



BOARD OF ZONING APPEALS STAFF REPORT

To: Members of the Board of Zoning Appeals

From: Tom Vander Woude, Planning Director

Meeting Date: June 14, 2022

Agenda Item: BZA Docket No. 22-004

Hearing: **PUBLIC HEARING**

Application Type: **Developmental Standards Variances**

Summary: Louis Carbonare on behalf of Marilyn A. Educate Trust requesting approval of a variances from *TABLE 26-6.405.A-2* to allow a four car garage for a residence less than 5,000 square feet, to allow a 57.34 foot wide driveway for a four-car garage, and to allow a 12 foot wide driveway for a 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: Approve variances

Additional Actions Required: Findings of Fact

Staff Recommendation: **Deny variances**

Attachments: BZA 22-004 variance application
8120 Castle Drive Plat of Survey and Erosion Control Plan prepared by Torrenga Engineering dated 2022.05.23
Educate Residence plans prepared by Designs by AEB III ltd. dated 2022.02.22

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-2 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 57.34-foot-wide driveway from River Drive.

In addition to the 4-car garage, the applicant is proposing a carport or port cochere at the front entrance of the house, which is accessed by a 12-foot-wide semicircular driveway from Castle 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.

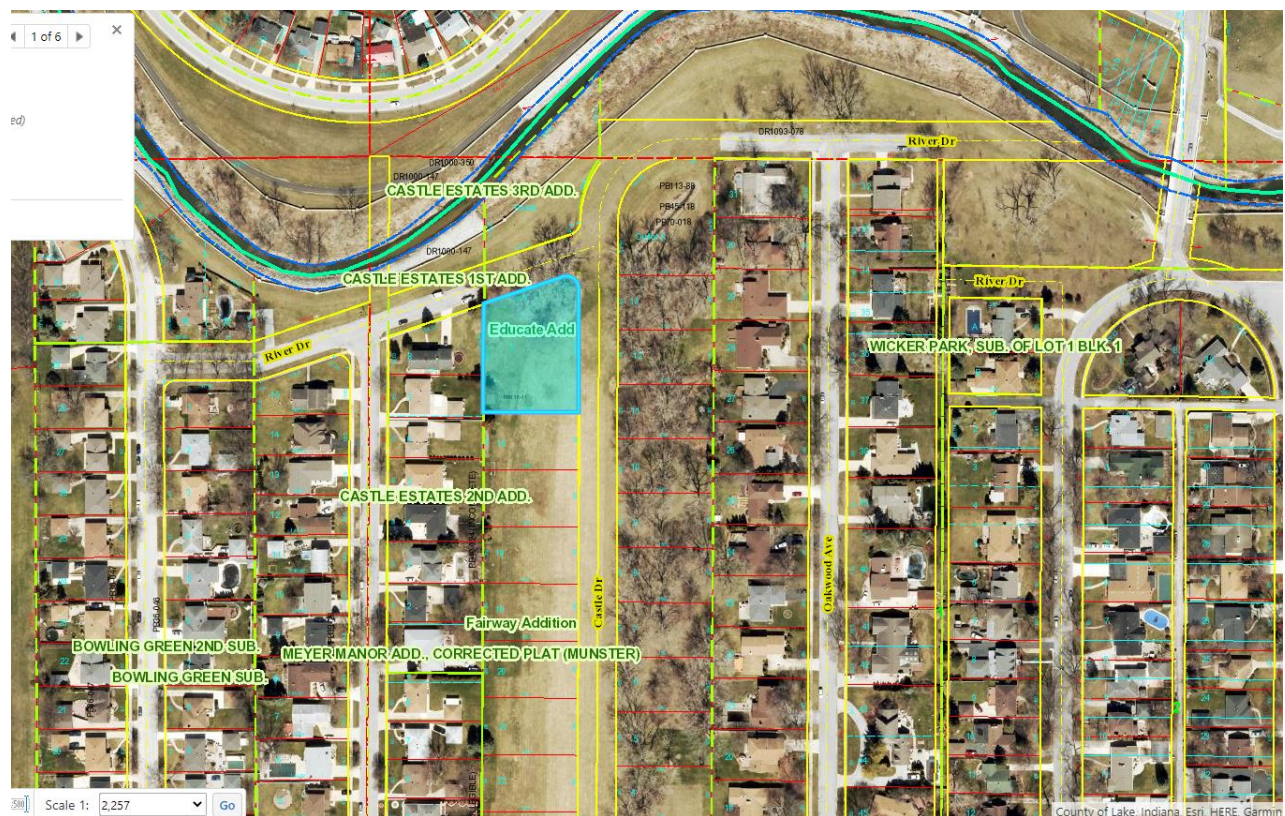


Figure 1 Subject property.

DISCUSSION

1. 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-2***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.

2. The applicant is proposing a 57.34-foot-wide driveway to access the 4-car garage. The Munster zoning code permits a driveway to be 10 feet wide for each garage space, though staff notes that a specific limit on 4-car garages is not listed in the ordinance.

TABLE 26-6.405.A-2***Driveway/ Vehicular Entrance Max. Width***

10' max for 1-car Garage; 20' max for 2-car Garage; 30' max for 3-car Garage

3. The applicant is proposing a 12-foot-wide driveway to access a 1 car wide carport/port cochere at the front of the proposed house. The Munster zoning code permits a driveway to be 10 feet wide for each garage space.

TABLE 26-6.405.A-2***Driveway/ Vehicular Entrance Max. Width***

10' max for 1-car Garage; 20' max for 2-car Garage; 30' max for 3-car Garage

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.

Staff does not find that 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.

Staff does not find that the strict application of the Development standards will result in practical difficulties in the use of the property.

RECOMMENDATION

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

Motion to deny 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 18089C0128E, Effective Date January 18, 2012, with LOMR 15-05-138 1P, 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
- W WATER VALVE
- STOP SIGN
- ⊕ FIRE HYDRANT
- ⊠ ELECTRIC TRANSFORMER
- UP UTILITY STUB
- ◇ ROAD SIGN
- X 000.00 EXISTING SPOT ELEVATION
- X 000.00 PROPOSED FINISHED GRADE
- ↗ DRAINAGE FLOW
- SIB SET 5/8" IRON REBAR
- FIP FOUND IRON PIPE
- ⊠ WOODEN OFFSET STAKE
- PROP. SILT WORM
SILT
- PROP. STONE CONST. ENTRANCE
(MIN. 12' WIDE)

PROPOSED ELEVATIONS

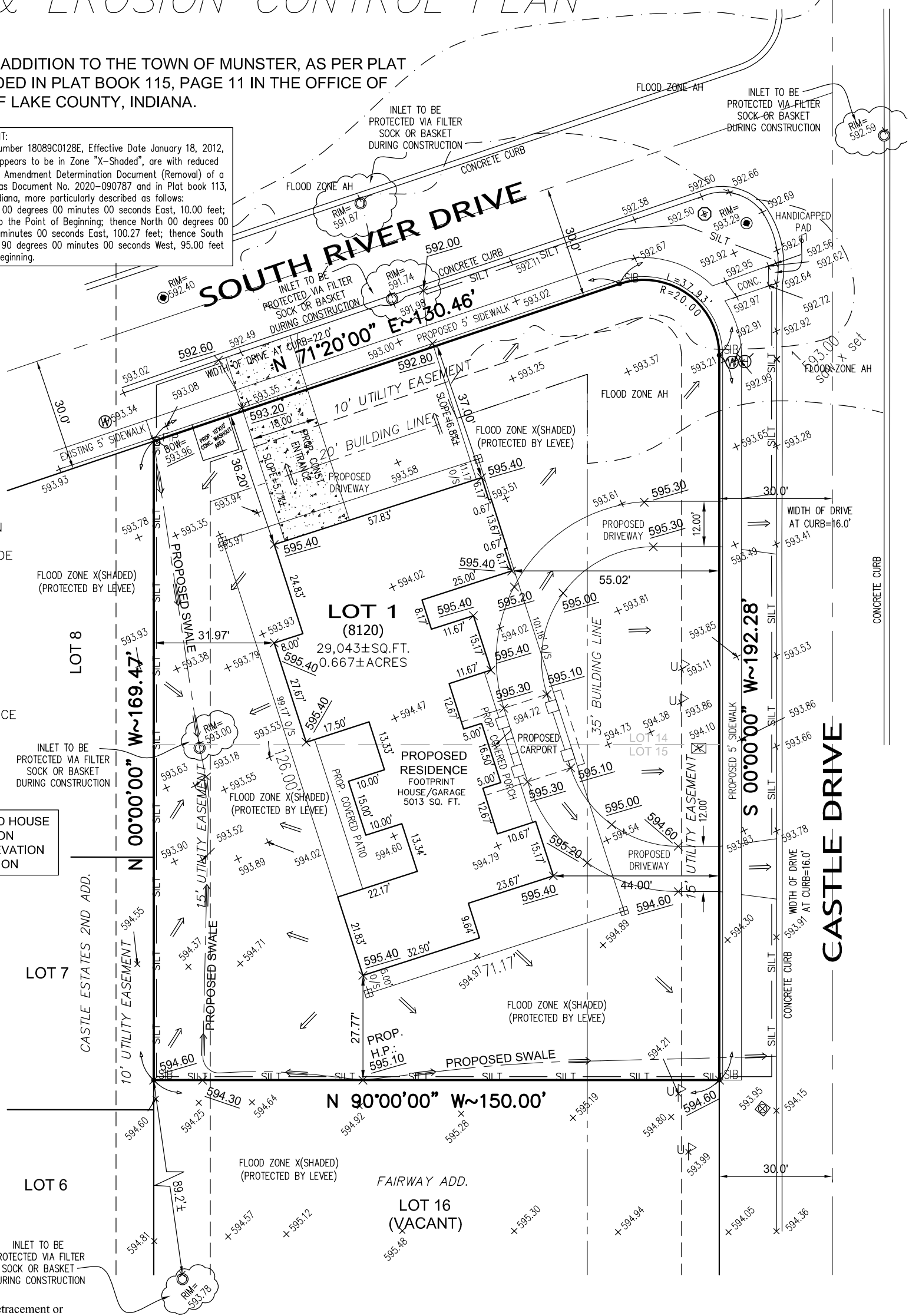
595.40=PROPOSED FINISHED GRADE AROUND HOUSE
595.40=PROPOSED GARAGE FLOOR ELEVATION
596.10=PROPOSED TOP OF FOUNDATION ELEVATION
597.20=PROPOSED FINISHED FLOOR ELEVATION

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

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

JOHN STUART ALLEN - Registered Land Surveyor No. LS29900011



CLIENT: CARBONARE ENTERPRISES

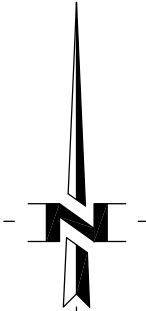
SCALE: 1 IN. = 30 FT. JOB: 2022-0104

DATE: 3/18/2022 DRAWN: QP

FIELD BOOK: PAGE:

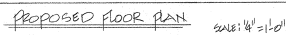
REVISED ON: 5/23/2022 BY: QP

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.

Date 02.22.2022
Scale AS NOTED
Drawn AS
Job 021-015-1C
Sheet A-1
Of 1 Sheets



| | | | |
|----------|---------|----------|-------|
| MAIN: | 4076.4 | PERCENT: | 2605F |
| DEPT: | 985.4 | | |
| EXPENSE: | 14100.4 | | |
| TOTAL: | 6089.4 | | |

While every attempt has been made in the preparation of this plan to avoid mistakes, this firm can not guarantee against human error. The contractor and Owner shall check all Dimensions, Details and Absolute elevations and be responsible for them. Writers disclaim on the above take place procedure over scaled dimensions. Designs by ASD & Bld., C.A.P. (Pera) shall not be held responsible for construction methods or means by the Contractor, Sub-contractors and their Tradesmen and/or Owner.

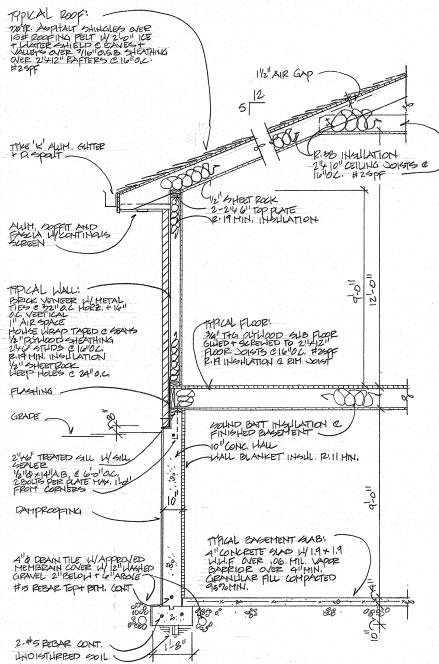
Date 02-22-02
Scale 1/4"=1'-0"
Drawn RS
Job 02-05-16
Sheet 1 of 1

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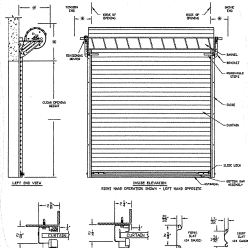
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Frontal area: 4079 1079
Side area: 3079 1079
Total area: 3079 1079

GENERAL FOUNDATION NOTES

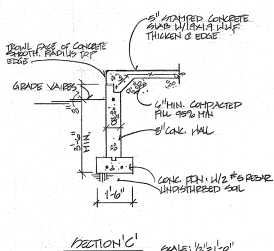
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TYPICAL WALL SECTION A' SCALE: 1/2\"/>

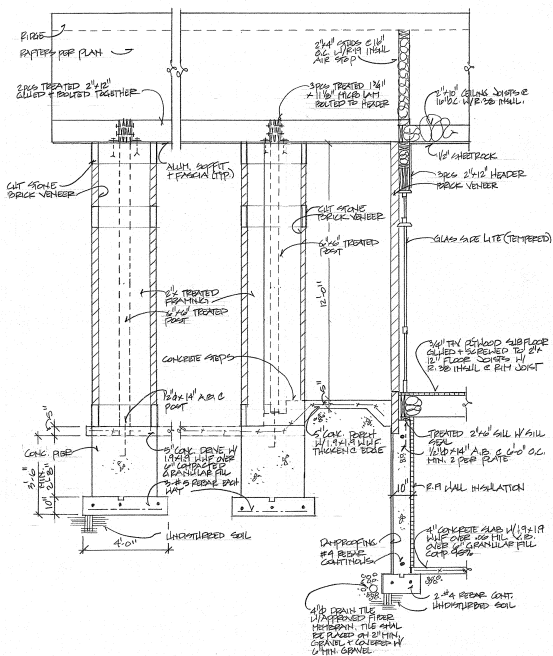


SECTION B' OF FIRE DOOR SCALE: 1/2\"/>



SECTION C' SCALE: 1/2\"/>

While every attempt has been made in the preparation of this plan to avoid errors, the firm can not guarantee against human error. The contractor and Owner shall check all dimensions, details and identify conditions and be responsible for them. Written dimensions on the drawings take precedence over verbal dimensions. Drawings by AEB III, Inc. (A.E.B.) shall not be held responsible for construction methods or means by the Contractor, Sub-contractors and their Tradesmen and/or Owner.



SECTION D' SCALE: 1/2\"/>

| REVISIONS | BY |
|-----------|----|
| FINAL 22 | 12 |

PROPOSED NEW RESIDENCE
Educate Residence
8120 Castle Drive
Munster, Indiana 46321

Designs by AEB III, Inc.
8205 Parkway Avenue
Munster, Indiana 46321
781-896-7399
aebdesigns@gmail.com

Date: 02-22-2022
Scale: AS NOTED
Drawn: RT
Job: 22-0016-16
Sheets: A-5
Total: 7



PROPOSED MECH. PLAN $\text{SCALE: } \frac{1}{4}'' = 1'-0''$

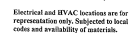
Of 7 Sheets

MAN: 40 lbs
 BOY: 25 lbs
 CRAB: 1400 g
 TOTAL: 669 g

POTENTIAL: 200 g

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[illegible][illegible]

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SCALE: $1'' = 1'-0''$

Date 02.12.2022
Scale As Noted
Drawn AS
Job 021-015-LC
Sheet 2