



# BOARD OF ZONING APPEALS STAFF REPORT

**To:** Members of the Board of Zoning Appeals

**From:** Tom Vander Woude, Planning Director

**Meeting Date:** October 13, 2020

**Agenda Item:** BZA Docket No. 20-013

**Hearing:** **PRELIMINARY HEARING**

**Summary:** Kevin Kish requesting a developmental standards variance from Table 26-6.405.A-9 to permit the installation of a barbed wire fence around a boat and rv storage yard at 9300 Kennedy Court

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**Applicant:** Kevin W. Kish

**Property Address:** 9300 Kennedy Ct.

**Current Zoning:** SD-M Manufacturing Special District

**Adjacent Zoning:** North: SD-M  
South: SD-M  
East: SD-M  
West: SD-PUD

**Action Requested:** Schedule public hearing

**Additional Actions Required:** Approval of Variances  
Findings of Fact

**Staff Recommendation:** **Schedule public hearing**

**Attachments:** BZA 20-013 variance application  
Undated subdivision plat provided by applicant  
Photos of property provided by applicant  
Munster Police Report dated 8.30.20 provided by applicant  
Reeves Fence Services Itemized Estimate for barbed wire installation  
Kish Crematory site plan prepared by Torrenga Surveying LLC dated March 16, 2004



Kevin Kish, the owner of the property at 9300 Kennedy Court, has applied for a variance to install barbed wire on the existing 8' tall chain link fence that surrounds the Regional Boat & RV Storage yard. The subject property contains both the storage yard and a crematorium operated by the owner and is adjacent to two freight rail lines.

In January 2005, the Board of Zoning Appeals approved multiple variances to permit the storage yard. These include reducing the parking setback, permitting a gravel parking surface, permitting unscreened outdoor storage, and waiving the need for parking area landscaping. The variances were granted upon the conditions that an 8' fence be installed around the property, the Town Engineer approve the gravel parking surface, and that no signage for the storage facility be installed.

Staff notes that the property owner has installed a sign for the storage yard.



Figure 2: View of property from Kennedy Court

## DISCUSSION

A single variance is being requested in connection with this project.

Code Section	Standard	Permitted	Proposed
Table 26-6.405.A-9	Private Landscaping and Fencing – Allowed materials	Natural wood – permitted  Brick or stucco over masonry – permitted  Wrought iron or Aluminum – permitted  Chain Link – Permitted  Barbed/razor/electric – Not Permitted	Barbed wire

## VARIANCE STANDARDS

The variance process is established to provide relief to a property owner when, due to unique circumstances, compliance with the zoning code imposes a hardship or practical difficulty on a property owner. The BZA is under no obligation to grant a variance. It is the petitioner's responsibility to prove a hardship or practical difficulty. The BZA should ask the petition to address the criteria listed below.



Sec. 26-6.804.I of the Munster Zoning Code states that the basis for a variance is as follows:

g. General Standards.

A Variance may be granted only if the Decision-Making Authority has made the following determinations for such Variance:

- i. the practical difficulties or unnecessary hardships that would be incurred by strict application of the Use or Development standard, as applicable, are unique and not shared by all properties in the vicinity and are not self-imposed;
- ii. such Variance is the minimum Variance that will relieve such practical difficulties or unnecessary hardships, as applicable;
- iii. such Variance is in the spirit of the general purposes and intent of this Article as stated in Division 1; and
- iv. such Variance is so designed as to provide reasonable consideration to, among other things, the character of the neighborhood, District, or Civic Zone, the conservation of property values in the vicinity, and the guidance of Development in accordance with the Comprehensive Plan.

h. Specific to Development standards Variances:

A Variance from Development Standards may be approved or approved with conditions only if:

- i. it will not be injurious to the public health, safety, morals, and general welfare of the community;
- ii. the use and value of the area Adjacent to the property included in the Variance will not be affected in a substantially adverse manner; and
- iii. the strict application of the Development standards will result in practical difficulties in the use of the property.

## RECOMMENDATION

The Board of Zoning Appeals may wish to consider the following motion:

*Motion to schedule a public hearing for BZA Docket No. 20-013.*



Petition BZA 20 - 013  
Date: 09/30/2020  
Application Fee: \$ 300  
Sign Fee: \$ 25

**Town of Munster Board of Zoning Appeals Petition Application**

**OWNER INFORMATION:**

Kevin W. Kish

Name of Owner

Phone number

10331 Marelou Dr. Munster

Street address, City, ST, ZIP Code

Email address

**APPLICANT OR PETITIONER INFORMATION (if different than above):**

Name of Applicant/Petitioner

Phone Number

Street address, City, ST, ZIP Code

Email address

**PROPERTY INFORMATION:**

Regional Boat & RV Storage

Business or Development Name (if applicable)

9300 Kennedy Ct. Munster, IN.

Address of Property or Legal Description

Current Zoning

**APPLICATION INFORMATION:**

Please select what this Application is for:

☒ Variance

If yes, select one of the following:

☐ Use ☐ Developmental Standards

☐ Conditional Use

☐ Administrative Appeal

**Brief Description of Project and List of Variances or Conditional Uses Being Requested (if applicable):**

We recently had a break in where  
the RV's were broken into. We believe that  
they entered the facility over the fence.  
We believe that adding barbed wire will  
prevent any further occurrence.

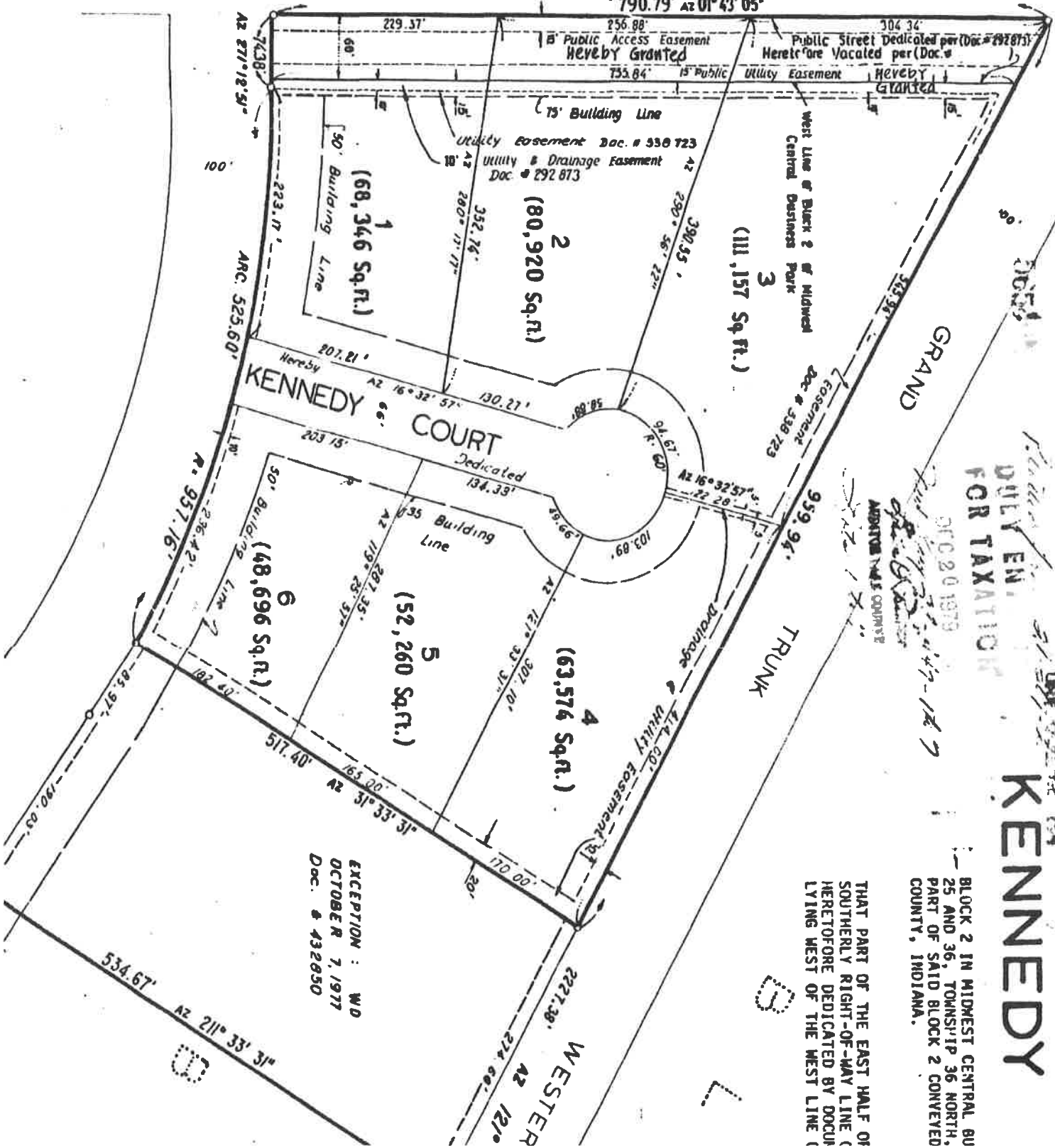
Name of Registered Engineer, Architect or Land Surveyor

Phone Number

Street address, City, ST, ZIP Code

Email address

LOUISVILLE & NASHVILLE RAILROAD



DUTY EN.  
FOR TAXATION

KENNEDY

BLOCK 2 IN MIDWEST CENTRAL, BU 25 AND 36, TOWNSHIP 36 NORTH, PART OF SAID BLOCK 2 CONVEYED COUNTY, INDIANA.

THAT PART OF THE EAST HALF OF SOUTHERLY RIGHT-OF-WAY LINE (HERETOFORE DEDICATED BY DOCUMENT Lying West of the West Line (



VIEW from 45<sup>th</sup> St.



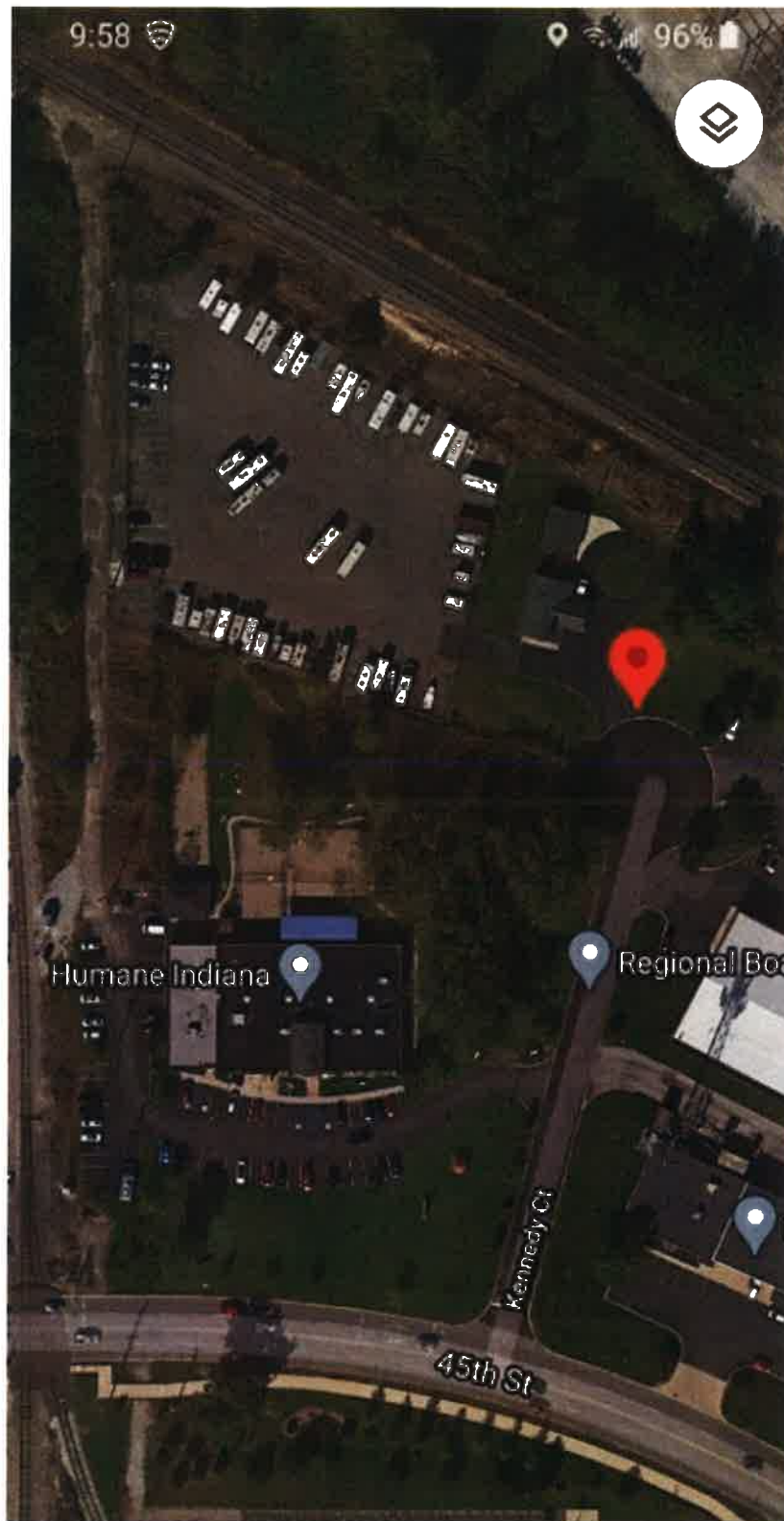


View from Velco





View from center of culdesac



Satellite Image



# Munster Police Department

Police Report for Incident 20MU07013

**Nature:** Burglary

**Address:** 9300 KENNEDY CT; REGIONAL  
BOAT & RV  
MUNSTER IN 46321

**Location:** M4180

**Offense Codes:**

**Received By:** BLACK ST

**How Received:** T

**Agency:** MUPD

**Responding Officers:**

**Responsible Officers:** LINDEMULDER  
D

**Disposition:** FTI 09/07/20

**When Reported:** 10:30:30 08/30/20

**Occurred Between:** 10:29:03 08/30/20 and 10:29:03 08/30/20

**Assigned To:**

**Detail:**

**Date Assigned:** \*\*/\*\*/\*\*

**Status:**

**Status Date:** \*\*/\*\*/\*\*

**Due Date:** \*\*/\*\*/\*\*

**Complainant:**

**Last:**

**First:**

**Mid:**

**DOB:**

**Dr Lic:**

**Address:**

**Race:**

**Sex:**

**Phone:**

**City:**

**Offense Codes**

**Reported:**

**Observed:**

**Additional Offense:** 220 BURGLARY

**Circumstances**

LT18 Parking Lot/Garage

**Responding Officers:**

**Unit :**

LINDEMULDER D

MU53

MEYERS D

MU66

**Responsible Officer:** LINDEMULDER D

**Agency:** MUPD

**Received By:** BLACK ST

**Last Radio Log:** 12:41:01 08/30/20 CMPLT

**How Received:** T Telephone

**Clearance:** CRO Cleared, Responding Officer

**When Reported:** 10:30:30 08/30/20

**Disposition:** FTI Date: 09/07/20

**Judicial Status:**

**Occurred between:** 10:29:03 08/30/20

**Misc Entry:** Meyers

**and:** 10:29:03 08/30/20

**Modus Operandi:**

**Description :**

**Method :**



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**Involvements**

<b>Date</b>	<b>Type</b>	<b>Description</b>
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**Narrative**

On August 30, 2020 at approximately 10:30 hours I, Officer D. Lindemulder, was sent to 9300 Kennedy Court (Regional Boat and RV storage) for broken windows on multiple vehicles.

I observed six different vehicles throughout the lot which had broken windows. The owners of the vehicle were identified using the displayed license plates and they were contacted. The owners were given property crime sheets to list all items taken from their vehicles and were instructed to return the to the Munster Police Department as soon as possible.

Below the broken window of each RV was a brick or cinder block. On the ground on the north east corner of the fenced lot was a black sound bar speaker and an open can of Diet Coke. On the south west side of the lot was an air quality meter, and an open bag of toilet paper.

Evidence Technician Padilla processed the scene for evidence. The time frame of the crime is unknown due to no cameras facing the storage lot. It appears the crime may have occurred in the last 48 hours due to paper products being left outside and they did not have any water damage.

Total loss is unknown due to unknown items being taken from inside the vehicles.

Mon Sep 07 11:43:32 CDT 2020 D. Lindemulder

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**Responsible LEO:**

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**Approved by:**

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**Date**



REEVES FENCE SERVICES INC. 7602 W. LINCOLN HWY.  
CROWN POINT, IN 46307 (219) 322-7840  
www.reevesfence.net

ITEMIZED ESTIMATE

Kish Storage

Munster, IN

Install 3 Strands of Barb Wire on Existing 8' Chainlink Fence. (Note we will need 5' Clearance on both sides of fence)

QTY.	RECORD #	ITEM	
3600	08885	12 1/2 GA. CL1 4 PT (5" Sp.) BARBED WIRE	
98	07962	2" X 1 5/8" PS 45 Degree 3-WIRE ECONOMY BARB ARM	
500	08762	6 1/2" ALUMINUM PRETIED 9 GA. TIE WIRE	
6	NONE	3"X16" Extensions	
2	NONE	4"X 16" Extensions	
7	NONE	Cantillever Barb Wire Extensions	
MATERIALS TOTAL:			\$ 2089.40
7.00% SALES TAX:			146.26
LABOR TOTAL:			3250.00
TOTAL:			\$ 5485.66



LOUISVILLE & NASHVILLE RAILROAD

IRON BAR SET

01°43'05" ~ 304.34'

WEST PROPERTY LINE

60' WIDE PUBLIC STREET  
(DEDICATED PER DOC. #297873)

PROPOSED FENCE (ALONG EASEMENT LINE)

PROPOSED GRAVEL PARKING STORAGE AREA

LOT 3  
(9300)

PROPOSED FENCE (ALONG PROPERTY LINE)

290°56'22" ~ 390.55'

SOUTHERLY PROPERTY LINE

PROPOSED FENCE (ALONG PROPERTY LINE)

121°33'31" ~ 545.94'

REMOVABLE FENCE SECTION  
(TO PROVIDE ACCESS TO UTILITIES IN EASEMENT)

# SITE PLAN

## KISH CREMATORY MUNSTER, LAKE COUNTY, INDIANA

LEGAL DESCRIPTION: Lot 3, Kennedy Court Resubdivision, to the Town of Munster, Lake County, Indiana, as per plat thereof, recorded in Plat Book 51, page 84 in the Office of the Recorder of Lake County, Indiana.

GRAPHIC SCALE



1 INCH = 30 FT.



### LEGEND:

- MANHOLE
- FIRE HYDRANT
- X-W WATER VALVE
- POWER POLE

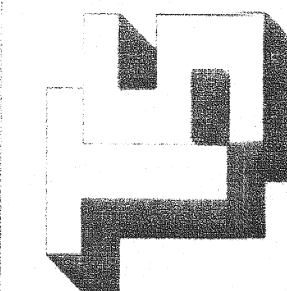
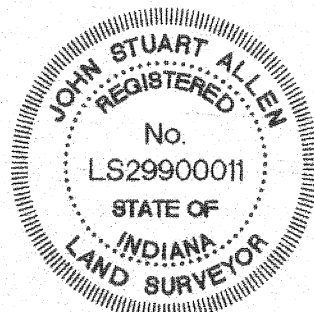
STATE OF INDIANA } S  
COUNTY OF LAKE

THIS IS TO CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY ACCORDING TO THE OFFICIAL RECORDS AND THAT THE PLAT HEREON DRAWN CORRECTLY REPRESENTS SAID SURVEY.

TORRENGA SURVEYING, LLC.

*John Stuart Allen*

JOHN STUART ALLEN - Registered Land Surveyor No. LS29900011



**TORRENGA SURVEYING, LLC**  
PROFESSIONAL LAND SURVEYORS  
907 RIDGE ROAD, MUNSTER, INDIANA 46321

WEBSITE: WWW.TORRENGA.COM

TEL NO.: (219) 836 8918

**SITE PLAN**  
KISH CREMATORY

MUNSTER, LAKE COUNTY, INDIANA

CLIENT:

KEVIN KISH  
8415 CALUMET AVENUE  
MUNSTER, INDIANA 46321  
T: 219.836.1451

DATE: 06/11/2014

SCALE: 1"=30'

5.226