



To: Members of the Board of Zoning Appeals

From: Tom Vander Woude, Planning Director

Date: April 8, 2020

Re: **CONTINUED PUBLIC HEARING**

BZA Docket No. 20-001 Michael Dust requesting developmental standards variances from TABLE 26-6.405.A-3 of the Munster Zoning Ordinance to exceed the maximum lot coverage for accessory structures and the maximum garage size to construct an additional 3-car garage at 1100 Fran-Lin Parkway.

The Board of Zoning Appeals tabled Docket No. 20-001 at their March 10, 2020 meeting. A public hearing was opened and closed. No comments were received. The chairman may reopen the public hearing at his discretion.

Since the application has not been changed since then, I have attached the March staff report for the Board's consideration.



To: Members of the Board of Zoning Appeals

From: Tom Vander Woude, Planning Director

Date: March 4, 2020

Re: PUBLIC HEARING

BZA Docket No. 20-001 Michael Dust requesting developmental standards variances from TABLE 26-6.405.A-3 of the Munster Zoning Ordinance to exceed the maximum lot coverage for accessory structures and the maximum garage size to construct an additional 3-car garage at 1100 Fran-Lin Parkway.

Applicant:	Michael Dust
Property Address:	1100 Fran-Lin Parkway
Current Zoning:	CD-3.R-2 Dwelling House District
Adjacent Zoning:	North: CD-3.R-1 / Civic South: CD-3.R-2 East: CD-3.R-2 West: CD-3.R-2
Action Requested:	Approval of variances
Additional Actions Required:	Findings of Fact
Attachments:	Application cover sheet Developmental variance conditions of approval sheet Plat of survey prepared by Alfred P. Torrenga dated 2/20/1969 with location of proposed garage, existing shed, and home addition drawn in. Rendering of proposed garage Photos of subject property

Background

Property owner Michael Dust has requested developmental standards variances from TABLE 26-6.405.A-3 of the Munster Zoning Ordinance to exceed the maximum lot coverage for accessory structures and the maximum garage size to construct an additional three-car garage in the backyard at 1100 Fran Lin Parkway.

The house is located on the corner of Fran-Lin Parkway and Oriole Drive. As shown in the attached drawing, a new curb cut on Oriole Drive will provide access to the garage.

The subject property is in an R-2 Dwelling House District. The standards addressing garages and accessory structures are as follows:

TABLE 26-6.405.A-3

Lot Coverage - Accessory Structures shall not exceed 900 sf.

Mr. Dust is proposing an 816 square foot garage. An existing shed on the property is 128 square feet. The combined square footage of these accessory structures is 944 square feet, which exceeds the maximum by 44 square feet.

TABLE 26-6.405.A-3

Garage Size –

For a residence with 5,000 sf. or more of living space excluding Basements: 4 car Garage max.

For a residence with less than 5,000 sf. Of living space excluding Basements: 3 car Garage max.

Garages may be attached, detached, or a combination of both, however, the total capacity of said private Garage(s) shall be no more than the number of vehicles indicated above.

The residence on the property is 1824 square feet and already contains an attached 2 car garage. The property is permitted one more car space in a garage for a total of 3 car spaces. The petitioner is requesting a variance to construct a 3-car detached garage for a total of 5 car spaces. Staff notes that this exceeds the standards for all residences in Munster, even those greater than 5,000 square feet.

Discussion

The subject property contains an attached 2 car garage as well as a semi-circular driveway with curb cuts on Fran-Lin Parkway and Oriole Drive. The petitioner has provided responses addressing the criteria for the granting of a variance on the attached sheet.

Sec. 26-456 of the Munster Municipal Code states that the BZA may hear and rule upon petitions for developmental standards variances after holding a public hearing. The BZA may then consider one of the following actions: approve the requested variances; approve the requested variances with conditions; or deny the requested variances.

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.

Recommendation

The intent of restricting the size of garages and other accessory structures in a residential zone is to maintain the primarily residential character of the area. These structures are intended to be subordinate in size and use to the single-family house on the lot. Staff does not find any unique conditions on the subject property that prevent compliance with the ordinance or that the strict application of this standard will result in practical difficulties in the use of the property.

Recommended motion

Staff recommends the following:

Motion to deny BZA Docket No. 20-001, a request for developmental standards variances from TABLE 26-6.405.A-3 of the Munster Zoning Ordinance to exceed the maximum lot coverage for accessory structures and the maximum garage size to construct an additional 3-car garage at 1100 Fran-Lin Parkway.

Alternative motion

If the Board finds that the applicant has met the criteria listed above, they may consider the following motion:

Motion to approve BZA Docket No. 20-001, a request the developmental standards variances from TABLE 26-6.405.A-3 of the Munster Zoning Ordinance to exceed the maximum lot coverage for accessory structures and the maximum garage size to construct an additional 3-car garage at 1100 Fran-Lin Parkway.



Petition BZA 20.00
Date: 1/24/20
Application Fee: \$ 900.00
Sign Fee: \$ 25.00

Town of Munster Board of Zoning Appeals Petition Application

OWNER INFORMATION:

Michael Dust
Name of Owner

219-808-8204
Phone Number

1100 Franklin Pkwy Munster IN 46321
Street address, City, ST, ZIP Code

Mason Mike 27@gmail.com
Email address

APPLICANT OR PETITIONER INFORMATION (if different than above):

Name of Applicant/Petitioner

Phone Number

Street address, City, ST, ZIP Code

Email address

PROPERTY INFORMATION:

N/A
Business or Development Name (if applicable)

N/A
Address of Property or Legal Description

Current Zoning

APPLICATION INFORMATION:

Please select what this Application is for:

- ☒ **Variance** If yes, select one of the following: ☐ **Use** ☐ **Developmental Standards**
☐ **Special Use or Special Exception**
☐ **Administrative Appeal**

Brief Description of Project and List of Variances Being Requested (if applicable):

Building a garage.

Mike Dust
Name of Registered Engineer, Architect or Land Surveyor

219-808-8204
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:

because it is a garage on My property not interfering with the Public

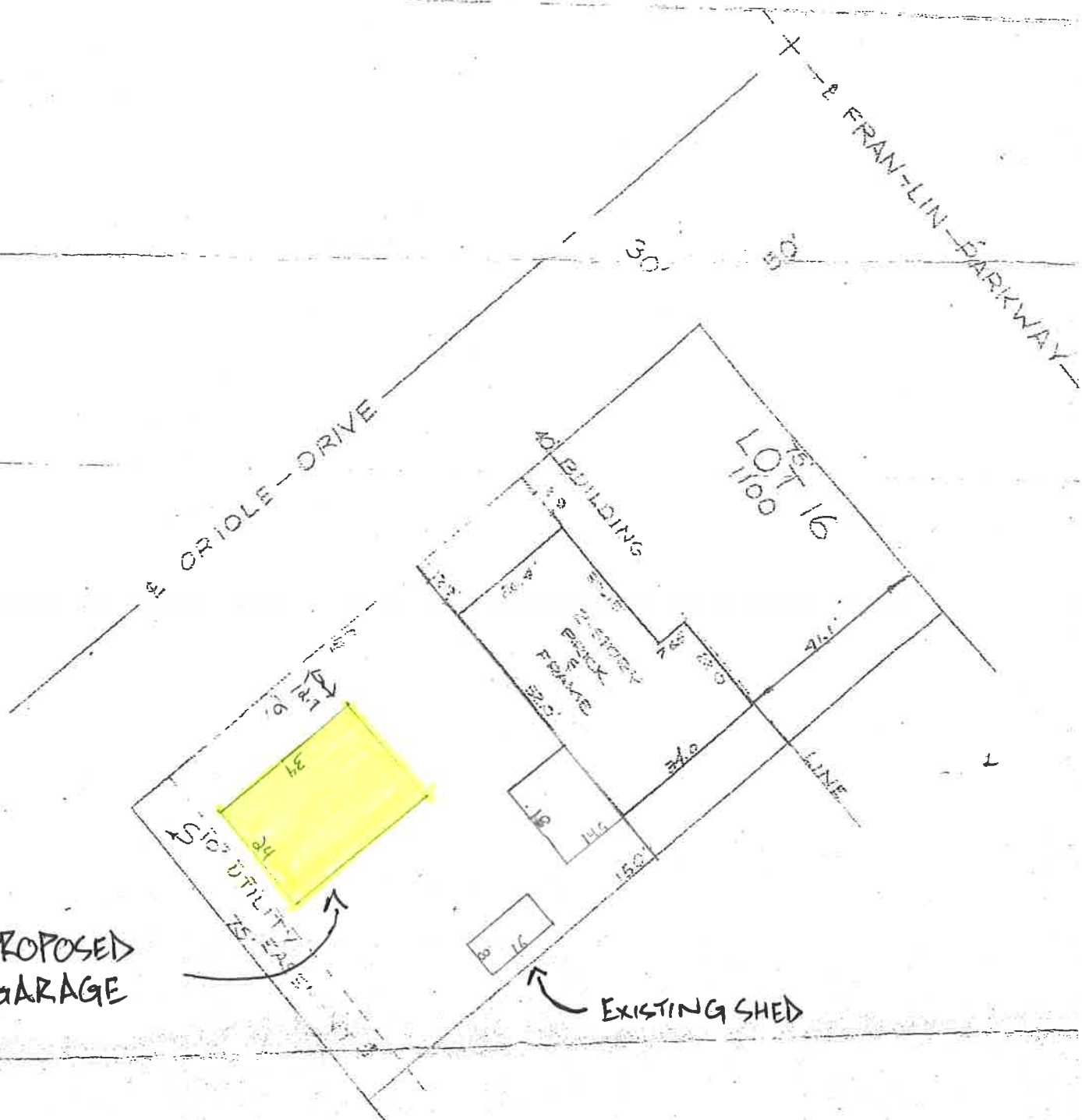
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. Explain why this statement is true in this case:

it should be considered on ice improvement in the area

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:

it- should Not have any practical difficulties in the use of the property. it will be more of a helpful Nice Space TO Stop the use of street parking

Attach additional pages if necessary

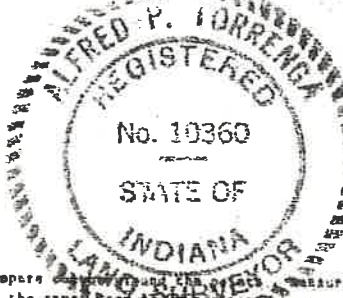


EXPLANATION. No dimensions should be ascertained by scale measurements upon the plat. All dimensions are given in feet and decimal parts thereof.

STATE OF INDIANA
COUNTY OF LAKE

THIS IS TO CERTIFY THAT I HAVE SURVEYED THE ABOVE
DESCRIBED PROPERTY ACCORDING TO THE OFFICIAL RECORDS AND
THAT THE PLAT HEREON TRULY AND CORRECTLY REPRESENTS SAID SURVEY.

Alfred P. Torrence
ALFRED P. TORRENCE - Registered Professional Engineer
Number - 6752 and Land Surveyor Number - 10360.

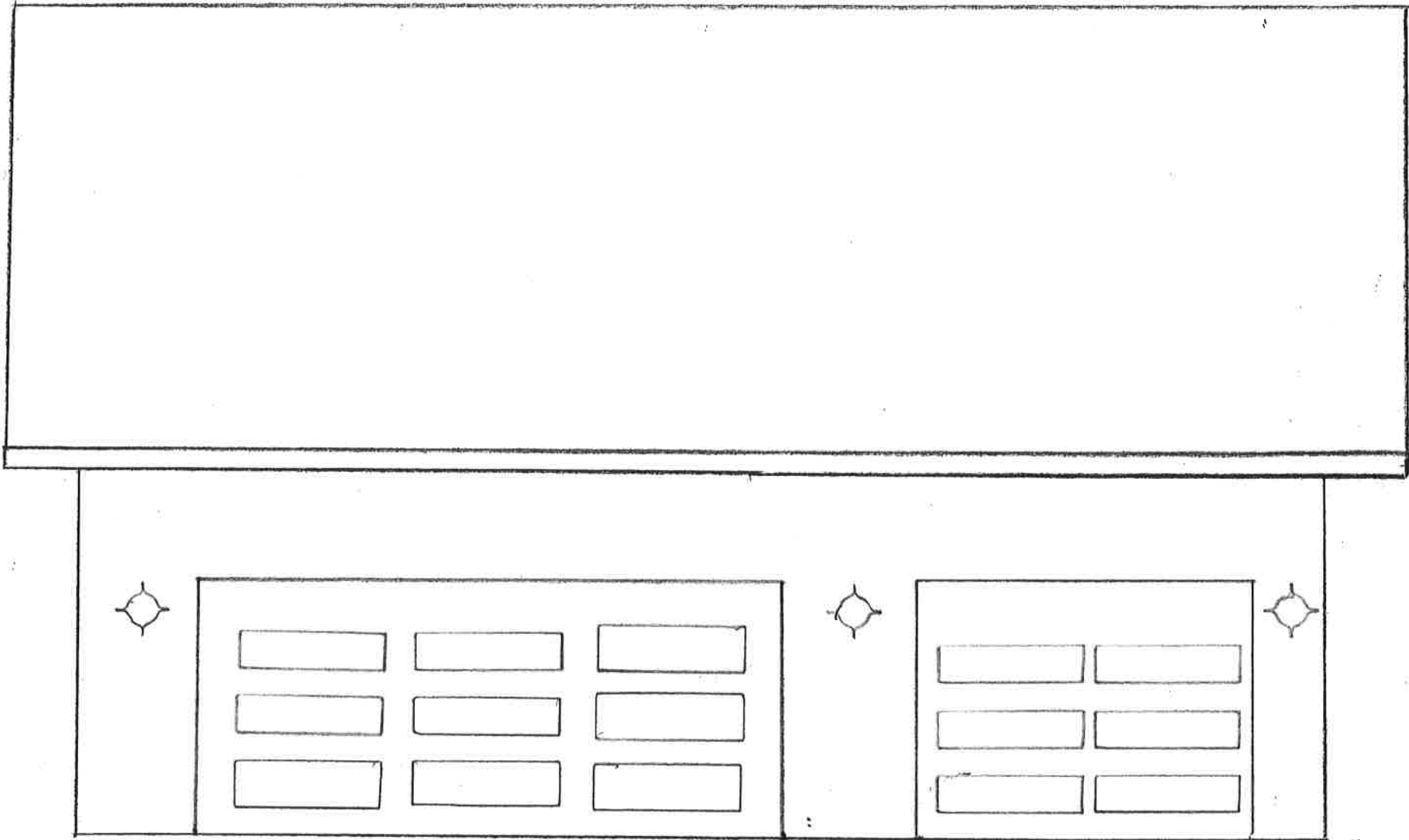


SCALE 1" = 30' Ft.
FEB 20, 1969
Loc. JULY 30, 1969

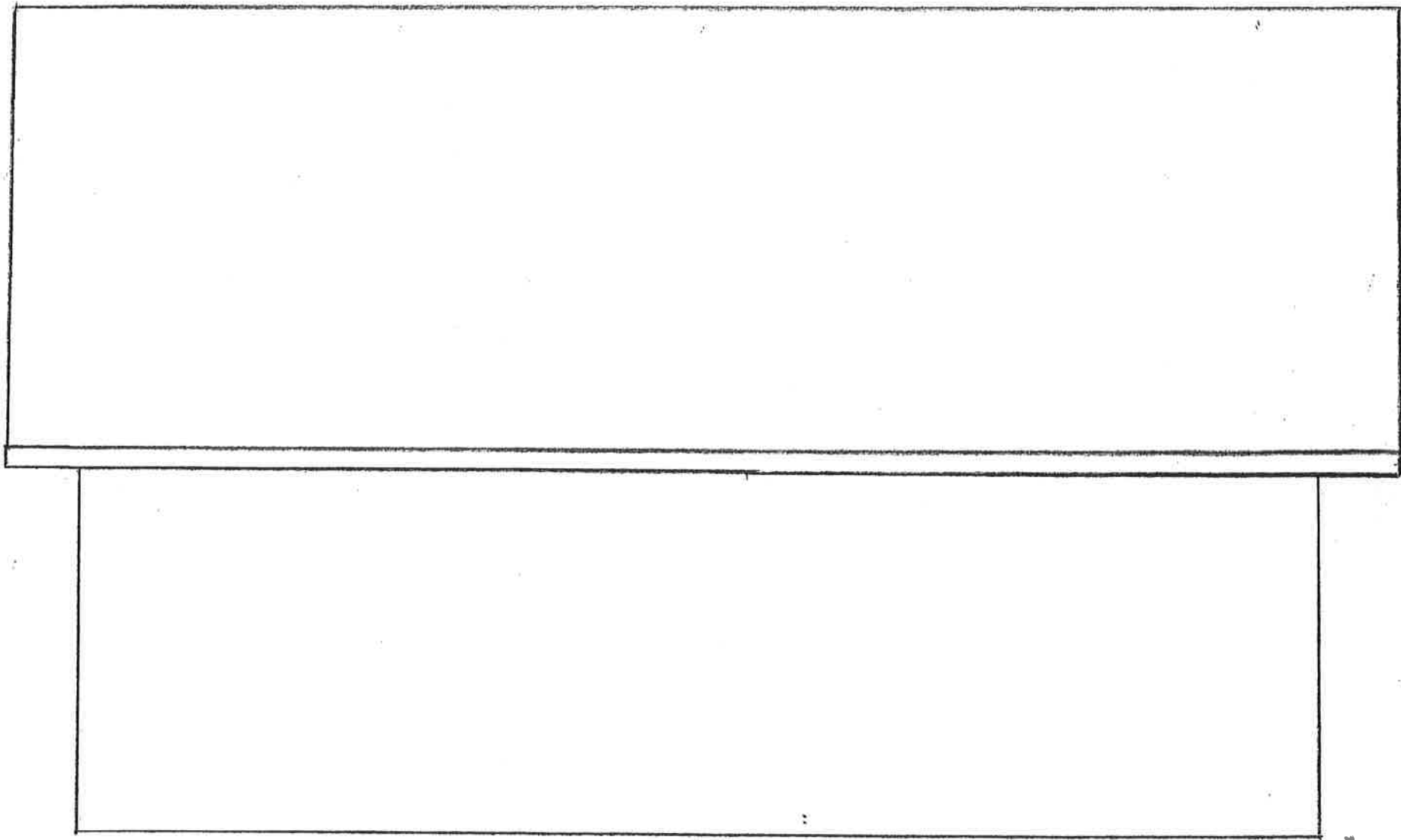


NOTE - Contractors or builders should be notified to carefully test and compare the survey and the measurements etc. as noted in this certificate, with the stakes, points etc. given on the property, before building on the same. If any discrepancy is found, the same should be reported to the surveyor, so that any misunderstanding, displacement of points, etc., may be corrected before construction is done.

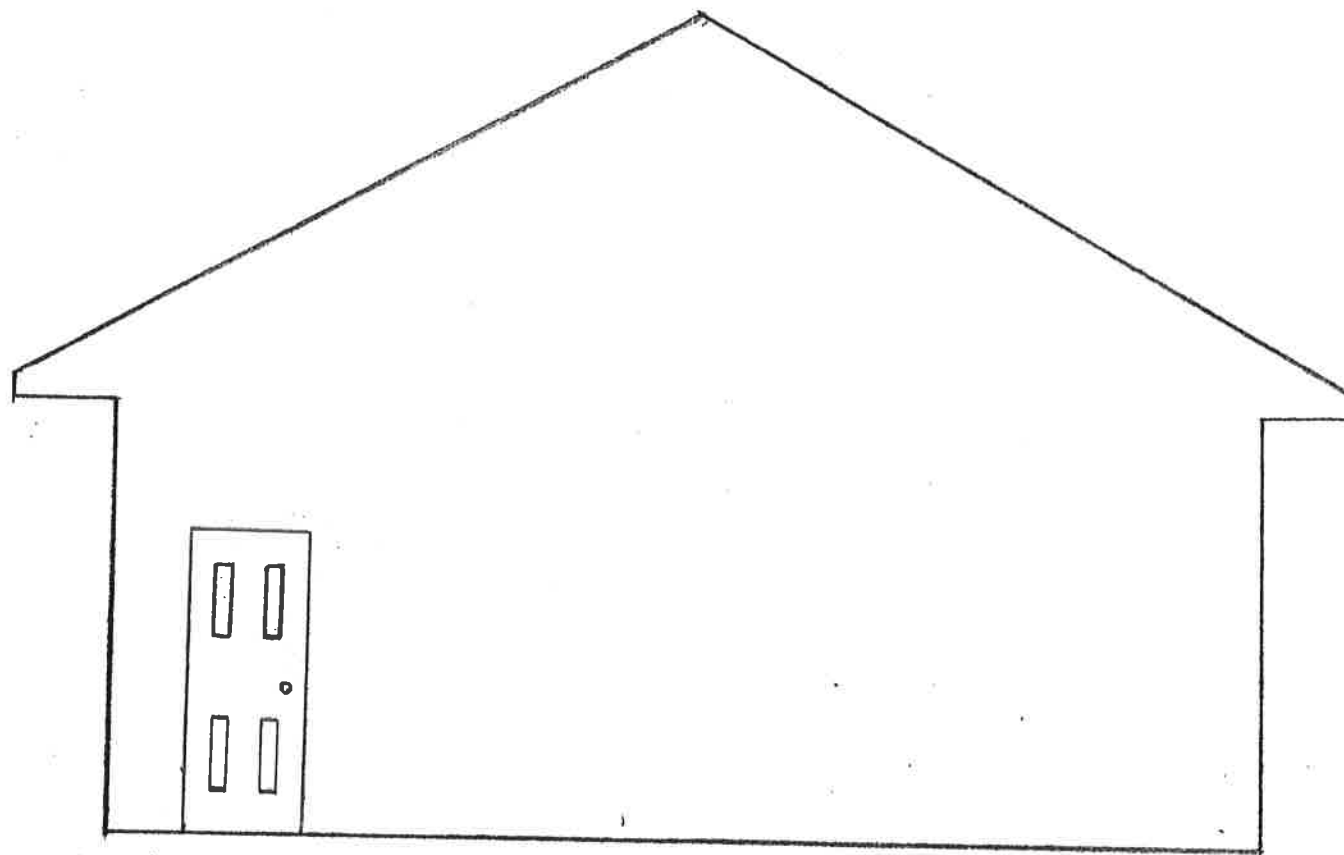
1100 FRAN 4N



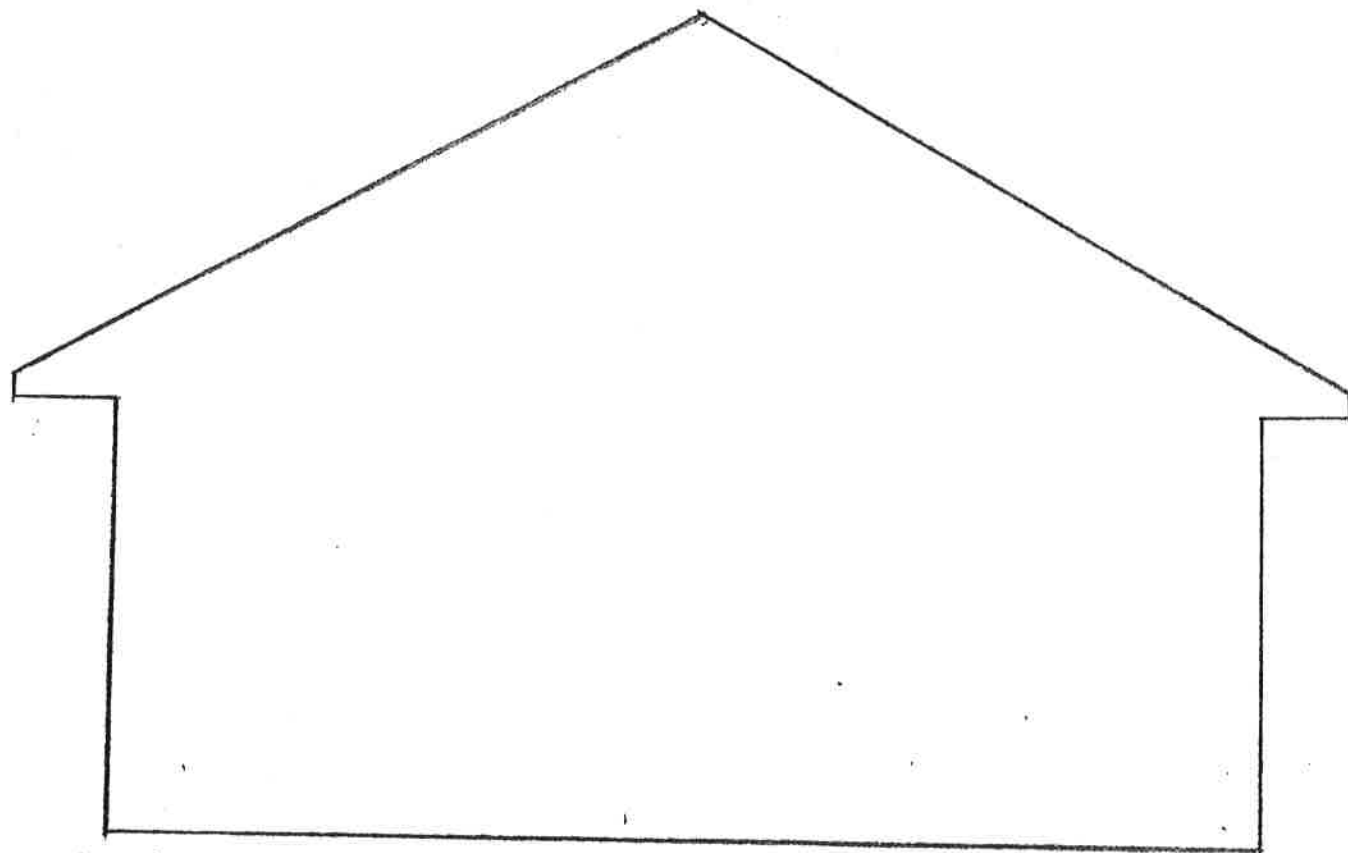
WEST



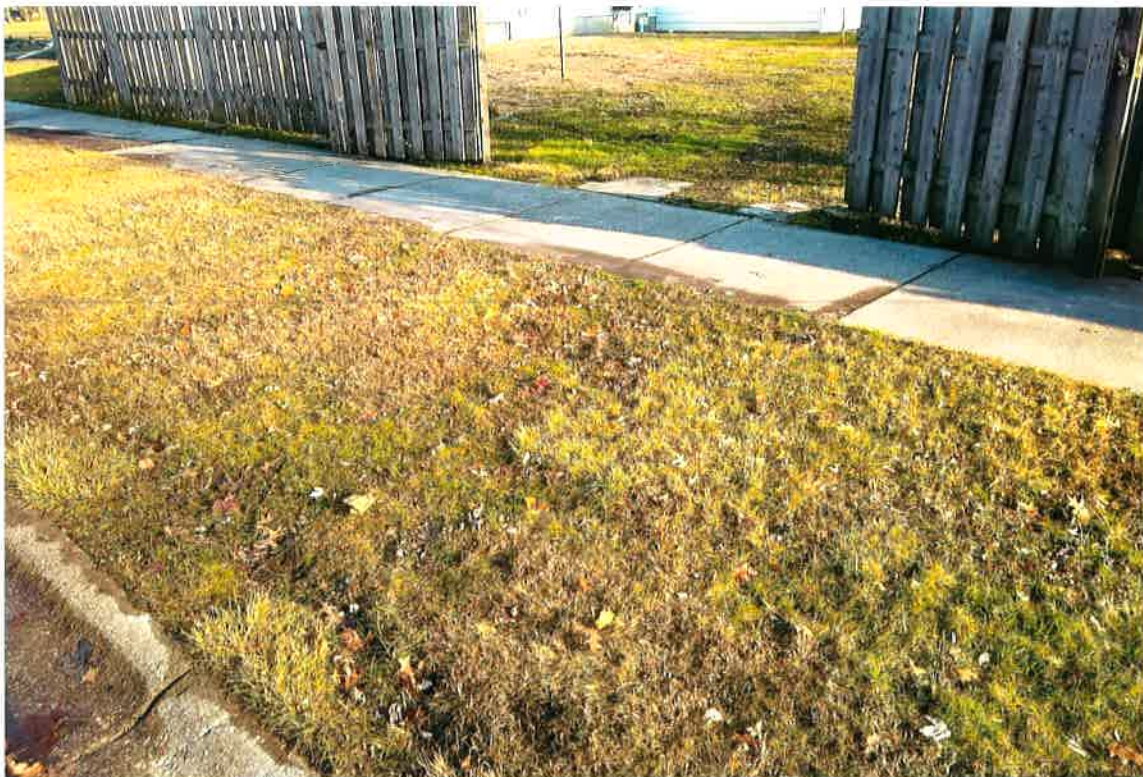
East



North



South



PHOTOS SUBMITTED WITH
APPLICATION.

1100 IRAN-LIN PKWY



Photos of 1100 Fran-Lin Parkway



Photos of 1100 Fran-Lin Parkway

