



# Town of Cedar Lake

Department of Planning, Zoning and Building  
7408 Constitution Avenue, P.O. Box 707, Cedar Lake, IN 46303  
Tel: (219) 374-7400 Fax: (219) 374-8588  
www.cedarlakein.org

<b>*OFFICE USE ONLY</b>	
DOCKET NO.	_____
FILING FEE	_____
RECEIPT NO.	_____

## VARIANCE APPLICATION

PROPERTY ADDRESS: \_\_\_\_\_ ZONING \_\_\_\_\_

TAX KEY NUMBER(S): \_\_\_\_\_

<b>PETITIONER(S) INFORMATION</b>	
NAME: _____	Phone: _____
ADDRESS: _____	Alt. Phone: _____
CITY, STATE, ZIP: _____	Email: _____

<b>OWNER(S) INFORMATION</b>	
NAME: _____	Phone: _____
ADDRESS: _____	Alt. Phone: _____
CITY, STATE, ZIP: _____	Email: _____

- REQUEST** (check all that apply):
- DEVELOPMENTAL VARIANCE (see page 3)
  - USE VARIANCE (see page 4)
  - SPECIAL EXCEPTION/SPECIAL USE (see page 5)
  - APPEAL (see page 6)

### DESCRIBE THE VARIANCE REQUEST:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I (We), the undersigned, now state that the information contained in this application and all attached exhibits are true and correct to the best of my (our) knowledge.

\_\_\_\_\_

Signature(s) of Owner(s)

STATE OF INDIANA )  
 ) SS:  
COUNTY OF LAKE )

Subscribed and sworn to before me on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public  
My Commission expires: \_\_\_\_\_

\_\_\_\_\_

Signature(s) of Petitioner(s)

STATE OF INDIANA )  
 ) SS:  
COUNTY OF LAKE )

Subscribed and sworn to before me on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public  
My Commission expires: \_\_\_\_\_

### Fee Schedule

Application	Fee
Developmental Variance	\$50.00
Use Variance	\$50.00
Special Use/ Special Exception	\$100.00
Appeal	\$50.00

### APPLICATION PROCEDURES

The following procedure applies to all applications filed with the Board of Zoning Appeals. The applicant is responsible for submitting all necessary information to the Board and attending all hearings and meetings. Any questions regarding these procedures should be directed to the Town of Cedar Lake Planning, Zoning and Building Department at 219.374.7400.

- Submitting a Request:** Applicant should contact the Planning, Zoning and Building Department to discuss the application request. Department staff will review the request and discuss the Zoning Ordinance and requirements associated with same with the applicant.
- Filing the Application:** The applicant is responsible for completing the application form, providing all necessary materials for the request and providing the required filing fee according to the above deadline and meeting schedule. The following materials are required at the time of submission:
  - A completed application, complete with signatures of the Petitioner and Owner, if different.
  - Any materials necessary to detail the nature of the request, including site plan and building plans.
  - Filing fee, as specified in the fee schedule above.
- Legal Notices:** Legal notice must be given to all adjacent property owners via certified mail, return receipt, as well as published as a legal advertisement at least ten (10) days prior to the hearing. A certified list of property owners shall be obtained by the Recording Secretary of the Board of Zoning Appeals. Legal advertisements will also be submitted by the Recording Secretary. Applicant is responsible for all costs associated with the publication and notification requirements.
- Hearing Date:** The applicant or a representative must be present at any and all meetings and hearings in order for the request to be heard. If unable to attend, the applicant shall contact the Planning, Zoning and Building Department prior to the hearing to reschedule.
- Approval:** Any approval given by the Board of Zoning Appeals and/or Town Council shall be exercised within one (1) year of the approval, unless otherwise stated. If applicant fails to exercise this approval within the specified time limit, the variance request is considered void.

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Signature

# APPLICATION REQUIREMENTS

## Developmental Variance

In accordance with the Cedar Lake Zoning Ordinance No. 496, Title XXX – Administration and Enforcement, Section 2: Board of Zoning Appeals, Subsection H. Variations from Development Standards of Zoning Ordinance:

The Board of Zoning Appeals shall approve or deny Variations from the development standards (such as height, bulk, or area) of the Zoning Ordinance, as amended from time to time. A Variance hereunder may only be approved upon a specific determination in writing that:

1. The approval will not be injurious to the public health, safety, morals and general welfare of the community;
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; and
3. The strict application of the terms of the Zoning Ordinance, as amended from time to time, will result in practical difficulties in the use of the property.

Filing Deadline	Board of Zoning Appeals Public Meeting Thursday 7:00 p.m.
December 14, 2018	January 10
January 11	February 14
February 15	March 14
March 15	April 11
April 12	May 9
May 10	June 13
June 14	July 11
July 12	August 8
August 9	September 12
September 13	October 10
October 11	November 14
November 15	December 12
December 13	January 2020

## Use Variance

In accordance with the Cedar Lake Zoning Ordinance No. 496, Title XXX – Administration and Enforcement, Section 2: Board of Zoning Appeals, Subsection G: Variances of Use from Terms of Zoning Ordinance:

The Board of Zoning Appeals shall consider and hear all Requests and Petitions for Variances of Use from the terms of the Zoning Ordinance, as amended from time to time. The Board of Zoning Appeals and/or Town Council may impose reasonable conditions as part of its approval. A Variance of Use hereunder may only be approved upon a specific determination in writing that:

1. The approval will not be injurious to the public health, safety, morals and general welfare of the community;
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;
3. The need for the Variance arises from some condition peculiar to the property involved;
4. The strict application of the terms of the Zoning Ordinance, as amended from time to time, will constitute an unnecessary hardship if applied to the property for which the Variance is sought; and
5. The approval does not interfere substantially with the Comprehensive Master Plan of the Town.

Filing Deadline	Board of Zoning Appeals Public Meeting Thursday 7:00 p.m.	Town Council Public Meeting Tuesday 7:00 p.m.
December 14, 2018	January 10	January 15
January 11	February 14	February 19
February 15	March 14	March 19
March 15	April 11	April 16
April 12	May 9	May 21
May 10	June 13	June 18
June 14	July 11	July 16
July 12	August 8	August 20
August 9	September 12	September 17
September 13	October 10	October 15
October 11	November 14	November 19
November 15	December 12	December 17
December 13	January 2020	January 2020

## Special Use/Special Exception

In accordance with the Cedar Lake Zoning Ordinance No. 496, Title XXX – Administration and Enforcement, Section 2: Board of Zoning Appeals, Subsection F: Exceptions and Uses:

The Board of Zoning Appeals shall consider and review all: (1) Special Exceptions; (2) Special Uses; from the terms of the Zoning Ordinance, as amended from time to time, as specifically required by the Zoning Ordinance. A determination concerning Special Exception or Special Use may only be made upon a determination in writing. The Board of Zoning Appeals and/or Town Council may impose such conditions as will ensure that:

1. The establishment, maintenance or operation of the Special Use or Special Exception will not be detrimental to or endanger the public health, safety, comfort, morals or general welfare, and is in accordance with the Comprehensive Master Plan of the Town;
2. The Special Exception or Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property values within the community;
3. The establishment of the Special Exception or Special Use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the Zoning District;
4. The Special Exception or Special Use shall be required to comply with reasonable time limitations on commencement and duration of Special Exception or Special Use, as well as holder of rights to Special Exception or Special Use;
5. Adequate utilities, access roads, drainage and/or other necessary facilities will be provided;
6. Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;
7. The Special Exception or Special Use shall in all other respects conform to the applicable regulations of the Zoning District in which it is located and the Board of Zoning Appeals and Town Council finds that there is a public necessity for the Special Exception or Special Use.

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September 13	October 10	October 15
October 11	November 14	November 19
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December 13	January 2020	January 2020

## Appeal

In accordance with the Cedar Lake Zoning Ordinance No. 496, Title XXX – Administration and Enforcement, Section 2: Board of Zoning Appeals, Subsection J. Appeals to the Board:

1. An Appeal filed with the Board of Zoning Appeals must specify the grounds of the Appeal and must be filed within ten (10) days from the date of the action appealed from. In the event Appeal is not taken as specified herein, the right to appeal shall be terminated.
2. The Administrative Official or other body from whom the Appeal is taken shall, on the request of the Board of Zoning Appeals, transmit all documents, plans and papers constituting the record of the action from which an Appeal was taken.
3. Upon Appeal, the Board of Zoning Appeals may reverse, affirm or modify the Order, Determination, Requirement or Decision appealed from. For this purpose, the Board of Zoning Appeals has all the powers of the official, officer, board or body from which the Appeal is taken.
4. The Board of Zoning Appeals shall make a decision on any matter that it is required to hear, as specified in this Section 2 of Title XXX, either:
  - a. At the meeting at which that matter is first presented; or
  - b. At the conclusion of the hearing on that matter, if it is continued.
5. The Board of Zoning Appeals shall file in the Office of the Board, a copy of its decision within five (5) days after making any decision.

The appeal will be heard at the next public meeting, as indicated below, after the filing date of such appeal application.

Filing Deadline	Board of Zoning Appeals Public Meeting Thursday 7:00 p.m.	Town Council Public Meeting Tuesday 7:00 p.m.
December 14, 2018	January 10	January 15
January 11	February 14	February 19
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