



BOARD OF ZONING APPEALS STAFF REPORT

To: Members of the Board of Zoning Appeals

From: Sergio Mendoza, Planning Director

Meeting Date: December 12, 2023

Agenda Item: BZA 23-003

Application Type: Developmental Standards Variance

Hearing: Continued Discussion/Other Business

Summary: Saundarya and Srikanth Ravindran are requesting approval of a variance from TABLE 26-6.405.A-2 VEHICULAR PARKING REQUIREMENTS to permit the construction of a detached garage which will increase the permitted three garage max spaces to a total of five car garage spaces at 1621 Day Lily Lane.

Applicant: Saundarya and Srikanth Ravindran

Property Address: 1621 Day Lily Lane

Current Zoning: CD-3.R1 Neighborhood – 70' Lot One Family Residence District

Adjacent Zoning: North: CD-3.R1 (Neighborhood- 70' Lot SFR Character District)
South: CD-3.R1 (Neighborhood- 70' Lot SFR Character District)
East: CD-3.R1 (Neighborhood- 70' Lot SFR Character District)
West: CD-3.R1 (Neighborhood- 70' Lot SFR Character District)

Action Requested: Applicant has expressed interest for a Continuance of Discussion or Withdraw

Actions Required: Motion to either Approve, Deny, or Defer

Staff Recommendation: Motion to Deny

Attachments: 1. Building Permit Application, Exhibit A (pg 10)
2. Plat of survey dated April 14, 2023, Exhibit B (pg 13)



Figure 1 Subject property.

BACKGROUND

Saundarya and Srikanth Ravindran have submitted an application for a variance from TABLE 26-6.405.A-2 VEHICULAR PARKING REQUIREMENTS of the Munster Zoning Code to allow the construction of a garage which will increase the total number of garage car spaces from three to five at their residence at 1621 Day Lily Lane.

The subject property currently has a 3-car side-load attached garage accessed via a driveway at the front of the property. The applicant proposes to construct an additional 2-car front-load detached garage. An attached plat of survey includes a sketch that shows the location of the proposed garage addition. Attached plans show the design of the garage.

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PROJECT HISTORY

This project commenced in August 2021 when the Town issued a permit for the construction of a carport on the subject property. The concrete pad was then poured and inspected. As construction of the structure was beginning, the Town's Chief Building Inspector determined that the structure was not a carport, but in fact a garage, per the definition of garage in the Town's Zoning Code. After an in-person meeting between the applicants and Town staff failed to find a resolution that was code compliant and acceptable to the applicants, in March 2022 the applicant initiated a lawsuit against the Town and its staff alleging the following:

1. Promissory Estoppel
2. Negligence
3. Unjust Enrichment
4. Misrepresentation
5. Deception
6. Intentional Infliction of Emotional Distress
7. Negligent Infliction of Emotional Distress
8. Violation of Munster Municipal Code and Munster Character-Based Code
9. Specific Performance

A mediation conference was held in October 24, 2022 and the parties agreed to the following:

10. The Ravindrans agreed to dismiss, without prejudice, the complaint against the Town and its employees.
11. The Ravindrans would file one or more petitions with the BZA, appealing the stop-work order by the Town and/or requesting for a variance for the structure they wish to build. The Town agreed that they will not object on the basis of timeliness to the petition(s) filed by the Ravindrans to the BZA.

The applicant has now filed an application for a Developmental Standards Variance, described in this memo, and an application for an appeal of an administrative decision, which they asked to be placed on hold until a decision is made regarding the variance. The BZA heard the petition on May 9, 2023. The BZA requested the petitioner provide the HOA covenants and a photograph of the constructed garage. This information has been submitted by the petitioner and has been included in this staff report.

DISCUSSION

The applicant is proposing a total of 5-car garage spaces on the subject property with a house that is 4,747 square feet. The Munster zoning code permits no more than a 3-car garage for a house that is less than 5,000 square feet.

TABLE 26-6.405.A-2 VEHICULAR PARKING REQUIREMENTS, GARAGE SIZE (MZC pg. 55)

*"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."*

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Figure 2 Aerial photo of subject property, with existing concrete pad shown.

Table 26-6.405.A-2 of the Munster Zoning Code limits the combined area of all Accessory Structures to the lesser of 30% of the rear yard or 900 square feet. The proposed garage is 650 square feet and would comply with the Lot Coverage standard.

On September 18, 2023, staff received an email from Ms. Saundarya Ravindran inquiring about changing the BZA's motion to set their motion for an October 10, 2023 public hearing to a November public hearing. Ms. Ravindran indicated that their attorney would not be able to attend the October public hearing and it is important for them to have legal representation at their public hearing. Staff responded to Ms. Ravindran on the same day and advised that it would be best to adhere to the BZA's motion and requirements for an October 10, 2023 public hearing and at that meeting request a continuance of the public hearing from the BZA to the November 14th, 2023 meeting. Staff supported and recommended a continuance of their public. On a October 10th the Munster Board of Zoning Appeals motioned to open the public hearing for BZA23-003 to hear public comments and leave the public hearing open for additional public comments on November 14, 2023. Responses to questions received at the October 10th Public Hearing were answered within the November 14, 2023 Staff Report.

At the November 14, 2023 Public Hearing continuance additional comments were received and the Public Hearing was closed. Attorney Randall Parr requested that his clients, Mr. and Ms. Ravindran, be allowed additional time to work with staff to see what opportunities exist for achieving compliance. The BZA

agreed to allow the applicant to work with staff and review compliance options. The Planning Director met with Mr. and Ms. Ravindran had an initial meeting on November 17 and have had subsequent meetings and discussions regarding buildable area for attached and detached accessory structures, set back requirements, as well as reviewing Town Code for compliance.

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 the criteria for a development standards variance on pages 9a and 9b in the attached application. Staff notes that the applicant also has provided responses to the criteria for a conditional use permit and a use variance. While these may provide more information for the BZA's review, they are not to be used as the basis for approval or denial of the Developmental Standards Variance request.

STAFF FINDINGS and RECOMMENDATION

Staff's review of the Development Standards Variance (variance) Application filed does not support the Building Permit Application on file with the Munster Community Development Department. Because of this discrepancy staff is requesting that if the Board of Zoning Appeals (BZA) should grant a variance from TABLE 26-6.405.A-2 VEHICULAR PARKING REQUIREMENTS, the petitioner should be required to submit a new Building Permit Application identifying the approved structure with accurate/correct supporting documents.

If the BZA motions is to DENY the variance from TABLE 26-6.405.A-2 VEHICULAR PARKING REQUIREMENTS it should be because there is no identifiable hardship or difficulty created by TABLE 26-6.405.A-2 in where the petitioner could not continue to use the property as originally intended. In addition, the applicant failed to provided any evidence that the proposed unpermitted 2-car garage structure would increase or decrease the value of surrounding properties as well as offer any unique findings that are not shared by properties in the vicinity. Finally, it should be understood that any reference to financial hardship are self-imposed by failing to provide accurate construction documents in compliance with the Munster Character Based Zone Code that will maintain the proportion of garage parking to primary residential structures.

Finally, as requested by the Ravindrans' attorney, a continuance was granted to allow for discussion and coordination between the Ravindrans and the Planning Director for compliance. Several meetings, emails, and phone conversations occurred between November 17, 2023 and December 8, 2023. Compliance alternatives were discussed, but as a result a better understanding of buildable areas and town codes was achieved. However, no resolution has been accomplished and an inquiry about the possibility for another continuance was posed. Staff does not support another continuance of BZA23-003 and recommends to DENY the Developmental Standards Variance application and would encourage the Ravindrans to continue working with the Planning Director for compliance on future permit endeavors.

MOTION

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

1. *Motion to Table any action on BZA23-003 to allow additional time to review alternative compliance options.*
2. *Motion to Deny, for failure to provide evidence of a hardship that is not self-imposed, and a lack of difficulties which prevent the property from being used as intended under the Munster Character Based Zoning Code for a home less than 5000 SF with a 3-car garage, including all discussion and findings.*

EXHIBIT A*Town of Munster*

ONE- & TWO-FAMILY PERMIT APPLICATION ~ REMODEL, MINOR ADDITION, ACCESSORY STRUCTURE
 Community Development ~ Building & Plan Review Division ~ 1005 Ridge Rd. ~ Munster, IN 46321 ~ PH. 219-836-6990 ~ FAX 836-6542
 Email @ COMMUNITYDEVELOPMENT@MUNSTER.ORG

TYPE OR PRINT IN INK

PERMIT #:

P21-0406

The undersigned certifies that the owner of record authorizes the proposed project and that the undersigned has been authorized by the owner to make this application as the authorized agent and agrees to conform to all applicable laws of this jurisdiction.

Applicant's Signature: X Date: 8/17/2021Applicant's Name: SAUNDARYA RAVINDRANE-mail: saundarya.ravi@gmail.com
(will be used for official correspondence)Project Address: 1621 DAY LILY LN, MUNSTER, IN 46321 Zoning District: _____Owner's Name: SRIKANTH RAVINDRANEmail: sri.ravi.56@gmail.comOwner's Address: 1621 DAY LILY LN, MUNSTER Cell #: (219) 313-4741

Office #: _____

General Contractor or Contractor (enter 'Self' as owner performing all work):

SELF

Business Address: _____

Email: saundarya.ravi@gmail.com

Cell #: _____

Contact Name: _____

Cell #: _____

~ LIST SUBCONTRACTOR/SPECIALTY CONTRACTOR INFORMATION ON PAGE 2 ~

PROPOSED PROJECT

☐ Minor Addition ☐ Roof ☐ Doors/Windows ☐ Deck ☐ Fence ☒ Shed ☐ HVAC ☐ Flat Work
☐ Remodel/Alteration ☐ Garage ☐ Pool
☐ Interior / ☐ Exterior ☐ Attached / ☐ Detached ☐ On Ground / ☐ In Ground

Other: ☒ Proposed Project Description: PUTTING DOWN CONCRETE
FOR ERECTING CARPORT, NORTH SIDE NORTH OF DRIVEWAY

TOTAL ESTIMATED PROJECT COST: \$

20K 30K per owner
 to include
 carport
 (see
 email)

~ PLAT OF SURVEY / SITE PLAN ON WHICH PROPOSED PROJECT IS DRAWN TO SCALE MAY BE REQUIRED ~

FIRM INFORMATION

Flood Zone: _____ Base Flood Elevation: _____ Lowest Floor Elevation: _____

BUILDING & CODE ENFORCEMENT

PERMIT RELEASED

PERMIT DENIED

EXEMPT

Reviewer: 


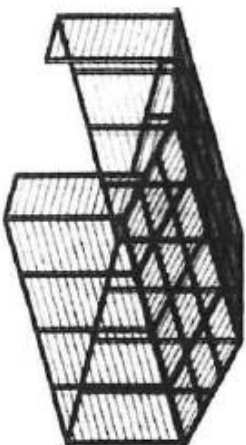
Title: _____

Date: _____

Permit Fee: \$ _____

~ PLEASE SCHEDULE INSPECTIONS 48 HOURS IN ADVANCE ~

* Not to be used as a detached garage * 

 		<h2 style="text-align: center;">REGULAR / A-FRAME 30'-0" WIDE CARPORT STYLE BUILDINGS</h2>		<h3 style="text-align: center;">DRAWING INDEX</h3>	
<p>CUSTOMER INFORMATION</p> <p>Srikanth Ravindran 1821 Day Lily Ln. Munster, IN 46321</p>		<p>DESIGN LOADS</p> <p>GROUND SNOW 30 lbs ROOF LIVE LOAD 20 lbs WIND 115 mph</p>		<p>BUILDING INFORMATION</p> <p>WIDTH 26' LENGTH 25' HEIGHT 12'</p> <p>PERMIT TYPE <input checked="" type="checkbox"/> REGULAR <input type="checkbox"/> REMEDIAL <input type="checkbox"/> PARTIAL <input type="checkbox"/> OTHER</p>	
<p>CERTIFICATION VALIDITY</p> <p>DATE OF PLANS JULY 20 2021 EXPIRATION JULY 20 2021 CERTIFICATION ON THESE DRAWINGS IS VALID FOR ONE YEAR FROM DATE OF ISSUE</p>		<p>MANUFACTURED BY</p> <p>MIDWEST STEEL CARPORTS</p> <p>585 Canada Road Ste A Bailey, MI 49303 Tel: (616) 675-7100</p>			
<p>ENGINEERED BY</p> <p>AAA ENGINEERING CIVIL - STRUCTURAL 1111 N. Main Street, Suite 100 Munster, IN 46321 Tel: (219) 836-8810</p>		<p>DRAWING INFORMATION</p> <p>PROJECT 30' WIDE BUILDINGS LOCATION STATE OF INDIANA PROJECT NO. 20-0441 SHEET TITLE COVER SHEET</p> <p>SHEET NO. 1 of 11 DRAWN BY AW DATE 7/15/20 CHECKED BY OAA DATE 7/15/20</p>			
<p>LEGAL INFORMATION</p> <p>ANY DEVIATION OF THIS DRAWING FROM THE STANDARD SPECIFICATIONS FOR THE CONSTRUCTION OF THE BUILDING OR THE DRAWING ARE VALID UP TO DATE OF CREATION</p> <p>SEAL</p>		<p>REGISTERED PROFESSIONAL ENGINEER</p> <p>OMAR A. ABU-YASEIN 10404536 STATE OF INDIANA</p> <p>STAMP EXPIRY: 07/31/2022 DATE SIGNED: JULY 20 2020</p>			

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Nicole Mazur

From: Saundarya Ravi <saundarya.ravi@gmail.com>
Sent: Monday, August 23, 2021 11:59 AM
To: Community Development
Subject: 1621 DayLily Ln permit

To whomever it may concern,

The cost of the project, including the carport, is \$30,000.

The project will be done 3ft from the property line.
The dimensions of the carport are 26x25x12 ft.

Thank you,
Saundarya Ravindran

Sent from my iPhone

EXHIBIT B

