

SOUTH BEND BOARD OF ZONING APPEALS

MINUTES

Monday, May 4, 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
Tim Staub
Mark Dellostritto
Kelly Meehan
Jenna Throw

PUBLIC HEARINGS:

- 1 The petition of BUILDNOVATION LLC and Jose Guevara seeking a Special Exception to allow a Dwelling, 2 Units in U1 Urban Neighborhood 1 [21-03.03(c)], property located at 812 OAK ST. Zoned U1 Urban Neighborhood 1. *(Audio Position: NONE)***

STAFF REPORT

The staff report was presented by Tim Staub.

Analysis: The construction of a new duplex that is consistent with the scale and character of the surrounding neighborhood will provide additional housing units and fill in a lot that is currently vacant.

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.

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:

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Upon a motion by Caitlin Stevens, being seconded by Kaine Kanczuzewski and unanimously carried, a petition by BUILDNOVATION LLC seeking a Special Exception for a Dwelling, 2 Units in U1 Urban Neighborhood 1 [21-03.03(c)] for property located at 812 OAK ST, City of South Bend, is sent to the Common Council with a favorable recommendation, and will issue written Findings of Fact.

Caitlin Stevens - Yes
Kaine Kanczuzewsk - Yes
Mark Burrell - Abstain
Francisco Fotia - Yes

- 2 The petition of HOMEY LLC seeking a Special Exception to allow a Dwelling, 2 Units in U1 Urban Neighborhood 1 [21-03.03(c)], property located at 2525 BERTRAND ST. Zoned U1 Urban Neighborhood 1.** *(Audio Position: NONE)*

STAFF REPORT

The staff report was presented by Tim Staub.

Analysis: The construction of a new duplex that is consistent with the scale and character of the surrounding neighborhood will provide additional housing units and fill in a lot that is currently vacant.

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.

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 Caitlin Stevens, being seconded by Kaine Kanczuzewski and unanimously carried, a petition by HOMEY LLC seeking a Special Exception for a Dwelling, 2 Units in U1 Urban Neighborhood 1 [21-03.03(c)] for property located at 2525 BERTRAND ST, City of South Bend, is sent to the Common Council with a favorable recommendation, and will issue written Findings of Fact.

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

- 3 The petition of 1110 NORTH HUEY STREET LAND TRUST seeking a Special Exception to allow a Dwelling, 2 Units in U1 Urban Neighborhood 1 [21-03.03(c)], property located at 1110 HUEY ST. Zoned U1 Urban Neighborhood 1. (Audio Position: NONE)**

STAFF REPORT

The staff report was presented by Mark Dellostritto .

Analysis: This conversion of an existing single-family home that is consistent with the scale and character of the surrounding neighborhood into a duplex will provide additional housing units.

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.

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 Mark Burrell, being seconded by Kaine Kanczuzewski and unanimously carried, a petition by 1110 NORTH HUEY STREET LAND TRUST seeking a Special Exception for a Dwelling, 2 Units in U1 Urban Neighborhood 1 [21-03.03(c)] for property located at 1110 HUEY ST, City of South Bend, is sent to the Common Council with a favorable recommendation, and will issue written Findings of Fact.

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

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- 4 The petition of AFFORDABLE HOME MATTERS INDIANA LLC seeking a Special Exception to allow a Dwelling, 2 Units in U1 Urban Neighborhood 1 [21-03.03(c)], property located at 505 BLAINE AVE AND 507 BLAINE AVE. Zoned U1 Urban Neighborhood 1.**
(Audio Position: NONE)

STAFF REPORT

The staff report was presented by Mark Dellostritto .

Analysis: The construction of a new duplex that is consistent with the scale and character of the surrounding neighborhood will provide additional housing units. This new duplex will be constructed across two currently vacant lots.

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.

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 Mark Burrell, being seconded by Caitlin Stevens and unanimously carried, a petition by AFFORDABLE HOME MATTERS INDIANA LLC seeking a Special Exception for a Dwelling, 2 Units in U1 Urban Neighborhood 1 [21-03.03(c)] for property located at 505 BLAINE AVE AND 507 BLAINE AVE, City of South Bend, is sent to the Common Council with a favorable recommendation, and will issue written Findings of Fact.

Caitlin Stevens - Yes

Kaine Kanczuzewski - Yes

Mark Burrell - Yes

Francisco Fotia - Yes

- 5 The petition of HYMES ROBERT & JULIA HW 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 1329 PYLE AVE. Zoned S1 Suburban Neighborhood 1.**
(Audio Position: NONE)

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STAFF REPORT

The staff report was presented by Brian Killen.

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 not very large to begin with. Many of the petitioner's neighbors also have similar fences in their corner yards, meaning that this proposal is consistent with the local context. The house to the south that might be the most affected by this variance is facing the opposite direction, limiting the impact on that property. Finally, placing the fence a few feet off the sidewalk will provide a bit more comfort for pedestrians.

Staff Recommendation: Based on the information provided prior to the public hearing, the staff recommends the Board approve the variance as written, conditional on the fence being built no closer than 3' from the sidewalk.

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 Mark Burrell, being seconded by Caitlin Stevens and unanimously carried, a petition by HYMES ROBERT & JULIA HW 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

Kaine Kancuzewski - Yes

Mark Burrell -Yes

Francisco Fotia -Yes

- 6 The petition of SKAGGS ASA S & KAYLA R 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 1001 31ST ST. Zoned U1 Urban Neighborhood 1. (Audio Position: NONE)**

STAFF REPORT

The staff report was presented by Mark Dellostritto .

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Analysis: 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 not very large to begin with. There are also many similar fences situated along Vine Street, and the house to the west that might be the most affected by this variance is facing the opposite direction, limiting the impact on that property. Finally, replacing the fence in the same place as the existing one will maintain a small setback from the sidewalk that provides a bit more comfort for pedestrians, and there is a very active use across Vine Street that makes additional privacy desirable.

Staff Recommendation: Based on the information provided prior to the public hearing, the staff recommends the Board approve the variance as written, conditional on the fence being placed in line with the existing one and no closer to the northern property line.

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 Caitlin Stevens, being seconded by Kaine Kanczuzewski and unanimously carried, a petition by SKAGGS ASA S & KAYLA R seeking the following variances: from the 3' maximum height for a less than 50% open fence in a corner yard to 6' [21-09.02(c)] was approved as presented, and will issue written Findings of Fact.

Caitlin Stevens - Yes

Kaine Kanczuzewski - Yes

Mark Burrell -Yes

Francisco Fotia -Yes

- 7 The petition of IMUS CORRINA & WILSON NICHOLAS 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 1222 35TH ST. Zoned U1 Urban Neighborhood 1.** *(Audio Position: NONE)*

STAFF REPORT

The staff report was presented by Tim Staub.

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Analysis: Regularly the BZA grants corner yard privacy fences; however, those often involve smaller yards in denser contexts. This proposed fence significantly exceeds others granted in the past with a long run along the sidewalk and full encroachment into a large corner yard.

Additionally, there are no comparable properties within the neighborhood with any corner yard fence exceeding 4'. Staff does recommend a more limited encroachment to achieve the desired effect of outdoor privacy without significant encroachment. Another option to establish full privacy would be to install a 4' 50% open fence in the corner yard and supplement it with landscaping that can provide the intended privacy.

Staff Recommendation: Staff recommends approval of the variance with the following conditions: 1) the privacy fence encroaching the corner setback shall be established at the southeast corner of the property, but must run westward, parallel to the facade of the house and not along the south lot line; 2) the privacy fence encroaching the corner setback shall go no further westward than the southeast corner of the house.

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 Mark Burrell, being seconded by Kaine Kanczuzewski and unanimously carried, a petition by IMUS CORRINA & WILSON NICHOLAS seeking the following variances: from the 3' maximum height for a less than 50% open fence in a corner yard to 6' [21-09.02(c)] was approved as presented, and will issue written Findings of Fact.

Caitlin Stevens - Yes

Kaine Kanczuzewski - Yes

Mark Burrell -Yes

Francisco Fotia -Yes

- 7 The petition of IMUS CORRINA & WILSON NICHOLAS seeking the following variance(s): from the 3' maximum height of a less than 50% open fence in a corner yard to 6' [21-09.02(c)(1)], property located at 1222 35TH ST. Zoned U1 Urban Neighborhood 1. (Audio Position: NONE)**

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STAFF REPORT

The staff report was presented by Tim Staub.

Analysis: Regularly the BZA grants corner yard privacy fences; however, those often involve smaller yards in denser contexts. This proposed fence significantly exceeds others granted in the past with a long run along the sidewalk and full encroachment into a large corner yard.

Additionally, there are no comparable properties within the neighborhood with any corner yard fence exceeding 4'. Staff does recommend a more limited encroachment to achieve the desired effect of outdoor privacy without significant encroachment. Another option to establish full privacy would be to install a 4' 50% open fence in the corner yard and supplement it with landscaping that can provide the intended privacy.

Staff Recommendation: Staff recommends approval of the variance with the following conditions: 1) the privacy fence encroaching the corner yard shall be established at the southeast corner of the property, but must run westward, parallel to the facade of the house and not along the south lot line; 2) the privacy fence encroaching the corner yard shall go no further westward than the southeast corner of the house.

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:

- 8 The petition of FLORES MARIA and Maris Perez seeking the following variance(s): To increase the maximum number of detached accessory buildings on a U1 lot from one (1) to two (2) [21-06.02(e)]; and To permit the total area of all detached accessory structures to exceed the main floor area of the primary structure by 112 square feet (816 square feet to 928 square feet) [21-06.02(c)(1)], property located at 306 BOWMAN ST and 302 BOWMAN ST. Zoned U1 Urban Neighborhood 1. (Audio Position: NONE)**

STAFF REPORT

The staff report was presented by Tim Staub.

Analysis: As the existing garage is embedded into the home's embankment, it is extremely difficult to expand without significant earthwork and the removal of established vegetation. With this in mind, a second accessory structure would permit the property owner full use of the maximum footprint for accessory structures. The new garage should be placed on the 306 Bowman Street lot at least 5' from the alley and side lot lines to allow any future development to

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use the garage and lot. It should also not exceed the primary structures main floor area when combined with the existing garage to avoid creating a precedent.

Staff Recommendation: Based on the information provided prior to the public hearing, the staff recommends the Board deny the total area variance and approve the maximum number of detached accessory structures variance, conditioned on the new accessory structure being built on 306 Bowman Street to be compliant with all setbacks for that lot.

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 , being seconded by and unanimously carried, a petition by FLORES MARIA seeking the following variances: To increase the maximum number of detached accessory buildings on a U1 lot from one (1) to two (2) [21-06.02(e)]; and To permit the total area of all detached accessory structures to exceed the main floor area of the primary structure by 112 square feet (816 square feet to 928 square feet) [21-06.02(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

- 9 The petition of CRESSY & EVERETT INC seeking the following 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)], property located at 332 IRONWOOD DR. Zoned NC Neighborhood Center. *(Audio Position: NONE)***

STAFF REPORT

The staff report was presented by Mark Dellostritto .

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.

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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'.

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 , being seconded by and unanimously carried, a petition by CRESSY & EVERETT INC seeking the following variances: 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)] was tabled as presented.

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

ITEMS NOT REQUIRING A PUBLIC HEARING

1. Findings of Fact

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2. Minutes

3. Other Business

4. Adjournment

RESPECTFULLY SUBMITTED,

FRANCISCO FOTIA,
Chair

ATTEST:

BRIAN KILLEN,
Secretary of the Board