



BOARD OF ZONING APPEALS STAFF REPORT

To: Members of the Board of Zoning Appeals

From: Sergio Mendoza, Planning Director

Meeting Date: August 12, 2025

Agenda Item: BZA 25-006

Application Type: Developmental Standards Variance

Hearing: Preliminary Hearing

Summary: Applicant is seeking a Developmental Standards Variance from TABLE 26-6.405.A-2 DISTRICT STANDARDS, Private Landscaping and Fencing to construct a fence in the front yard.

Applicant: Keegan Kisala

Property Address: 1020 Cornwallis

Current Zoning: CD-3.R1, Single-Family Residential

Adjacent Zoning:
North: CD-3.R1, Single-Family Residential
South: CD-3.R1, Single-Family Residential
East: CD-3.R1, Single-Family Residential
West: PUD, Planned Unit Development Cobblestone Townhomes

Action Requested: Schedule Public Hearing

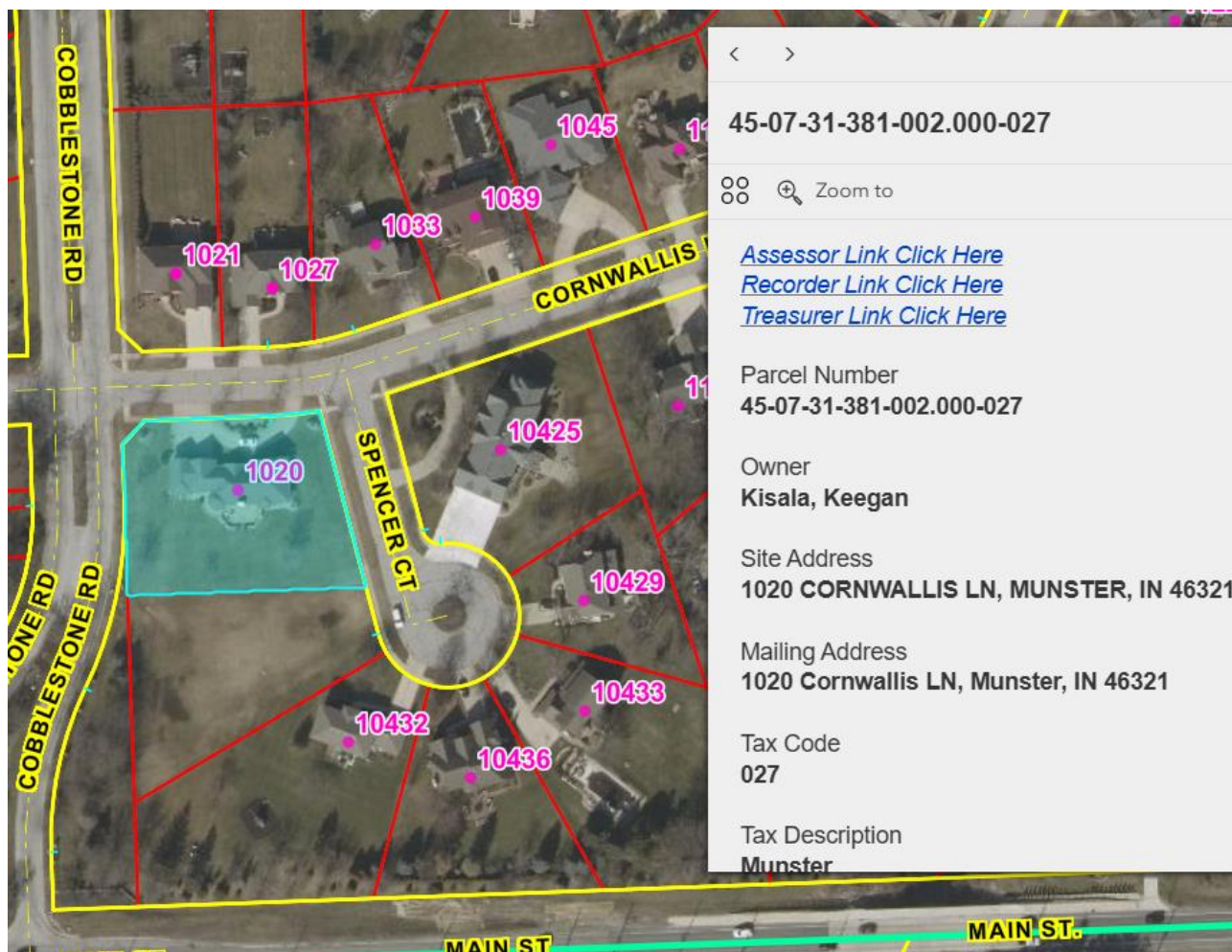
Additional Actions Required: Findings of Fact

Staff Recommendation:
Motion to Schedule Public Hearing
Review Conditions of Approval Questions
Review of Zoning Code(s)

Attachments:
1. Exhibit A: Application
2. Exhibit B: Development Standard Variance Findings of Fact
3. Exhibit C: Plat of Survey

PROJECT LOCATION

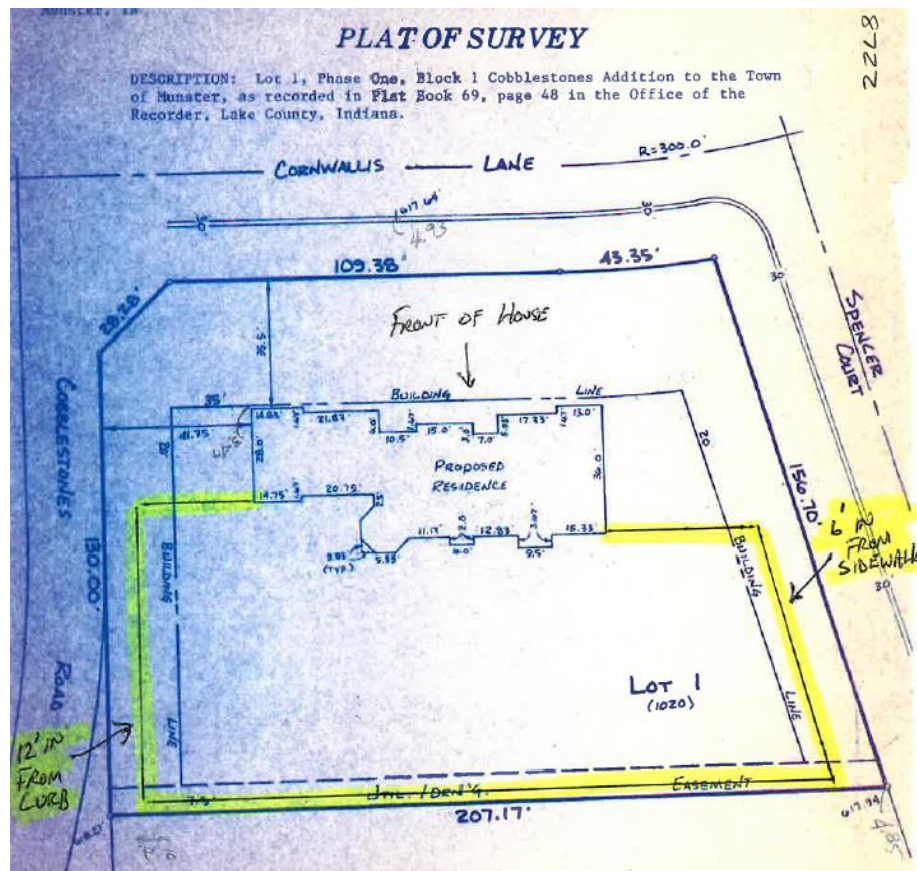
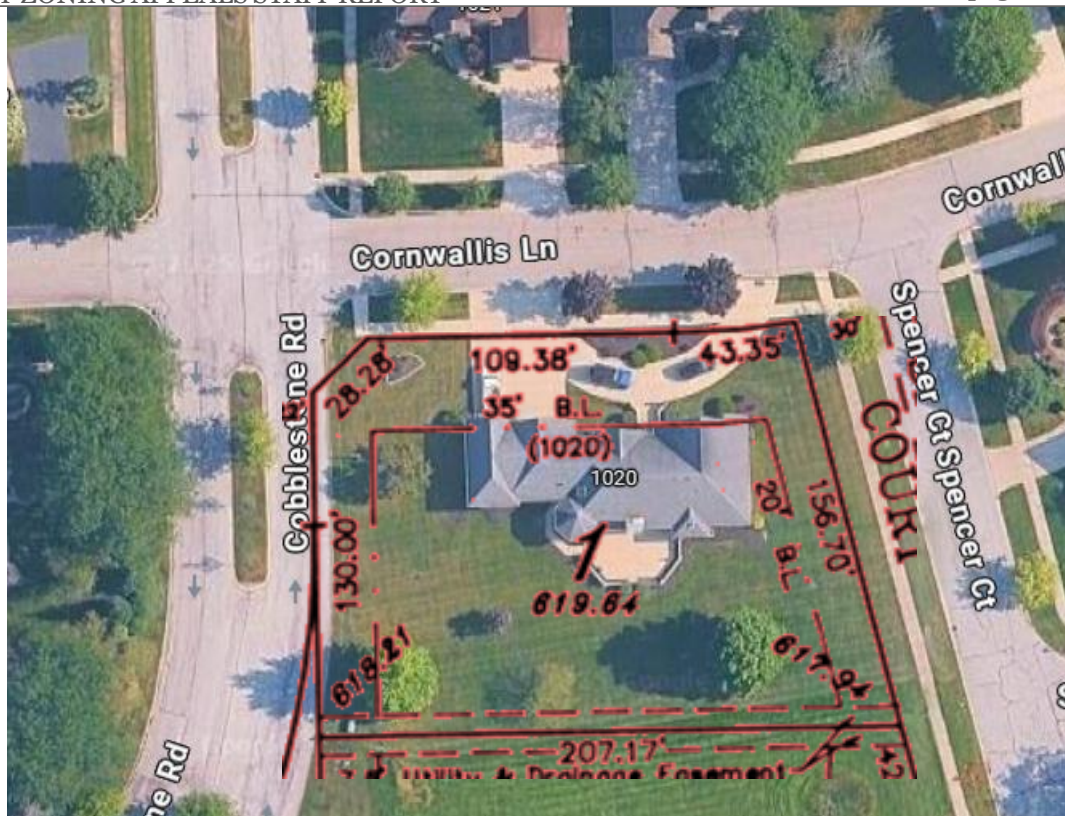
The property is Lot 1 in Cobblestone Subdivision, generally located north of Main Street and east of Calumet Avenue. The subject property is at the southeast corner of Cobblestone Road and Cornwallis Lane and at the southwest corner of Spencer Court and Cornwallis Lane, commonly known as 1020 Cornwallis Lane.



PROJECT SUMMARY

The applicant is requesting to install a fence in an area identified by the Town of Munster Character Based Zoning Code as the front yard, due to it measuring as the shorter street side. And where the side yard fence standards apply to the longer street side of the lot, irrespective of the orientation of the residence. In addition, the proposed fence would extend beyond the recorded building lines and it should also be noted that the subject lot has three street fronts: Cobblestone Road, Cornwallis Lane, and Spencer Court.





ZONING CODE

Private Landscaping and Fencing (continued)

The Front Yard Fence standards shall apply to the shorter street side of the Lot; the Side Yard Fence standards shall apply to the longer street side of the Lot, irrespective of the orientation of the residence, subject to the following exceptions:

1. Where the Zoning Administrator determines that allowing a Fence on a Corner Lot would hamper traffic visibility, endanger public health or safety, or be detrimental to the aesthetic qualities or property values of neighboring properties, the Front Yard standards shall apply to both

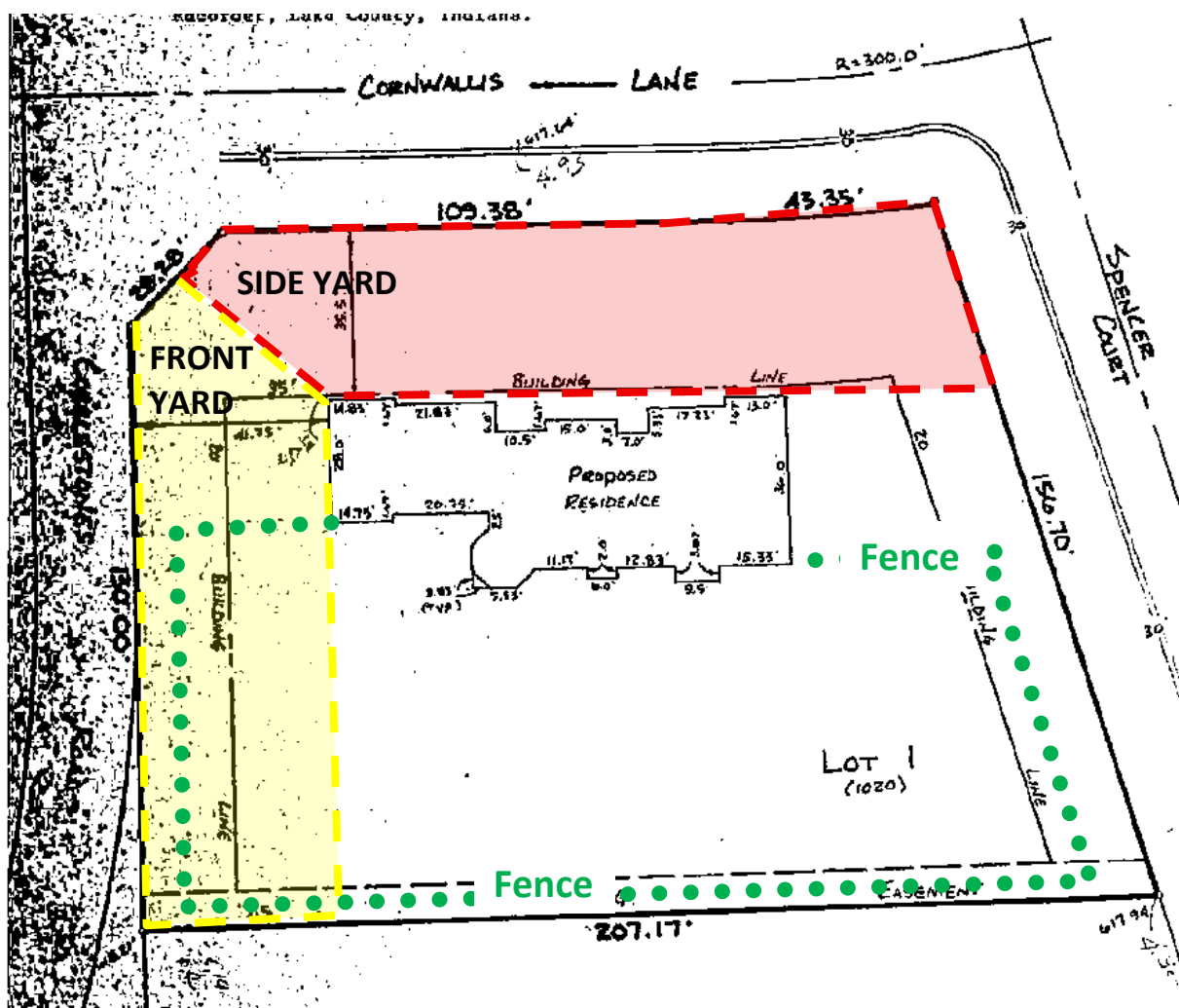
Frontages.

2. A Fence may not be constructed within a regular triangular area formed at the corner intersection of a driveway and a property line, the two sides of the triangular area being 10 feet in length measured along the driveway and property line, and the third side being a line connecting these two sides.

3. A Fence must be set back a minimum of three feet from the public right of way.

4. Chain link is a prohibited material.

Corner Lots



VARIANCE REVIEW

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.

Section 26-6.804. I. Deviation from Standards & Requirements (pg 392) 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.

The applicant has addressed these criteria in Exhibit B

STAFF RECOMMENDATION

Staff finds all documents are in order to proceed with a public hearing and recommends the BZA review the Developmental Variance Conditions of Approval Form found in Exhibit B, as well as scheduling a public hearing for BZA25-006 for September 9, 2025.

MOTION

The Board of Zoning Appeals may consider the following motions:

Motion to schedule BZA25-006, a Developmental Standards Variances request for a fence in the front yard as identified in zoning code, for September 9, 2025, including all discussion and findings.

EXHIBIT A

Petition BZA 25-006
 Date: 7/15/25
 Application Fee: \$ 450.00
 Sign Fee: \$ 25.00

Town of Munster Board of Zoning Appeals Petition Application**OWNER INFORMATION:**Name of Owner KEEGAN KISALAPhone Number (219) 939-4588Street address, City, ST, ZIP Code 1020 CORNWALLIS LANEEmail address keegan.k44@gmail.comMUNSTER, IN 46321**APPLICANT OR PETITIONER INFORMATION (if different than above):**

Name of Applicant/Petitioner _____

Phone Number _____

Street address, City, ST, ZIP Code _____

Email address _____

PROPERTY INFORMATION:Business or Development Name (if applicable) COBBLESTONE SUBDIVISIONAddress of Property or Legal Description 1020 CORNWALLIS LANE, MUNSTER, IN 46321Current Zoning RESIDENTIAL**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):

I WOULD LIKE TO INSTALL A FENCE AROUND THE BACK YARD OF MY PROPERTY.
I LIVE ON A CORNER LOT THAT HAS STREETS ON (3) SIDES.
DUE TO THE DEFINITION OF THE "FRONT YARD" FOR A CORNER LOT, THE CODE DOES NOT
ALLOW ME TO INSTALL A FENCE AROUND MY BACK YARD. I AM REQUESTING A
VARIANCE THAT WILL ALLOW ME TO INSTALL A FENCE AROUND THE REAR OF
MY PROPERTY. I AM INCLUDING PLAT SURVEYS THAT SHOW WHAT I WOULD
LIKE TO INSTALL AS WELL AS WHAT THE CODE ALLOWS.

Name of Registered Engineer, Architect or Land Surveyor TORRENGA ENGINEERING, INC. (PLAT OF SURVEY)Phone Number (219) 836-8918Street address, City, ST, ZIP Code 907 RIDGE ROAD, MUNSTER, IN 46321Email address info@torrenga.com

REQUIRED ATTACHMENTS

Required Attachments for Board of Zoning Appeals Applications

To ensure that adequate information is provided to the BZA, please check off each of these items and provide documentation to the Community Development Department at the time of submittal of the application.

ALL APPLICATIONS	Included	N/A
Narrative statement describing project	✓	
Property owner consent (Signature page)	✓	
Proof of Ownership (e.g. copy of tax bill)	✓	
Plat of Survey depicting current conditions	✓	
Site Plan containing the following: <i>(PLAT OF SURVEY SHOWING REVERSE FENCE LOCATION)</i>	✓	
Boundary identification		
Fire hydrant locations		
Accessory structures		
Parking lot design		
Utility location		
Building footprints		
Proposed curb cuts		
Drainage/detention plans		
Traffic circulation		
Ingress/egress locations		
Major topographic information		
Infrastructure improvements		
Conditions of Approval Form (Note: complete the form specific to your petition)*	✓	
Any other information that the BZA may find useful in determining whether the application is merited.		

* Unique conditions have been established for special use permits for public garages, gas filling stations, used car lots, garden centers, massage parlors, adult bookstores, tattoo parlors, adult cabarets, and outdoor dining areas. Community Development staff will advise potential applicants of these at the pre-application meeting.

NOTE: If you checked any exhibits "N/A", please explain:

PROPOSED "VARIANCE" FENCE LOCATION



PROPOSED "VARIANCE" FENCE LOCATION

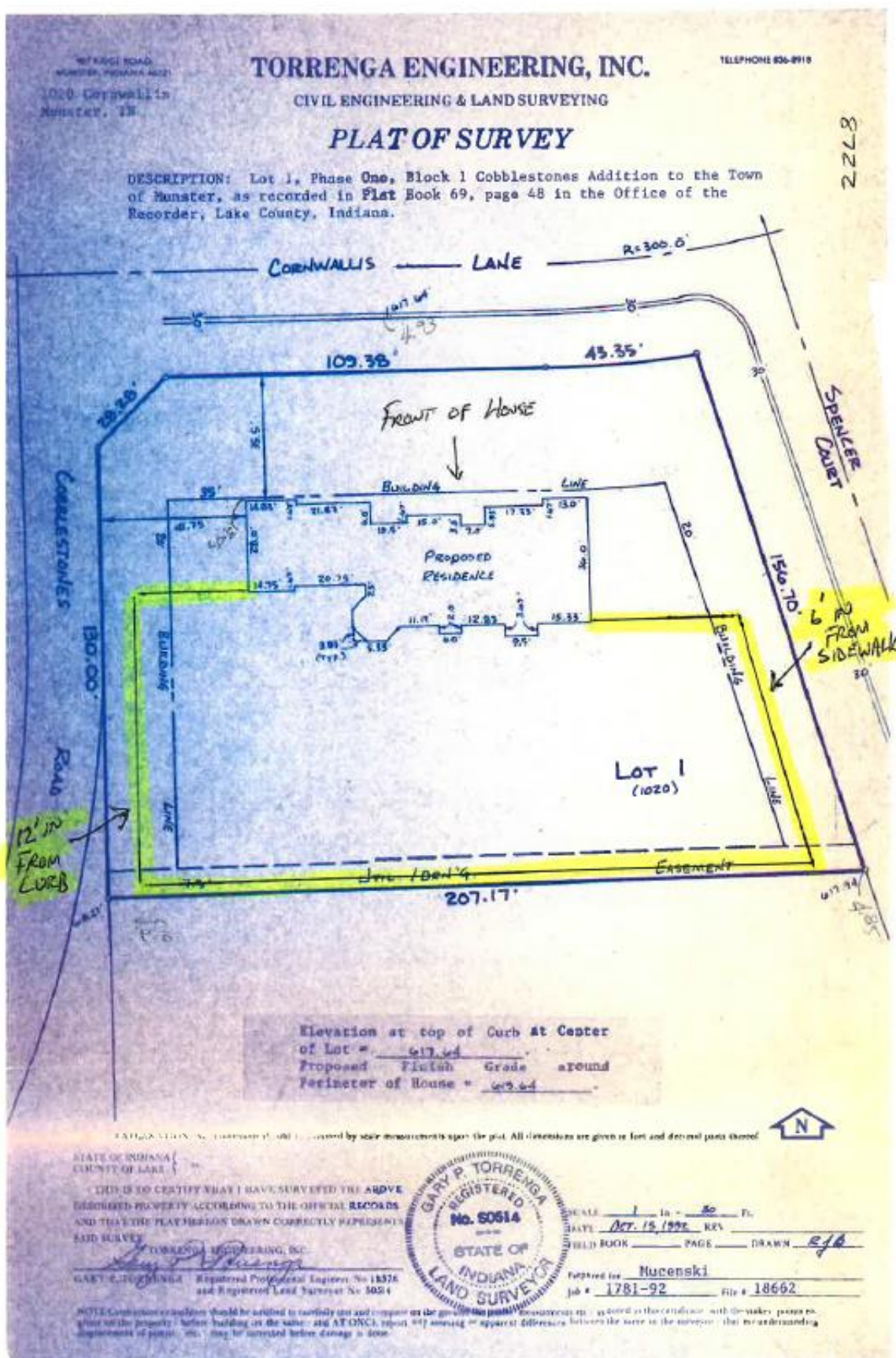


EXHIBIT B**DEVELOPMENTAL VARIANCE CONDITIONS OF APPROVAL**

The Munster Board of Zoning Appeals is authorized to hear petitions for developmental standards variances and to approve or deny. The Board of Zoning Appeals may also impose reasonable conditions and restrictions. Indiana Code 36-7-4-918.5 lists the legal criteria for a developmental standards variance:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community. Explain why this statement is true in this case:

I AM REQUESTING TO INSTALL A 5' TALL FENCE AROUND THE BACK YARD OF MY PROPERTY. I HAVE STREETS ON (3) SIDES OF MY PROPERTY (FRONT & (2) SIDES) AND A VACANT LOT ON THE REMAINING SIDE. I DO NOT BELIEVE THE INSTALLATION OF A FENCE WILL BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY.

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. Explain why this statement is true in this case:

THERE IS A VACANT LOT BEHIND MY PROPERTY, THE OTHER (3) SIDES ARE SURROUNDED BY STREETS. I DO NOT BELIEVE THAT A 5' TALL FENCE WILL AFFECT THE USE AND VALUE OF THE ADJACENT PROPERTY.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. Explain why this statement is true in this case:

IF I FOLLOW THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE, I WOULD BE INSTALLING A 5' TALL FENCE AROUND A PORTION OF THE FRONT YARD OF MY PROPERTY. I FEEL THIS WOULD LOOK RIDICULOUS AND HAVE AN ADVERSE AFFECT ON ADJACENT PROPERTY VALUES.

Attach additional pages if necessary

EXHIBIT C

