

# City of South Bend

## BOARD OF ZONING APPEALS

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### South Bend Board of Zoning Appeals AGENDA

**Monday, August 3, 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:

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
2. **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
3. **Location:** 205 E DAYTON ST      BZA#0432-26  
**Owner:** BROWN MAURICE  
**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
4. **Location:** 1630 HIGH ST      BZA#0433-26  
**Owner:** ALEEN JENNA  
**Requested Action:** Variance(s): from the 3' maximum height for a less than or equal to 50% open fence in a corner yard to 6' [21-09.02(c)(1)]  
**Zoning:** U1 Urban Neighborhood 1
5. **Location:** 731 and 827 W CALVERT ST      BZA#0435-26  
**Owner:** OUR LADY OF HUNGARY CHURCH  
**Requested Action:** Variance(s): to allow a parking lot to be located forward of 5' behind the front and corner facades [21-03.05(e)]  
**Zoning:** U3 Urban Neighborhood 3
6. **Location:** 1737 O'BRIEN ST      BZA#0436-26  
**Owner:** Apex Terrain Holdings LLC

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

**Requested Action:** Special Exception: a Dwelling, 2 Units in U1 Urban Neighborhood 1 [21-03.03(c)]

**Zoning:** U1 Urban Neighborhood 1

### **ITEMS NOT REQUIRING A PUBLIC HEARING:**

1. Findings of Fact - July 6, 2026
2. Minutes - July 6, 2026
3. Other Business - Short Term Rental Update
4. Adjournment

| <u>Commissioner</u> | <u>Appointing Agency</u>  | <u>Term Start</u> | <u>Term End</u> |
|---------------------|---------------------------|-------------------|-----------------|
| 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: 715 ST. PETER and 743 SOUTH BEND AVE and 710 TURNOCK  
Owner: HERITAGE TOWNHOMES LLC

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**Project Summary**

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

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**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)]

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**Site Location**

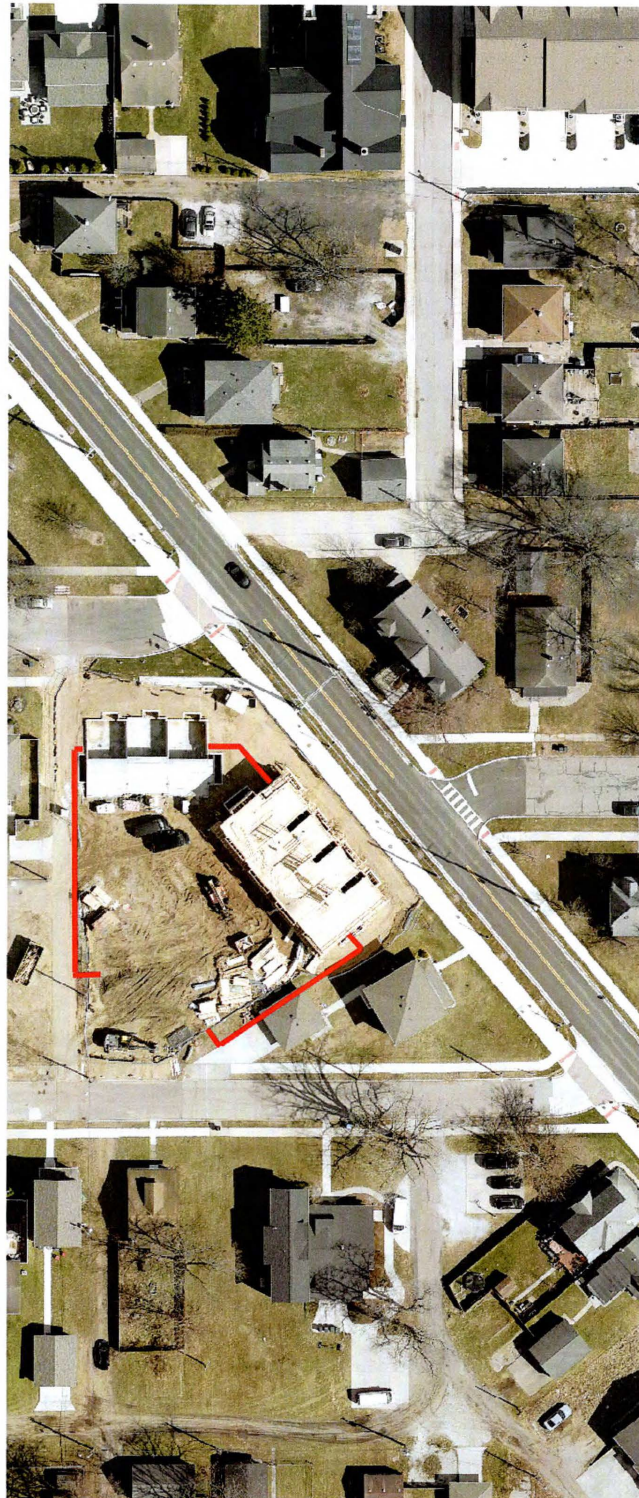
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**Staff Recommendation**

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.



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**Property Information**

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

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**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.

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**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)]

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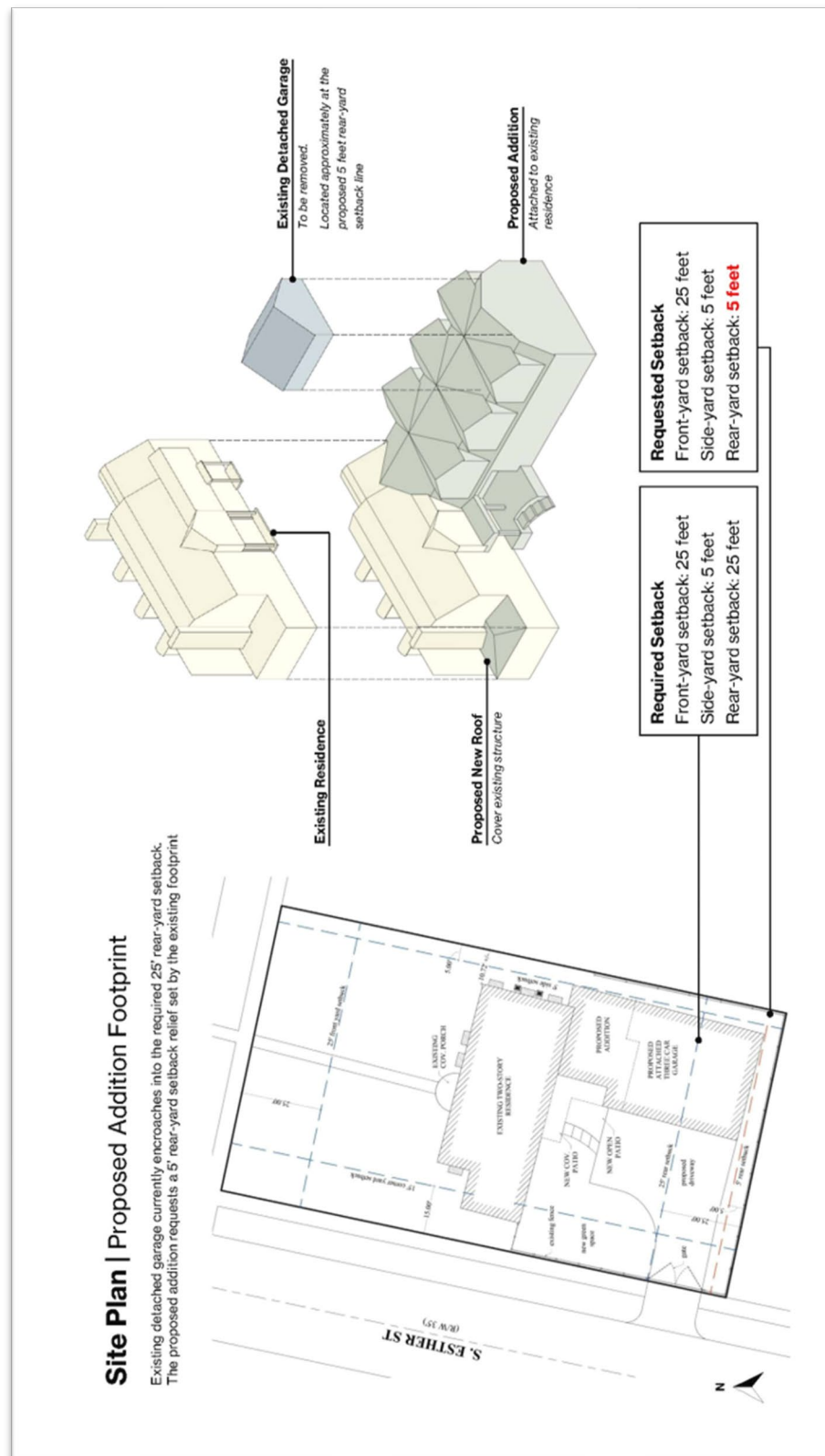
**Site Location**

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**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**

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.

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**Property Information**

Location: 205 E DAYTON ST  
Owner: BROWN MAURICE

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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 of a less than 50% open fence in the corner yard to 6' [21-09.02(c)(1)]

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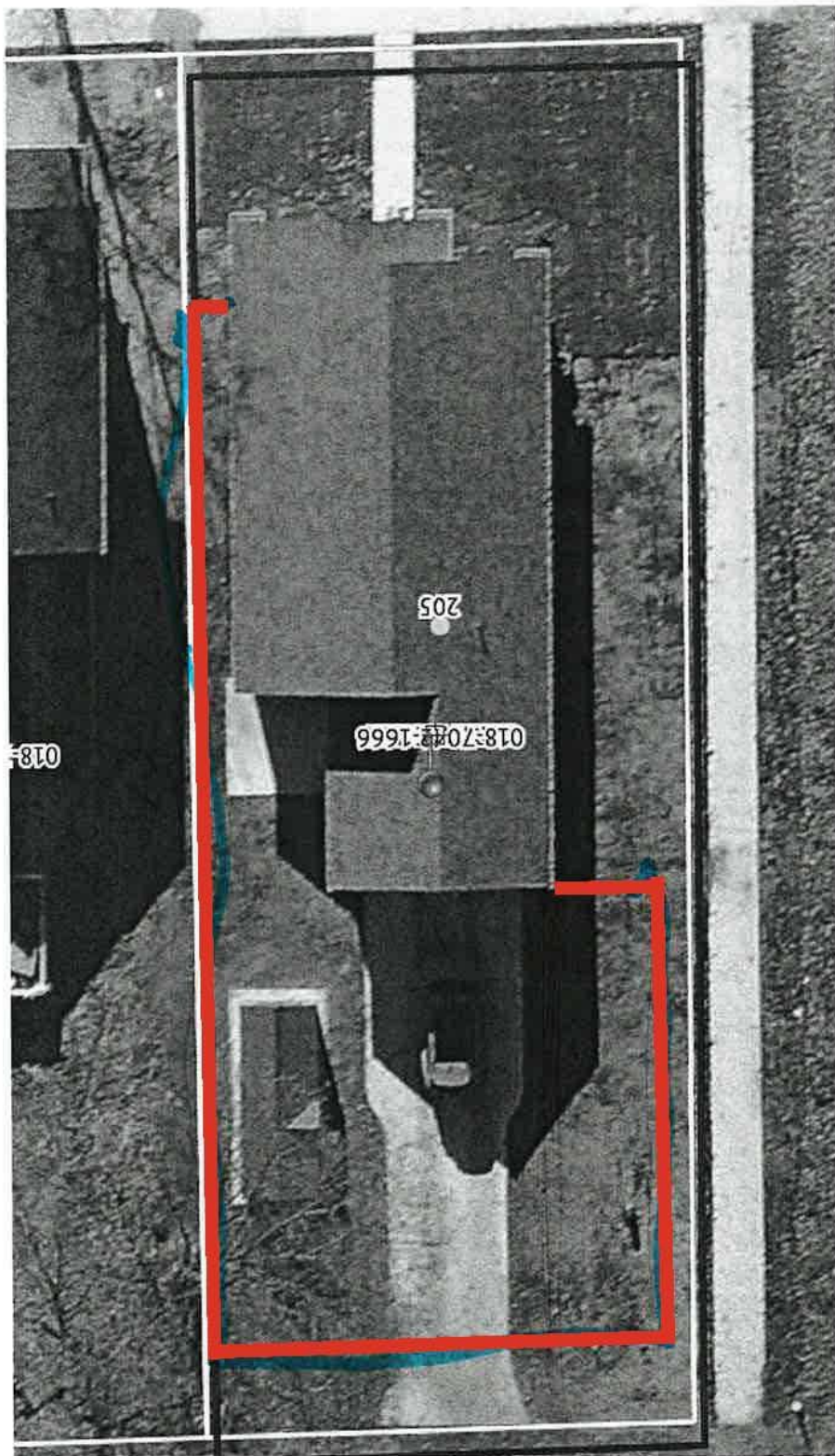
**Site Location**

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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 a few feet 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 will be set back from the alley and from St. Joseph Street ensuring clear sight area is maintained and to not encroach onto the sidewalk.

**(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 reduce the size of their backyard by roughly a quarter. This would significantly impact the usability of their property.

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

The variance granted is the minimum necessary. The corner yard side of the fence will start at the back corner of the house. The fence will be set back a few feet from the property line and will not be imposing for those walking on the sidewalk.

**(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 current owner of the property.

### Analysis & Recommendation

**Analysis:** This petition meets all the criteria for a corner yard fence allowance: it will be setback from the sidewalk, starts from the rear façade, is a relatively short run, does not cause any public safety issue, and does not impinge on the front yard of any neighboring property.

**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: 1630 HIGH ST  
Owner: ALEEN JENNA

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**Project Summary**

The petitioner wishes to build a 6' tall 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 a 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 be injurious to the public health, safety, morals, and general welfare of the community. The fence will be set back enough from both the front and corner lot lines to where it should not have an impact on the pedestrian experience for those utilizing the sidewalks bordering this property.

**(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 property to the east of the petitioner's may be slightly impacted in an adverse manner due to the proposed fence bordering their front yard. However, this impact will likely be very small, if any, and will be minimized by the 10' setback of the fence from the corner lot line, which will limit the amount of fence bordering that front yard.

**(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. Due to the siting of the petitioner's house on the lot, as well as the orientation of the house towards High Street instead of Dubail Street, there is essentially no back yard and only a very small side yard. This means that their whole lot is practically front and corner yard, and they are therefore limited to only a 3' or 4' tall fence on the majority of their property, impacting the usability of their property and their ability to create a more private outdoor space.

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

The variance granted is the minimum necessary. The fence will be set back 10' from the corner lot line, which is the corner setback for a primary structure in the U1 district.

**(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 petitioner has essentially no back or side yard on their property, making their corner yard the only viable place to establish some sort of private outdoor space. The fence will also be set back 10' from the corner lot line, which is the corner setback for primary structures in the U1 district, limiting the impact on surrounding properties and pedestrians using adjacent sidewalks.

**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: 731 and 827 W CALVERT ST  
Owner: OUR LADY OF HUNGARY CHURCH

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**Project Summary**

The petitioner is modifying an existing parking lot and constructing a new one to serve their church and school.

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**Requested Action**

Variance(s): to allow a parking lot to be located forward of 5' behind the front and corner facades [21-03.05(e)]

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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 of this will not be injurious to the public health, safety, morals, and general welfare as it will be providing the community with a surface parking lot for a neighborhood religious institution, freeing up on-street parking spaces.

**(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 the value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. Adding off-street parking will allow the church to manage parking demand for its services and not put a strain on the limited on-street parking used by local residents. It also will serve the school and reduce strain for faculty parking and student pick-up.

**(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 difficulties in the use of the property. The religious institution and school serve a much larger geographic area compared to when it was first established, when most parishioners lived nearby. Users experience difficulties parking on the street and create nuisances to neighbors. Additionally, the church is situated in the middle of a small block, making essentially the entire area around it a front or corner yard.

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

The variance granted is the minimum necessary. The applicant is providing two compliant parking lots and will be landscaping them to code. It is providing parking for a portion of the school and church attendants.

**(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 property owner. When established, there was no inclination in the minds of the parish that the automobile would become a dominant mode of transportation and that the congregation and American cities would sprawl out requiring their use. Had the parish placed the church on the corner rather than the then-rectory, and placed the church closer to the street, they would have been able to establish a compliant parking lot to meet their needs. Instead, it is placed in a position that requires a variance.



## Analysis & Recommendation

**Analysis:** Our Lady Of Hungary was established long before the need for on-site parking where most of the parishioners and school children would be located within a short walk of the building. As the automobile became the primary mode of transportation, stress was placed on the streets around the church as its parking lot was too small to serve the number of vehicle users. This variance is helping mitigate issues in the neighborhood and can keep the parish accessible to its range of parishioners.

**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: 1737 O'BRIEN ST  
Owner: Apex Terrain Holdings LLC

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**Project Summary**

The petitioner seeks to build two new two unit dwellings using the stacked duplex pre-approved plan.

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**Requested Action**

Special Exception: a Dwelling, 2 Units in U1 Urban Neighborhood 1 [21-03.03(c)]

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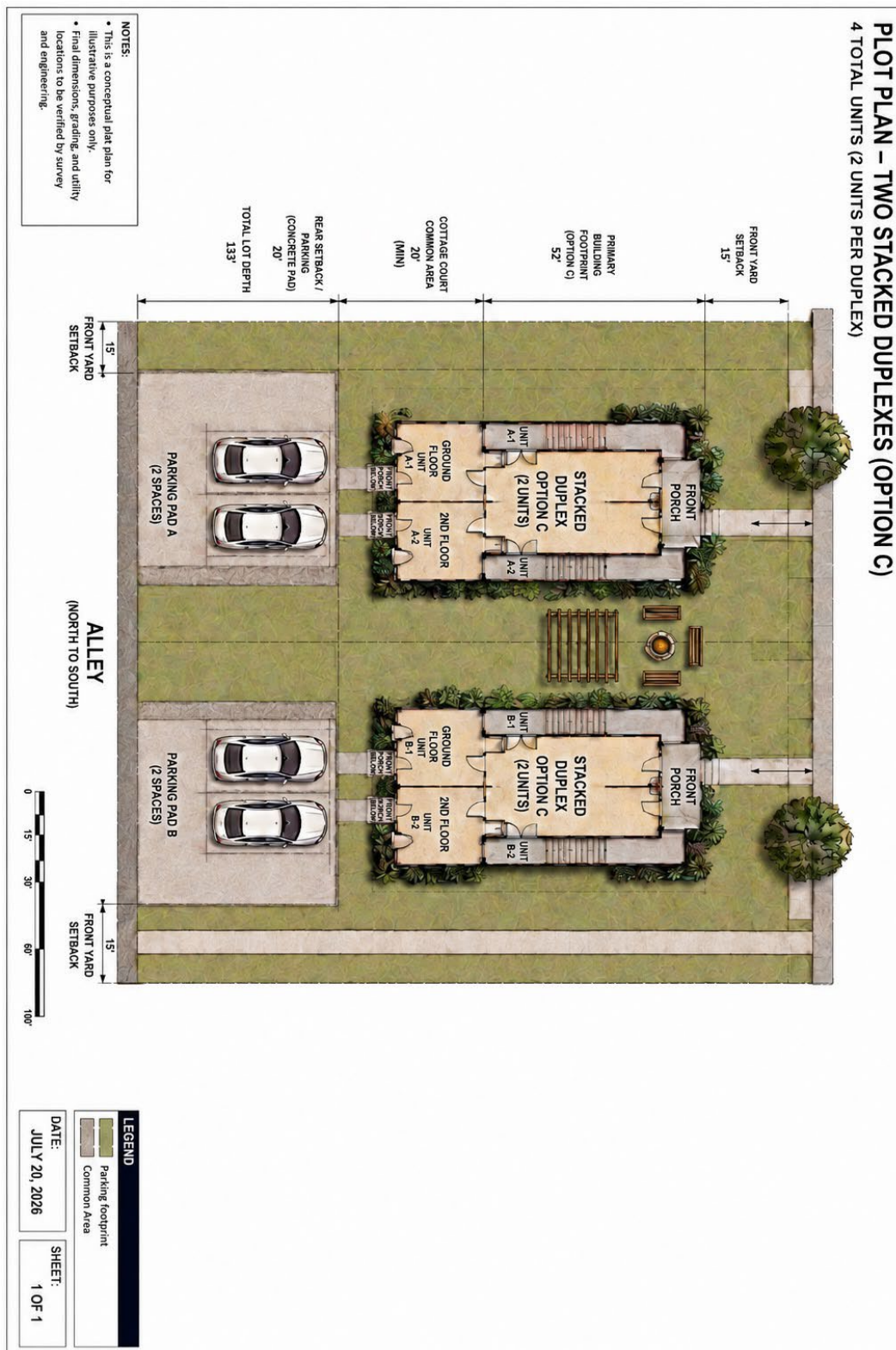
**Site Location**

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**Staff Recommendation**

Based on the information provided prior to the public hearing, the staff recommends the Board send the petition to the Common Council with a favorable recommendation.

## Proposed Site Plan





## 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 new two unit dwellings will provide more housing units in the neighborhood and fill in two vacant lots, helping to increase 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 these two unit dwellings should not injure or adversely affect the uses or values of adjacent properties and the area around the building. As proposed, they are generally consistent with the character and land use of the surrounding neighborhood.

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

These two-unit dwellings will be consistent with the existing housing stock in the neighborhood, which is made up of predominantly low-density residential buildings, while matching the character of surrounding structures.

**(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.

## Analysis & Recommendation

**Analysis:** The construction of new duplexes will provide additional housing units for the neighborhood while filling in lots that are 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.