

MUNSTER BOARD OF ZONING APPEALS

PETITIONER/OWNER:
Keegan Kisala
1020 Cornwallis Lane
Munster, IN 46321

BZA DOCKET NO. 25-006

APPLICATION: Developmental Variance

PROPERTY:
1020 Cornwallis Lane
Munster, IN 46321

FINDINGS OF FACT

1. Petitioner, Keegan Kisala ("Petitioner"), is the owner of the real estate located at 1020 Cornwallis Lane, Munster, IN, identified by parcel # 45-07-31-381-002.000-027 (hereinafter "Property"). The Property is presently zoned single-family residential (CD-3.R1). The Property is a "peninsula lot" with 3 street fronts located on the southeast corner of Cobblestones Road and Cornwallis Lane and on the southwest corner of Spencer Court and Cornwallis Lane. The front of the home on the Property faces Cornwallis Lane to the north, with the west and east side lot lines along Cobblestones Road and Spencer Court, respectively, and the rear lot line abutting the adjacent property to the south.
2. Petitioner desires to erect a fence on the Property that would encompass almost all the backyard. Specifically, Petitioner proposes to erect a fence to extend from the rear corners of the home to the west not less than 12 feet from Cobblestones Road and to the east not less than 6 feet from the sidewalk on Spencer Court, then to the south in parallel lines extending to the rear lot line, and then across the rear lot line to enclose the backyard.
3. The Munster Character Based Zoning Ordinance ("Zoning Code"), Table 26-6.405.A-2, permits fences in the side and rear yards but prohibits fence enclosures in the front yard entirely. The Zoning Code distinguishes between the front and side yards of a corner lot based on the length of each street side of the lot. Specifically, the Zoning Code requires that the *front yard* fence standards apply to the *shorter street side* of a lot, and the *side yard* fence standards apply to the *longer street side* of a lot, regardless of the orientation of the home. Consequently, because the shortest side of Petitioner's lot abuts Cobblestones Road, the area between Petitioner's home and Cobblestones Road is considered the front yard, and the area between Petitioner's home and Cornwallis Lane is considered the side yard for the application of the Town's fence standards. As a result, Petitioner requires a developmental variance from the requirements of the Zoning Code to construct a fence enclosure in the yard between his home and Cobblestones Road (the front yard).
4. This matter came before the Munster Board of Zoning Appeals for Public Hearing on September 9, 2025. Petitioner appeared and presented proof of notice and publication as required by law. Petitioner presented testimony and evidence supporting the requested variances. The Public Hearing was opened. No remonstrances were heard. The Public Hearing was closed.
5. Based upon the testimony and evidence presented, the Town of Munster Board of Zoning Appeals, upon motion duly made and seconded, by a vote of five (5) in favor, zero (0) opposed,

zero (0) abstained, and zero (0) absent, voted to approve the developmental variance to construct a fence in the area of the Property between the home and Cobblestones Road, identified per the Zoning Ordinance as the front yard, with the condition that the fence be set back 25-32 feet *from the curb* along Cobblestones Road and Spencer Court so as to match the sight lines of the houses to the north.

6. In making such determinations, the Munster Board of Zoning Appeals now makes the following Findings of Fact:

- (A) The approval of the variance will not be injurious to the public health, safety, morals, and general welfare of the community;
- (B) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
- (C) The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property; and
 - (i) The practical difficulties are unique and not shared by all properties in the vicinity and are not self-imposed;
 - (ii) The requested variance is the minimum variance that will relieve such practical difficulties; and
 - (iii) The requested variance is in the spirit of the general purposes and intent of Article 6, Division I and IV of the Zoning Code; and 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.
- (D) The Findings of the Munster Board of Zoning Appeals are based upon and in accordance with the Munster Zoning Ordinance and Indiana state statutes, and shall not be construed or interpreted to be a determination by the Munster Board of Zoning Appeals of compliance, or noncompliance, with covenants, restrictions, or limitations on the Property defined herein, if any; and,
- (E) Petitioner shall comply with all requirements of the Munster Municipal Code and Indiana state statutes relating to the applicable building permits, licensing/registration of contractors, inspections, etc. that are required for construction as permitted herein. Additionally, approval of a variance by the Munster Board of Zoning Appeals shall not be construed or interpreted as pre-approval or waiver of such requirements.

WHEREFORE, based upon the above evidence and Findings, the Munster Board of Zoning Appeals by a vote of five (5) in favor and zero (0) opposed, approved Petitioner's requested variance with conditions. The Munster Board of Zoning Appeals took the above official action on

September 9, 2025. Findings of Fact approved on the 14th day of October 2025.

MUNSTER BOARD OF ZONING APPEALS

By: _____
Brad Hemingway, Chairman

ATTEST:

Sergio Carrera Mendoza, Executive Secretary