

## **MUNSTER BOARD OF ZONING APPEALS**

### **MINUTES OF REGULAR MEETING**

**Meeting Date: September 9, 2025**

The Board of Zoning Appeals held a meeting on November 9, 2025, at Munster Town Hall, 1005 Ridge Road, in the Main meeting room and could be accessed remotely via Zoom Webinar, a video conference application.

**Call to Order:** Chairman Hemingway called the meeting to order at 6:00pm.

### **Moment of Silence and Pledge of Allegiance**

#### **Roll Call:**

Roland R. Raffin, Member, Appointed by: Plan Commission, Initial Appointment: 08/20/2018-Term Expiration: 12/31/2025

Sharon A. Mayer, Member, Appointed by: Town Council, Initial Appointment: 10/23/2000-Term Expiration: 12/31/2026

Jennifer Johns, Member, Appointed by: Town Council, Initial Appointment: 06/01/2018-Term Expiration: 12/31/2027

Brad Hemingway, Member, Appointed by: Town Council, Initial Appointment: 3/7/2022-Term Expiration: 12/31/2025

Dan Sharpe, Member, Appointed by: Town Council, Initial Appointment: 07/07/25 Term Expiration: 12/31/27

#### **Members in Attendance:**

Brad Hemingway  
Roland Raffin  
Sharon Mayer  
Jennifer Johns  
Dan Sharpe

#### **Members Absent:**

#### **Staff Present:**

Sergio Mendoza, Planning Director  
Nicole Bennett, Town Attorney  
Denise Core, Administrative Assistant

Chairman Hemingway confirmed we have a quorum.

#### **Approval of Minutes:**

##### **a. July 23, 2025 BZA Minutes**

**Motion:** Member Johns moved to approve the minutes of July 23, 2025 as presented.

**Second:** Member Raffin

**Vote:** Yes –5 No – 0 Abstain – 0. Motion carried

##### **b. August 12, 2025 BZA Minutes**

**Motion:** Member Johns moved to approve the minutes of August 12, 2025, as presented.

**Second:** Member Raffin

**Vote:** Yes –5 No – 0 Abstain – 0. Motion carried

#### **Preliminary Hearings:**

**BZA25-007 DEVELOPMENT STANDARDS VARIANCE:** Emma O'Brien of Legacy Sign requests variances from **TABLE 26-6.701.B WALL SIGN SPECIFIC STANDARDS, DIMENSIONS, SIGN SIZE;** and **TABLE 26-6.701.B WALL SIGN SPECIFIC STANDARDS, ADDITIONAL STANDARDS;** for an auditorium entrance sign at Munster High School located at 8808 Columbia Avenue.

Director Mendoza reported that Munster High School is looking to replace the existing sign over their auditorium entrance. They propose to add a new face to the existing sign which would read "The Munster High School Performing Arts Center". They're proposing to cover the existing limestone triangle

that's embedded into the wall of the building; however, our code reads that architectural elements should not be covered. In this case, they're proposing to do a flat panel with push-through acrylic, internally lit with the logo of the Mustang. They are here this evening to seek a variance to cover that architectural detail per our sign standards. The staff recommendation is to schedule this for a public hearing.

**Motion:** Member Raffin moved to set BZA Docket No. 25-007 to a public hearing.

**Second:** Member Mayer

**Vote:** Yes –5 No – 0 Abstain – 0. Motion carried

**Public Hearings:**

**BZA25-006 DEVELOPMENT STANDARDS VARIANCE:** Keegan Kisala requests a variance from **TABLE 26-6.405.A-2 DISTRICT STANDARDS: Private Landscaping and Fencing; to install a fence in the front yard of his corner lot property located at 1020 Cornwallis Lane.**

Director Mendoza introduced that agenda item by stating the applicant was here last month. He is seeking a variance to encroach into the front yard of their property. He stated that the definitions in our code defines the area as their front yard. He said the peculiar aspect of this property is that it is a peninsula lot and our current code does not address peninsula lots, so the staff did their best interpretation of the code. He projected the staff report on screen and explained that, within the subdivision, this lot has a public right-of-way on 3 sides. The areas that the homeowner has identified in the variance request and are shown in the rendering on page 5 of the staff report, have been interpreted by the code definitions as follows:

- The area in yellow facing Cobblestone Road is identified from the code definitions as their front yard
- The area in pink facing Cornwallis Lane is identified from the code definitions as the side yard. This is where the front façade of the home is oriented
- The area facing Spencer Court is identified as their rear yard

The applicant is proposing to install the fence on the green dotted line and are asking a variance to encroach into the yellow defined area, the front yard.

Member Sharpe asked if the building materials would comply with the covenants. Director Mendoza answered that they would need to comply with the current zoning code. The covenants would be enforced by the homeowner's association.

Chairman Hemingway invited the petitioner to the podium to sign in and state his name and address for the record.

Mr. Keegan Kisala, the homeowner of this property on 1020 Cornwallis Lane, introduced himself and explained what they'd like to do. He said, as the code has been defined, it classifies his front yard, which is right in front of his front door, as a side yard. The side where you enter the subdivision on Cobblestone, is classified by the code as the front yard but it is actually his side yard, and his rear yard a front yard. He wants to be clear that it says front yard, but that's the way that the code has defined it and to help clarify this, he said as you are looking at his home, this will not be a fence in the front yard, it is in the back yard. It is the code definitions that are classifying it as a front yard. He offered to answer any questions.

Member Raffin welcomed Mr. Kisala to Cobblestones, adding that he and Member Sharpe live in Cobblestones as well. He said he had been approached by several homeowners after the public hearing was announced, and they were looking at the fence being set back 12 feet off the curb line. He said this area is at the main entrance to Cobblestones and all of the houses to the north are set back 25 and 30 feet from the curb line. He said several people expressed concerns that by changing this as a side yard, there would be a loss of green space; they would be looking at a fence close to the curb line instead of that green space. He asked Mr. Kisala if he would consider moving it to be in line with the two houses that are to his north.

Mr. Kisala said that proposal would mean moving the fence 13 feet or so. He said, if that was an ultimatum, it would be a consideration; but he wanted to point out that the houses to the north all have sidewalks. He said he thought there was some rule of thumb they were following for sidewalks there but it's a little bit different given with the entryway there is no sidewalk.

Member Raffin said there is a landscape berm on both sides that sets everything back. He said the fence was set back on Cobblestone Drive on top of that berm higher so it's farther out, so it doesn't come out farther from the entrance fencing.

Mr. Kisala said he understood what Member Raffin was saying and it was a fair ask. Member Raffin added it would be in line when driving the main entrance being the only fence there. Mr. Kisala said that made sense.

Chairman Hemingway asked if there were any other questions; when there were none, he opened the public hearing. There were no public comments on this petition, Chairman Hemingway closed the public hearing.

Member Raffin said in answer to Member Sharpe's question that the fence is an open, wrought iron fence and had been presented to the Homeowner's Association. He concluded by stating those were the comments he had from all the residents that reached out after they saw the public hearing, it was their comments, which made sense to him as well.

Chairman Hemingway asked that this matter be brought back before the board for a motion.

Member Johns made a motion to approve BZA25-006 with the set back that member Raffin had presented, which was about 20 feet off the building line. Member Raffin said he thought it was 25 to 30 feet, but it should match the sight line. As long as the site lines matched down there, I'm good with 25 to 30 feet. Attorney Bennett asked for clarification, for the record, on exact discussion to 25 feet, 30 feet, curb line, site line. Member Raffin specified it was the distance from the curb line off Cobblestones Drive.

**Motion:** Member Johns moved to approve BZA25-006 with the fence be set back 25-30 feet from the curb line on Cobblestone Road.

**Second:** Member Raffin seconded the motion.

**Vote:** Yes –5 No – 0 Abstain – 0. Motion carried.

Chairman Hemingway advised Mr. Kisala to work with Director Mendoza to have that clarified and finalized.

**Continued Discussion Items:** None

**Findings of Fact:**

**BZA25-004 USE VARIANCE:** Andrew Syrios of Precision Control Systems, Inc. received an unfavorable recommendation for a variance from TABLE 26-6.405. A-6 DISTRICT STANDARDS, PRINCIPAL USE, LIGHT INDUSTRIAL USE CATEGORY; to allow a Building Systems/Construction Business use at 10350 Calumet Avenue.

**Motion:** Member Raffin moved to approve the Findings of Facts for BZA25-004 sending an unfavorable recommendation to the Town Council.

**Second:** Member Mayer seconded the motion.

**Vote:** Yes –5 No – 0 Abstain – 0. Motion carried.

**Other Business:**

**BZA25-005 ADMINISTRATIVE APPEAL:** Frank Zischkerk, a Munster Resident at 8015 Greenwood Avenue, requests an appeal of the Town's determination of TABLE 26-6.405. A-3 DISTRICT STANDARDS, Private Landscaping and Fencing; and TABLE 26-6.405. A-1 DISTRICT STANDARDS, Screen; for the use of a tarp structure at 8031 Greenwood Avenue.

Director Mendoza gave a brief update saying that this is a continuation of last month's discussion. The applicant is seeking an interpretation and an appeal from the Town Attorney's review of a fence or screen, a discussion or matter between two residents.

Chairman Hemingway asked if there were any questions from the Board. Ms. Mayer said at the last meeting, she thought the end result was that one of the Town Council members asked to allow for a month so the Town could review the situation; she asked Director Mendoza if anything happened on that. Director Mendoza said his understanding is that the Town Council President has been in communication with the Town Attorney about that. Attorney Bennett said, as had been addressed last month, they are working on a complete rewrite of the zoning code. In that process, they are addressing this discrepancy and numerous others that are in the current zoning code. She said these include not only provisions from one section to another within the zoning code, but also those within the zoning code compared to other sections in the municipal code. She said this has already been redrafted to clarify this definition so that we don't have certain terms playing against each other. The draft of this rewrite of the zoning code is anticipated to be coming this year and this issue is contemplated and is absolutely something included in that rewrite. She stated that this change won't be happening right now, the revision to the code is an all-encompassing project; they are not addressing a single section, they are addressing the global zoning code. Chairman Hemingway asked if there were any other questions from the Board. There were no additional comments. He asked the petitioner if he wished to speak.

Mr. Frank Zischkerk of 8015 Greenwood Avenue introduced himself and said he wasn't exactly sure what was going on, he noted that Member Raffin had indicated at the last hearing said he wanted to continue this matter and there was supposed to have a discussion. Member Raffin said he believed that continuation was also to discuss and get other information from staff to make sure they were informed; he was trying to learn what was going on in this whole situation. He said these included clarifications, as Attorney Bennett had said, as to what is a fence, what is a screen, what's our current code, what's the code the Town is looking to adopt at the end of the year that would address situations like this. He said

they have to follow the legal (process) and what they have is a legal interpretation of the code. Mr. Zischerk said he understands. He said he outlined his position pretty adequately in his written narrative so he would not waste time going over that again. He said, for the record, he would add one thing that he did not include in his written narrative. He said the code defined a screen as "a building, building element, wall, or fence constructed of an opaque material, or evergreen hedge used to block an item or condition from view from a vantage point, as required by this article". He said article refers to Article 6 but there is no requirement in Article 6 for a screen between residential yards. Having added that for the record, asked the Board to make the determination that the structure that is erected between their properties is a fence and should be regulated as such.

Ms. Lauren Thiel said she wanted to speak. She handed some documents to the Board members saying there were multiple police reports, a letter from the lawyer, a picture of what the screening looks like, and a receipt. She said she is the homeowner at 8031 Greenwood Avenue, alongside her husband, Sam Friemoth. She said her 2 two young children and her parents are with her. She said the privacy screen was installed only after repeated harassment from the residents at 8015. She said she and her family felt they were being constantly watched; cameras were placed and pointed directly at their yard, after this neighbor chose to escalate. She said they also experienced what they perceived as deliberate intimidation. She said the male resident began working out daily in his driveway overlooking their side yard where their children play. She said her children reported to her and her husband that it felt intimidating and, as parents, they felt that way, too. She said since their privacy screening was installed, that odd behavior has stopped. She said this is not just a personal opinion, it is documented in police reports. She said one report notes that her sons were called wusses, and then later, she and her husband found out that they were being called additional names. She said her youngest (child) heard the gentleman at 8015 (Greenwood) call her husband a bitch loud enough for him to hear it and tell them about it. She said due to the name-calling and intimidation, they felt it was crucial to put up this privacy screen up as soon as possible to protect their children and restore peace in their own yard. She said there was another report of abusive language shouted toward her family, demonstrations and a pattern of harassment, not an escalated disagreement. She stated that the screen was reviewed multiple times by town staff, Nicole, Kim, and Holly, and each time, they received the green light. She said town's legal counsel prepared a letter to the resident at 8015 (Greenwood) confirming that their privacy screen is permitted under the current zoning code. She said each of the Board members got a copy of the letter which makes it clear that there is no height limit for privacy screening under current code so until zoning changes are formally made, they remain in full compliance. She said in the packet of material she distributed to the Board, she had also included a photo of a black screen showing that it's secured on a property line, even in the wind, proving it does not extend onto the neighbor's property. She said the photo had been taken yesterday, September 8<sup>th</sup>. She said there is also a photo of the beige screen that is currently installed which was also taken yesterday, Monday, September 8<sup>th</sup> and the purchase receipts that confirm that it's a professional privacy screen, not a tarp or makeshift covering. She said all this was necessary and had never been presented as a permanent solution. They understand that zoning rules are being reviewed and, when their family is in a strong place, they will move forward with a different type of barrier, however, at this time, this is the most cost-effective and immediate protection they could provide. She said her husband has been traveling for work and she is recovering from a stress-induced mini-stroke, and her children no longer felt comfortable playing outside. She said since the screen went up, there have been no further problems proving that it works. She said this harassment has damaged their family's well-being, caused repeated police involvement and has even affected nearby neighbors who also stopped hosting gatherings because they felt watched and intimidated by the same household. She said this is a clear pattern that harms the community. She said she is a homeowner, a mother, a community leader in the arts in Munster, Indiana. She stated that her

children attend school here, and she is invested in building this community. She said Munster should be a place where families feel safe in their yards, schools, and neighborhoods. She said they had done everything right and followed the Town's direction and the Town's own legal counsel has confirmed their compliance. She said the screen is temporary, necessary, and effective; she respectfully asked the Board to deny this appeal, uphold the Town's prior determination, and allow her family the basic dignity of privacy, peace, and safety at their home.

Chairman Hemingway asked if anyone else wished to speak.

Mr. Frank Zischek said this is about the zoning code, it's not about personal grievances. He said he could spend hour after hour negating everything that she (Ms. Theil) said but he wouldn't. He said he was sorry that this board was subject to such ridiculousness; that's all he had to say.

Member Raffin addressed Attorney Bennett and said technology is ever-changing when it comes to Ring doorbells and cameras and everything else. There are safeguards in place like making sure they are covering their own property line and not going into other people's yards. He said he didn't know how Indiana State law addresses that in the future, but it might be worth looking into adding something as the codes are being rewritten. He said Attorney Bennett has given her legal opinion, and he understands that she is stating, based on our current code, the legal options available to the Board. He said as Attorney Bennett had explained earlier, we have to follow the code. The code is being worked on and being rewritten but, as of right now, he said this body does not have the authority to overturn staff's legal position based on the current law that we have. He asked Attorney Bennett if that last statement was correct. Attorney Bennett answered as the Zoning Board, by law, they have the right to review and make determinations on staff decisions. She said, in a typical situation, if an appeal had been filed to the Board of Zoning Appeals sooner, she would have been giving the Board this opinion at a public meeting or in a meeting after the appeal had been filed. In this particular situation, the appellant here, Mr. Zischek, had requested an opinion in writing from her so that's why that (the legal review) was issued first. She reminded the Board members that they all took an oath and they're bound by the terms of the code, whether they like it or not, and as poorly written as the code is in many places, that is the law. She said this is a process that we are constantly trying to correct; when there are inconsistencies, then we must reconcile those inconsistencies. She said that she had stated last month and was stated in her letter to Mr. Zischek, the fact is that the Board is bound by the code definitions; the definitions in the local ordinance are the law for this town. She explained that in reconciling those definitions, a significant amount of time and attention was put into consideration of all parties, and in trying to pull out the 10 or 12 different places in this ordinance. She said when a conflict presents itself in the law, we are required to then go to common terms that are defining things. She said that is why in the letter, she referenced what these are described in public and how they are described on what was purchased; this is to fit into those common understandings. She said, in response to Member Raffin's specific question, the Board could go outside the ordinances when the document itself does not give a clear answer but cannot annihilate or obliterate what the law is; it still must be reconciled together. She proposed that back in 2019, the drafters of the current code did not anticipate that there would be conflicts in some of these terms, but it became very clear for her legally. She reminded the board members that her response to anything is a liability to the town, not to herself, not to the board members individually, but with what the town faces in acting incorrectly, acting illegally on something. She said the Town's requirement is to propose their ordinances and then follow them; the Town has great discretion on what they enforce or don't enforce, as in circumstances in which there are obligations for health and safety. She reiterated what she had referenced last month; the Town also has immunity in their prosecution, or lack thereof, of any code. She said that was also her point in addressing the application of these ordinances to Mr.

Zischerk. She said the typical appeal is not coming from someone who didn't like the action taken on a neighbor. Typically, it would have been the person who erected this fence or was told to take it down that would be asking for an appeal, because they want you to overturn that and put it back up, not the lack of doing something on somebody else's property. In this situation, if reviewed by a court, the Town's review and interpretation of this, and the acquiescence of having it be left up or failure to have it removed, is covered by that immunity even if there was something that code enforcement hadn't done. She said this seems a little cumbersome, a little confusing, and it winds up being kind of a no-win situation for Mr. Zischerk, but that is the law. She said the request for the Board to review this, even in making an alternative determination, does not put an end to this. The Board will still have the person that they would be imposing the removal of the screen by telling them to take it down because the Board doesn't like it. She said if there are legal grounds that could be challenged in the language of why they are being told to take this screen down, when in the definitions she proposed to the Board meets the definition of a screen and there are no regulations for the screen; that would put the Town at risk of liability. She said she could not say it any clearer than that and that is why she voiced her opinion and laid it out in much greater detail than she ever would have in most situations where she is providing the opinion and the reasons why. She said she is sorry that this has caused confusion for everybody, but they are stuck with the 2019 code. She stated that, in her legal opinion, for the Town to do anything different is putting this town at risk. She said she can appreciate that there is a backstory, and everyone has a position or opinion on this but as a lawyer, she can't take those backstories into consideration she is bound by that document. She concluded by saying, in answer to Member Raffin's original question, that it falls on the Board as the authority in reviewing that legal opinion and the staff's original determination which was that this is a screen. The board has the authority to alter that, but she advised as counsel to the Board and to this Town that they follow her opinion and follow the language of these agreements and affirm the Town's decision and the town's interpretation of the code.

Member Raffin said the board doesn't get many cases like this brought to them; it is shameful and sad the two neighbors can't get along. Regarding the screen stuff, it's not the best look, and if that went all over everywhere on town, it wouldn't be the best look for the town of Munster. He said the town is working on the code and these items will not be allowed in town because that's not a precedent that we want for the future. He said that what Attorney Bennett presented as legal counsel for the Town of Munster and the liability that can be brought upon the Town of Munster based on this issue, until the new code's rewritten, he doesn't think that this Board has any better insight into this, not that it is a good law.

Member Johns said in Ms. Theil's presentation, she said that this solution was not ideal and not permanent. She asked Ms. Theil, disregarding the existing code as it stands, what the plan is and the timeline for that. Ms. Theil said her husband has been travelling for about 3 weeks out of the month, she is still recovering from a mini stroke that she had in July, they have close to a half-acre, a young family, and she has two businesses that they're trying to manage. She said, with all that, they knew they had to do something short-term and this is what they need right now so that everyone feels comfortable at their home. She said as soon as things calm down in their household, they plan on doing something like putting up a nicer fence, noting that they have nicer fences in the back and on the side. Member Johns asked if that would be by the end of the year or by next spring. Ms. Theil estimated it would be early spring. She said they understand it is not the best look; they agree with that.

Mr. Zischerk said he just wanted to point out that he didn't know why they couldn't put up 100 feet of vinyl fence that he gave them. Chairman Hemingway thanked the respondents and asked if there were any further questions.

Member Raffin made a motion to affirm the determination of Attorney Bennett's legal review dated June 25th, 2025, regarding the subject matter titled Specification of Tarp Structure at 8031 Greenwood Avenue in response to a request for written confirmation of all public discussions and findings. He encouraged Attorney Bennett to continue working on the code and these issues.

**Motion:** Member Raffin made a motion on PC Docket No. 25-005 to affirm the determination of Attorney Bennett's legal review dated June 25th, 2025, regarding the subject matter titled Specification of Tarp Structure at 8031 Greenwood Avenue in response to a request for written confirmation and all public discussions and findings.

**Second:** Member Johns seconded the motion.

**Vote:** Yes –4 No –0 Abstain – 1. Motion carried.

Chairman Hemingway abstained.

Chairman Hemingway announced the next regular meeting will be held on October 14th, 2025.

**Adjournment:**

Meeting was adjourned by voice vote.

**Vote:** Yes –5 No –0 Abstain – 0. Motion carried.

Meeting adjourned at 6:42 pm



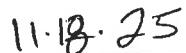
Chairman Brad Hemingway *Roland Raffin*  
Board of Zoning Appeals



Date of Approval



Executive Secretary Sergio Mendoza  
Board of Zoning Appeals



Date of Approval