

City of South Bend

BOARD OF ZONING APPEALS

South Bend Board of Zoning Appeals AGENDA

Monday, July 6, 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:** 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:** 1237 JEFFERSON BLVD BZA#0426-26
Owner: CHRISTOPHER CAPITAL CORPORATION
Requested Action: Variance(s): 1) from the 3' maximum height for a fence that is less than 50% open in a front yard to 5'; and 2) from the 4' maximum height for a fence that is more than 50% open in a front yard to 5'1" [21-09.02(c)(1)]
Zoning: S1 Suburban Neighborhood 1
- Location:** 634 29TH ST BZA#0427-26
Owner: WELDY FAMILY REVOCABLE TRUST AND WELDY VERLYN R AND CELINE T AS TRUSTEES OF
Requested Action: 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)]
Zoning: U1 Urban Neighborhood 1
- Location:** 1704 JEFFERSON BLVD BZA#0431-26
Owner: LICHON JOHN PAUL JOSEPH & KATHRYN ANN HW
Requested Action: 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)]
Zoning: S1 Suburban Neighborhood 1

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

ITEMS NOT REQUIRING A PUBLIC HEARING:

1. Findings of Fact – June 1, 2026
2. Minutes – June 1, 2026
3. Other Business – House Bill 1001 Public Hearing
4. 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: 3421 NORTHSIDE BLVD
Owner: BORKOWSKI JOHN W & KENNEDY KATHLEEN A HW

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.

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)]

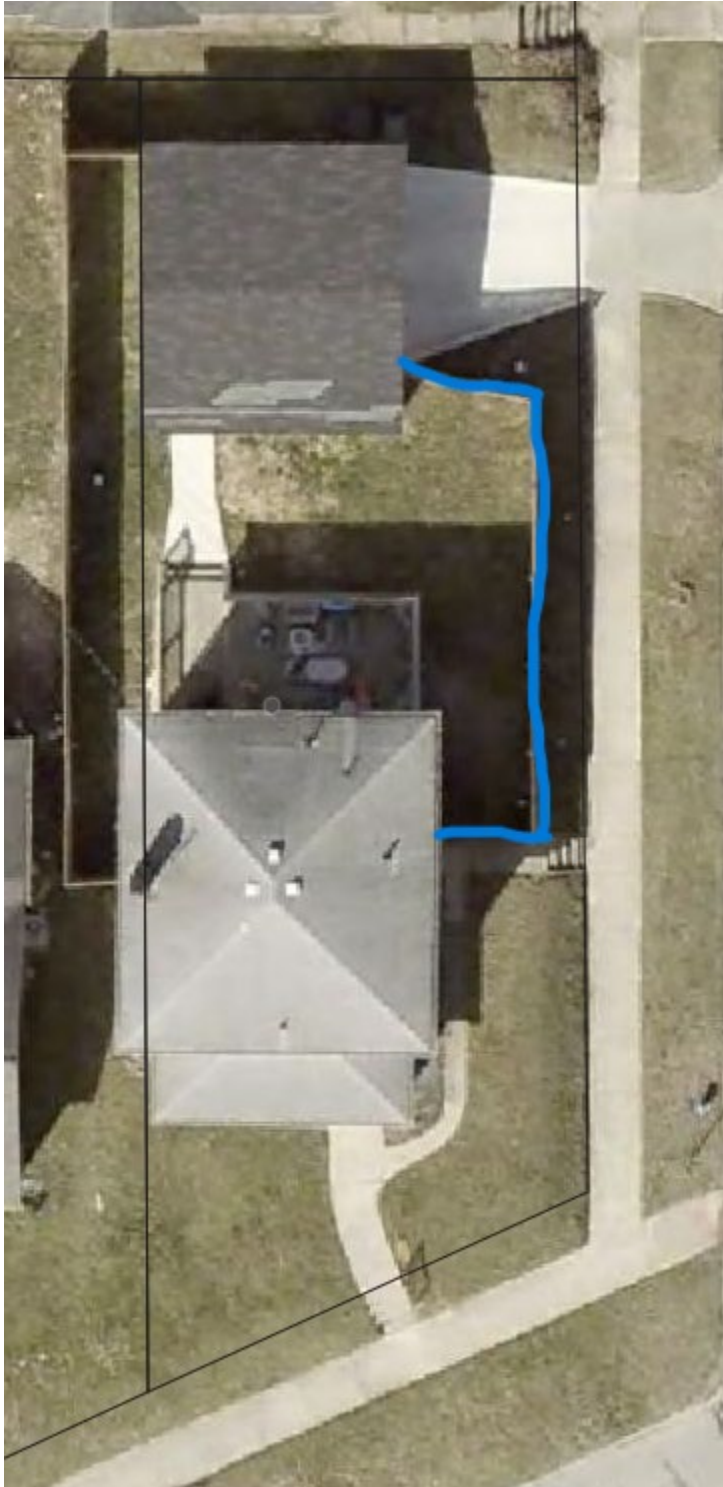
Site Location



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 caused 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

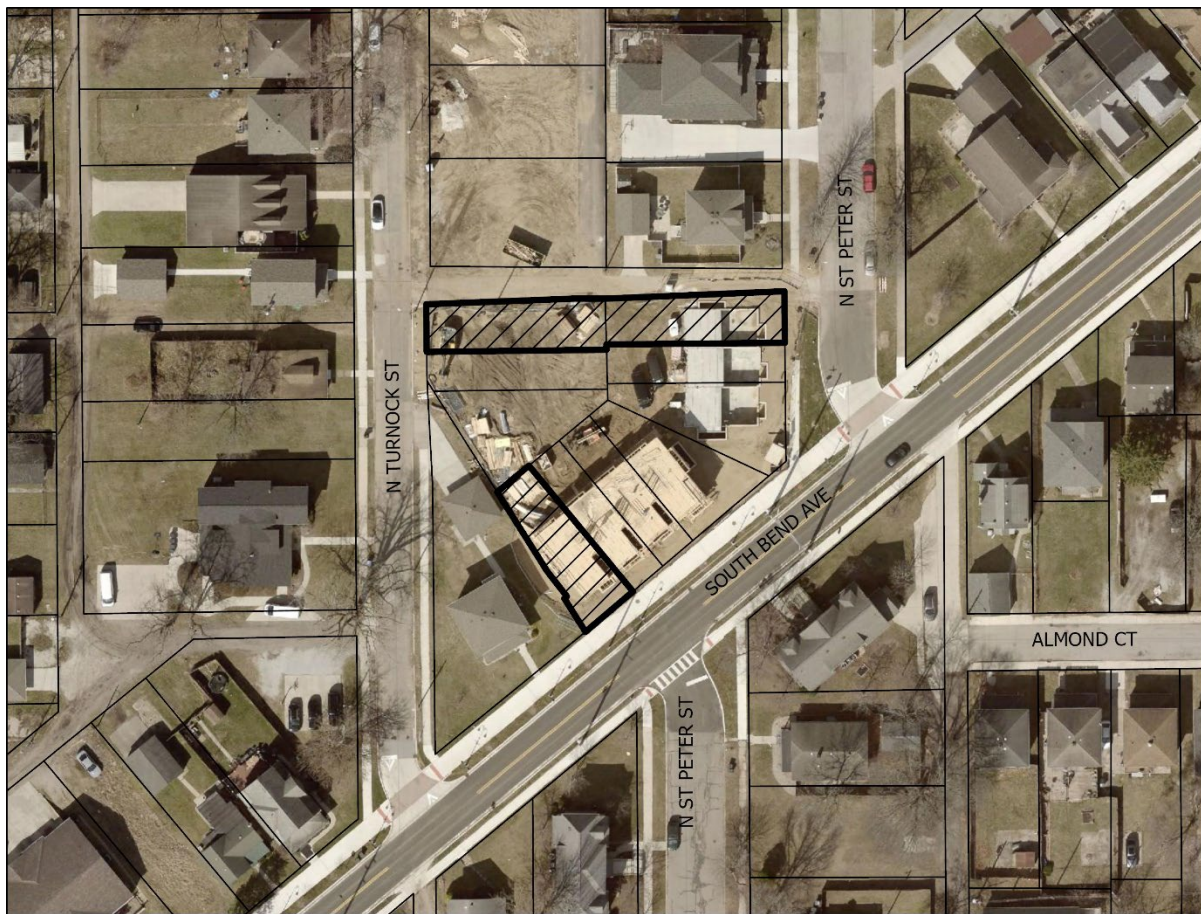
Project Summary

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)]

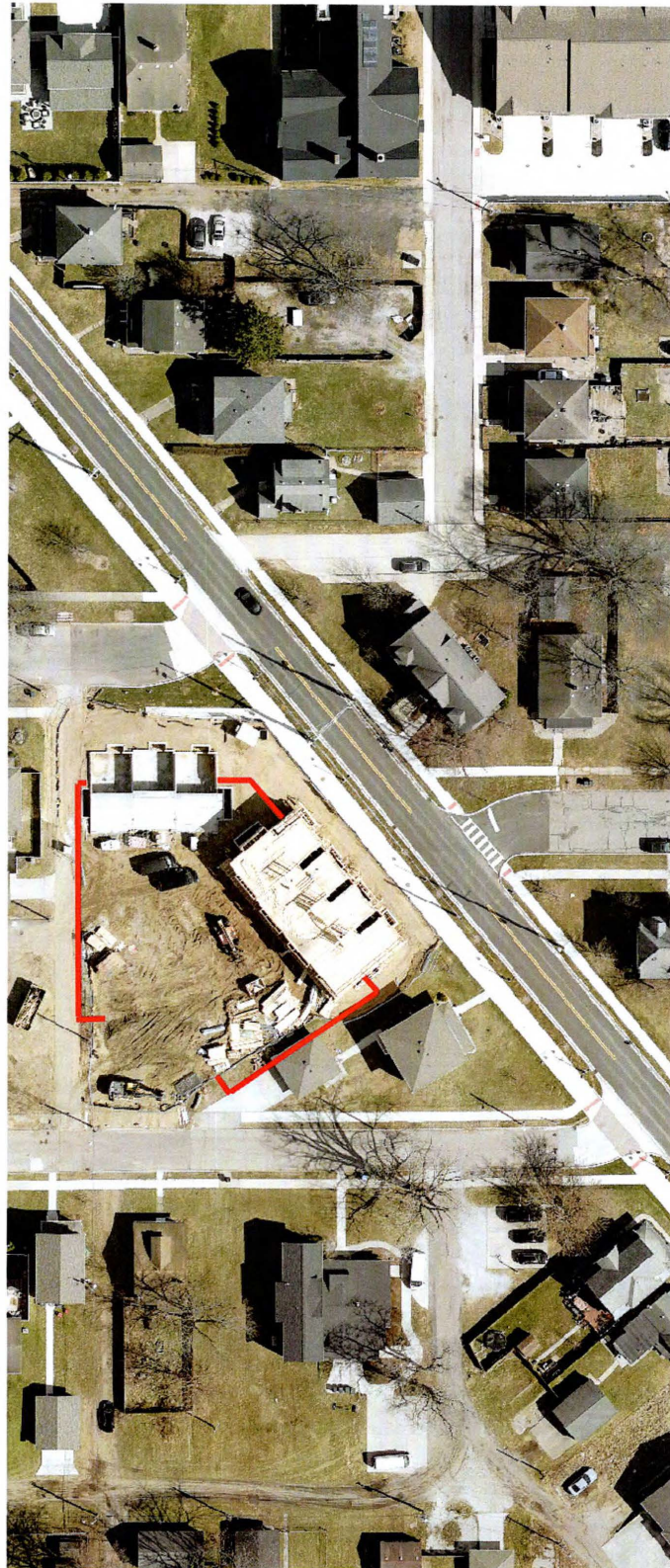
Site Location



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 caused 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: 1237 JEFFERSON BLVD and 1228 COLFAX AVE and 1237 JEFFERSON
Owner: CHRISTOPHER CAPITAL CORPORATION

Project Summary

The petitioner wishes to build an entrance gate at the end of their driveway.

Requested Action

Variance(s): from the 3' maximum height in S1 for a fence that is less than 50% open in a front yard to 5'
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)]

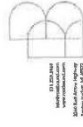
Site Location



Staff Recommendation

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

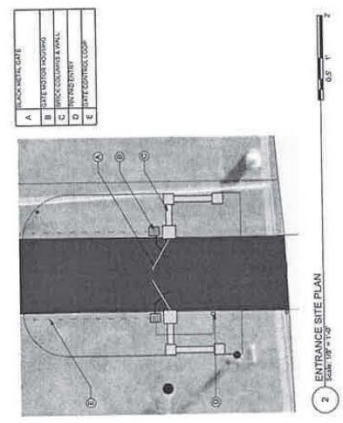
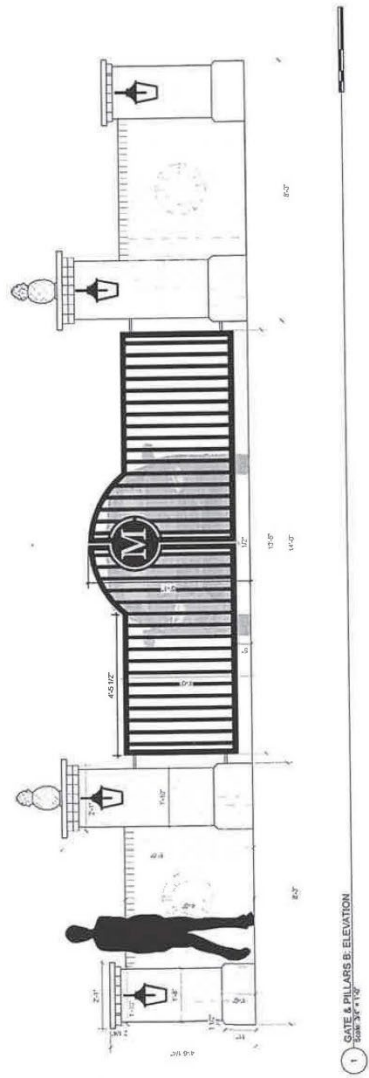
Proposed Site Plan



Rootbound, LLC
 1209 S. Jefferson Blvd.
 South Bend, IN 46617

PROJECT PART I

Gate & Pillars C



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 gate will generally match those located at surrounding properties, and will be set back from the sidewalk to minimize the impact on pedestrians using that sidewalk.


(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. Other nearby properties have similarly designed posts and gates at the ends of their driveways, meaning that this will fit within the surrounding context.

(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 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. Because of this, motorists occasionally attempt to use the driveway to connect between the streets. The placement of the house and the trees in front of it that obscure it from view can make the driveway appear more like an alley or a street than a private drive. However, the zoning ordinance does not discriminate between fences and entrance gates, nor between fences or fence-like structures of different lengths and on differently-sized properties. Therefore, this structure is subject to the standard fence rules for the S1 district, despite it taking up a very small percentage of the petitioner's very wide frontage along Jefferson Boulevard; the actual swinging gate only being made up of two segments of fence-like material; and the support columns being allowed without a variance if there was no wall connecting them, because then they would not technically constitute a fence. For all of these reasons pertaining to the gate's use and design, it does not make sense for the gate to be subject to those standard fence rules, creating the rationale for this variance.

(4) The variance granted is the minimum necessary

The variances granted are the minimum necessary. The height of the proposed gate is the minimum needed for it to accomplish its goal of regulating access to the petitioner's property in an architecturally appropriate way. 

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

The variances granted do not correct a hardship caused the owner of the property. The lot configuration and house location were established many decades before the owner bought the property, and there is also the hardship that the ordinance does not discriminate between fences and entrance gates such as this one. These structures serve different

purposes and are often distinct architecturally, meaning that the typical fence standards are difficult to apply in this case.

Analysis & Recommendation

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.

Property Information

Location: 634 29TH ST

Owner: WELDY FAMILY REVOCABLE TRUST AND WELDY VERLYN R AND CELINE T AS TRUSTEES OF

Project Summary

The petitioner seeks to rebuild an existing solid fence in their corner yard at a 6' height.

Requested Action

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)]

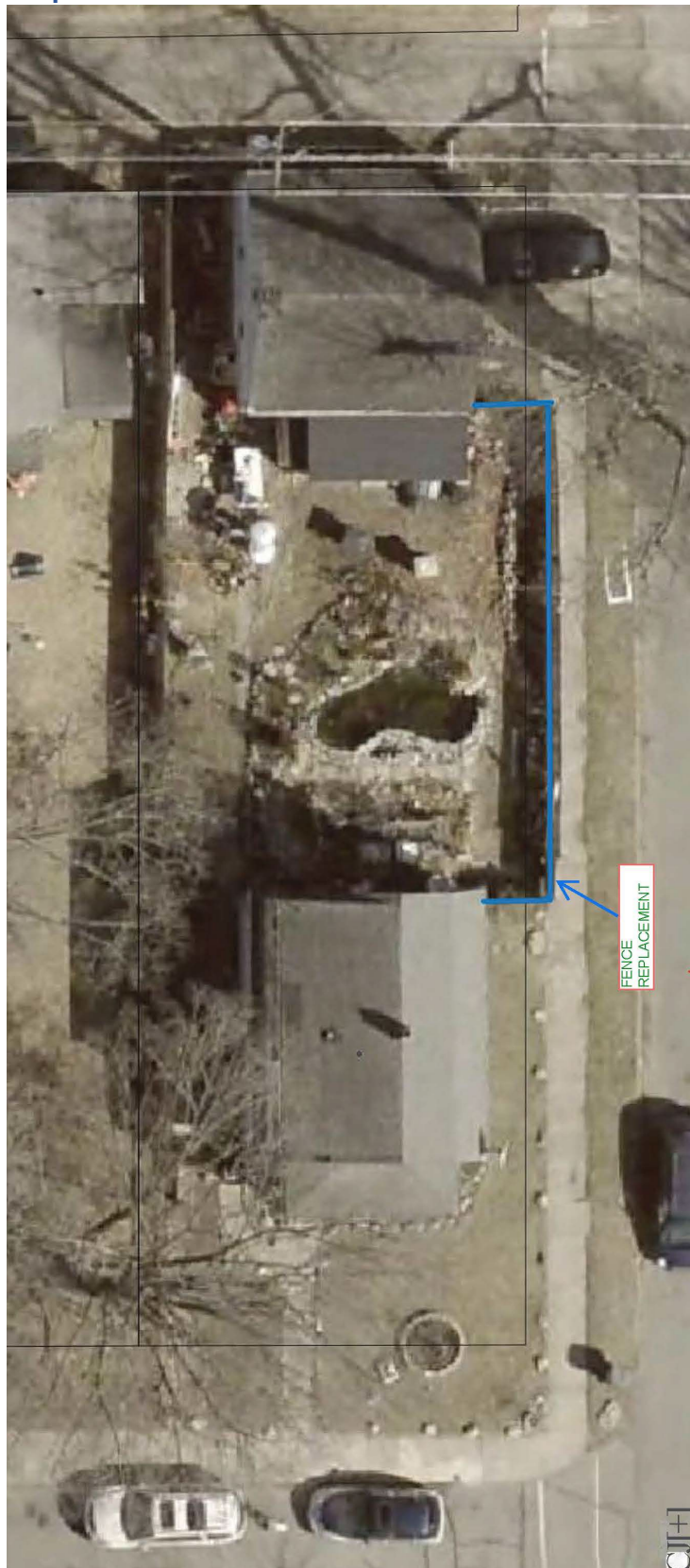
Site Location



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. Having a corner privacy fence against the sidewalk can have a negative impact on the pedestrian experience. However, this is typically a small impact on the general welfare, especially in a case like this when the fence is relatively short in length.

(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 against the sidewalk can have a negative impact on the pedestrian experience, potentially impacting the value of the area, but such impact will likely be very small, if any. The new fence will also be rebuilt in the same location as the existing fence, meaning that any such impact will not be larger than established conditions. Meanwhile, an alley and a garage are located in between the end of the fence and the property to the east of this one, reducing the effect on the property that may be the one most impacted by this variance approval.

(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, while relatively standard for an typical urban lot in South Bend, is not very large, and building a privacy fence at the desired height in the rear yard (as allowed by the ordinance without a variance) would significantly reduce the size of their backyard and impact the usability of their property.

(4) The variance granted is the minimum necessary

The variance granted is the minimum necessary. The new fence will be located in the same position as the existing one, and pushing it back from the sidewalk would significantly shrink the usable area of the petitioner's relatively small backyard. It would also require them to move established flower beds that are currently located just behind the existing fence.

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

The variance granted does not correct a hardship caused by the owner of the property. The size of the lot and the placement of the house were decided decades ago by entities other than the current owner.

Analysis & Recommendation

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.

Property Information

Location: 1704 JEFFERSON BLVD
Owner: LICHON JOHN PAUL JOSEPH & KATHRYN ANN HW

Project Summary

The project will involve removing the existing detached garage and building a 1.5-story addition onto the rear of the home, as well as some minor alterations to the existing home.

Requested Action

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)]

Site Location



Staff Recommendation

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

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 would not be injurious to the public health, safety, morals, and general welfare of the community. The rear extension would be within the required setbacks and match the character of the surrounding 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 properties located to the east and south of the petitioner’s property could be impacted by this variance approval, as it would allow for a greater bulk than is typically allowed within just a few feet of the rear and side setback lines.

(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 the property. The relatively large existing house and detached garage, as well as the house with a code-compliant rear extension built to only one story and shorter than 18’ in height, would both still be usable as a single-family dwelling.

(4) The variance granted is the minimum necessary

The variance granted is not the minimum necessary. The minimum necessary in this case is a code-compliant rear extension, since there is nothing unique about the lot that is preventing the petitioner from building to only one story and shorter than 18’ in height.

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

The variance granted does correct a hardship caused the current owners of the property. There is nothing unique about the property that warrants the building of a rear extension that is over one story and taller than 18’ in height. The hardship seems to be stemming from the petitioner wanting to add additional square footage to their home.

Analysis & Recommendation

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.