



# BOARD OF ZONING APPEALS STAFF REPORT

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

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

**Meeting Date:** May 10, 2022

**Agenda Item:** BZA Docket No. 22-004

**Hearing:** **PRELIMINARY HEARING**

**Summary:** Louis Carbonare on behalf of Marilyn A. Educate Trust requesting approval of a variance from *TABLE 26-6.405.A-3* to allow a four car garage for a residence less than 5,000 square feet at 8120 Castle Drive.

---

**Applicant:** Louis Carbonare on behalf of Marilyn A. Educate Trust

**Property Address:** 8120 Castle Drive

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

**Adjacent Zoning:** North: Civic  
South: CD-3.R1  
East: CD-3.R1  
West: CD-3.R2

**Action Requested:** Schedule public hearing

**Additional Actions Required:** Findings of Fact

**Staff Recommendation:** **Schedule public hearing**

**Attachments:** BZA 22-004 variance application  
8120 Castle Drive Plat of Survey and Erosion Control Plan prepared by Torrenga Engineering dated 2022.03.29

## BACKGROUND

Louis Carbonare on behalf of Marilyn A. Educate Trust has submitted an application for approval of a variance from TABLE 26-6.405.A-3 of the Munster zoning ordinance to allow the construction of a new 4,200 square foot single-family residence with a 4-car garage at 8120 Castle Drive. A site plan is attached which shows the garage as an attached garage accessed by a driveway from River Drive.

The subject property consists of a single lot at the corner of River Drive and Castle Drive that was consolidated from two lots in November 2021.

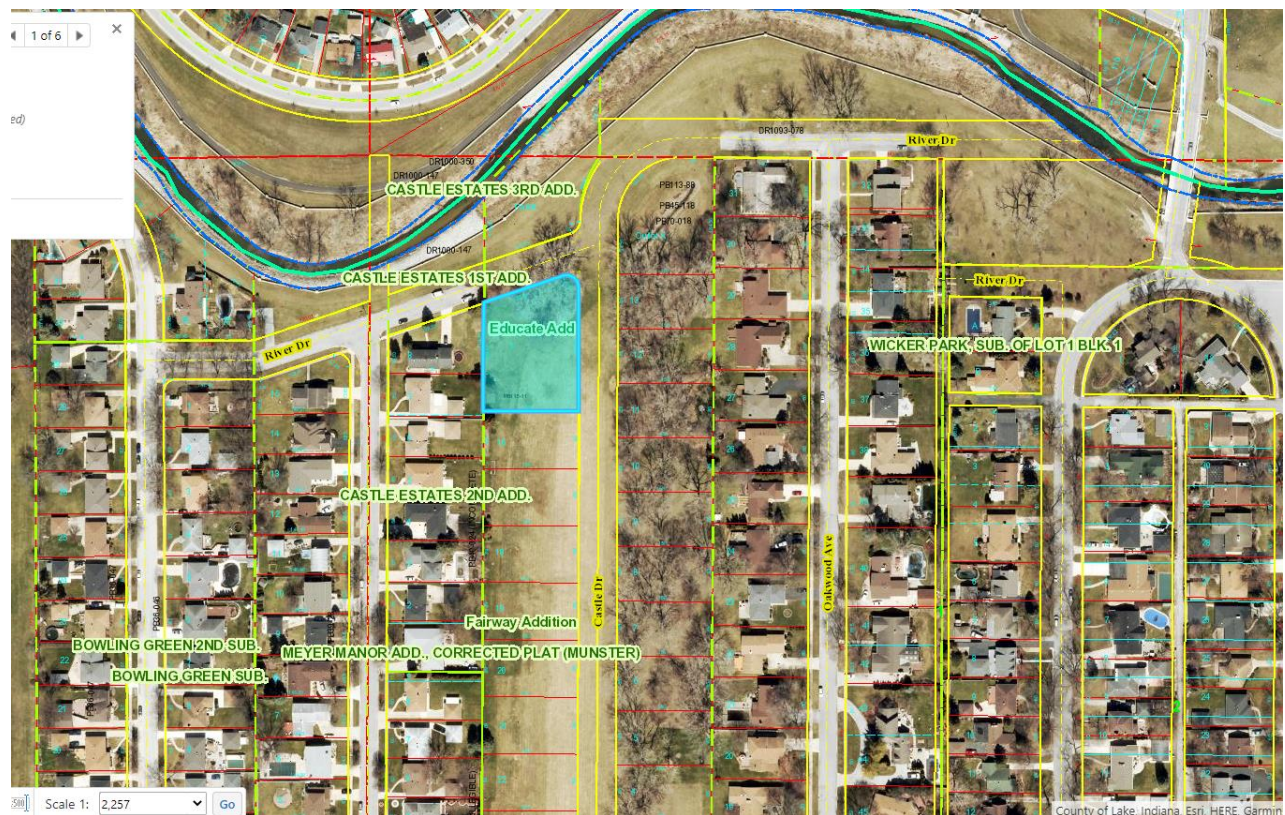


Figure 1 Subject property.

## DISCUSSION

The applicant is proposing a 4-car garage attached to house that is 4,200 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-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.*

## **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 schedule a public hearing for BZA Docket No. 22-004.*





Petition BZA \_\_\_\_\_ - \_\_\_\_\_

Date: \_\_\_\_\_

Application Fee: \$ \_\_\_\_\_

Sign Fee: \$ \_\_\_\_\_

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

#### **OWNER INFORMATION:**

Marilyn A Educate, Tr dtd 6-15-90

Name of Owner

(847) 774-0700

Phone Number

8308 Castle Drive / P.O. Box 3325, Munster, IN 46321

Street address, City, ST, ZIP Code

marieducate645@gmail.com

Email address

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

Louis Carbonare

Name of Applicant/Petitioner

(219) 776-3902

Phone Number

207 Salisbury Dr., Munster, IN 46321

Street address, City, ST, ZIP Code

louiscarbonare@gmail.com

Email address

#### **PROPERTY INFORMATION:**

Business or Development Name (if applicable)

8120 Castle Drive, Munster, IN 46321

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 variance for 4-car garage; single family residence will be under the  
required 5,000 sq ft. (will be 4,200 sq ft)

Torrenga Surveying, LLC

Name of Registered Engineer, Architect or Land Surveyor

(219) 836-8918

Phone Number

907 Ridge Road, Munster, IN 46321

Street address, City, ST, ZIP Code

stuart.allen@torrenga.com

Email address



Petition BZA \_\_\_\_\_ - \_\_\_\_\_

***Town of Munster Board of Zoning Appeals Application Signature Page***

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

*Marilyn Deucate*

Signature of Owner

*4/1/2022*

Date

*Ann Amelle*

Signature of Applicant

*4-1-22*

Date





Parcel Number: 45-07-20-102-045.000-027  
Owner1: Educate, Marilyn A Tr dtd 6-15-90  
(Re-recorded)  
Mailing Address: PO Box 3325 Munster IN  
46321  
Site Address: 8120 Castle DR Munster IN  
46321  
Tax Code: 027  
Tax Description: Munster  
Legal Description: Educate Add. Lot 1  
Net Acreage: 0.67  
Zoning Code: 0  
Use Code: 0

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.



## 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 request will NOT be detrimental to the neighborhood, but beneficial due to a number of factors, including the increase of accessed value for this single family home; reducing congestion on the residential street as well as limiting opportunities for property damage.

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 is new construction and will meet the community's objective to continuing the high standard of residential construction. Additionally, this will support that very high bar due to a larger footprint that requires combining two standard lots into a larger single lot.

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 large footprint of the home, 4200 square feet on a single story, is significantly larger than similar square footage of 2 story structures (2100 square foot footprint). This proposed larger home, the owners prefer to have a single story structure (to eliminate stairs due to challenges) as well as being an automobile enthusiast make the request critical for architectural aesthetics. The location of the access to the garage will not face any other residences as it

***Attach additional pages if necessary***

will face north towards the detention pond and the Little Calumet River.



907 RIDGE ROAD  
MUNSTER, IN 46321

**TORRENGA SURVEYING, LLC**  
PROFESSIONAL LAND SURVEYORS

TEL NO.: (219) 836-8918  
FAX NO.: (219) 836-1138  
WEB: WWW.TORRENGA.COM

**PLAT OF SURVEY**  
& EROSION CONTROL PLAN

ADDRESS: 8120 CASTLE DRIVE  
MUNSTER, INDIANA

LEGAL DESCRIPTION:  
LOT 1 IN EDUCATE ADDITION TO THE TOWN OF MUNSTER, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 115, PAGE 11 IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA.

FLOOD STATEMENT:  
As per the National Flood Insurance Rate Map, Community-Panel Number 1808900128E, Effective Date January 18, 2012, with LOMR 15-05-138 IP, Effective Date 10-2-2015 shown site appears to be in Zone "X-Shaded", are with reduced flood risk due to levees, and flood Zone "AH", and a Letter of Map Amendment Determination Document (Removal) of a portion of Lot 14, Fairway Addition, as shown on the Plat recorded as Document No. 2020-090787 and in Plat book 113, Page 88 in the Office of the Recorder of Lake County, Indiana, more particularly described as follows:  
Commencing at the Southwest Corner of said Lot 14, thence North 00 degrees 00 minutes 00 seconds East, 10.00 feet, thence South 90 degrees 00 minutes 00 seconds East, 20.00 feet to the Point of Beginning, thence North 00 degrees 00 minutes 00 seconds East, 56.12 feet, thence North 71 degrees 20 minutes 00 seconds East, 100.27 feet, thence South 00 degrees 00 minutes 00 seconds West, 88.21 feet, thence North 90 degrees 00 minutes 00 seconds West, 95.00 feet back to the Point of Beginning.

**LEGEND:**

- CATCH BASIN/INLET
- MANHOLE
- WATER VALVE
- STOP SIGN
- FIRE HYDRANT
- ELECTRIC TRANSFORMER
- UTILITY STUB
- ROAD SIGN
- EXISTING SPOT ELEVATION
- PROPOSED FINISHED GRADE
- DRAINAGE FLOW
- SET 5/8" IRON REBAR
- FOUND IRON PIPE
- WOODEN OFFSET STAKE
- PROP. SILT WORM
- SILT

PROP. STONE CONST. ENTRANCE  
(MIN. 12" WIDE)

**PROPOSED ELEVATIONS**

595.40=PROPOSED FINISHED GRADE AROUND HOUSE  
595.40=PROPOSED GARAGE FLOOR ELEVATION  
596.10=PROPOSED TOP OF FOUNDATION ELEVATION  
597.20=PROPOSED FINISHED FLOOR ELEVATION

**ADDITIONAL NOTES:**

- Discharge of concrete wash water onto the ground or into the storm sewer is not allowed.
- Contractor to keep public roadways free of sediment at all times. Daily sweeping may be required.
- Contractor to stabilize unvegetated areas that are scheduled or likely to be inactive for more than 14 days with temporary seeding or other measures. This includes any soil stockpiles on site.
- Soil stockpiles shall be surrounded with silt fencing or other measures until temporary seeding is established.
- If dewatering is required, the pump shall discharge to a pervious surface and a filter bag is required on at the end of the pump hose.
- Erosion control measures shall be inspected regularly and maintained in good working order throughout construction.

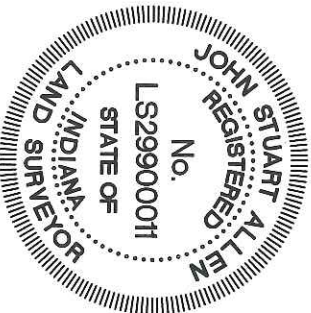
THIS IS NOT A BOUNDARY SURVEY  
This drawing is not intended to be represented as a retracement or original boundary survey, a route survey, or a Surveyor Location Report.

STATE OF INDIANA }  
COUNTY OF LAKE } S

THIS IS TO CERTIFY THAT THIS SITE PLAN FOR THE ABOVE DESCRIBED PROPERTY IS IN ACCORDANCE WITH THE OFFICIAL RECORDS AND INFORMATION SUPPLIED BY THE CLIENT.

TORRENGA SURVEYING, LLC.

JOHN STUART ALLEN - Registered Land Surveyor No. LS29900011



CLIENT: CARBONARE ENTERPRISES

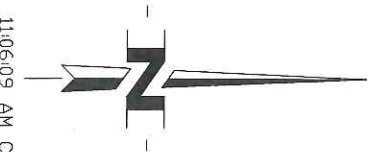
SCALE: 1 IN. = 30 FT. JOB: 2022-0104

DATE: 3/18/2022 DRAWN: JP

FIELD BOOK: PAGE:

REVISED ON: 3/29/2022 BY: SLD

FIELD BOOK: PAGE: FILE: 35787



NOTE: CONTRACTORS OR BUILDERS MUST CAREFULLY COMPARE THE POINTS, MEASUREMENTS ETC. AS NOTED IN THIS SITE PLAN WITH THE STAKES, POINTS ETC. SET ON THE PROPERTY, BEFORE BUILDING, AND AT ONCE REPORT ANY SEEMING OR APPARENT DIFFERENCES BETWEEN THE TWO TO THE SURVEYOR, SO THAT ANY MISUNDERSTANDING, MISPLACEMENTS OF POINTS, ETC., MAY BE CORRECTED BEFORE DAMAGE IS DONE. NOTE: ALL DIMENSIONS ARE GIVEN IN FEET AND DECIMAL PARTS THEREOF. NO DIMENSIONS SHOULD BE ASSUMED BY SCALE MEASUREMENTS UPON THIS SITE PLAN.