



BOARD OF ZONING APPEALS STAFF REPORT

To: Members of the Board of Zoning Appeals

From: Jennifer Barclay, HWC Engineering

Meeting Date: September 10, 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: Conditional Approval

Actions Required: Review of Zoning Code(s)
Review of Conditions of Approval

Staff Recommendation: Conditions of Approval

Attachments:

1. Exhibit A: Application Square Feet Variance (pg. 8)
2. Exhibit B: Development Variance Conditions of Approval (pg. 9)
3. Exhibit C: Application Height Variance, full application (pg. 11).

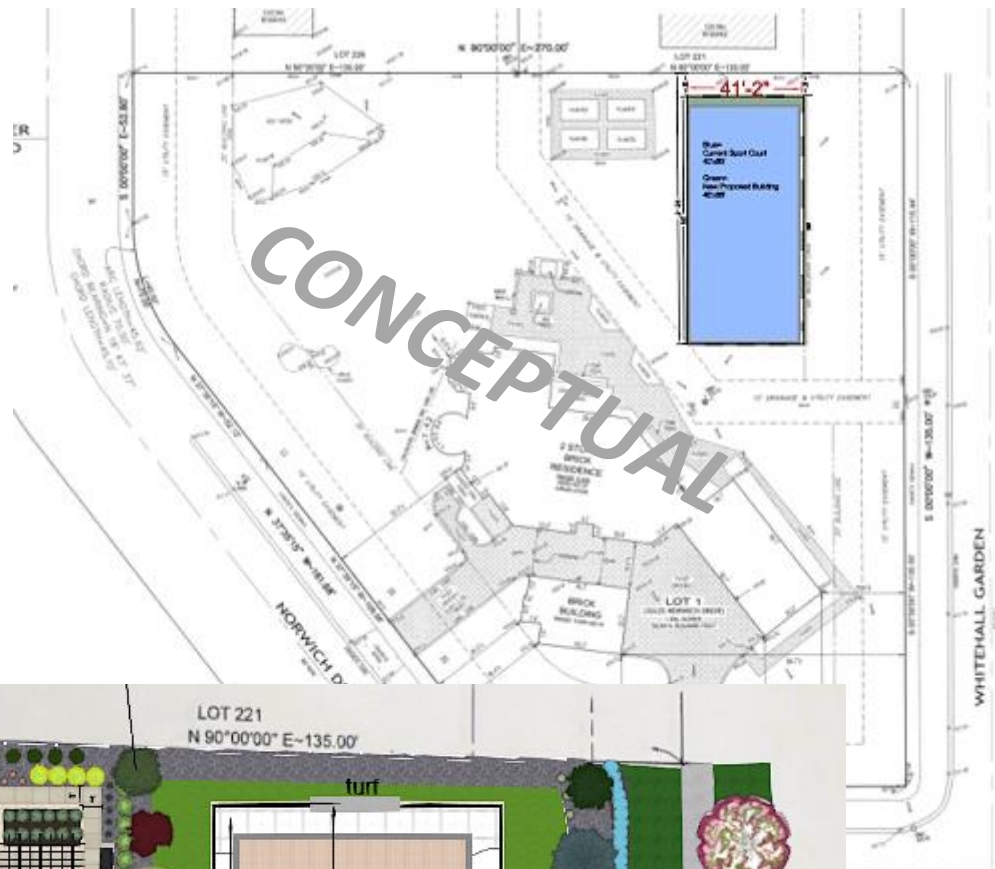
CURRENT CONDITIONS:

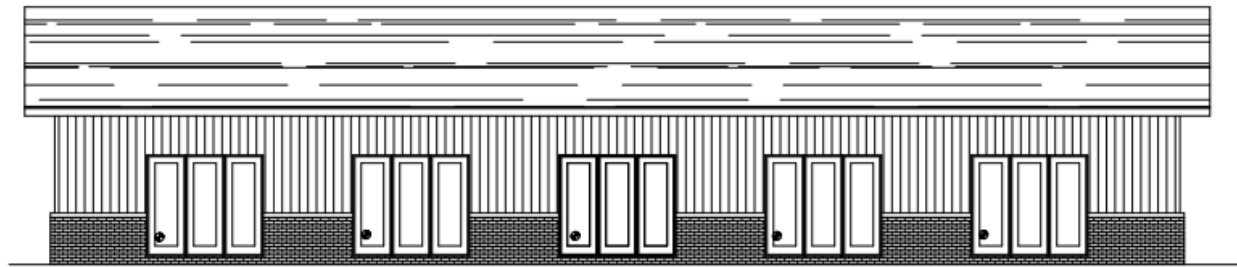
10125 Norwich is comprised of 4 neighborhood lots of West Lakes Addition Phase 4 that in 2020 was converted to a single lot in Westerberg Addition. The property houses the 6,700-sf primary house and attached garage. The yard consists of approximately 950-sf patio and pergolas, 7,700-sf putting green,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



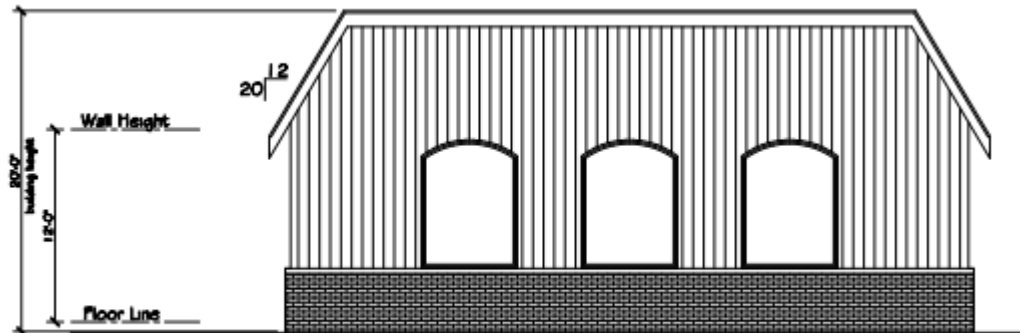
PROJECT BRIEFING:

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

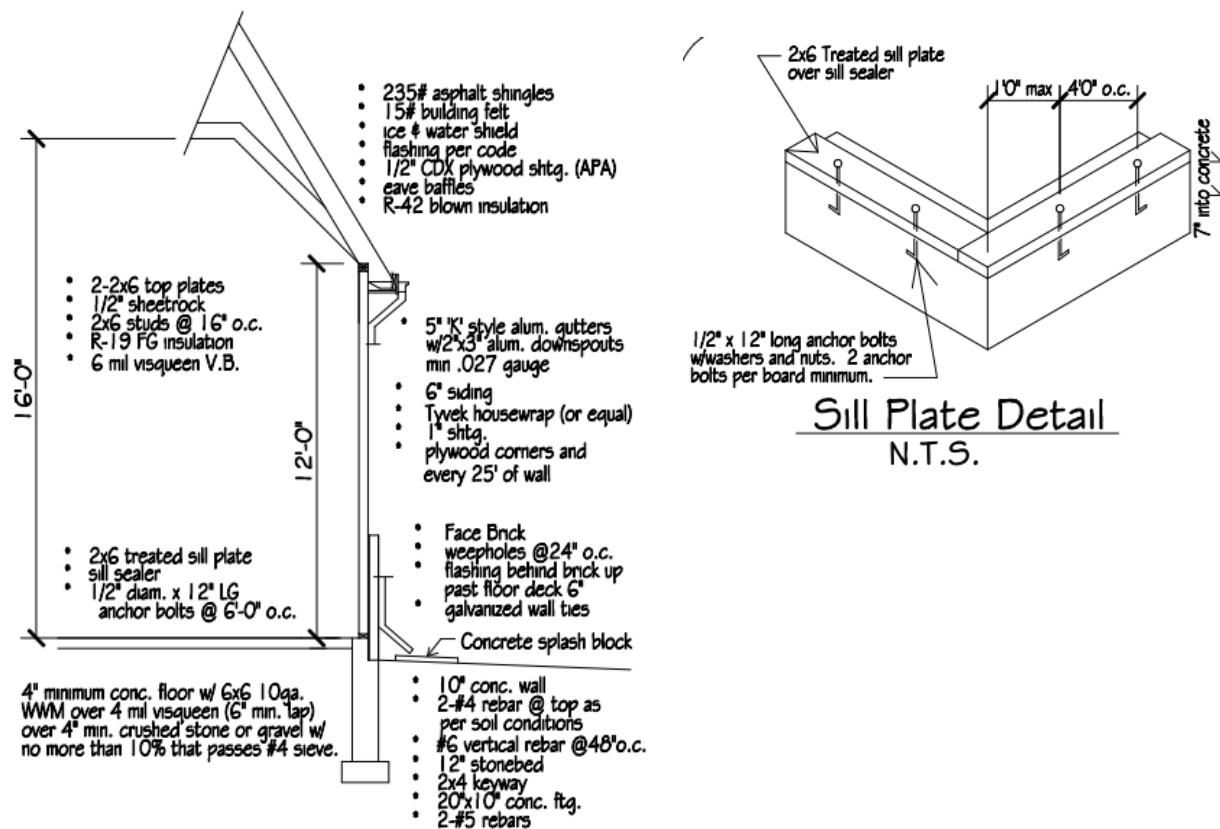


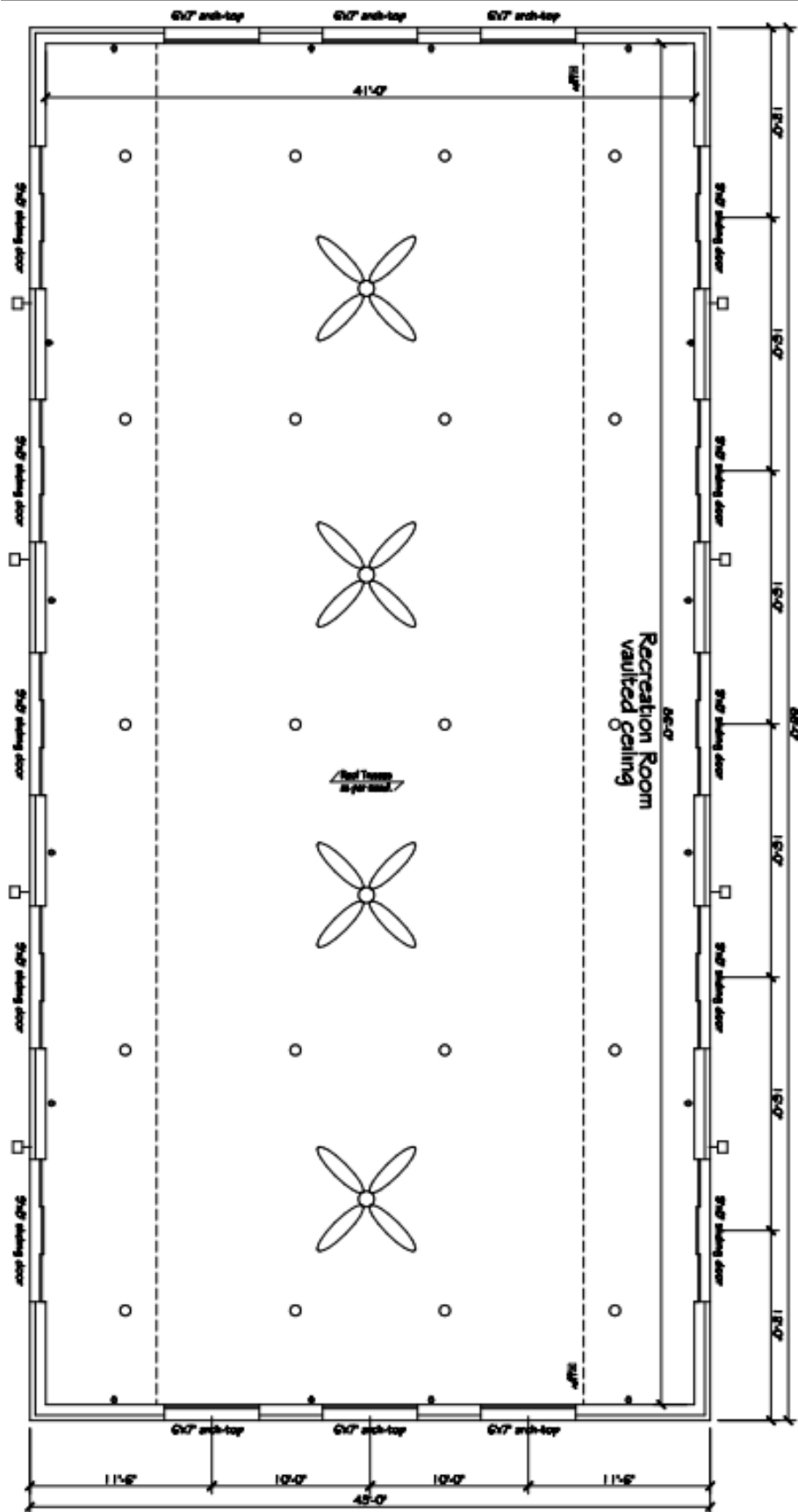


East & West Elevation



North & South Elevation





The applicant is requesting Developmental Standard Variance as follows:

LOT COVERAGE

Lot Coverage	<p>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.</p>
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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



ACCESSORY BUILDING HEIGHT

Other Structures	The lesser of 16 feet or the height of the Principal Building.
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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 location of the building without a scaled site plan showing all improvements are outside of recorded easements identified near center of the property. Additionally, there should be written assurances the structure will not be rented/leased for commercial private events to the public or non-owner occupants, a prohibited use in this zoning district.

MOTION

The Board of Zoning Appeals may consider the following motions:

Approval based on the following conditions:

1. Before the issuance of any permits, construction prints and a scaled site plan showing improvements existing and proposed location ensuring proposed building is outside easements.
2. The applicant must draft a deed restriction for review by the Town Attorney, to be recorded by the property owner, acknowledging the proposed accessory structure on the subject property shall be used in compliance with the zoning classification and shall not occupy the public or organizations for commercial or private events.

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

Name of Owner

847/226-4473

Phone Number

10125 NORWICH DR.

Street address, City, ST, ZIP Code

STEVE.WESTENBERG@ICLOUD.COM

Email address

APPLICANT OR PETITIONER INFORMATION (if different than above):ERIC STOSKOVICH

Name of Applicant/Petitioner

545-9875

Phone Number

214 SAUSBOY DR MUNSTER

Street address, City, ST, ZIP Code

ESTOSKOVICH@ES-FUSA.COM

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.TORRENGA ENGINEERING + SURVEYING 836-8918

Name of Registered Engineer, Architect or Land Surveyor

Phone Number

907 RIDGE RD. MUNSTER

Street address, City, ST, ZIP Code

INFO@TORRENGA.COM

Email address

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

Petition BZA 24 - 008

Date: _____

Application Fee: \$ _____

Sign Fee: \$ _____

Town of Munster Board of Zoning Appeals Petition Application

OWNER INFORMATION:

STEVE WESTERBERG

Name of Owner

10125 NORWICH DR.

Street address, City, ST, ZIP Code

847/226-4473

Phone Number

STEVE.WESTERBERG@ICLOUD.COM

Email address

APPLICANT OR PETITIONER INFORMATION (if different than above):

ERIC STOJKOVICH

Name of Applicant/Petitioner

214 SALISBURY DR. MUNSTER

Street address, City, ST, ZIP Code

545-9875

Phone Number

ESTOJKOVICH@ES-FUSA.COM

Email address

PROPERTY INFORMATION:

WESTLAKES 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 EXCEED THE 16' HEIGHT LIMITATIONS FOR AN ACCESSORY BUILDING.

TORRENGA ENGINEERING & SURVEYING

Name of Registered Engineer, Architect or Land Surveyor

907 RIDGE RD. MUNSTER

Street address, City, ST, ZIP Code

836-8918

Phone Number

INFO@TORRENGA.COM

Email address



Petition BZA 24 - 008

Town of Munster Board of Zoning Appeals Application Signature Page

ERIC STOJKOVICH & CHAD GROEN

I hereby authorize _____ to act on my behalf as my agent in this petition and to furnish, upon request, supplemental information in support of this petition application.


Stephen Westerberg (Aug 16, 2024 13:35 CDT)

Signature of Owner

Aug 16, 2024

Date


Signature of Applicant

8/15/24
Date

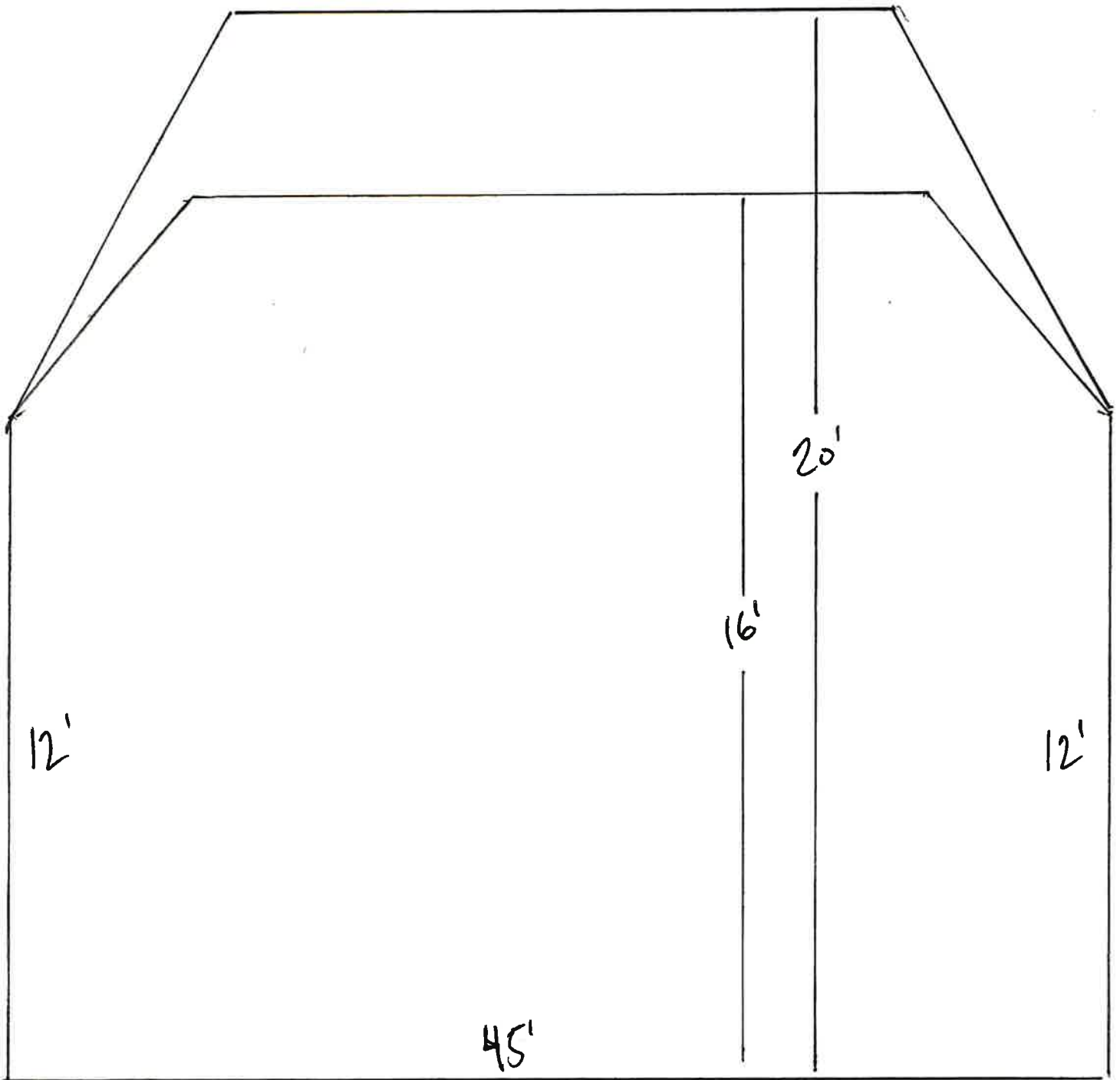

Chad Groen (Aug 16, 2024 14:35 CDT)

Aug 16, 2024



STOJKOVICH, INC.

SINCE 2001



229 S. East Street • Crown Point, IN 46307 • 219-671-5052 (Office) • 219-224-3890 (fax)

www.Stojkovich.com

~ Woman Owned Business ~

DEVELOPMENTAL VARIANCE CONDITIONS OF APPROVAL

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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:

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& VALUE SURROUNDING IT. IF ANYTHING, IT WILL INCREASE VALUES. IT
WILL BE A NICE LOOKING BUILDING TO LOOK AT.

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TERMS OF THE ZONING ORDINANCE WOULD RESULT IN DIFFICULTIES IN THE
USE OF THIS STRUCTURE UNLESS THE VARIANCE WOULD BE GRANTED FOR A HEIGHT
LIMIT INCREASE.

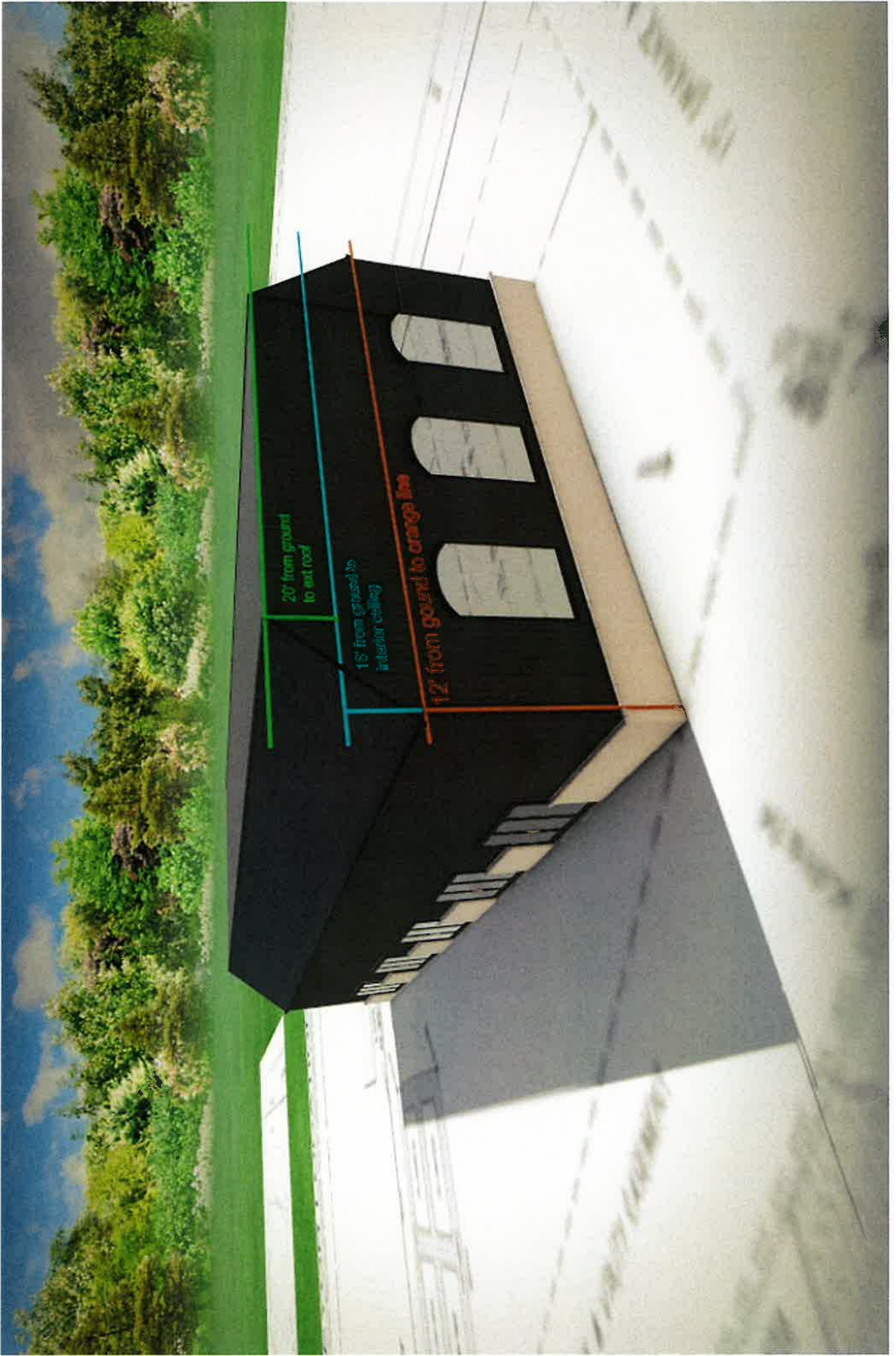
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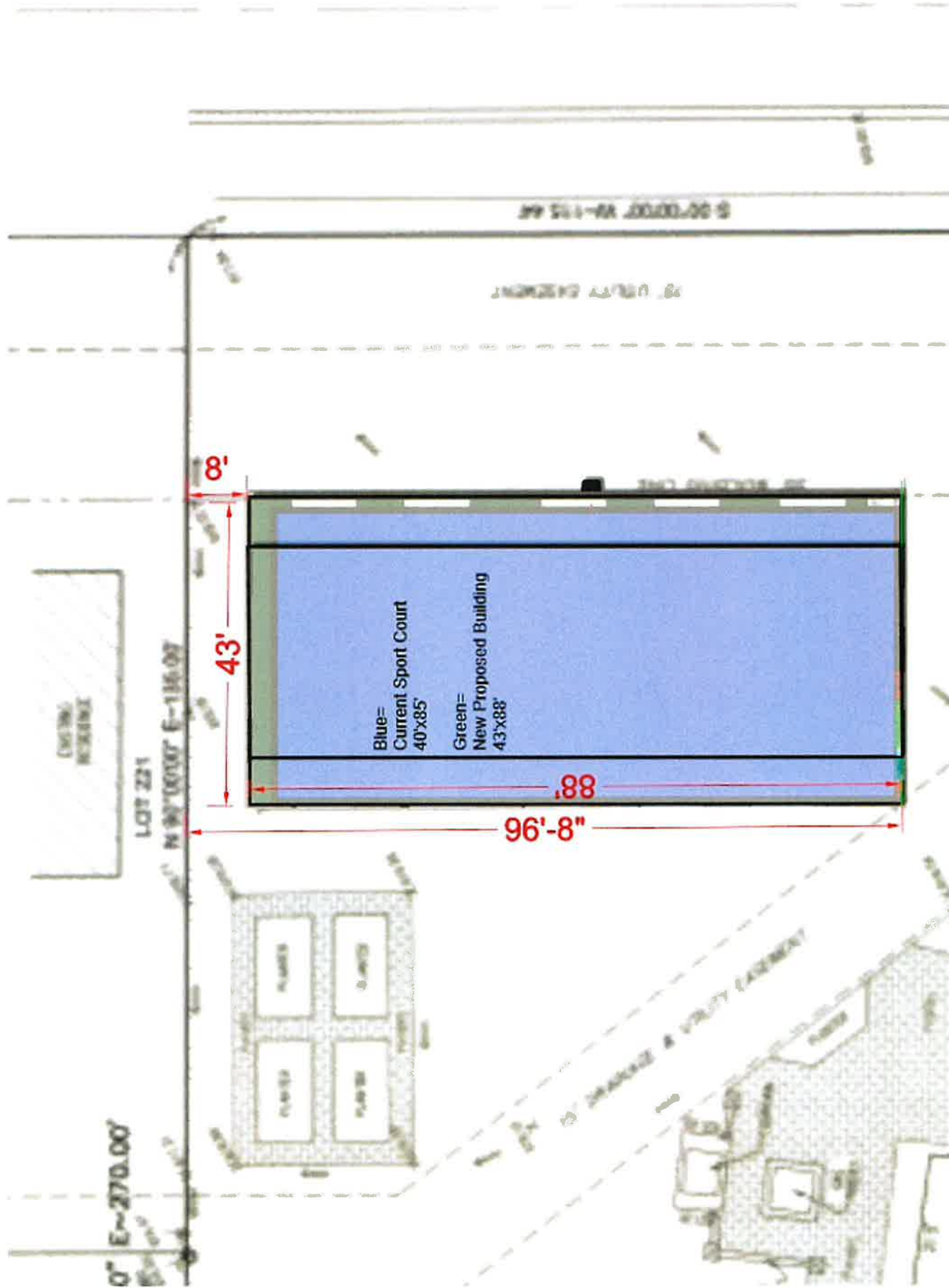


20' from ground
to ext roof

16' from ground to
interior ceiling

12' from gound to orange line





0" E~270.00'

LOT 221

N 90°00'00" E-136.07'

EXISTING
BUILDING

Blue=
Current Sport Court
40'x85'
Green=
New Proposed Building
43'x88'

8'

43'

.88

96'-8"

S 20°00'00" W-115.44'

28' UTILITY EASEMENT

28' BOULEVARD EASEMENT

25' DRIVING & VISUITY EASEMENT

[illegible]