

MUNSTER BOARD OF ZONING APPEALS
MINUTES OF REGULAR MEETING
Meeting Date: August 12, 2025

The Board of Zoning Appeals held a meeting on August 12, 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: Member Raffin called the meeting to order at 6:08pm.

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:

Roland Raffin
Sharon Mayer
Jennifer Johns

Members Absent:

Brad Hemingway
Dan Sharpe

Staff Present:

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

Member Raffin confirmed we have a quorum.

Election of Officer: Vice-Chair

Director Mendoza stated that the Board had a previous member who was the elected Vice-Chair. He has resigned his duties. Dan Sharpe has been appointed to replace the previous member on the Board.

Motion: Member Johns nominated Member Mayer citing her wealth of experience.

Second: Member Raffin

Vote: Yes –3 No – 0 Abstain – 0. Motion carried.

Approval of Minutes:

Member Raffin said we have no minutes to present at this time; they will be presented next month.

Preliminary Hearings:

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

Director Mendoza said this is a residential property that can be described as a double corner lot; it's bordered by streets on three sides. The way the code reads is that the shortest width of the lot is identified as the front of the parcel, regardless of the orientation of the home. The way this lot was developed, this puts the front yard, the shortest width side, facing Cobblestone; the side yard, the longest width side, facing Cornwallis Lane, and there is also a Spenser Court frontage. The applicant is

asking for a variance to install a fence in what is identified by our code as a front yard along Cobblestone.

Member Raffin asked how that determination is made for a three-sided, or two-sided, lot like that. Director Mendoza said it is based on the definitions in the code which identify the front yard and the side yard. Member Raffin asked if this was something they are considering changing in the code since the front of your house is the front of your house. Director Mendoza said the draft is based on the orientation. Member Mayer asked where they want to place the fence. Director Mendoza explained that it is the dotted green line on the drawing on page 5 of the staff report; the yellow area on that drawing is the front yard as defined by our code. Member Mayer asked if it would be legal if they were to back that fence up outside the edge of that yellow box shown on that drawing. Director Mendoza said that is correct, the white area next to the yellow follows the building line. Member Mayer asked the for the number of feet from the edge of the white area to the green line. Director Mendoza said it was difficult to see the exact measurements but estimated it to be about 21 feet. The Board members had no further questions. Member Raffin asked anyone who wanted to speak on this petition to come to the microphone and state their name and address for the record.

Mr. Keegan Kisala, homeowner of 1020 Cornwallis Lane, introduced himself. He said the way that the code is constructed, it lists their side yard as the backyard and their actual backyard is listed as the front yard. He said although it (the code) says he is looking to put a fence in his front yard, if you look at the way the home is oriented, it's actually the backyard. He said that is done by the length of the road that the property sits on. He said the way the code would allow them to put the fence, it would bring it all the way up to his actual front yard and connect it to his garage area. He said that visual is part of the staff report and it looks ridiculous; it's really fencing in his actual front yard instead of just his backyard. He concluded by saying all they're looking to do here is fence in the actual backyard which the code has defined technically is the front yard.

Member Mayer asked Mr. Kisala how many feet are from the curb to the fence at the green line. Mr. Kisala said it is 12 feet. Member Mayer asked if that is the same as on Spencer Court. Mr. Kisala said it is 6 feet on Spencer Court but that can be adjusted if need be; if they need to come in a little, that's no problem at all. Member Johns asked what the code requires for the fence placement. Director Mendoza said it is up to the property line but building lines are also established on the lot there and building lines are to establish the line of sight. Member Mayer asked if there was any reasoning in choosing 12 feet on the one side and 6 on the other. Mr. Keegan said there was no reason in particular. They wanted to stay a little farther off the main road and there are a few utility boxes that sit right outside of that area so they're trying not to include that in the yard to keep them easily accessible.

Mr. Kevin Kisala of 10308 Marlou Drive spoke on behalf of the petitioner by stating that the 6 feet measure is from the sidewalk, not from the curb, so with the parkway included, it is closer to 11 feet. He said on the other side there isn't a sidewalk, so it's about 12 feet from the curb on one side and about 11 feet on the other; there is no sidewalk on the Cobblestone side of the house.

Member Raffin said he knew they already had approval from the Cobblestone Property Association for a metal decorative fence.

Motion: Member Mayer moved to set BZA25-006 to a public hearing.

Second: Member Johns

Vote: Yes –3 No – 0 Abstain – 0. Motion carried

Member Raffin asked Mr. Kisala to work with the staff to make sure all the public notice requirements are met.

Public Hearings:

BZA25-004 USE VARIANCE: Andrew Syrios of Precision Control Systems, Inc. requests 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 an existing building located at 10350 Calumet Avenue.

Director Mendoza said the applicant was here last month for the preliminary hearing and are here now for the public hearing; they have met all the requirements for a public hearing. He said they are looking to relocate their primary headquarters in Griffith to Munster and have identified the former Harley-Davidson motorcycle showroom and repair shop as the location where they'd like to relocate. He said the building was constructed in 2001 as automobile repair and showroom; there was an addition in 2014. He said they have identified having about 60 office employees and 60 field employees. Their daily count for parking would be about 40 parking spaces. He said they'll have service vans and pickup trucks for deliveries and drop offs, and box trucks like FedEx and UPS trucks for delivery of products and merchandise for use on job sites. There would be no construction or manufacturing on site, everything is done off site. Director Mendoza explained that, essentially, they're an HVAC commercial contractor and they've identified 74 parking spaces. They are here at a public hearing because the current site is identified CD-4 A, a general business zone and they're a Building Systems/Construction Business, which requires it to be in Special District-Manufacturing. This does not fit those qualifications, and they're requesting that Use Variance. This matter would need a recommendation to the Town Council for their final decision. Member Raffin asked if the Board members had any questions for staff. When there are none, he asked anyone who wanted to speak on behalf of this petition to come to the podium and state their name and address for the record.

Mr. Andrew Syrios of Precision Control Systems at 405 E. Ridge Road in Griffith introduced himself. He explained that they have outgrown their facility in Griffith multiple times; they have several rented spots in Griffith right now with office employees scattered around. He said their main goal in doing this is primarily for the office space they really need, but the attached warehouse space is a big plus to them. It's more than they need in the warehouse, but nice to have for convenience. He said the idea would be to combine the old showroom and the existing office space which is about 8000 square feet and making that office space for engineering, accounting and sales staff with the supporting warehouse area in the back. He said they are a building automation company primarily, but they would store controllers, some parts and conduit in the warehouse. The parts come to them bunched together, they sort them out for our different projects and then they usually have drivers deliver them to their field staff at the job sites. He said from time to time, their pipe fitters, electricians, and programmers will work in the office in the morning then pack parts in their vans and go to a job site. He said he wanted to make it clear that they do get semi deliveries from time to time; it's fairly rare, he can count on one hand those deliveries in any given week. He acknowledged that there were concerns about parking for company vehicles in the previous meeting. He said the vast majority, about 60 company vehicles, go home with our field staff because they're working on job sites but 2-4 spare vehicles would be stored on site at any given time. Member Raffin said he counted 8 vehicles when he passed their current location over the past month. Mr. Syrios said he'd been meeting with their architects and engineers and, ideally, he would like the parking those behind the warehouse portion of the building on the west side. He said

on the north end of the building, there is concrete block wall enclosure where the previous business must have parked motorcycles or delivery trucks or something; they could park their vehicles in there and manage that accordingly. He said they have to limit the number of spares we keep on site so they may be able to store some of them elsewhere but they do need a few spares on site because they swap them out occasionally for repairs and other issues; they need to maintain a few spare vehicles locally just to keep the business moving. He pointed out the 2 potential parking areas to the Board members on screen. He said he discussed the question of storing the vehicles indoors with the architect. He was told about all the things you need to do to classify the area for overnight vehicle storage related to fire hazards so they prefer not to do that. He said he knows the vehicle storage was a concern of the Board and he wanted to address that and offer his thoughts. Member Johns asked for clarification on the types of vehicles that would be parked overnight. Mr. Syrios said it would be large trucks, like a 350, and a few vans and pickup trucks; there would be nothing construction related. Member Johns asked if there would be sufficient space and access within that existing concrete block wall area for them to park a half a dozen vehicles. Mr. Syrios said he thought there were 6 spots and they could make that work by limiting the number of spares they keep on site. He added that they only have a one or two spares since the field forces can fluctuate, however, their employees are full-time so there is very little turnover but, if they're hiring, they have to make an order of vans. They store the majority of those offsite and keep a few onsite.

Member Raffin commented that they would have possibly 60 vans coming in and out of this facility a day. He said they probably come in at 7:00 or earlier in the morning for equipment and at end of the day, 3:30 or 4:00 o'clock, getting parts and pieces. Mr. Syrios said their current location is next to 80/94 and he'd be surprised if they have three people stopping by since they are on billable time. He said it does happen but it's better to have their drivers taking them what they need. Member Mayer said they have 60 office employees driving their personal vehicles and 60 field employees with vans. Mr. Syrios said he could get an exact number but the office staff includes a lot of people who are visiting job sites or meeting with customers offsite. The field employees would be on job sites but there will be times when they have a meeting nor something like that; they are not trying to keep their employees away. Member Raffin asked Mr. Syrios if they would look at making this building just an office building and not warehouse with parts and deliveries. Mr. Syrios said one of the big drivers to the building was having the attached warehouse; it was one of the selling points for the facility. He said they had other options for strictly office buildings; they didn't make offers on those after finding this facility. He added that there are definitely less expensive options for office space. Member Raffin cited a few examples of similar businesses uses in Schererville on Kennedy Avenue and in a Munster industrial park which, he said, were a good fit. He said his reservation is that this is the first building in Munster coming from Dyer. He said he knows they have condenser units; they have pipe fitters, programmers, and control specialists, so this building becomes warehousing/light industrial. Mr. Syrios said it's strictly warehousing; they have some condensing units, but for the most part, they do small replacements out of the Precision Control Systems company. Member Raffin said he was looking at the other businesses in the area and trying to find a fit for what Mr. Syrios is asking. He said this location is 350 feet away from houses, Cobblestones is right there; they are 200 feet from commercial retail businesses, an animal hospital is 200 feet away, Horizon Bank is 270 feet away, and Main Street, the main entrance to town, is 260 feet away. He said 280 feet across the street, there's an eye doctor, a fitness center, and a Dunkin' Donuts; the rest of the property all around this location is owned by the hospital, so that is going to be medical. He said looking fit for warehouse when they are surrounded by CD-4 zoning, it makes it hard as a resident and BZA member to picture this use. Mr. Syrios said they were planning to remove the giant, ugly exhaust unit from the top of the building, if that helps.

Member Raffin said he has a letter that was submitted and asked Director Mendoza if he should read it. Director Mendoza said he should wait until the hearing is open to the public. Member Raffin opened the public hearing and asked if there was anyone from the public who wanted to speak, to come up and state your name and address at the microphone.

Mr. Robert Stephan introduced himself. He said he is within Cobblestones at 10436 Spencer Court. He said he is across the has similar concerns about the light industrial use. He said he understands it won't be manufacturing, but it just doesn't seem compatible with the surrounding area. He said Calumet Avenue is sort of their main street now so he doesn't think it's appropriate to have warehouse, light manufacturing, and light industrial on their Main Street, across the street from a neighborhood, a park and all those other things. He said he has that concern. He asked if there are any other industrial areas on Calumet Avenue other than Pepsi. Director Mendoza said since Simmons has changed to medical zoning, there is no zoning for light industrial along the Calumet corridor. He said other than Pepsi as the shipping, manufacturing facility, there is no additional manufacturing facility. Mr. Stephan said it just seems incompatible to him and there would be a better place for this than across the street from the park and neighborhoods.

Member Raffin said a formal objection letter was received from the Cobblestone Property Owner's Association; he read the letter in its entirety. The letter and its source are included in this document as **Exhibit A**. Member Raffin asked if anyone else wanted to speak. When there were no comments, the public hearing was closed.

Member Johns addressed Mr. Syrios and said she understands the tremendous investment in this brick-and-mortar property and that they have invested time and money into it already. She said they would like to have a long-standing, respected business as part of the Munster community but there are many less expensive places where they could do this. She said there is a conflict here; the reason that they're in front of the Board of Zoning Appeals is because this doesn't speak to our ordinances and the objectives of the town. She asked what drew them to this property over one in a more industrial setting. Mr. Syrios said they have been looking on and off for a few years all around Lake County. This facility has close to 20,000 square feet that they can turn into Class A office space to recruit high end, high caliber engineers and salespeople. He said this location offered the best solution by far with the office space they need and the attached warehouse is a huge benefit to them. He said they have to do a lot of work to do, they need to remove a paint booth, level the floors, and install racks but it's a unique property. Member Johns agreed that it's a unique property and it serves the town to have it occupied, however it is the use that would establish a precedent. She added that it has to be significantly more expensive than a prefab, industrial type building. Mr. Syrios said it has been vacant for four years and it has the bones for an interior buildout for office space. He said they have done HVAC evaluations; the units will be replaced but much can be reused which helps with the buildout cost. He said they are taking a warehouse style building and retrofitting that into the type of office they need and there's a lot of cost involved with that. He said they a first-class company and they want that to show. Member Raffin said there is no problem if they want to move their office, their engineers and sales staff; the issue is with the truck traffic with the warehouse and light industrial use. He cited the focus on this corner of Munster as gateway to the new train coming to town. Mr. Syrios said that would be a decision for the Board to make and pointed out that this had been a motorcycle repair shop and a paint shop with other actual manufacturing and service and that will not be occurring now. He said the warehouse is already there, they are really just repurposing the warehouse for parts storage. Member Johns explained that it is a tough position for this group to be in since they can make an exception and suggest limits that have to managed far into the future and they have a broader vision. Mr. Syrios said he can respect that.

Member Mayer said what they are going to be voting on today is a recommendation to the Town Council. The Town Council can either go with that recommendation or not. She said he is asking for something that they are not quite comfortable with; they have 3 of the 5 members in attendance. She said Mr. Syrios hasn't said anything about what he is willing to do to try to help them make a decision favorably for them. She asked Mr. Syrios what they have to offer. Mr. Syrios said, from his standpoint, they can set limits on the number of vehicles there or screen off an area for them to park; they could do things like a privacy fence or something along those lines but there will be times when they people in for their CPR training or confined space training or something like that where they would be using the area and there will be vans parked in the parking lot during the day. He said that is just the reality of their business and they can't change their business to look fancy, he wanted to be honest about all that. Member Mayer said that she is in construction as are Member Raffin and their new Board Member Sharpe, so she understands how the business runs, but that's not the issue. The issue is where the building is located versus where it should be for what they are going to be doing. Member Johns said she appreciates Mr. Syrios' candor but it describes the traffic they know is going to happen; that's why they would rather see that in an industrial complex. He said they can address the storage issue, but there's really no way to get around who they are as a company. They have some field folks who have been with the company for 30-40 years and they are the biggest part of their company; they are the most important people in the whole company and they are welcome at any time.

Member Raffin said they spent a lot of time going over and redoing the districts to come up with different characteristics in Munster. They went through a multi-year plan with recommendations from residents, people on commissions, business leaders, and politicians. They went through this and they designated these areas because that's what the residents wanted to see. He reiterated that they have 3 of their members here today but this has been vetted out through the community over a certain life cycle and that's the direction that the town came to together and brought to the Board.

Member Mayer said she'd like to make a motion. Her motion was to not make a recommendation to the town for this use permit. Member Raffin said that is an unfavorable recommendation to the Town Council for this petition. Attorney Bennett asked for clarification on Member Mayer's motion. The options are no recommendation, a favorable recommendation, or an unfavorable recommendation. She said Member Raffin had stated unfavorable, but, she believed, Member Mayer had said she wanted to make no recommendation so she wants to clarify the motion Member Mayer is making. Member Mayer said it was not a no recommendation, it was an unfavorable. Member Raffin said that is an unfavorable recommendation to the Town Council for this petition. Member Johns seconded the motion.

Motion: Member Mayer moved to send an unfavorable recommendation to the Town Council for PC Docket No. 25-006.

Second: Member Johns seconded the motion.

Vote: Yes –3 No –0 Abstain –0. Motion carried.

Member Raffin told Mr. Syrios the Board appreciates him coming to town and if it was an office building it would be different. Mr. Syrios said they had to do their job; they'll give it a shot and see where it goes from here.

Continued Discussion Items: None

Findings of Fact: None

Other Business:

PC25-005 ADMINISTRATIVE APPEAL: Frank Zischek, 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 stated that the resident at 8015 Greenwood contacted the Community Development office in early June requesting that an inspection or site visit be done regarding a screen or a tarp that was installed at or near the property line between him and his neighbor at 8031 Greenwood. He said the petitioner expressed concerns about the status of codes supporting that and asked for an opinion. Our Town attorney submitted a legal review and now the petitioner is asking the Board to appeal that review.

Member Raffin said he hasn't had a chance to review this; he did drive past the property but it was in the evening and getting dark so he couldn't get a complete look at it. He asked Attorney Bennett if she had anything to add. Attorney Bennett said not at this time. She said the petitioner had submitted a lengthy request for consideration and attached to that is the letter with her opinion that she had provided to him. She said she thought it might be beneficial, perhaps, to hear from the petitioner first where the Board can ask questions and she could fill in from there, as needed, to clarify further. Member Mayer said she drove by on her way to tonight's meeting and asked Mr. Zischek if he owns the property that does not have the screen on the fence.

Mr. Frank Zischek, 8015 Greenwood Avenue, said that is correct. He is the neighbor and the tarp fence is not on his property. He clarified for Member Mayer that the tarp is not on the fence, it is freestanding, it is strung on cables. He said it is not on a chain link fence, it is not acting as a fence, it is a fence. Member Raffin said he thought this was from Lake Station or something. Mr. Zischek said that is why he brought this appeal; when the determination came out that this was a screen and not regulated by the Town of Munster, he was floored by that. He said it has been a while since he looked at a zoning code, and particularly when the town says it meets the definition of a fence, he wanted the town to apply fence regulations. He said they're not going to do that; they're going to call it a screen and point to a table that says it's unregulated and that's that.

Member Mayer said that's ridiculous and asked Director Mendoza how this could have fallen through the cracks. Attorney Bennett said this has not fallen through the cracks, but she could respond. He asked the Board, first and foremost, to wait until they have all the evidence before they make a decision in that respect. She said, as the Board knows, we are bound by the language of the code whether she likes it or the petitioner likes it. She said there are many things in this code that we are in the process of redrafting because of such issues; this has been one that has come to the attention and it is clearly a problem, but again, we are bound by the language of the code. She asked the Board members to look at the letter that she wrote and or the documents that are attached from the zoning code to that letter and are included in the staff report. She said the definition of a fence, specifically, is broken down in two forms; 1) as a private frontage type and 2) as a structure; we are, obviously, looking at as a structure. She read directly from the code, "the word fence is a structural device erected to serve as an architectural element, landscape element, visual screen or physical barrier". She said, and as she put in her letter, a tarp strung down the property line meets this definition, it can be an architectural element, it can be a landscape element, it can be visual screen, and it can, perhaps, be a physical barrier. Member

Raffin asked if we are looking at the engineering possibilities and principles while we're hanging a tarp around the project for wind load for design. He said he does this all the time in Chicago and he can't just put a screen or a tarp up and not study wind loads, calculations, and engineering considerations because that tarp can become a dangerous object if it takes off the ground. Attorney Bennett said all of those are exactly the considerations such as physical barrier, a barrier is one of the main things for a fence, for safety, security, confinement, and erection so it's not coming loose and flying. In the swimming pool codes, a tarp can never be around a swimming pool, a tarp could never suffice as a structure for security, and it's never going to meet the code for keeping a dog in, or things of that nature. She said if she goes off the definitions, one of the things that is identified, poorly, in the fence definition is a visual screen. Under this zoning classification, fences are regulated and it specifically states that screens are not regulated. She said it is set forth that it is not regulated; if this meets the definition of a screen, she cannot selectively say it's a fence just because that's what she wants to do or that's what the petitioner wants her to do. She is bound by the poor or superior words of this code, it doesn't matter. She cited from the code the definition of Screen found on page 447 of the code which identifies a screen both as a verb which is when we're screening properties, when we're screening areas, and when we're screening dumpsters or it is used as a noun when it is a Building, a Building Element, Wall or Fence constructed of an opaque material or an Evergreen hedge which blocks an item or conditioned from view from a vantage point as required by this article, it is not synonymous with the street screen. She said we are crossing words in this poorly written definition. She said all the items she just referenced are considerations on a fence and a fence meeting a code for various purposes. She said when cross referencing that a fence can also be a screen, and then she goes to a screening definition which references that a screen can be a wall or a fence and, breaking it down from there, an opaque material blocks an item or condition from a view from a vantage point as required by the article. She concluded by saying this tarp meets every element of the definition of a screen as a noun and only part of the definition as a fence; she also has one portion of the code that completely regulates fencing, and one that specifically says that screens are not regulated. She said Member Raffin had mentioned some of those considerations of a fence as a barrier; this does not meet the definition of a fence as is applied in this code for barriers for swimming pools, for barriers for animals, etc. She said this application is not whether or not the petitioner wants to erect this structure on his property but, rather, he wants it to be enforced against the neighbor. She added that the town has such control and can differentiate over portions of the code and how they enforce those. In fact, under The Indiana Tort Claims Act, the town has complete immunity for lack of enforcement of any reference or any violation of a code so it almost becomes a moot point in some outcomes but that's clearly not what we want to have happen. She said the town makes every effort to enforce in every way that they can but, in the enforcement, the town also has to consider the effect of the enforcement and applying a regulation because we want to by making this apply as a fence when we have strict regulations saying that screens are not regulated, and then what the consequences are of enforcing something in that regard against the property owner who actually erected this.

Member Mayer said if many residents in town decided that they wanted to put up these tarps at their property lines, we have no way to enforce that. Attorney Bennett said that is correct as it is written and, unfortunately, if the code does not provide for it, is not hers or the Board's choice, it's not an option. She said the option is to change the law, and that's what we're in the process of doing, however, that doesn't mean we can disregard the current code. There was a discussion on the expected timeline for a draft of the code updates. Attorney Bennett they have working weekly on a rewrite of the entire zoning code. They hope to have drafts of several divisions ready for in September, but they cannot do a uniform development code without addressing the inconsistencies and overlaps. They want to make sure they

are eliminating those and not creating more. In answer to Member Mayer's question, Attorney Bennett said this matter is included in the prospective changes.

Mr. Zischek said he disagrees with Ms. Bennet's interpretation of the code. Attorney Bennet said they have different opinions and that is the nature of code interpretation, however, she can't enforce this and risk that the town gets sued by a different property owner.

Member Mayer asked where the Board goes from here. A discussion ensued between Attorney Bennett and Board members on proposed changes to the code which would prohibit this type of structure, the life span of tarps put up before a possible change in the code, and other issues related to this type of screen.

Member Raffin asked why this screening was put up, if it was like a spite fence. Attorney Bennett said it was put up to block a camera. Member Raffin said there is an Indiana Code 322610-1 which addresses spite fences; if put up unnecessarily, maliciously to annoy a neighbor, it can be declared a nuisance and ordered to be removed. Attorney Bennett said that's a code that's applicable between neighbors and not something that the municipality is involved in and between the parties, there are obviously two sides, the other party would maintain that this was put up to block a camera. She said it plays no bearing one way or the other, and it doesn't matter if she, personally, likes the camera or doesn't like the camera pointing in the other person's backyard and it doesn't matter if she likes the tarp or doesn't like the tarp, if she can't find the teeth in the code, then she cannot advise the town to take action that puts them at risk of liability. In answer to Member Johns' question, Attorney Bennett said the town cannot just say it has to come down but if the code is changed, it cannot be re-erected. If the tarp has to be replaced because of damage to it or the cables need to be replaced, the town can prevent that from being reinstalled. She said it is a matter of time but it is very different from a permanent structure, like a fence, that is designed to withstand the elements like a wood or vinyl fence would.

Member Raffin asked if they could get an make an amendment to the current code and bring it to the Plan Commission while we're waiting for a new code to come out. Attorney Bennett said the Board would need to raise this with the Town Council because the direction she they have at this point, is to proceed. She said if she receives the proper direction from the Council, then she can do that.

Member Mayer asked, in this administrative appeal process today, if the petitioner is asking the Board to appeal the decision that Attorney Bennett made. Attorney Bennett said yes. Member Mayer asked what happens if the Board puts a motion in place saying that they disagree with what Attorney Bennett's findings were. Attorney Bennett if the Board makes a decision and they overturn her legal opinion on this and overturn what she has stated, the petitioner can continue to contact the town and it will be in the town's decision, at their discretion, whether or not to take action on this. She reiterated that the under Indiana Tort Claims Law, the town has complete immunity for non-enforcement of any code section so that would then be a decision of staff and potentially the Town Council on whether or not they want to go against legal advice and act by enforcing or not enforcing this and dealing with the legal consequences that follow from there.

Member Mayer said, in that case, she would make a motion that indicates that she disagrees with Attorney Bennett's findings and that this particular tarp is a fence and not a screen. Member Raffin said he looked at this for an hour today; he didn't get a chance to drive past it like Member Mayer did. He said his opinion was that he'd like to continue this for further discussion. He said he'd like to look at the petitioner's and the neighbor's property to do more research and get more evidence. He said he is also

encouraging the Town Council members who are in the room tonight to work on getting an ordinance done on this as soon as possible. Mr. Zischerk said he would also urge the Town Council to get a second legal opinion.

Councilman George Shinkan of 9917 Margo Lane introduced himself and said if the Board passes that motion, the town will probably incur more legal fees when speaking with the lawyer about what to do or what not to do and all the legal ramifications. He urged the Board to table this so they can look into doing something now that can go through the Plan Commission and the Town Council to alleviate this problem as soon as possible without the legal ramifications. He said that may take one more month, but that would be doing it the proper way.

Member Mayer revised her motion to table this until next month. Member Johns seconded the motion.

Motion: Member Mayer moved to table BZA Docket No. 25-005 until the September 9, 2025 meeting.

Second: Member Johns seconded the motion.

Vote: Yes – 3 No – 0 Abstain – 1. Motion passed.

Member Raffin thanked the petitioner for bringing this to the Board's attention. Mr. Zischerk said he had a whole presentation prepared and said the Board should read the narrative. He said no offense to Attorney Bennett but he thinks she is entirely incorrect in her interpretation.

Member Raffin announced the next regular business meeting will be held on September 9, 2025.

Before the meeting was adjourned, Member Raffin said that years ago, they had a property owner at Fran Lin and Oriole who added a garage. Member Mayer said they didn't get a variance; they didn't need one because the town was in a period when the code was in flux. They were able to build a tall, like 14 foot tall, 2 car garage in their backyard and still have two-car garage in the front of their house. She said they don't meet the qualifications for a four-car garage but they are using all four garages. Member Raffin asked Attorney Bennett what happened legally with that issue since it has been a point of contention for a long time. Attorney Bennett said she was not aware of this situation; it may have been under prior counsel. Director Mendoza said he could briefly inform the Board and Attorney Bennett that a request came in about a year ago and this matter was presented for consideration by the Town Manager to take this before legal. He said the next step would be a legal injunction for compliance. At that time, there was no interest in moving forward with filing a legal injunction. Member Raffin said this just seems to have fallen by the wayside. Director Mendoza said if the Board would like to bring this up again under the current Town Manager, we can we can do that, the Board just needs to identify their request. Member Raffin said the request is to make them compliant. Director Mendoza asked for confirmation, was the Board of Zoning Appeals formally requesting the town to enter a legal injunction. Member Raffin said they have asked that before; Member Mayer said this has been going on for 3 years. Director Mendoza said he can present that to the Town Manager. Ms. Core asked for the address of the property. Member Mayer said she didn't remember the exact address but it is on the corner of Oriole and Fran Lin. Member Raffin asked if the Town Manager ever intends to come to the BZA or Plan Commission meetings to get a feel for them. Director Mendoza said he doesn't know the Town Manager's intentions.

Adjournment:

Motion: Member Johns motioned to adjourn.

Second: Member Mayer seconded the motion.

Vote: Yes –3 No – 0 Abstain – 0. Motion carried.

Meeting adjourned at 7:28pm

Member Roland Raffin
Board of Zoning Appeals

09/09/2025

Date of Approval

Executive Secretary Sergio Mendoza
Board of Zoning Appeals

9.9.25

Date of Approval

Denise Core

From: Kimberly Campbell <kcampbell@1stpropertymanagers.com>
Sent: Wednesday, August 13, 2025 9:46 AM
To: Sergio Mendoza; Roland Raffin; rraffin@clunegc.com; Sharon Mayer; Brad Hemingway; Jennifer Johns; Dan Sharpe
Cc: Nicole Bennett; Denise Core
Subject: Re: Cobblestones

Good morning,

Yes it is BZA25-004. Precision Control Systems Inc. at 10350 Calumet Avenue.

Thank you!

Please be advised, our summer office hours Memorial Day through Labor Day: Monday through Thursday from 8:00 AM to 5:00 PM, and Fridays from 8:00 AM to 4:00 PM.

Kind regards,

Kim Campbell
Property Manager
3408 Enterprise Ave. Valparaiso, IN 46383
Phone: 219-464-3536 ext. 306
kcampbell@1stpropertymanagers.com



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From: Sergio Mendoza <smendoza@munster.org>
Sent: Tuesday, August 12, 2025 2:36 PM
To: Kimberly Campbell <kcampbell@1stpropertymanagers.com>; Roland Raffin <raffinconstruction@icloud.com>; rraffin@clunegc.com <rraffin@clunegc.com>; Sharon Mayer <sharon61@aol.com>; Brad Hemingway <jbh1028@sbcglobal.net>; Jennifer Johns <jrjohns@comcast.net>; Dan Sharpe <dsharpe@mcco.com>
Cc: Nicole Bennett <nbennett@westlandbennett.com>; Denise Core <DCore@munster.org>
Subject: RE: Cobblestones

Hello Ms. Campbell, I am confirming receipt of your remonstrance letter and forwarding it to the other members of the Board of Zoning Appeals for their consideration this evening.

For clarification, please advise if your attached letter is in response to **BZA25-004 USE VARIANCE** for Precision Control Systems Inc. at 10350 Calumet Avenue.

Sergio Carrera Mendoza
Planning Director

Town of Munster
Community Development Department
1005 Ridge Rd., Munster, IN 46321
219.836.6990



www.munster.org

From: Kimberly Campbell <kcampbell@1stpropertymanagers.com>
Sent: Tuesday, August 12, 2025 2:04 PM
To: Sergio Mendoza <smendoza@munster.org>
Cc: Roland Raffin <raffinconstruction@icloud.com>; rraffin@clunegc.com
Subject: Cobblestones

Good afternoon,

Please see the attached letter and let me know if you have any questions.

Please be advised, our summer office hours: Memorial Day through Labor Day: Monday through Thursday from 8:00 AM to 5:00 PM, and Fridays from 8:00 AM to 4:00 PM.

Kind regards,

Kim Campbell
Property Manager
3408 Enterprise Ave. Valparaiso, IN 46383
Phone: 219-464-3536 ext. 306
kcampbell@1stpropertymanagers.com



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August 12, 2025

Subject: Formal Objection to Proposed Manufacturing/Industrial Zoning Adjacent to Residential Areas & Calumet Business Corridor

Dear Members of the Munster Town Council & BZA,

We, the undersigned Cobblestones Property Owners Association, formally oppose the proposed light manufacturing and industrial development on Calumet Avenue adjacent to existing commercial medical properties and residential properties. This project is incompatible with the established zoning principles, comprehensive plan objectives, and the duty of the Town Council and Board of Zoning Appeals to protect public welfare.

1. Incompatible Land Use and Zoning Violations

Manufacturing and industrial uses are to be separated from residential and commercial districts to prevent land use conflicts. Locating manufacturing operations near homes and medical offices creates a zoning conflict that is inconsistent with recognized planning standards, including those outlined by the American Planning Association, which emphasize the need for buffering and distance between manufacturing and industrial activities from commercial business districts and dwellings.

2. Threat to Public Health and Safety

Manufacturing and Industrial operations pose increased risks of air and noise pollution, hazardous waste generation, and heavy truck traffic. This proximity would subject residents, including children and elderly individuals, to measurable environmental and safety hazards. Any resulting harm could expose the Town to potential legal claims under nuisance, environmental, and public health statutes.

Noise, Traffic, and Safety Hazards- Manufacturing & Industrial operations bring increased truck traffic, noise from machinery and trucks, and extended work hours, all of which will directly affect the peace, safety, and daily routines of the residents of Munster.

3. Adverse Impact on Property Values and Economic Stability

Numerous real estate studies demonstrate that property values decline when manufacturing and industrial facilities are introduced near residential neighborhoods and office business corridors. This not only harms homeowners' and commercial property investments but also erodes the local tax base over time, contrary to the town's stated economic development goals.

4. Precedent for Future Incompatible Development

Approval of this project will set a precedent that undermines the integrity of our zoning map, opening the door for further encroachment of incompatible uses into commercial corridors and residential areas, therefore weakening the enforceability of the town's planning authority.

For these reasons, we urge the BZA and Town Council to deny this proposal in its current form and to consider alternate sites already zoned or suitable for manufacturing and industrial activity, consistent with the town's comprehensive plan and best planning practices. This not only maintains community balance and avoids incompatible land uses but also protects the economic interests and the well-being of its residents.

We submit this objection to the official public record and request formal acknowledgment of its receipt

We appreciate your time, service, and commitment to making thoughtful decisions for Munster's future.

Sincerely,

Cobblestones Property Owner's Association

BZA25-004 Exhibit A