



BOARD OF ZONING APPEALS STAFF REPORT

To: Members of the Board of Zoning Appeals

From: Sergio Mendoza, Planning Director

Meeting Date: September 9, 2025

Agenda Item: BZA 25-006

Application Type: Developmental Standards Variance

Hearing: Public 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

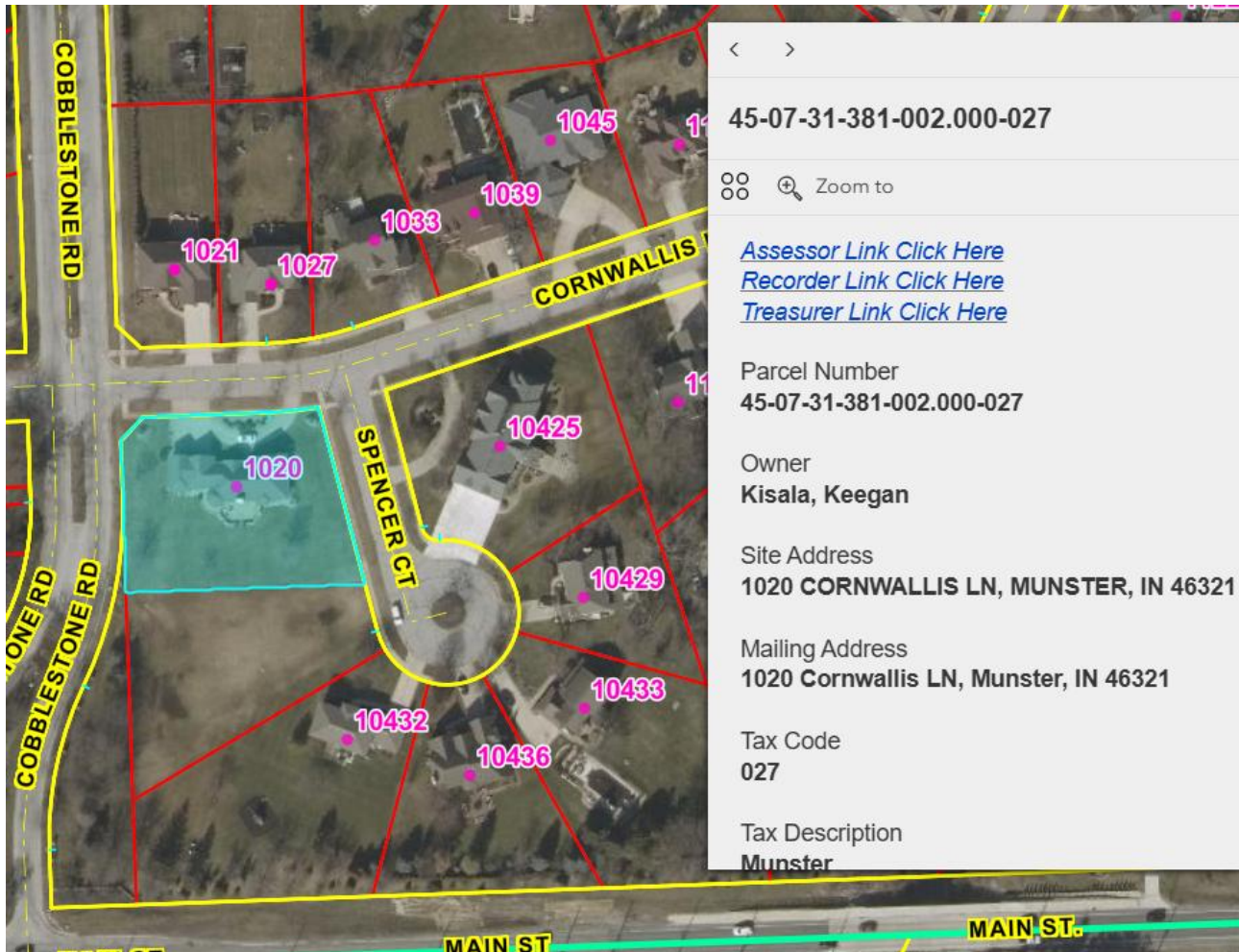
Additional Actions Required: Findings of Fact

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

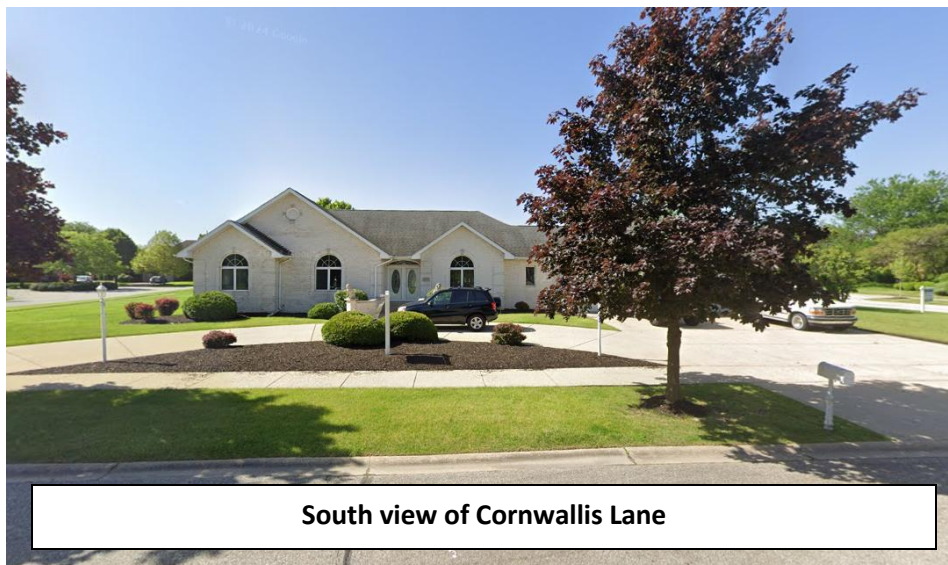
PROJECT LOCATION

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.



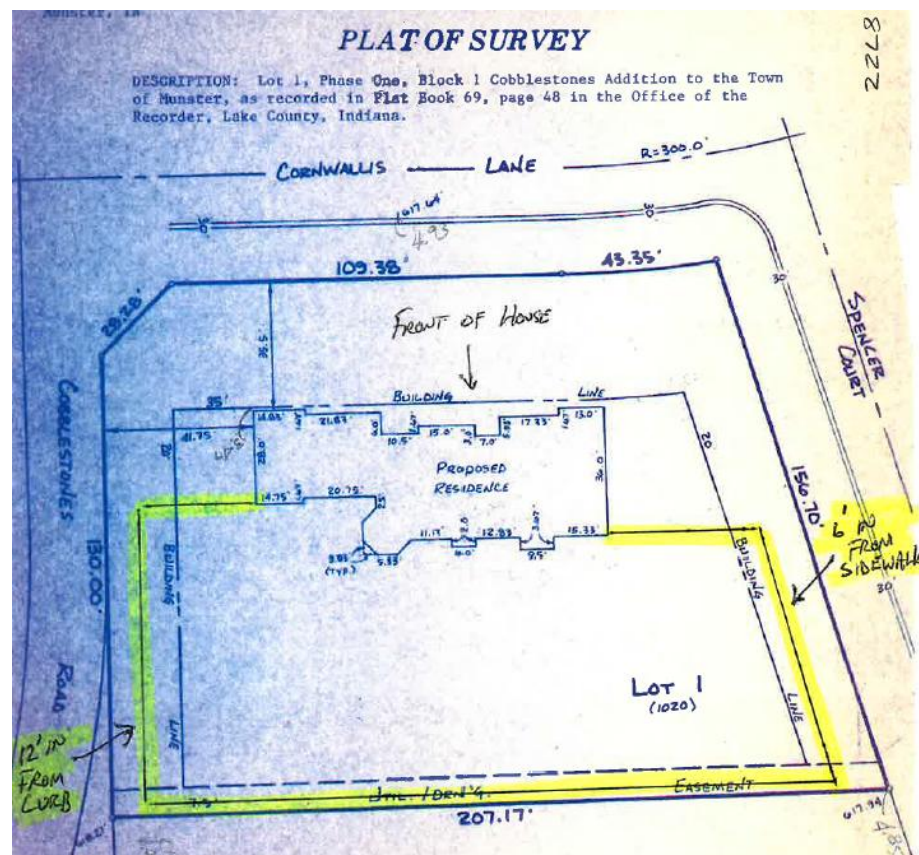
PROJECT SUMMARY

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.





1020 Cornwallis lot dimensions over aerial image.



Applicant fence location request outlined in yellow.

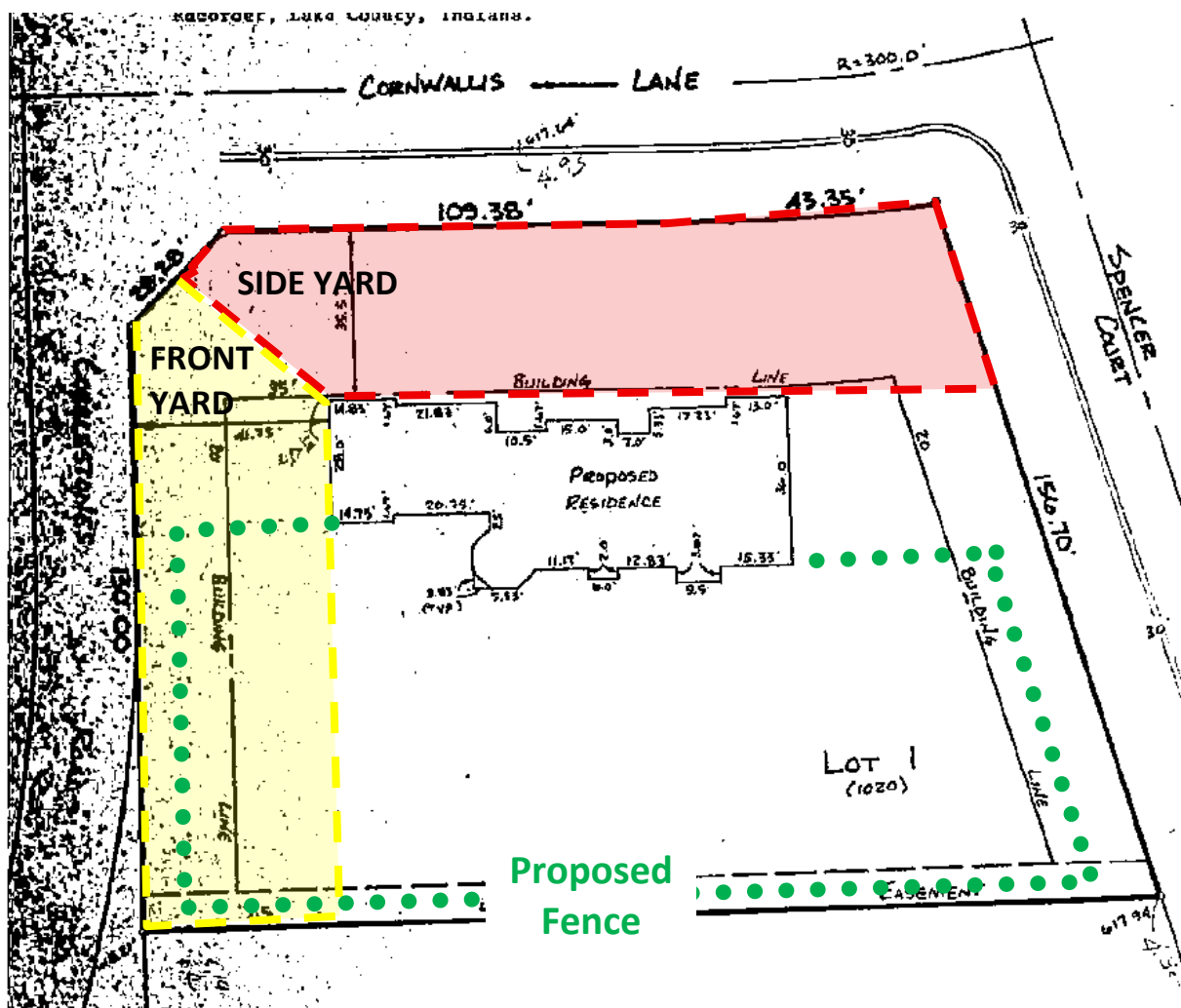
ZONING CODE: TABLE 26-6.405.A-2 DISTRICT STANDARDS

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.

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.

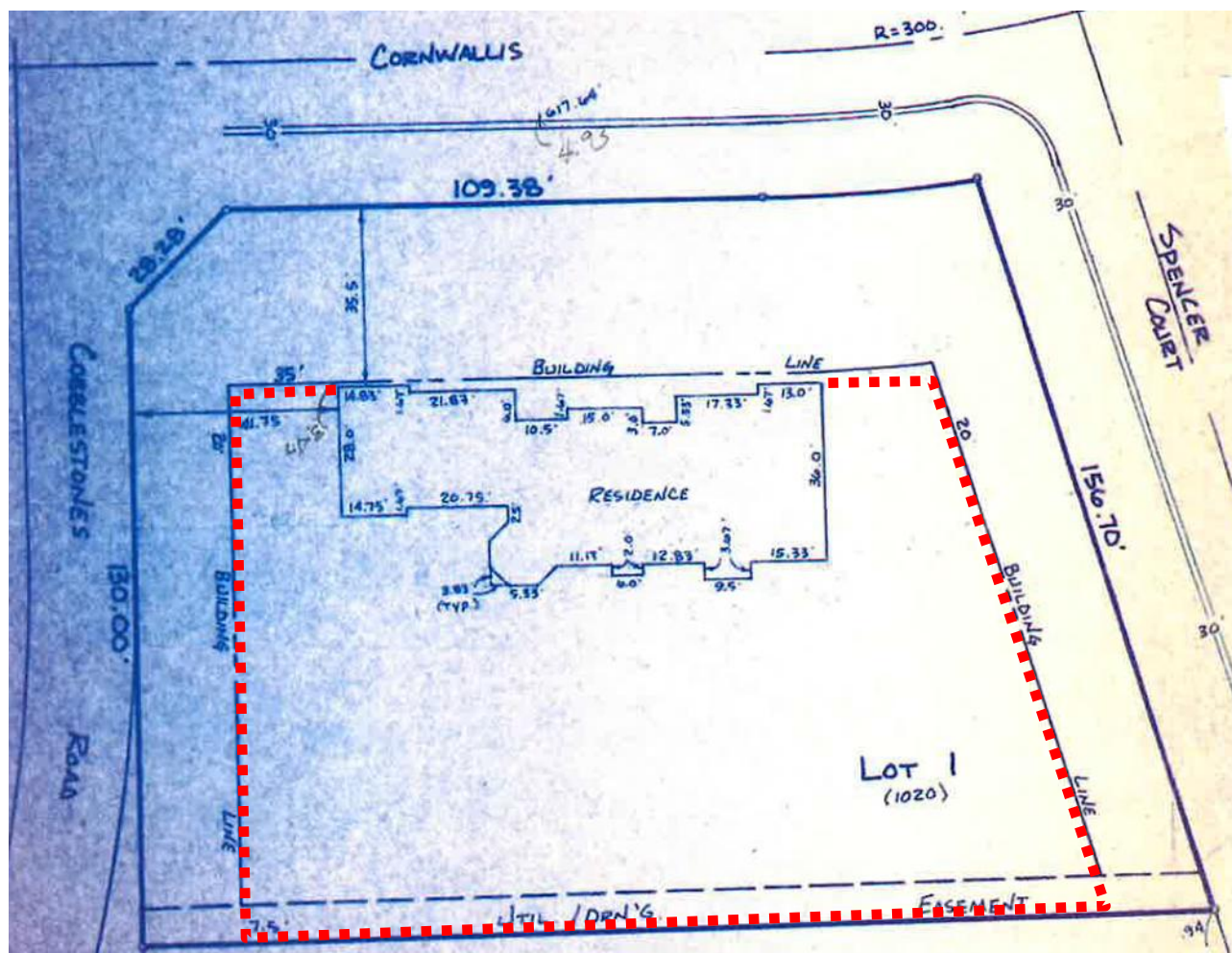
The applicant has addressed these criteria in Exhibit B

STAFF RECOMMENDATION

Staff finds all documents are in order to proceed with a public hearing and finds that the Developmental Variance Conditions of Approval and General Standards that there are practical difficulties and unnecessary hardships that are not self-imposed and are the result of an approved subdivision with a unique 3-sided street through corner lot that does not exist on other properties in the vicinity.

In addition, staff finds that granting a variance to install a fence in the front yard as describe by the current zoning ordinance will relieve any practical difficulties or hardships inherited by the property owners and an approval will be in spirit of the general purpose of locating a fence in the rear yard and character of the neighborhood and conserve the property values in the vicinity.

Staff recommends to approve a front yard fence as defined under TABLE 26-6.405.A-2 DISTRICT STANDARDS, Private Landscaping and Fencing in the Munster Character Based Zoning Code; as it will not be injurious to the general welfare of the subdivision or have a substantially adverse impact to adjacent properties so long as that the proposed fence along Cobblestone Road and Spencer Court do not encroach past the 20' building line as to not hamper visibility and maintain the aesthetic quality of the neighborhood, and do not extend past the front orientation of the home or the south property line, as shown below by red dotted lines. Finally, staff finds that the current development standards do present practical difficulties for a 3-sided street through corner lot.



MOTION

The Board of Zoning Appeals may consider the following motions:

Motion to APPROVE BZA25-006, a Developmental Standards Variances request for a fence in the front yard with the condition that the proposed fence along Cobblestone Road and Spencer Court not encroach past the recorded 20' building line; not extend past the front orientation of the home; and not extend past the south property line, including all discussion and findings.