



BOARD OF ZONING APPEALS STAFF REPORT

To: Members of the Board of Zoning Appeals

From: Jennifer Barclay, HWC Engineering

Meeting Date: August 13, 2024

Agenda Item: BZA 24-008

Hearing: Preliminary Hearing

Application Type: Developmental Standards Variances

Summary: Requesting a variance from Table 26-6.405.A-2 District Standards, Lot Occupation to construct a 4,050-sf (45'X90') accessory structure to enclose an existing sport court

Owner: Steve Westerberg

Applicant: Eric Stojkovich, ES&F
Chad Groen, Groen Landscape

Property Address: 10125 Norwich

Current Zoning: CD-3.R2

Adjacent Zoning: All sides CD-3.R2

Action Requested: Schedule Public Hearing

Actions Required: Consider Motion to Schedule Public Hearing
Review of Zoning Code(s)
Review of Conditions of Approval

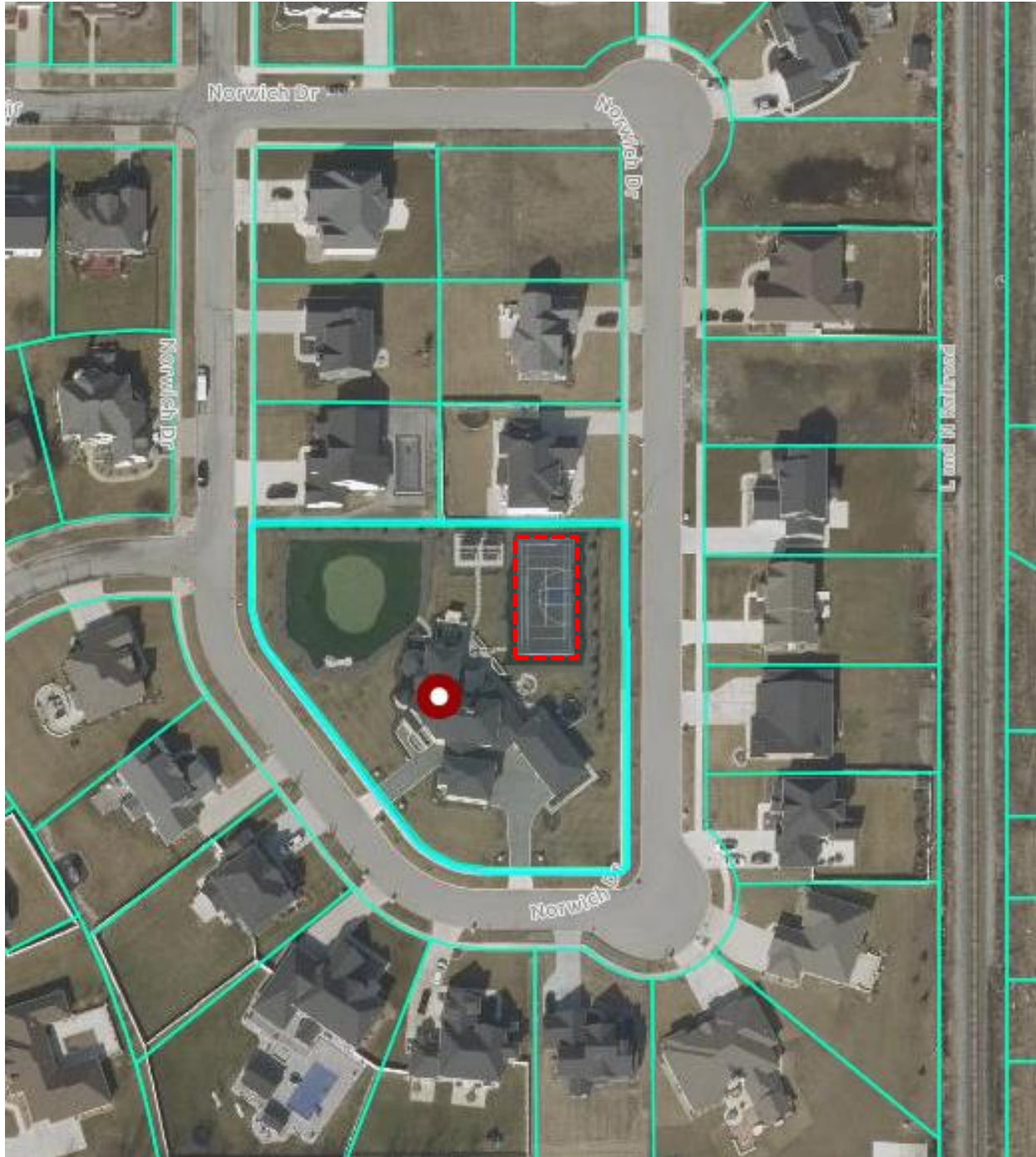
Staff Recommendation: Complete Application submitted by August 20, 2024
Schedule Public Hearing

Attachments:

1. Exhibit A: Application (pg. 8)
2. Exhibit B: Development Variance Conditions of Approval (pg. 12)
3. Exhibit C: Additional Documents submitted (pg. 13)

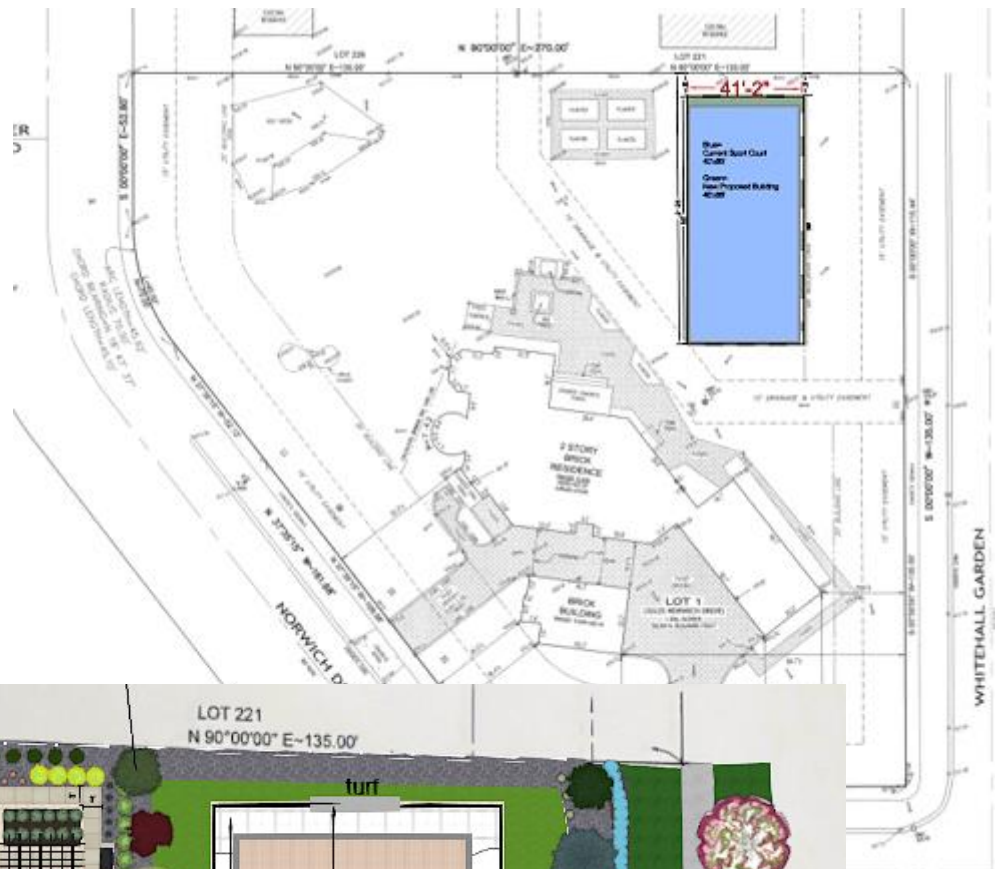
CURRENT CONDITIONS:

10125 Norwich is comprised of 4 neighborhood lots of West Lakes Addition Phase 4 that in 2020 was converted to a single lot in Westerberg Addition. The property houses the 6,700-sf primary house and attached garage. The yard consists of approximately 950-sf patio and pergolas, 7,700-sf putting green, and 3,500-sf sports court.



PROJECT BRIEFING:

Today, the applicant desires for the existing sports court to be enclosed.



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The applicant is requesting Developmental Standard Variance as follows:

Lot Coverage 30% of Lot Area max.
The combined area of all
Accessory Structures shall not
exceed the lesser of 30% of the
rear yard or 900 sf.

Definitions:

Accessory Building: an Building that

- shares a Lot with a Principal Building,
- has a footprint that is no more than 50% of the footprint of the Principal Building, and
- occupies no more than 30% of the Rear Yard;
- is designed, intended or used for an Accessory Use.

An Accessory Building may or may not have an Accessory Unit or be occupied or devoted to one or more Accessory Uses. See **Illustration 26-6.901.A-1 (Accessory Building)**.

ILLUSTRATION 26-6.901.A-1 ACCESSORY BUILDING



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.

Section 26-6.804. I. Deviation from Standards & Requirements (pg 392) 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 (Conditions of Approval Questions Form) in Exhibits B.

STAFF FINDINGS AND RECOMMENDATION

Staff has concerns regarding the vagueness of the request. On July 16, 2024 staff asked for clarification on matters to this proposed project. See applicant's response below in red and additional documents in Exhibit C

Staff: The hand-drawn proposed accessory structure on the plat excerpt does not include setbacks.

Applicant: Setbacks included on attachment; On my original plat of survey we used I didn't realize we had surpassed the building line so for this to work inside the building line and utility easement we would need to construct the enclosure at 88'x43' fyi. We can alter the size on the variance form unless your office can edit the dimensions we submitted. Total SF now would be 3,784 SF.

Staff: The location plat I provide to you shows an existing sports court at the building line, your hand-drawing of the proposed accessory structure is identified away from the building line. Is the sports court being removed?

Applicant: Sport court stays in the same location, I updated the attached building line dimensions, and we would build over the top of it and remove small areas of concrete as needed for footers and to bring utilities into the building, but the majority (90%) of the concrete pad stays as is.

Staff: The attached black and white 3-D image are not building prints and it does not identify the height or material of the proposed accessory structure.

Applicant: Please see attached building plans. Materials we are open to whatever city requires by presently proposed as a post frame building with a brick skirting and metal or LP Smart siding exterior. We were hoping to get feedback from the pre-variance council as to what exterior requirements would be so we can finalize building material selections. At this time the goal is to match the home exterior.

Staff: If you have additional supporting documents you'd like to include as part of this application, please forward them.

I think I got it all attached looking forward to your response if more is needed to prepare for pre-variance meeting.

The conceptual perspectives are depicting 12-ft walls and a 15'H point on a hand-drawn construction print with the roof top exceeding said point. Another image references 23'H ideal roof top adjacent to 16'H requirement? Staff is unclear about the height of the proposed accessory structure and needs to confirm the proposed height would be in compliance or if another variance would be required.

Additionally, staff needs a scaled site plan showing all improvements are located outside easements that splits the property.

MOTION

The Board of Zoning Appeals may consider the following motions:

The applicant submit plans/details as stated above by August 20, 2024. After which the case appears for a public hearing.

EXHIBIT A



Petition BZA _____
 Date: 6/10/24
 Application Fee: \$ _____
 Sign Fee: \$ _____

Town of Munster Board of Zoning Appeals Petition Application

OWNER INFORMATION:

STEVE WESTENBERG 847/226-4473
 Name of Owner Phone Number
10125 NORWICH DR STEVE.WESTENBERG@ICLOUD.COM
 Street address, City, ST, ZIP Code Email address

APPLICANT OR PETITIONER INFORMATION (if different than above):

ERIC STOSKOVICH 545-9875
 Name of Applicant/Petitioner Phone Number
214 JANSBURY DR MUNSTER ESTOSKOVICH@ES-FUSA.COM
 Street address, City, ST, ZIP Code Email address

PROPERTY INFORMATION:

WESTLAKE SUB-DIV.
 Business or Development Name (if applicable)
10125 NORWICH DR
 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**
☐ **Conditional Use**
☐ **Administrative Appeal**

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

REQUESTING A VARIANCE TO PUT AN ACCESSORY BUILDING
ON THE PROPERTY WITH INCREASED SIZE LIMITS.

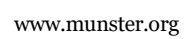
TORRANCA ENGINEERING + SURVEYING 836-8918
 Name of Registered Engineer, Architect or Land Surveyor Phone Number
907 RIDGE RD. MUNSTER INFO@TORRANCA.COM
 Street address, City, ST, ZIP Code Email address

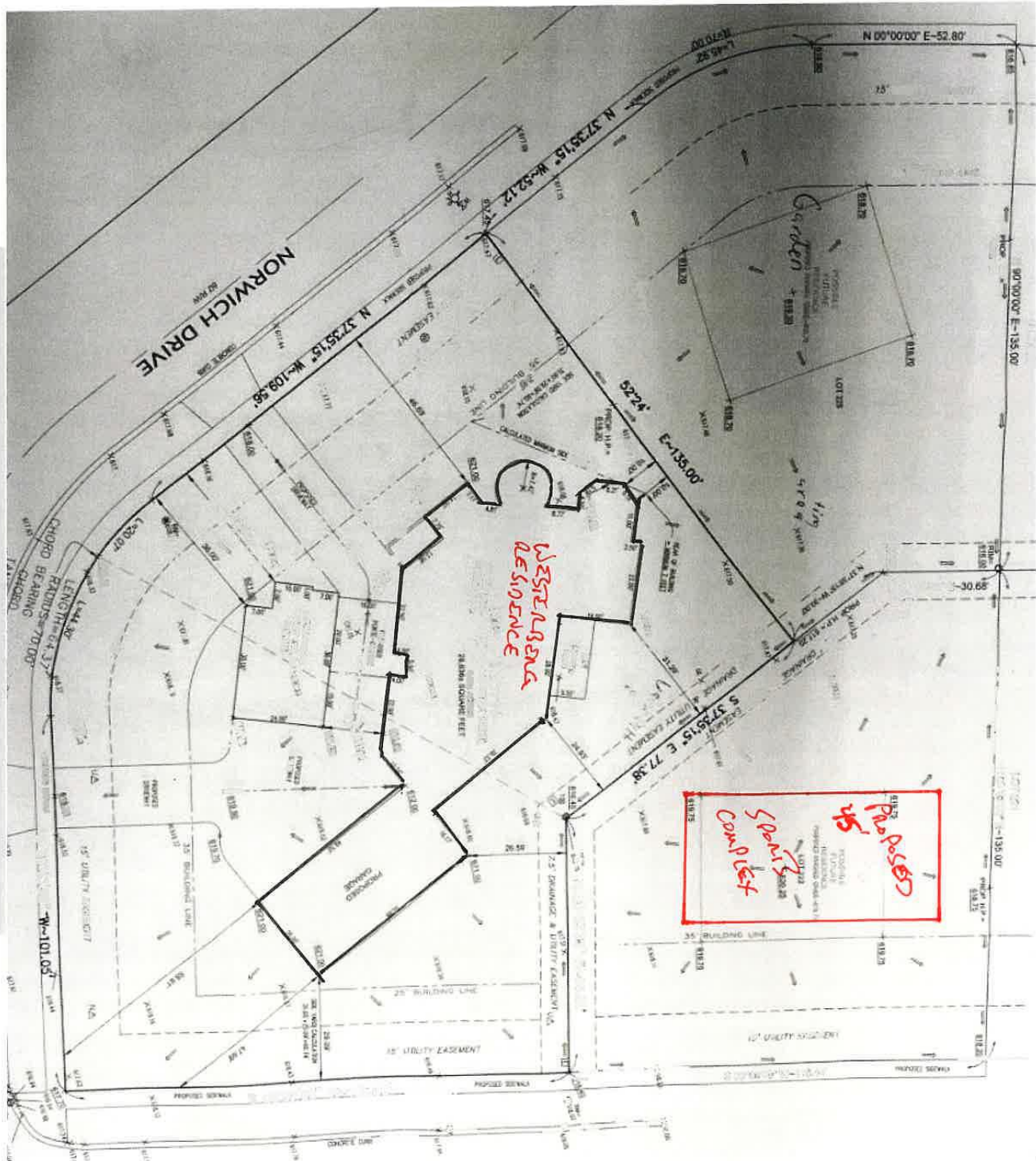


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EXHIBIT B**DEVELOPMENTAL VARIANCE CONDITIONS OF APPROVAL**

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 PROPOSED STRUCTURE WOULD BE LOCATED ON MR. WESTENBORG'S LAND + WOULD HAVE NO HARMFUL EFFECTS TO ANYTHING SURROUNDING HIM.

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:

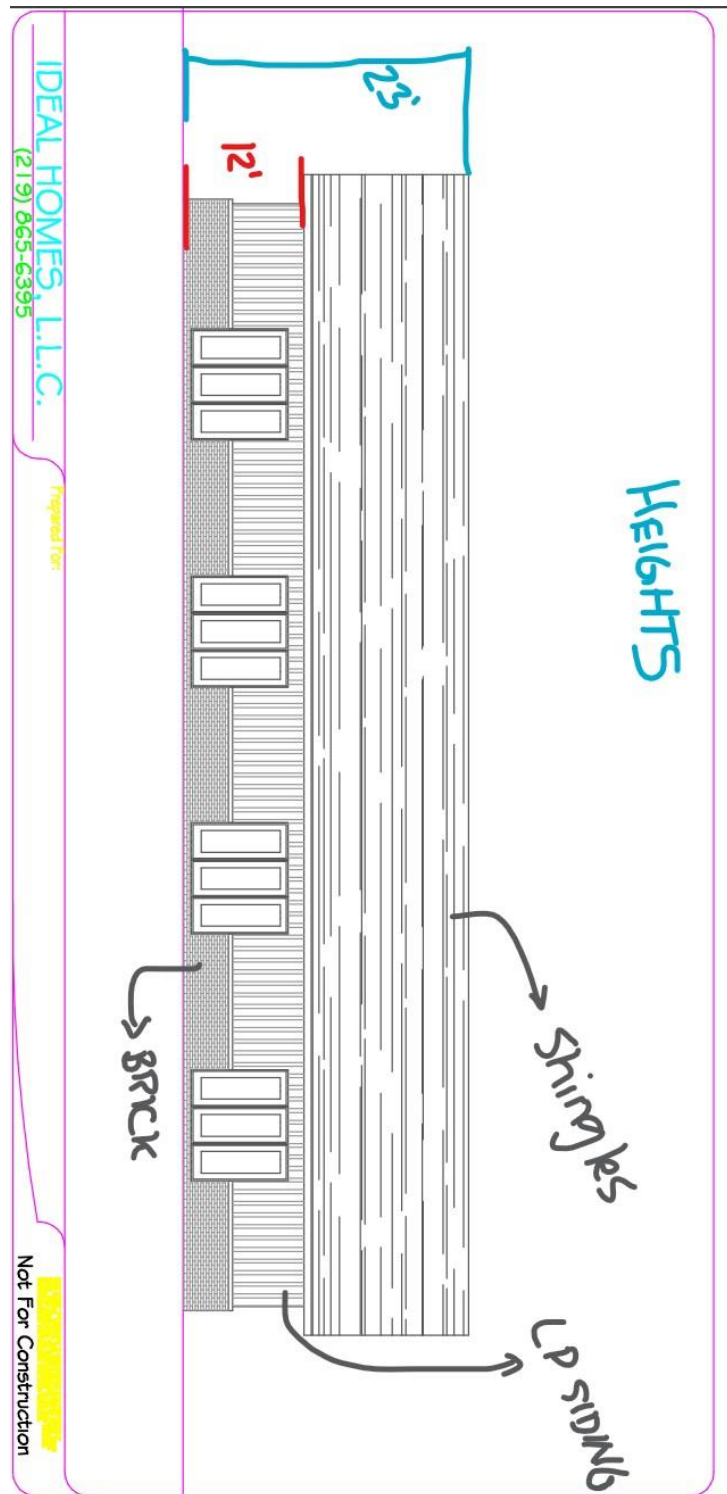
THIS PROPOSED STRUCTURE WOULD NOT HAVE AN ADVERSE EFFECT TO THE USE + VALUE SURROUNDING IT. IF ANYTHING, IT WILL INCREASE VALUES. IT WILL BE A NICE LOOKING BUILDING TO LOOK AT.

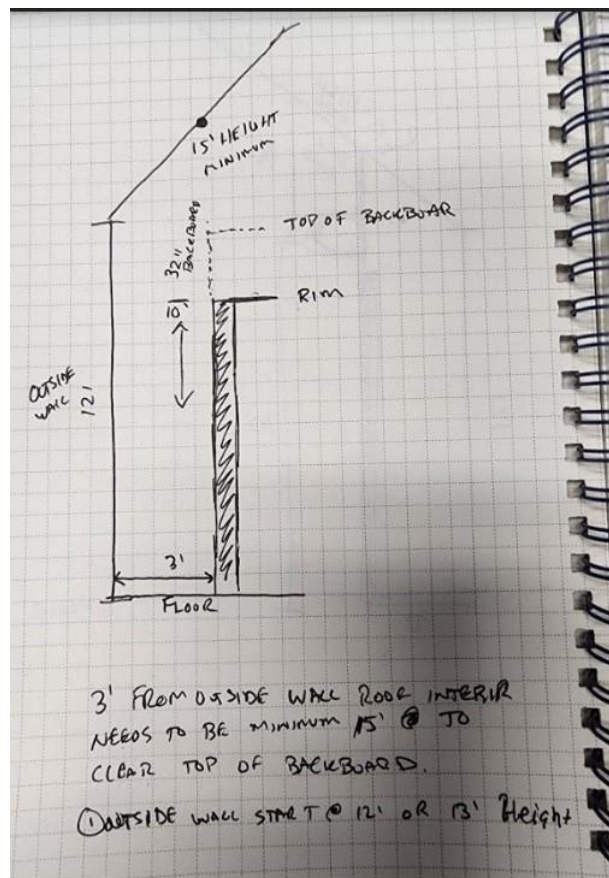
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. Explain why this statement is true in this case:

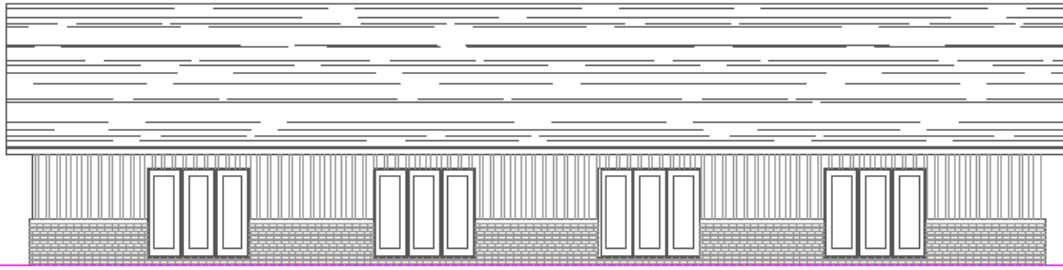
TERMS OF THE ZONING ORDINANCE WOULD RESULT IN DIFFICULTIES IN THE USE OF THIS STRUCTURE UNLESS THE VARIANCE WOULD BE GRANTED FOR SIZE LIMIT INCREASES.

Attach additional pages if necessary

EXHIBIT C







IDEAL HOMES, L.L.C.
(219) 865-6395

Prepared For:

Submitted For
Not For Construction

