

MUNSTER BOARD OF ZONING APPEALS

Kyle and Jennifer Dempsey
9745 Laurel Drive
Munster, IN 46321

BZA DOCKET NO. 21-010

FINDINGS OF FACT

This matter came on for Public Hearing on September 14, 2021. Applicant requests a developmental standard variance from the fence requirement for a residential swimming pool at 9745 Laurel Drive, Munster, Indiana. Applicant presented testimony and evidence in support of the requested variance. The Public Hearing was opened. The Public Hearing was closed.

NOW, THEREFORE, based upon the testimony and evidence presented, the Munster Board of Zoning Appeals finds as follows:

1. The approval will not 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.
3. The strict application of the terms of the Zoning Ordinance will result in practical difficulties and undue hardship in the use of the property.
4. The Board of Zoning Appeals has given due consideration to those matters set forth in Sec. 26-456 of the Munster Municipal Code with regard to Developmental Standards Variances.

The Board of Zoning Appeals granted the Applicant's request for a developmental standard variance and noted that the criteria for granting a developmental standard variance in this instance are to preserve, protect, and promote the public health, safety and welfare; protect the general public from damage and/or injury which may be caused by the faulty and uncontrolled construction or maintenance of swimming pools, and preserve the value of adjoining private property. The motion was made to approve a power safety pool cover as a substitute for a fence around the swimming pool.

WHEREFORE, based upon the above Findings, the Town of Munster Board of Zoning Appeals voted to approve the requested variance by a vote of 4 in favor and 1 opposed.

Variance granted September 14, 2021. Findings of Fact approved the 12th day of October, 2021.

MUNSTER BOARD OF ZONING APPEALS

Roland Raffin, Chairman

ATTEST:

Thomas Vander Woude, Executive Secretary