



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)
 - 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)

 Signature(s) of Petitioner(s)

STATE OF INDIANA)
) SS:
 COUNTY OF LAKE)

STATE OF INDIANA)
) SS:
 COUNTY OF LAKE)

Subscribed and sworn to before me on this ____ day of _____, 20__.

Subscribed and sworn to before me on this ____ day of _____, 20__.

 Notary Public
 My Commission expires: _____

 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.

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 above deadline and meeting schedule. 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.
3. **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.**
4. **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.
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. 496, Title XXX – Administration and Enforcement, Section 2: Board of Zoning Appeals, Subsection H. 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:

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 11, 2020	January 14
January 8	February 11
February 5	March 11
March 5	April 8
April 2	May 13
May 7	June 10
June 4	July 8
July 2	August 12
August 5	September 9
September 3	October 14
October 1	November 10*
November 5	December 9
December 3	January 2022

*Will be held on Wednesday

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: Variations of Use from Terms of Zoning Ordinance:

The Board of Zoning Appeals shall consider and hear all Requests and Petitions for Variations 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 11, 2020	January 14	January 19
January 8	February 11	February 16
February 5	March 11	March 16
March 5	April 8	April 20
April 2	May 13	May 18
May 7	June 10	June 15
June 4	July 8	July 20
July 2	August 12	August 17
August 5	September 9	September 21
September 3	October 14	October 19
October 1	November 10*	November 16
November 5	December 9	December 14
December 3	January 2022	January 2022

*Will be held on Wednesday

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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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 11, 2020	January 14	January 19
January 8	February 11	February 16
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