

City of South Bend

BOARD OF ZONING APPEALS

AGENDA

Tuesday, September 2, 2025 - 4:00 p.m.

County-City Building

Fourth-Floor Council Chambers

www.tinyurl.com/sbbza-2025

[Meeting Recordings - https://tinyurl.com/BZAmeeingrecordings](https://tinyurl.com/BZAmeeingrecordings)

PUBLIC HEARING:

1. **Location:** 1026 ST LOUIS BLVD BZA#0339-25
Owner: Kerrigan Family Trust
Requested Action: Variance(s): from a two (2) car garage to a three (3) car garage [21-05.02(f)(4)(A)]
Zoning: U1 Urban Neighborhood 1
2. **Location:** 613 SOUTH BEND AVE BZA#0362-25
Owner: R SQUARED ENTERPRISES LLC
Requested Action: Variance(s): from a 4' maximum height of a 50% open fence in the front yard to 6' (21-03.04 (i)).
Zoning: U2 Urban Neighborhood 2
3. **Location:** 945 28TH ST BZA#0363-25
Owner: DIGIROLAMO KAYLA
Requested Action: Variance(s): from a 3' maximum fence height in the corner yard to 6' (21-03.03 (i)).
Zoning: U1 Urban Neighborhood 1
4. **Location:** 2114 JEFFERSON BLVD BZA#0364-25
Owner: ST ANTHONY DE PADUA CATHOLIC CHURCH
Requested Action: Variance(s): from a 4' maximum height of a 50% open fence in the front and corner yards to 6' (21-03.01 (i)).
Zoning: S1 Suburban Neighborhood 1
5. **Location:** 929 FRANCES ST BZA#0365-25
Owner: MICKI AND RICHARD KIDDER
Requested Action: Variance(s): from the 5' maximum Frontage type encroachment to 7.5' (21-03.03(g)); from the 20' minimum distance for an ancillary dwelling unit from the rear lot line without alley access to 5' (21-03.03(f)); and from the 10' minimum corner setback to 8.5' (21-03.03(d)).
Zoning: U1 Urban Neighborhood 1

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

6. **Location:** 1133 HARVEY ST and 522 BLAINE AVE BZA#0366-25
Owner: AFFORDABLE HOMEMATTERS INDIANA, LLC
Requested Action: Special Exception: Dwelling, 2 Units in U1 Urban Neighborhood 1 (21-06.01(j)(3))
Zoning: U1 Urban Neighborhood 1

ITEMS NOT REQUIRING A PUBLIC HEARING:

1. Findings of Fact – August 4, 2025
2. Minutes - August 4, 2025
3. Other Business
4. Adjournment

Board Member	Appointing Agency	Term Start	Term End
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

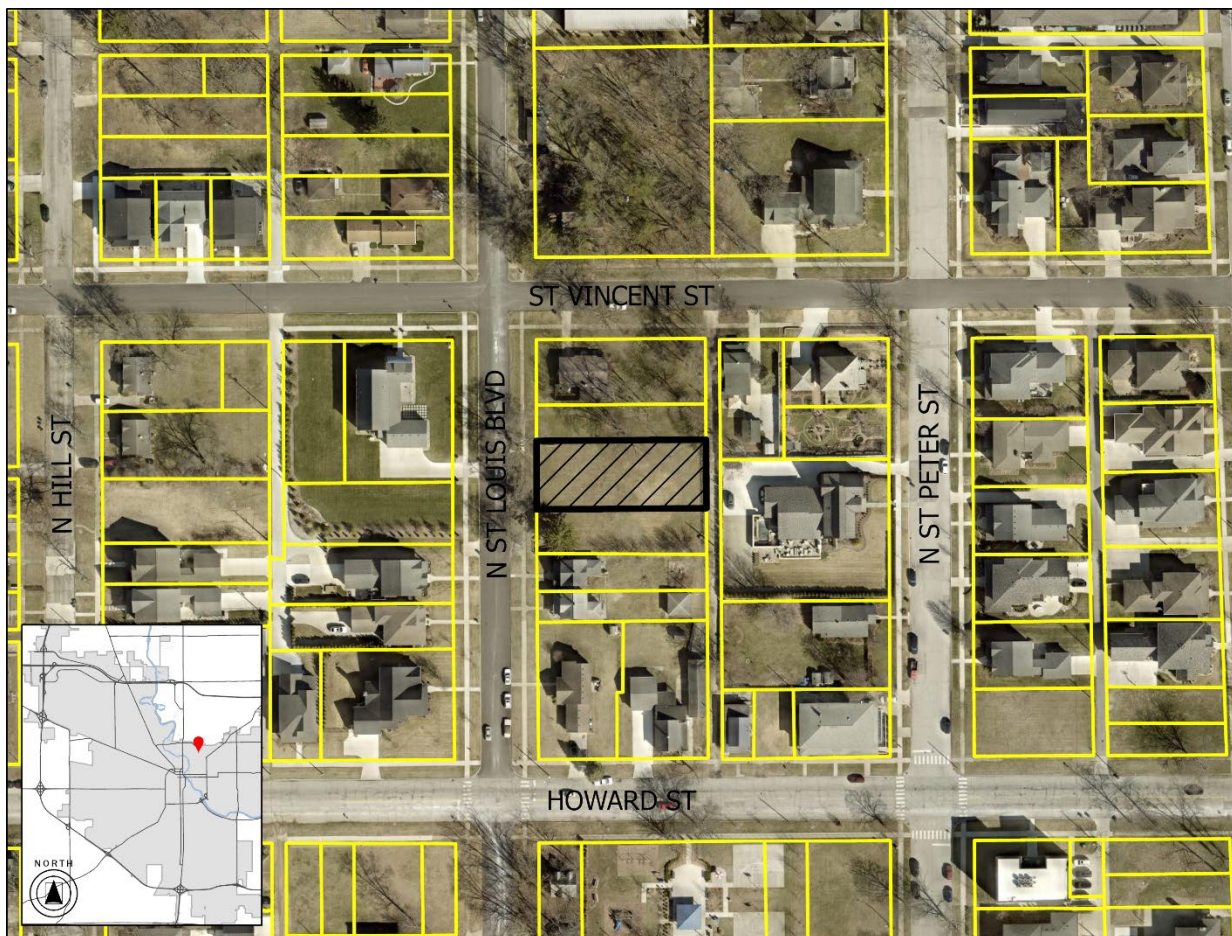
Location: 1026 ST LOUIS BLVD
Owner: Kerrigan Family Trust

Project Summary

The petitioner seeks to establish a third bay in the garage to permit the parking of three cars.

Requested Action

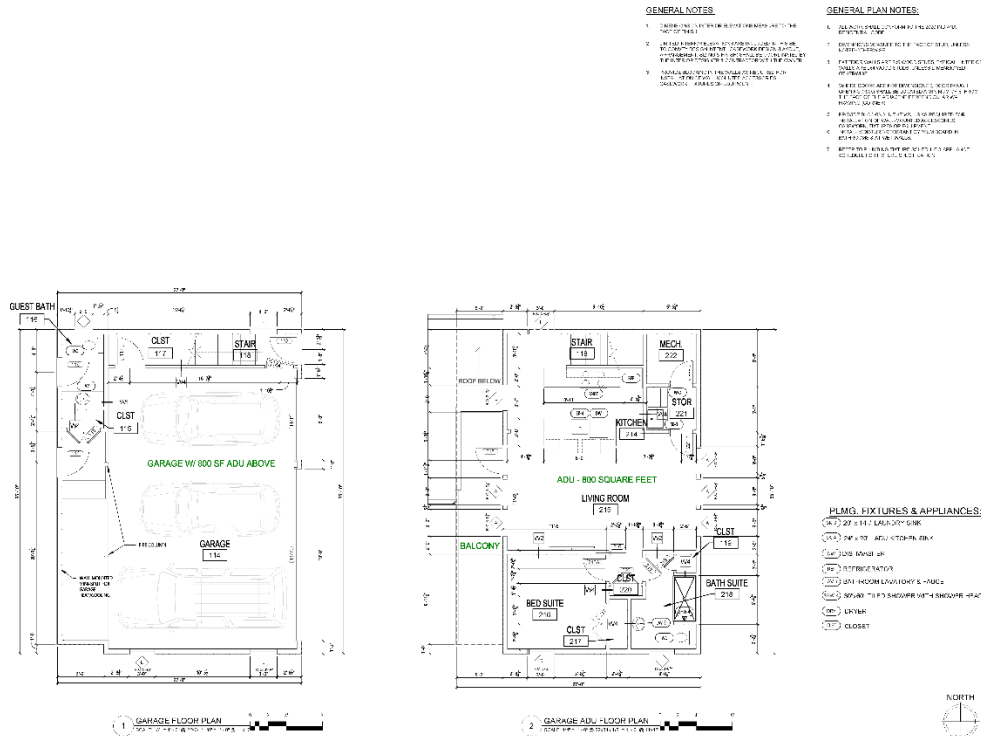
Variance(s): from a two (2) car garage to a three (3) car garage [21-05.02(f)(4)(A)i]

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



KAP. 22022

KERRIGAN RESIDENCE

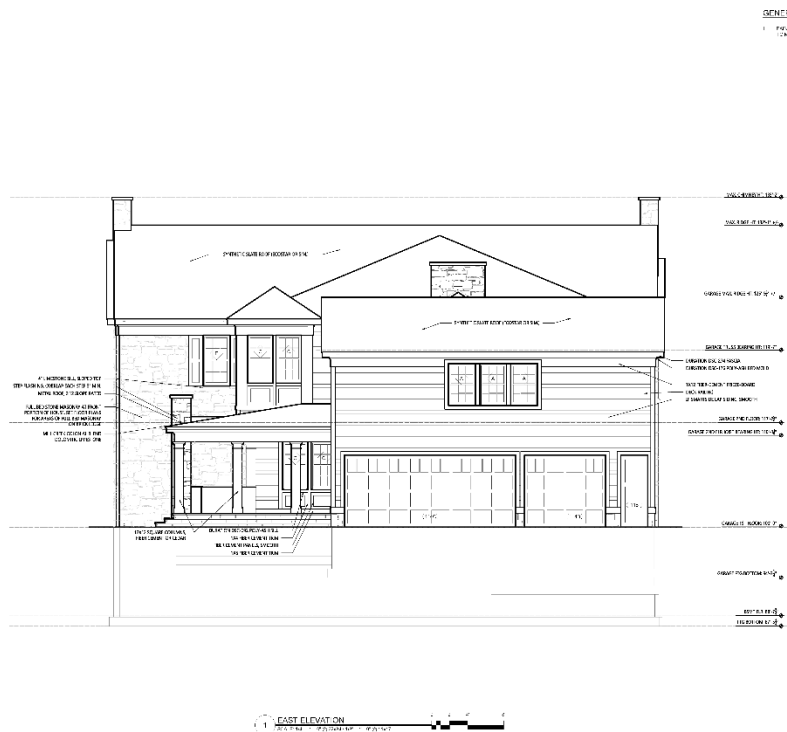
1025 N. St. Louis
Boulevard
South Bend, IN
46517

GARAGE & GARAGE ADU

CONSTRUCTION DOCUMENTS
SHEET A1.3

NO.	REVISION
1	ISSUED FOR PERMIT
2	ISSUED FOR PERMIT
3	ISSUED FOR PERMIT
4	ISSUED FOR PERMIT
5	ISSUED FOR PERMIT

A1.3



KAP. 22022

KERRIGAN RESIDENCE

1025 N. St. Louis
Boulevard
South Bend, IN
46517

EAST ELEVATION

CONSTRUCTION DOCUMENTS
SHEET A2.6

NO.	REVISION
1	ISSUED FOR PERMIT
2	ISSUED FOR PERMIT
3	ISSUED FOR PERMIT
4	ISSUED FOR PERMIT
5	ISSUED FOR PERMIT

A2.6

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. It is adding a garage bay to an approved structure.

(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 structure itself is by right, this is opening a wall to be a garage bay.

(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 no practical difficulties in the use of the property. The owner can still use the garage as it functions and has 70' of frontage to park on the street for additional vehicles.

(4) The variance granted is the minimum necessary

The variance granted would be the minimum necessary. It is increasing the number of garage bays permitted in the NNZO from two (2) to three (3).

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

The variance granted is correcting a hardship caused by the current owner of the property. This is the hardship of not being able to store three (3) vehicles in a garage instead of two (2) as laid out by the building plans.

Analysis & Recommendation

Analysis: With a two car garage and available on street parking spaces, the lack of a third garage bay would not present a hardship.

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

Property Information

Location: 613 SOUTH BEND AVE
Owner: R SQUARED ENTERPRISES LLC

Project Summary

Installing a 6' fence along South Bend Ave in the front yard

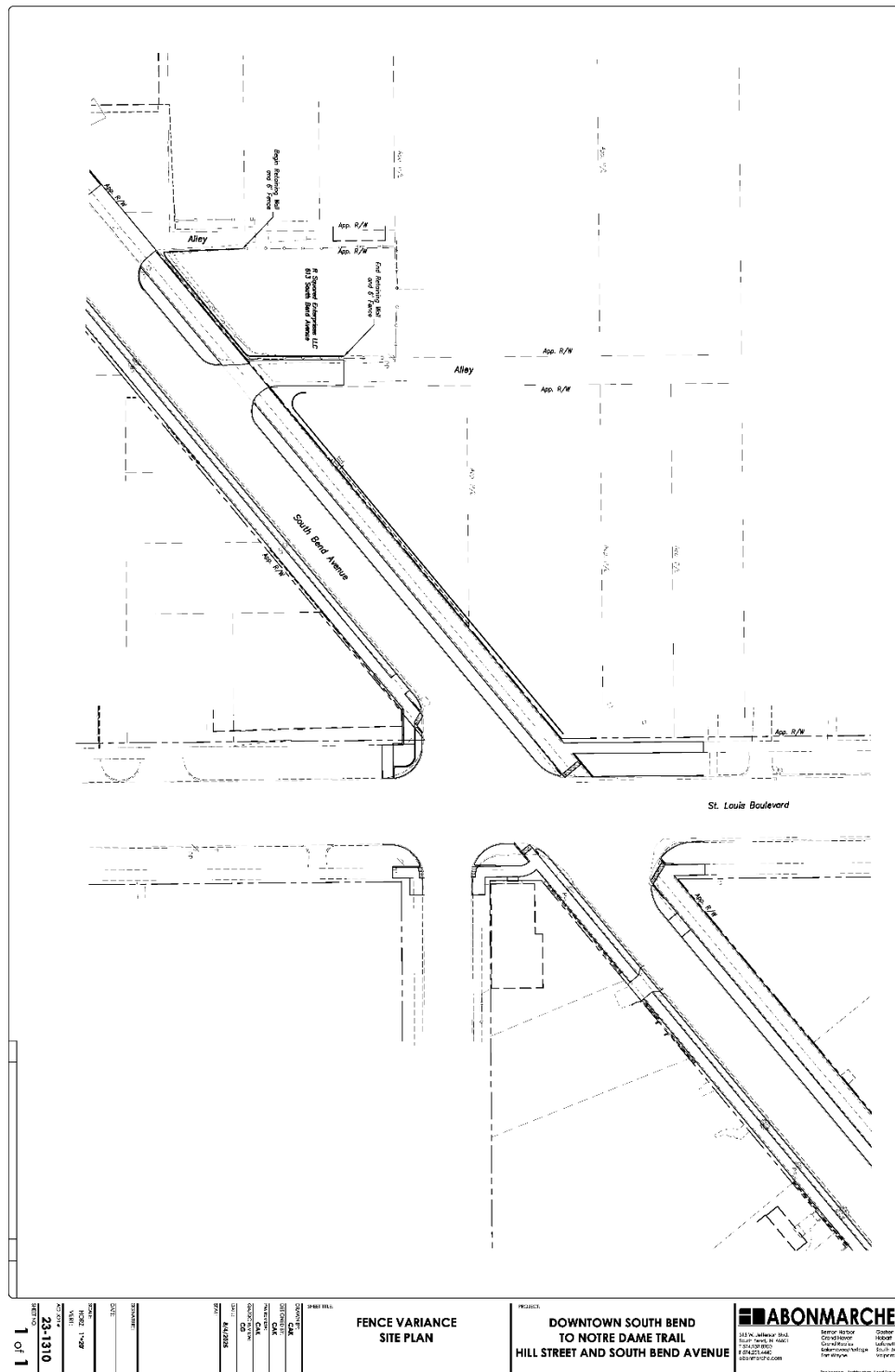
Requested Action

Variance(s): from the 4' maximum height of a 50% open fence in the front and corner yard to 6'

Site Location**Staff Recommendation**

Based on the information provided prior to the public hearing, the staff recommends the Board approve the variance 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. Although tall fences along sidewalks and trails can have a negative impact on the pedestrian and cyclist experience, this short section of fence will be decorative, helping to minimize said impact. It will also be replacing an old barbed wire fence, making this stretch of the city's new trail adjacent to the property safer.

(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 new fence will be decorative and more visually appealing than the existing legal nonconforming barbed wire fence. Relatedly, it will provide a better experience for pedestrians and cyclists on the city's new Link Trail adjacent to the property compared to the existing fence.

(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 as is.

(4) The variance granted is the minimum necessary

The variance granted is the minimum necessary. The new fence will be the same height as the existing fence and, with the removal of the barbed wire, it will be in greater compliance with the zoning ordinance.

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

The variance does not correct a hardship caused by a former or current owner of the property. The City renovated a retaining wall on the property below the fence as part of a recent streetscape project, requiring the replacement of the existing fence.

Analysis & Recommendation

Analysis: The City renovated a retaining wall on the property, requiring the replacement of the existing fence. The new fence will not be taller than the existing one, will be in greater compliance due to the removal of the existing barbed wire, and will provide a better and safer pedestrian and cyclist experience along the city's new trail adjacent to the property.

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: 945 28TH ST
Owner: DIGIROLAMO KAYLA

Project Summary

Property owner seeks to rebuild an existing solid fence in the corner yard to 6' height

Requested Action

Variance(s): from a 3' maximum fence height in the corner yard to 6'

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 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 will be 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 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 become larger than it may already be.

(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. Building a corner fence on this lot at the mandated height would make it much easier for balls from the neighboring athletic facility to come into the petitioner's back yard, which they have said already happens. Meanwhile, building a privacy fence at the desired height in the rear yard, as required by the ordinance, would significantly reduce the size of the petitioner's backyard while essentially walling off a significant portion of their yard outside of the fence, creating a dead zone between the fence and the sidewalk. It would also require the removal of an existing mature tree in the rear yard.

(4) The variance granted is the minimum necessary

The variance granted is the minimum necessary. The new fence would be rebuilt in the same place as the existing one, which provides a bit of a buffer between itself and the sidewalk while maximizing the use of the petitioner's property, specifically their 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 by the owner of the property. The size of the lot, the siting of the neighboring athletic facility, and the placement of the existing tree that is in the way of a rear yard fence were all decided by entities other than the current owner.

Analysis & Recommendation

Analysis: The property's location next to a popular athletic facility warrants the desire for a 6' privacy fence, but constructing said fence in line with the corner facade of the home to place it in the rear yard would require the removal of a mature tree, while also significantly shrinking the petitioner's backyard and hindering their use of that space. By rebuilding the fence in its existing location, the petitioner would also not be increasing their nonconformance.

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: 2114 JEFFERSON BLVD
Owner: ST ANTHONY DE PADUA CATHOLIC CHURCH

Project Summary

Property owner seeks to build a 6' fence in the front and corner yards

Requested Action

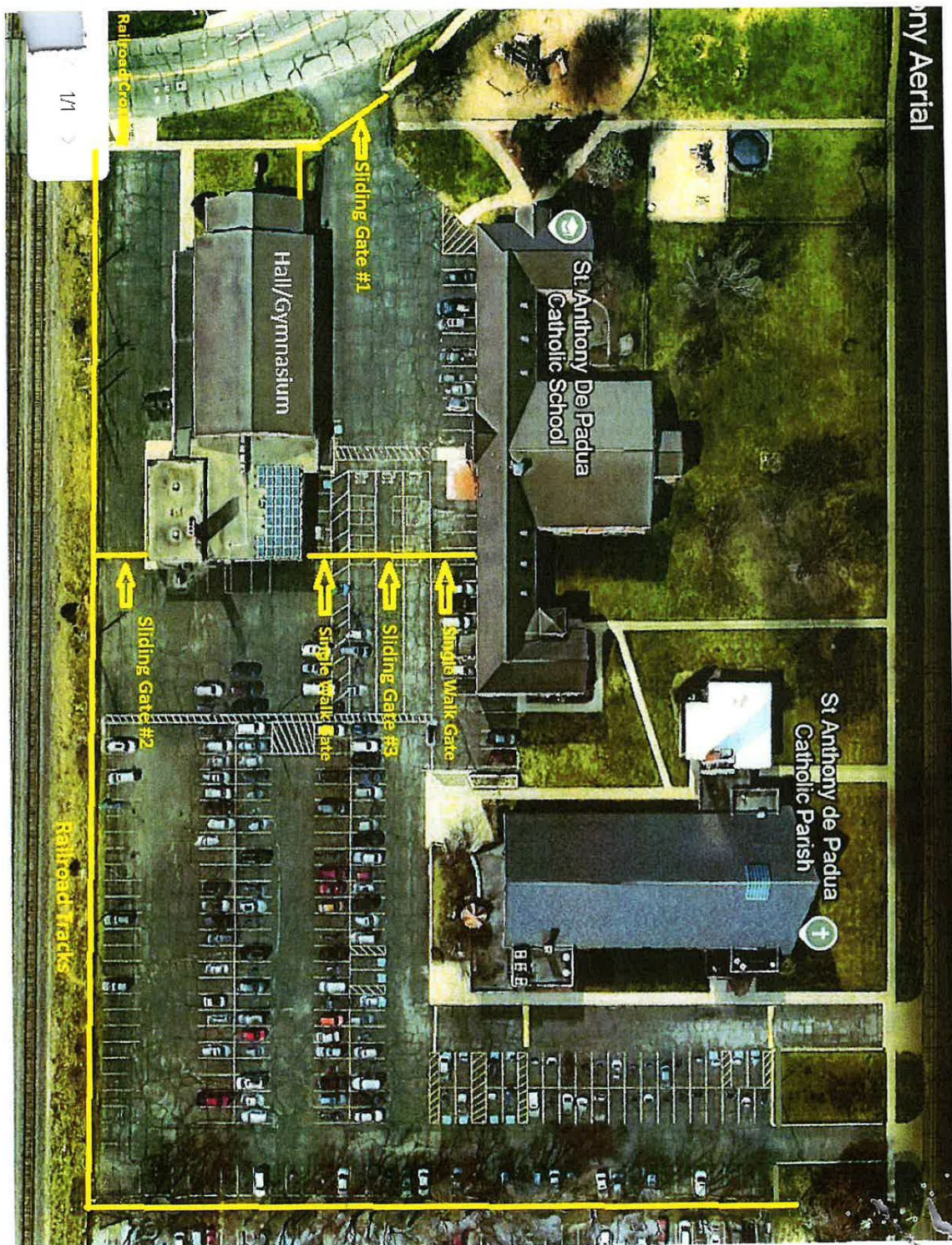
Variance(s): From the 4' maximum height of a 50% open fence in the front and corner yards to 6'

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 should not be injurious to the public health, safety, morals, and general welfare of the community. It will increase the safety of the community by providing the students of the school a safe place to play outside.

(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 should not be affected in a substantially adverse manner. This is establishing a gate and fence along the property lines to increase the protection of children. This should not adversely affect any value or use of nearby 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 fencing will keep the children safe from the nearby busy streets of Ironwood Drive and Jefferson Boulevard, and the gate will provide controlled access to the facility. The 4' maximum fence size would make it easier for children to leave the property and trespassers easier to get near the school.

(4) The variance granted is the minimum necessary

The variance granted is the minimum necessary. The variance permits the establishment of the gate for access and permits the facility to replace its existing non-conforming 6' open fence in the future. This will be necessary to provide for the safety of the children who use the outdoor space that is in the front and corner yards.

(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 a former or current owner of the property. Code encourages parking set behind primary structures and this leaves the only place for open space for children in the front and corner yard of this property.

Analysis & Recommendation

Analysis: The 6' fence is required to provide proper protection for children playing outside in the front and corner yards on the property, where they are forced to play due to the siting of the parking lot.

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: 929 FRANCES ST

Owner: UNIVERSITY OF NOTRE DAME DU LAC and Micki Kidder and Richard Scott Kidder

Project Summary

Requesting three variances to build a new home on a vacant U1 lot: to shrink the corner setback from 10' to 8.5'; to increase the maximum porch encroachment from 5' to 7.5'; and to build an accessory dwelling unit over 18' tall in the rear yard with less than the 20' setback from the rear lot line that is required when there is no alley access

Requested Action**Variance(s):**

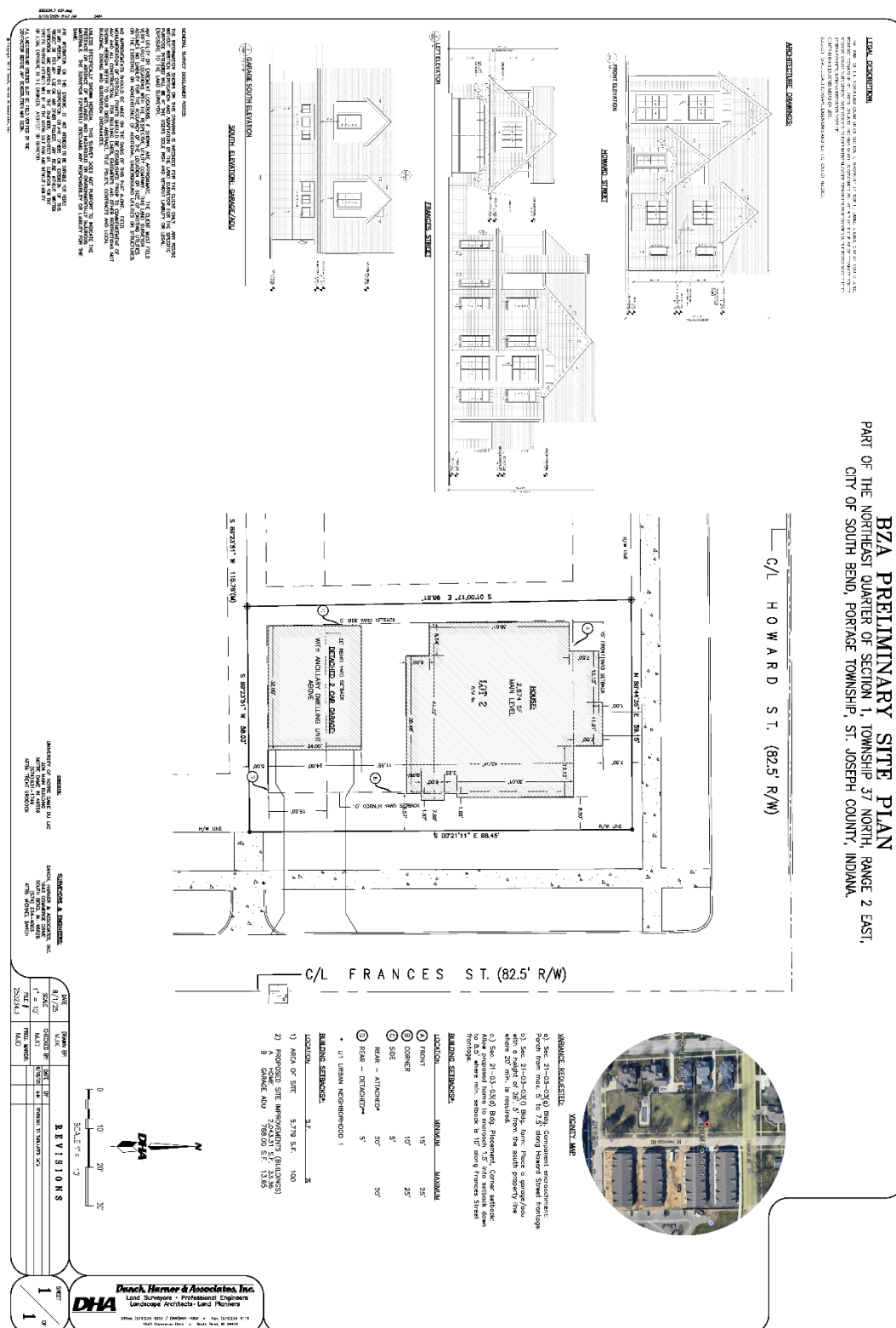
1. from the 5' maximum frontage type encroachment to 7.5'
2. From the 20' minimum distance for an ancillary dwelling unit above 18' from the rear lot line without alley access to 5'
3. From the 10' minimum corner setback to 8.5.'

Site Location

Staff Recommendation

Based on the information provided prior to the public hearing, the staff recommends the Board deny the corner setback and porch encroachment variances, and approve the ancillary dwelling unit 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 corner setback and porch encroachment variances would be slightly injurious to the public health, safety, morals, and general welfare of the community. The additional encroachment of the porch and into the corner setback would create inconsistencies with neighboring properties that are compliant with said requirements. Approving the ancillary dwelling unit variance would not be injurious. Structures can be built by right in a U1 District up to 35' in height, which is taller than the proposed unit, with a 5' side setback. In this case, the unit would essentially be to the side of any future structure built on the lot south of this parcel.

(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 would not be affected in a substantially adverse manner by granting these variances. The petitioner's plan will provide housing on a lot that is currently vacant, bringing new neighbors to the area. However, these same objectives could be achieved by building a house that does not require the requested variances.

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

Concerning the corner setback and frontage encroachment requirements, the strict application of the terms of this Chapter would not result in practical difficulties in the use of the property. Although it is slightly shallower than a typical U1 lot in terms of depth, there is still sufficient space on the lot to build a large house that would be compliant and not have the porch encroach too far into the front setback. The proposed house, as it is currently designed, could also be pushed back a few feet on the lot to avoid this porch encroachment variance. The property is also wider than a typical U1 lot, flat, and contains no major hindrances to development, meaning that there is more space than normal to build a home that is compliant with the corner setback.

Concerning the ancillary dwelling unit setback, the strict application of the terms of this Chapter would result in practical difficulties because of this lot being on a corner. In the U1 district, ancillary dwelling units can be built up to 26' tall, as long as they adhere to certain setback requirements dependent on whether or not the lot has alley access. However, the ordinance is written primarily for lots that are internal to a block, and to minimize the impact of the added height on property owner(s) adjacent to the rear lot line, making it ill suited to corner lots. Because it is on a corner, the rear lot line of this property will be a side lot line for the property to its south, which is also U1 and will face Frances. In the U1 district, primary structures can be built by right up to 35' tall with a 5' side setback, which is the relevant setback requested by the petitioner for this ancillary unit, which will be less than 35' tall.

Therefore, this structure would have the same (or less) impact on the property to the south as a home that is allowed by right.

(4) The variance granted is the minimum necessary

The variance granted is not the minimum necessary for the corner and frontage encroachment variances. There is nothing about the lot that is hindering the property owner from adjusting the placement of the building to avoid the frontage encroachment variance, or from adjusting the building plans to not require either variance. However, for the ancillary dwelling unit, a typically sized structure, the variance granted is the minimum necessary.

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

For the corner and frontage encroachment variances, the variance does correct a hardship caused by the current owner of the property. As designed and sited on the property, the house's dimensions appear to not fit the lot, resulting in these variance requests. There is nothing about the lot that is hindering the property owner from adjusting building plans to create a similarly sized house that does not require these two variances. For the rear setback variance for the ancillary dwelling unit, this does not correct a hardship caused by the current owner. The hardship is that the lot is slightly shallower than a normal U1 lot, and the ordinance's allowances for increased height for ancillary dwelling units is not well suited to corner lots without an alley.

Analysis & Recommendation

Analysis: There are no hardships associated with the lot that are preventing the property owner from building a home that is compliant with the corner setback and porch encroachment regulations. However, because the lot is slightly shallower than a typical U1 lot, and the ordinance's language regarding the height of ancillary dwelling units is not well suited to corner lots without an alley, there is sufficient hardship to grant the ancillary dwelling unit variance.

Staff Recommendation: Based on the information provided prior to the public hearing, the staff recommends the Board deny the corner setback and porch encroachment variances, and approve the ancillary dwelling unit variance as presented.

Property Information

Location: 1133 HARVEY ST and 522 BLAINE AVE
Owner: CIVIL CITY OF SOUTH BEND

Project Summary

Requesting a Special Exception to allow for the use of a duplex on two U1 zoned lots.

Requested Action

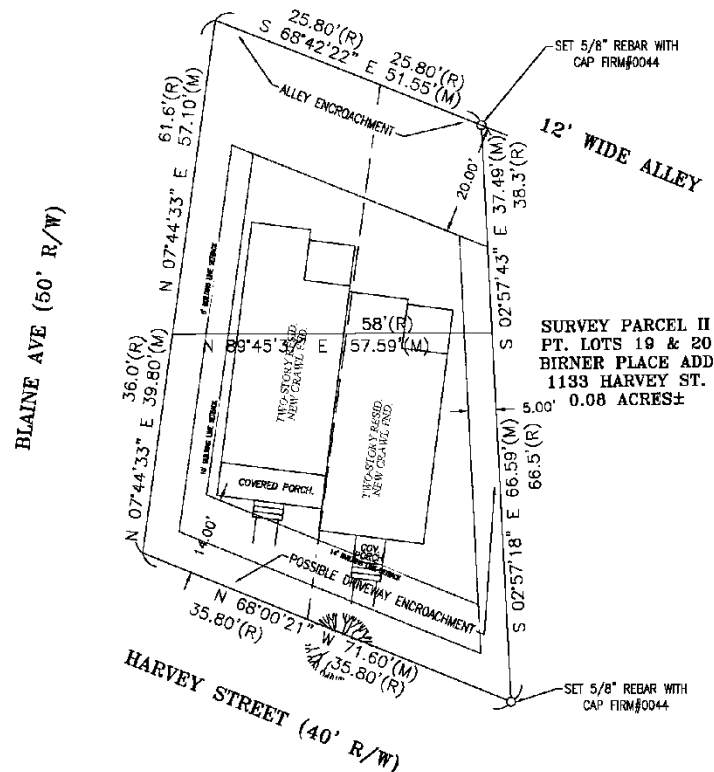
Special Exception: Dwelling, 2 Units (21-06.01(j)(3)) in U1 Urban Neighborhood 1

Site Location

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.

Proposed Site Plan



BLAINE AVE / HARVEY ST.

Criteria for Decision Making: Special Exception

A Special Exception may only be granted upon making a written determination, based upon the evidence presented at a public hearing, that:

(1) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;

Approval of this Special Exception should not be injurious to the public health, safety, morals, and general welfare of the community. The building shall be a newly constructed duplex. A two-unit dwelling will provide more neighbors to the neighborhood which will increase safety and the general welfare of the community.

(2) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein;

Building this duplex should not injure or adversely affect the uses or values of adjacent properties and the area around the building. As proposed, the duplex is consistent with the scale, character, and land use of the surrounding neighborhood and will provide housing on a lot that is currently vacant.

(3) The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein;

The use as a two unit dwelling will further complement the existing housing stock, match the scale and character of the neighborhood, and provide infill housing on a vacant lot.

(4) The proposed use is compatible with the recommendations of the Comprehensive Plan.

The petition is consistent with Objective H1.1 from the city's comprehensive plan, which is to encourage residential developments that contain a mix of housing types, densities, price ranges, and amenities. Additionally, this type of use aligns with the future land use map contained within the comprehensive plan, which recommends for these parcels to be used for medium-density residential.

Analysis & Recommendation

Analysis: The construction of a new duplex that is consistent with the scale and character of the surrounding neighborhood will bring new residents to the area and provide additional housing on 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.