



# BOARD OF ZONING APPEALS STAFF REPORT

**To:** Members of the Board of Zoning Appeals

**From:** Tom Vander Woude, Planning Director

**Meeting Date:** July 12, 2022

**Agenda Item:** BZA Docket No. 22-008

**Hearing:** **PUBLIC HEARING**

**Application Type:** **Developmental Standards Variances**

**Summary:** Larry Gill on behalf of Temple Beth-El requesting approval of variances from *TABLE 26-6.405.B* to allow a 6-foot vinyl fence at a frontage and in the 1<sup>st</sup> lot layer in a Civic Zone at 10001 Columbia Avenue.

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**Applicant:** Larry Gill on behalf of Temple Beth-El

**Property Address:** 10001 Columbia Avenue

**Current Zoning:** CZ CIVIC ZONE

**Adjacent Zoning:** North: CD-4.B  
South: SD-PUD  
East: CD-4.B  
West: SD-PUD

**Action Requested:** Approve variances

**Additional Actions Required:** Findings of Fact

**Staff Recommendation:** **Approval**

**Attachments:** BZA 22-008 variance application including site plan and fence specifications  
Letter of support from Munster Police Chief Steve Scheckel dated June 1, 2022

## BACKGROUND

Larry Gill on behalf of Temple Beth-El has submitted an application for approval of variances from *TABLE 26-6.405.B* of the Munster zoning ordinance to allow the construction of a 6-foot vinyl fence along the west side of their property at 10001 Columbia Avenue, at the corner of Columbia Avenue and Palmer C. Singleton Drive. A site plan is attached which shows the location of the proposed fence. The spec sheet of the fence materials is also attached.

The applicant has indicated that the fence is requested to provide additional security and privacy for the congregation as it uses the patio and grass area to the west of the building for outdoor activities including religious school. The height and style of fence was recommended in a security audit that was conducted for the congregation by the Munster Police Department. A letter of support from Munster Police Chief Steve Scheckel is attached.

A preliminary hearing was held on June 14, 2022 – there are no changes or additions to the application presented for the public hearing.

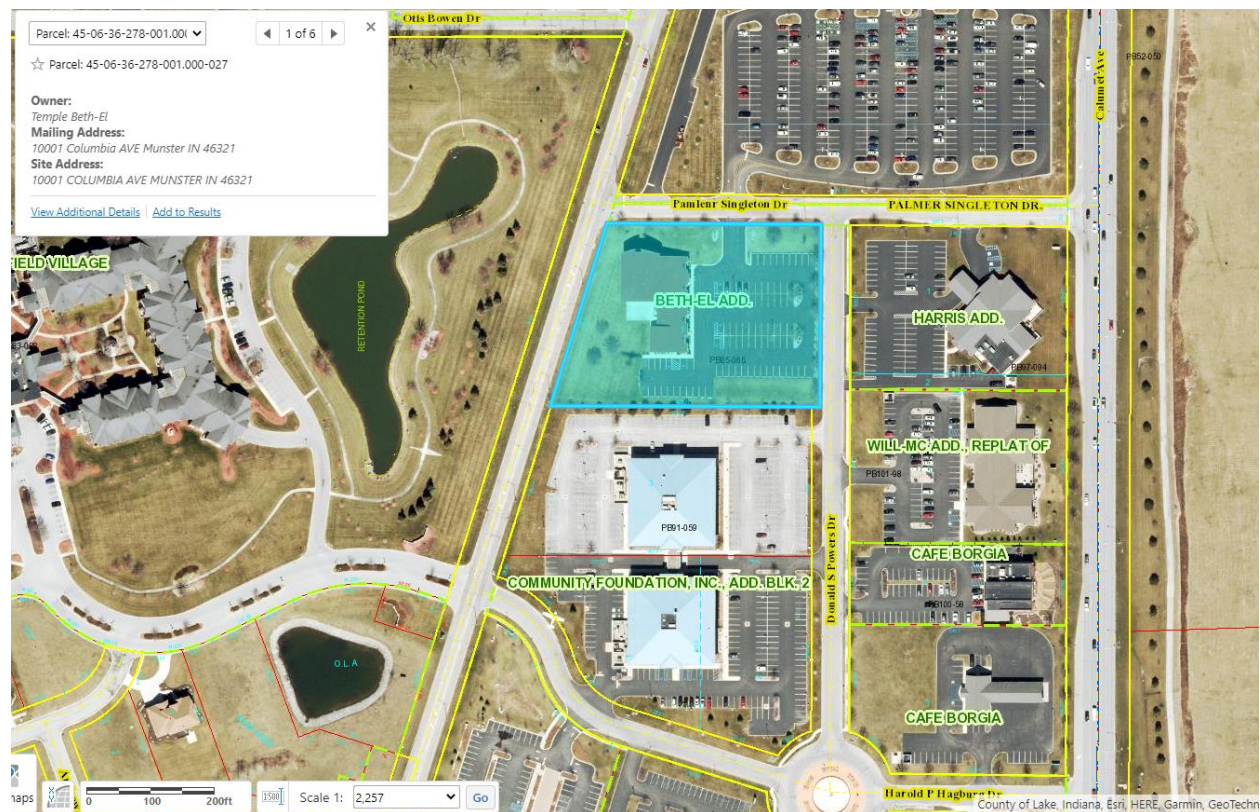


Figure 1 Subject property.

## DISCUSSION

1005 Ridge Road • Munster, IN 46321 • (219) 836-8810 • Police/Fire Emergencies 911

Police Non-Emergency (219) 836-6600 • Fire Non-Emergency (219) 836-6960

[www.munster.org](http://www.munster.org)

1. The applicant is proposing a 6-foot fence located between the west façade of the building and Columbia Avenue. This location is classified as private frontage by the Munster Zoning Ordinance. The ordinance permits a 3.5'-4' tall fence at the frontage:

**TABLE 26-6.405.B CIVIC ZONE STANDARDS Private Landscaping and Fencing**

**Walls & Fencing (not including Screens)**

**Height:** 3.5-4 ft. max at Frontage; otherwise, 6 ft. max; height measured from avg. undisturbed grade of Adjacent property at property line

2. The applicant is proposing a Bufftech faux-stone, vinyl fence located between the west façade of the building and Columbia Avenue. This location is classified as the First Lot Layer and a secondary frontage by the Munster Zoning Ordinance. The ordinance permits vinyl fencing in the 3<sup>rd</sup> Lot Layer Only. A Brick or Stucco over Masonry wall or a Wrought Iron or Aluminum fence is permitted in this location.

**TABLE 26-6.405.B CIVIC ZONE STANDARDS Private Landscaping and Fencing**

**Walls & Fencing (not including Screens)**

**Allowed Materials:**

Natural Wood	Permitted at side and rear only
Brick or Stucco over Masonry	Permitted
Wrought Iron or Aluminum	Permitted
Vinyl	Permitted in 3 <sup>rd</sup> Lot Layer only
Chain Link	Permitted at rear only
Barbed/razor	Not Permitted

## VARIANCE STANDARDS

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.

Sec. 26-6.804.I 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 the attached application.**

**RECOMMENDATION**

The Board of Zoning Appeals may wish to consider the following motion:

*Motion to approve variances from TABLE 26-6.405.B to allow a 6-foot vinyl fence at a frontage and in the 1st lot layer in a Civic Zone at 10001 Columbia Avenue in accordance with BZA Docket 22-008.*



Petition BZA 22 - 008  
Date: \_\_\_\_\_  
Application Fee: \$ 450.00  
Sign Fee: \$ \_\_\_\_\_

**Town of Munster Board of Zoning Appeals Petition Application**

**OWNER INFORMATION:**

Temple Beth-El  
Name of Owner

219-934-9600

Phone Number

10001 COLUMBIA AVE. MUNSTER, IN 46321  
Street address, City, ST, ZIP Code

OFFICE@TEMPLEBETH-EL-  
MUNSTER.ORG  
Email address

**APPLICANT OR PETITIONER INFORMATION (if different than above):**

LARRY GILL  
Name of Applicant/Petitioner

219-741-8757

Phone Number

1310 VIVIAN LN MUNSTER, IN 46321  
Street address, City, ST, ZIP Code

GILL.LARRY66@GMAIL.COM  
Email address

**PROPERTY INFORMATION:**

Temple Beth-El  
Business or Development Name (if applicable)

10001 COLUMBIA AVE  
Address of Property or Legal Description

Civic  
Current Zoning

**APPLICATION INFORMATION:**

Please select what this Application is for:

☒ **Variance**

If yes, select one of the following:

☒ **Developmental Standards**

☐ **Conditional Use**

☐ **Administrative Appeal**

**Brief Description of Project and List of Variances or Conditional Uses Being Requested (if applicable):**

Temple Beth-El (TBE) is requesting a variance on zoning ordinance for a fence in a civic district. The proposed fence is a 6 ft tall, extruded vinyl that looks like stone. The fence will act as a security barrier by having a steel beam in the bottom and top. The height and construction of the fence will allow Temple Beth-El some privacy to use its patio and adjacent grassy area for outdoor activities, including our religious school.

The property is unique in that there are streets on 3 sides.

The Nonprofit Security Grant Program (NSGP) as offered by the Department of Homeland Security is being used for this project to enhance security at synagogues and churches. Since antisemitic incidents are on the rise nationally and in Indiana, the fence will give additional peace of mind and protection to our congregants.

\_\_\_\_\_  
Name of Registered Engineer, Architect or Land Surveyor

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Street address, City, ST, ZIP Code

\_\_\_\_\_  
Email address

## DEVELOPMENTAL VARIANCE CONDITIONS OF APPROVAL

The Munster Board of Zoning Appeals is authorized to hear petitions for developmental standards variances and to approve or deny. The Board of Zoning Appeals may also impose reasonable conditions and restrictions. Indiana Code 36-7-4-918.5 lists the legal criteria for a developmental standards variance:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community. Explain why this statement is true in this case:

The project is to install a fence going from the northwest corner of the building, west approximately 8 ft., then proceeding south paralleling Columbia Avenue, then turning east to the southwest corner of the building. In fact, it will help keep the congregants safe.

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. Explain why this statement is true in this case:

The property to the south of the building will not be affected in any manner by this fence. On the other 3 sides of the building/lot, there are streets.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. Explain why this statement is true in this case:

The strict terms of the zoning ordinance will not allow a fence to be installed that meets the criteria of being vehicle resistant by providing security. The zoning ordinance fence requirements do not lend itself to any privacy for the property owners' use.

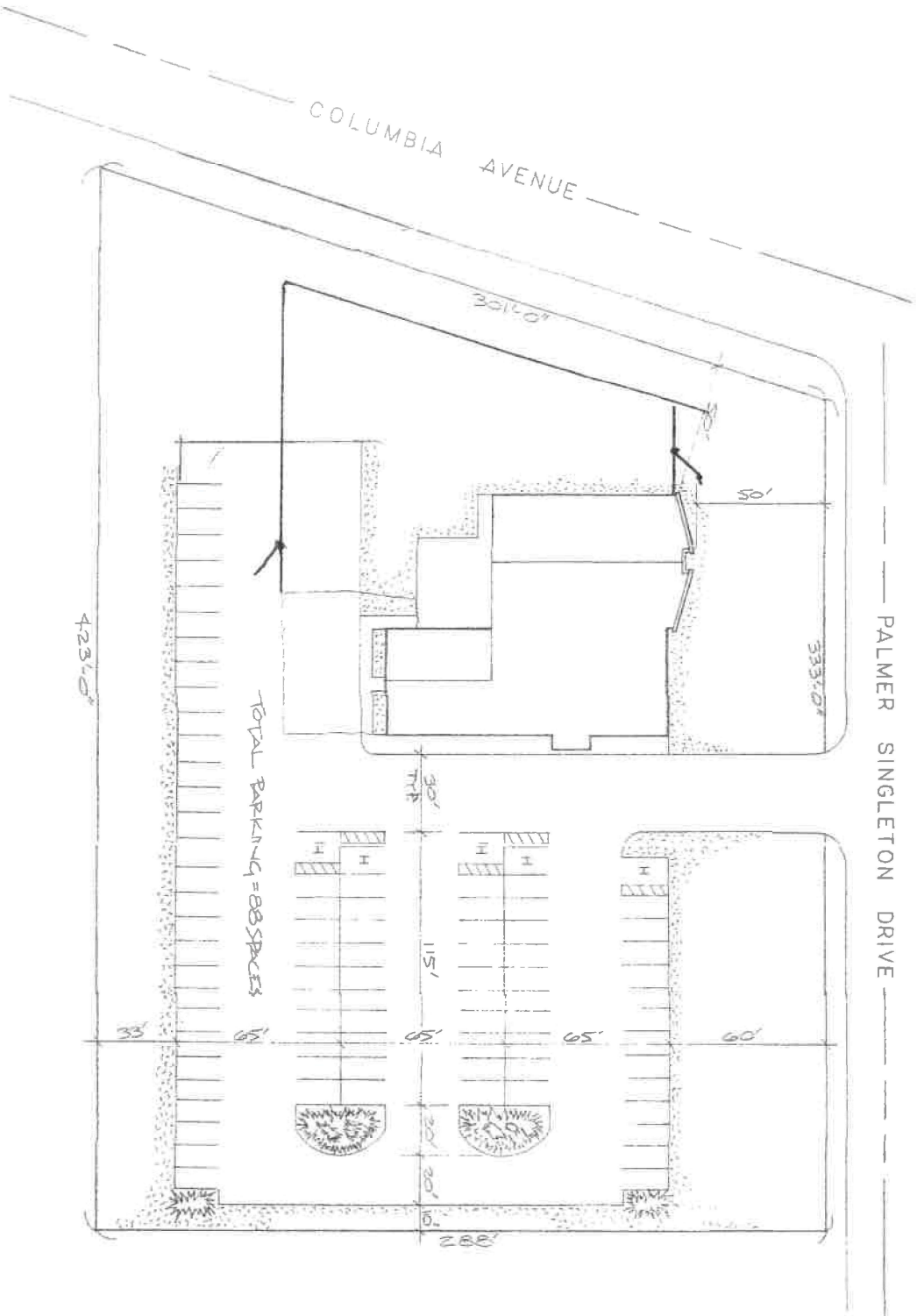
*Attach additional pages if necessary*

# TEMPLE BETH-EL

MUNSTER, INDIANA

## SITE PLAN

SCALE: 1" = 20'



SHEET: 2 OF 2

DATE: 8-3-98





# The Bufftech Advantage

The Bufftech Advantage offers solutions for all applications:

## Applications

Pools  
Perimeter  
Highway  
Property Divider

## Solutions

Safety and Security  
Sound Reduction  
Privacy  
Aesthetics

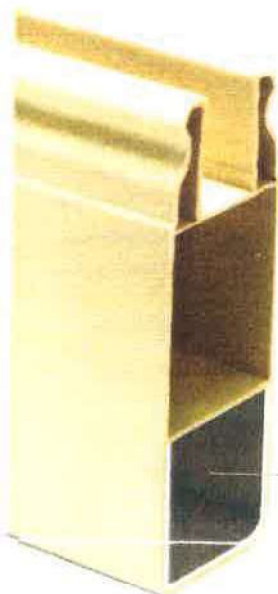
## Natural Colors\*



\*Colors throughout this brochure are simulated.  
Consult product color samples before making final selection.

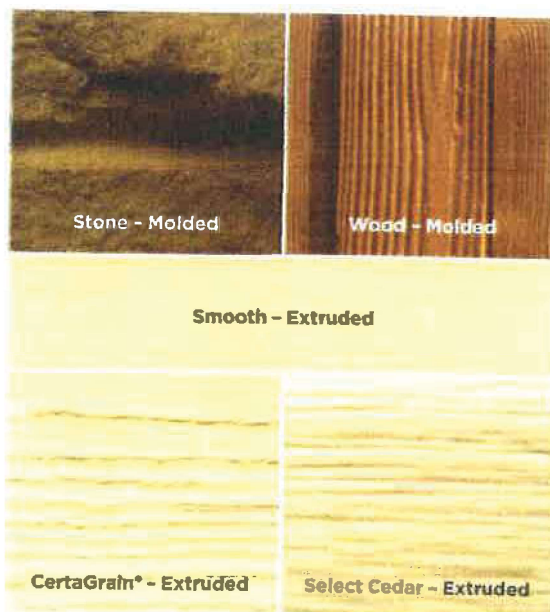
## Steel Reinforced Panels and Gates

Bufftech extruded fence products feature a steel reinforced bottom rail for a stronger, more rigid fence, which reduces the chances of sagging or bowing.



Bufftech molded fence panels feature steel reinforcement in the top and bottom.

## Authentic Textures









*At Your Service*

June 1, 2022

Ms. Sharon Mayer  
Town of Munster  
Board of Zoning Appeals  
1005 Ridge Road  
Munster, IN 46321

Ref: Variance for Temple Beth-El

Dear Ms. Mayer,

The purpose of this letter is to request a variance be extended to Temple Beth-El, located at 10001 Columbia Avenue, regarding their proposed fence. The Police Department usually does not involve itself in matters regarding your board, however, in this instance I ask for your indulgence.

The Police Department has worked closely with the Jewish Federation, Congregation Beth Israel, and Temple Beth-El over the years on matters of security. As you are aware we have seen an uptick in Anti-Semitic activity directed towards our Jewish community throughout the country. As a result, the Police Department has conducted security surveys of the grounds and have made recommendations to enhance the security of both their grounds and buildings. One of our concerns was that Temple Beth-El is completely exposed, and susceptible to anyone driving past their structure. It was in this spirit that we made recommendations to better conceal activities on the grounds, and not provide someone with ill-intent, a full field of view of the congregants.

In closing, the Police Department believes that a six (6) foot fence is warranted to enhance the security of Temple Beth-El, and respectfully requests that the Board of Zoning Appeals grants the variance necessary to facilitate the installation. In these uncertain times the Police Department supports any efforts an organization takes to better secure their facility.

If you or the Board have any questions, please feel free to contact me directly at 219-836-6655. Thank you for your consideration.

Respectfully,

Stephen F. Scheckel  
Chief of Police

**Munster Police Department**

1001 Ridge Road • Munster, IN 46321 • (219) 836-6650 • Fax (219) 836-8134 • Police / Fire Emergencies 911  
[www.munster.org](http://www.munster.org)

