



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

*OFFICE USE ONLY

DOCKET NO. _____

FILING FEE _____

RECEIPT NO. _____

VARIANCE APPLICATION

PROPERTY ADDRESS: _____ ZONING _____

TAX KEY NUMBER(S): _____

PETITIONER(S) INFORMATION

NAME: _____

Phone: _____

ADDRESS: _____

Alt. Phone: _____

CITY, STATE, ZIP: _____

Email: _____

OWNER(S) INFORMATION

NAME: _____

Phone: _____

ADDRESS: _____

Alt. Phone: _____

CITY, STATE, ZIP: _____

Email: _____

REQUEST (check all that apply):

☐ DEVELOPMENTAL VARIANCE

(see page 3)

☐ USE VARIANCE

(see page 4)

☐ 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)

Signature(s) of Petitioner(s)

STATE OF INDIANA)
) SS:

STATE OF INDIANA)
) SS:

COUNTY OF LAKE)

COUNTY OF LAKE)

Subscribed and sworn to before me on this ____ day of

Subscribed and sworn to before me on this ____ day of

_____, 20__.

_____, 20__.

Notary Public

Notary Public

My Commission expires: _____

My Commission expires: _____

Fee Schedule

Application	Fee
Developmental Variance	\$50.00
Use Variance	\$50.00
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.

1. **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.
2. **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 fee schedule shown above. Additionally, application deadlines are shown in the table below. The following materials are required at the time of submission:
 - a. A completed application, complete with signatures of the Petitioner and Owner, if different.
 - b. Any materials necessary to detail the nature of the request, including site plan and building plans.
 - c. Filing fee, as specified in the fee schedule above.
 - d. At least 3 color photographs of the property in question.
3. **Legal Notices:** Legal notice must be given to all adjacent property owners via certified mail, return receipt requested, as well as published as a legal notice in a newspaper of local and weekly circulation at least ten (10) days prior to the hearing. The Times and the Post Tribune are examples of newspapers that are local and weekly publications. A certified list of property owners shall be obtained by the applicant from either the Lake County Auditor, an engineer, a title company or an attorney. Legal advertisements must be submitted by the applicant to the newspaper. It is important to note that the newspaper may need 3-5 days advance notice, to publish the legal notice so the applicant must be aware of this. Applicant is responsible for all costs associated with the publication and notification requirements.
4. **Hearing Date:** The applicant must provide the white mailing receipts from the mailings as proof of timely mailing, the list of adjacent property owners and the proof of publication of the legal notice at least 5 business days prior to the public hearing. Those items must be turned in to the Planning, Zoning and Building Department. 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.
5. **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.

APPLICATION REQUIREMENTS

Developmental Variance

In accordance with the Cedar Lake Zoning Ordinance No. 1402, Chapter 19 – Administration and Enforcement, Section B: Board of Zoning Appeals, Subsection 7. Variances from Development Standards of Zoning Ordinance:

The Board of Zoning Appeals shall approve or deny Variances 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 **the following Findings of Fact are proven**:

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.

The Filing Deadline is the first Friday of the month for the following month. Example: Friday, January 5, 2024 is the filing deadline for the February meeting.

Please complete the Developmental Variance Worksheet on the next page to submit with your application.

Variance Request Worksheet – Developmental Variance – Petitioner Use

1. **The approval will not be injurious to the public health, safety, morals, and general welfare of the community** (Consider whether or not the granting of the variance will hurt or harm the Town – why or why not, and what harm could occur?)

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** (Consider whether neighboring property will suffer any major negative impacts – what impacts can the neighbors realistically expect?)

3. **The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property** (Consider what difficulties the owner would have developing the property according to the Zoning Ordinance Standards. Higher cost is not an adequate justification for a variance)

If ANY of the criteria have been checked as “no”, the Developmental Variance request may not be approved.

If ALL criteria have been checked as “yes”, then a Developmental Variance is justified

Use Variance

In accordance with the Cedar Lake Zoning Ordinance No. 1402, Chapter 19 – Administration and Enforcement, Section B: Board of Zoning Appeals, Subsection 6: 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 **the following Findings of Fact are proven**:

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.

The Filing Deadline is the first Friday of the month for the following month. Example: Friday, January 5, 2024 is the filing deadline for the February meeting.

Please complete the Developmental Variance Worksheet on the next page to submit with your application.

Variance Request Worksheet – Variance of Use – Petitioner Use

1. **The approval will not be injurious to the public health, safety, morals, and general welfare of the community** (Consider whether or not the granting of the variance will hurt or harm the Town – why or why not, and what harm could occur?)

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** (Consider whether neighboring property will suffer any major negative impacts – what impacts can the neighbors realistically expect?)

3. **The need for the variance arises from some condition peculiar to the property involved** (Consider whether there is some unique problem with the site that makes it unable to meet the Zoning Ordinance Standards – what would the problems be?)

4. **The strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought** (Consider what it would be like if the site were developed meeting the requirements of the Zoning Ordinance – what would the difficulties be?)

5. **The approval does not interfere substantially with the Comprehensive Plan** (Consider whether there are major conflicts with the Comprehensive Plan – if so, what are they?)

If ANY of the criteria have been checked as “no”, the Variance of Use may not receive a Favorable Recommendation to the Town Council

If ALL criteria have been checked as “yes”, then a Favorable Recommendation to the Town Council is justified.

Appeal

In accordance with the Lake Zoning Ordinance No. 1402, Chapter 19 – Administration and Enforcement, Section B: Board of Zoning Appeals, Subsection 9. 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 Chapter 18, 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.