens and unanimously carried, the minutes from the June 1, 2026, Board of Zoning Appeals meeting were approved.
3. Other Business – House Bill 1001 will be discussed at the July 27, 2027 Common Council Meeting.
4. Adjournment – 5:05pm

RESPECTFULLY SUBMITTED,



Francisco Fotia,
Chair

ATTEST:



Brian Killen,
Secretary of the Board