

BOARD OF ZONING APPEALS

Filing Fee: \$ 25.00

Application/ Docket No.	
Special Use _____	
Special Exception _____	
Variance _____	

APPLICATION FOR A VARIANCE FROM THE CITY OF LAKE STATION ZONING ORDINANCE

A. Directions/Information:

1. Complete application in full and attach required documents. To file with Building Department Secretary a minimum of ten (10) days prior to B.Z.A. Meeting.
2. Applicant/ Legal Owner must file application and be present at review meetings and public hearings.
3. Applicant must provide all information, charts, diagrams and/or other exhibits requested by the Board.
4. The Board in its discretion, may continue any application review meeting and/or hearing in order for the applicant to provide additional information requested by the Board.
5. The BZA Meetings are held in the City of Lake Station Council Chambers (Inner Room); 3625 Central Avenue; Lake Station, Indiana. Unless specified to the contrary, meetings are convened at 7:00 P.M. on the fourth Wednesday of each month.

B. REQUIRED INFORMATION & DOCUMENTS: (please print)

1. Applicant _____
 (Must be Legal Owner of Property)
 Trust No. _____ (if property is held in trust)
 Address _____
 Telephone Number () _____

2. ATTACH COPY OF ZONING ORDINANCE BEING APPEALED.
3. Explain why applicable zoning requirements cannot be complied with:

4. Property Street Address _____
5. Attach copy of current legal plat of survey, which clearly indicates existing improvements; easements; or related information, as well as legal description.
6. Current Zoning: _____ (per: current zoning map)

APPLICANT'S SIGNATURE

Date

received

City Official/Employee Accepting Application Date

Application Review Meeting Date/ to be on the BZA Agenda:

Date _____, _____.

CITY OF LAKE STATION
ADVISORY PLAN COMMISSION
3701 FAIRVIEW AVENUE
LAKE STATION, INDIANA 46405
(219)962-3111 FAX(219)963-9275

DATE: _____

LAKE COUNTY AUDITORS' OFFICE
LAKE COUNTY GOVERNMENT CENTER
2293 NORTH MAIN STREET
CROWN POINT, INDIANA 46405

re: Petitioner _____

Common Address: _____

Key Number: _____

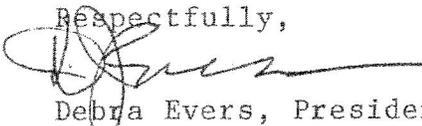
To Whom It May Concern:

Please be advised the above named petitioner is seeking action by the City of Lake Station Plan Commission and/or Board of Zoning Appeals on the attached parcel of land located in Lake Station, Indiana.

As required by ordinance, the petitioner requests that your office furnish an "Adjacent Property Owners List", (for the purpose of this letter, "adjacent" means common boundaries and corners, including those across public right-of-way of the petitioned parcel). The cost is to be borne by the petitioner.

Please be advised that this list must be submitted to the City of Lake Station Plan Commission staff prior to any appearance "for Public Hearing" before either the Plan Commission or the Board of Zoning Appeals.

Respectfully,


Debra Evers, President
Lake Station Plan Commission

BASIC STEPS TO FOLLOW

- 1) If all documents/paperwork have been properly submitted, you will be set for a preliminary hearing at the next regular meeting.
- 2) If all documents/paperwork are in order at the preliminary hearing, the Commission will set your petition for a public hearing at the next regular meeting.
- 3) The next day you will need to go to the auditor's office at the government complex in Crown Point with a letter from the City requesting a certified list of surrounding property owners.
- 4) No later than 21 days prior to the public hearing date you are required to send certified letters to the property owners on the certified list.
- 5) Also, no later than 21 days prior to the public hearing date you are required to post a sign on your property. The sign is available at the Clerk-Treasurer's office for a cost \$30.00. After the public hearing you may return the sign frame for a \$20.00 refund.
- 6) It is your responsibility to advertise the public hearing in a newspaper, either the Times or Post-Tribune, no later than 10 days prior to the public hearing date.
- 7) All proof of the above requirements are to be turned into the Clerk's office, prior to the date of the public hearing, to be placed in your files.
- 8) If the Commission approves your petition, after the public hearing, a recommendation will be forwarded to the Common Council and you will be required to submit an ordinance for the approval by the Common Council.
- 9) Upon your submission of the ordinance to the Clerk's office, you will be given an agenda date for the first possible Council meeting.



1969 Central Avenue
Phone (219) 962-3111 Lake Station, IN 46405 Fax (219) 963-9275
Clerk Treasurer's Office

Public Hearing – Legal Notice

Notice is hereby given that the Board of Zoning Appeals of the City of Lake Station, Lake County, Indiana will hold a public hearing in the Council Chambers @ 1969 Central Avenue, at 7:00 p.m. on the ____ day of _____, 2012 regarding a petition for **“Variance from Developmental Standards”**.

NAME OF PETITIONER: _____

LOCATED AT: _____

LEGALLY DESCRIBED AS FOLLOWS:

Anyone interested in the petition may appear in person or by agent at the public hearing. Written objections filed with the Board of Zoning Appeals before the hearing will be considered. The hearing may be continued from time to time as may be found necessary. All information concerning such petition is on file in City Hall at 1969 Central Avenue for public examination.

[Ad must run in one (1) newspaper no later than ten (10) days prior to the public hearing]

1. Capital services:

1. The proposed development shall not pose an undue burden on the delivery of police or fire services.
2. If the development results in a significant increase for park, school, or public services, property dedicated for these purposes shall be required as a condition of development.
3. Appropriate right-of-way and easement dedications shall occur in order to provide necessary access for proper utility maintenance.
4. Streets internal to a development may be dedicated or private, depending on their design and function.

5. No application shall be accepted unless accompanied with all information, data, statistics and/or plats above stated or deemed necessary for an intelligent determination by the commission.

6. All site plans on larger than five (5) acres must be prepared and signed by either a registered professional engineer or land surveyor licensed within the State of Indiana.

7. All site plans for projects located in or adjacent to a flood plain or an area determined by the plan commission to be flood prone must be prepared and signed by either a registered professional engineer or land surveyor licensed within the State of Indiana. Such plans must specify information regarding "flood proofing."

(Ord. No. 2000-19, § 2, 8-25-2000)

Section H: Hearings.

1. Subject to the provisions of IC 36-7-4, public hearings shall be held on the adoption or amendment of any master plan, the adoption or amendment of a zoning ordinance, or the preliminary approval of a plat subdivision.

2. A petitioner who seeks to amend the zoning or other master plan element shall file such a petition in the office of the secretary and city clerk in the Municipal Building of the City of Lake Station, Indiana.

3. Such a petition must be filed with the secretary and the city clerk at least ten (10) days prior to the next regular meeting of the commission. Petitions filed too late to comply with this section shall be heard at the next succeeding regular meeting of the commission. However, the commission may waive the requirements of this section by a unanimous vote upon a showing that an emergency exists. The purpose of this section is to enable the members to examine and study the pending petition and to conduct any investigation deemed advisable.

4. All such petitions not initiated by the commission itself shall be accompanied by a filing fee of twenty-five dollars (\$25.00) to help defray the administrative and investigative expenses of the commission.

5. No petition shall be accepted by the secretary unless accompanied by and included with all information, data, statistics and/or plats which may be required by statute, ordinance and/or law and/or regulation.

6. If the commission determines that a petition is in good order with sufficient information, it will set a time and a place for holding a public hearing and announce same publicly.

7. *Publication of hearing notice.* The applicant or petitioner shall be responsible for the costs and expense of the advertised publication of required legal notices. Publication of notice of public hearings shall be in conformance with IC 5-3-1. Proof of such required advertised publications shall be made by publisher's affidavit tendered to the city clerk/treasurer's office prior to the public hearing.

8. A. *Methods of public notice.* At least twenty-one (21) days prior to the date of the public hearing, the applicant or petitioner shall post a sign on his property, which sign shall clearly indicate the relief or change sought by the applicant or petitioner, and the date, time, and place of the public hearing thereon. The applicant or petitioner shall be required to use a frame for the sign as provided by the city, and shall first deposit the sum of thirty dollars (\$30.00) as an additional fee and security deposit for the said sign frame. The sign shall be no smaller than twenty-two (22) inches by twenty-eight (28) inches, and shall be printed in letters and words prominently and conspicuously displayed to the end that neighbors, adjacent property owners, and passers-by are able to readily see and read it. The building commissioner shall designate the location and placement of such signs. The plan commission shall purchase the necessary materials for such signs, and shall make the same available for use to applicants and petitioners. At least one (1) sign shall be so posted every five hundred (500) feet of frontage, as that term is defined at Lake Station Code, Title II, Section B. When the sign frame is returned to the city in reasonably good condition, normal wear and tear excepted, the sum of twenty dollars (\$20.00) shall be refunded to the applicant or petitioner.

B. *Additional required notice.* In addition to any other requirement, the applicant or petitioner shall give notice of any public hearing requiring notification by one (1) or both of the following methods, to wit:

(1) *By certified mail.* Deposit in the United States Mail, postage prepaid, by certified mail, return receipt requested, a written notice of the petition or application, no less than twenty-one (21) days prior to the date of the public hearing, addressed to each owner of record of real property whose real property abuts, or is adjacent to, or is contiguous to the subject property.

(2) *By petition.* Circulate a petition to all owners of record of real property whose real property abuts, or is adjacent to, or is contiguous to the subject property. Such abutting, adjacent, or contiguous property shall include, without limitation, all property which abuts, is adjacent to, or is contiguous to any public street, road, or alley which abuts, is adjacent to, or is contiguous with the subject property. The term "subject property" shall mean and refer to the property described in the petition or application seeking a zone map change, variance, special use, and

special exception before the advisory plan commission or the advisory board of zoning appeals; provided, however, that if the applicant shall be the owner of record of property abutting, adjacent to, or contiguous to the subject property, then, for purposes of giving notice, the subject property shall include all property owned by the applicant or petitioner which abuts, is adjacent to, or is contiguous to the subject property. The term, "owner" shall mean and refer to ownership in fee simple, jointly, by the entireties, in common, equitable interest in a trust, or purchase interest in a land contract. Such petition must be in a form approved by the city legal department, and shall be notarized, among other things.

- C. *Notification of surrounding property owners.* Along with any and all other requirements, each applicant or petitioner shall submit to the secretary of the plan commission, at any time prior to the public hearing on the petition or application, a list of all owners of record of real property whose real property abuts, or is adjacent to, or is contiguous to the subject property. Said list shall contain the names and addresses of all such owners of real property who are the last grantees of record thereof, as indicated in the records of the Lake County Auditor, and said list shall be certified as accurate to a date no earlier than thirty (30) days prior to the date of filing of said application or petition. Such certification shall be made, at the election and expense of

the applicant or petitioner, by the Lake County Auditor, or by any bona fide land title insurance company with a business office located in Lake County, Indiana. Such certification shall appear on the official letterhead of the public agency or land title insurance company rendering the same.

(Ord. No. 99-11, §§ 1, 2, 10-7-99)

Section I: Agenda.

1. Each such case to be presented before the commission shall be filed in proper form with the required data, shall be numbered serially, and placed on the docket of the commission. The docket numbers shall include the year and begin anew January 1st of each year.

2. As soon as the case receives a docket number, it shall be placed upon the agenda of the commission and a date set for preliminary hearing.

3. Cases shall come before the commission in the regular order of their consecutive numbers unless otherwise ordered by the commission, or hereinafter otherwise provided.

4. Those cases which, in the discretion of the commission, seek what is known as "spot zoning," shall be placed last on the agenda of commission meetings and, if more than one (1) such petition shall be scheduled for hearing at one (1) meeting, such petitions shall be grouped last on the agenda and heard by the commission in numerical order.

5. For determination of whether or not a petition shall be subject to the provision of section 4 of this Article, "spot zoning" is hereby defined as "the zoning or attempted rezoning" of any property by the reclassification thereof in a new zoning district where the specific property involved does not abut on at least one (1) side of another piece of property of exactly the same class, as determined by classification letters and numbers of the Zoning Ordinance.

Section J: Conduct of hearings.

1. At a public hearing before the commission, the petitioner shall first present the facts and arguments in support of the case and those whom oppose. The petition shall follow. To maintain orderly procedure, each side shall proceed without interruption by the other. Each speaker shall address the chair and be recognized before speaking.

2. In the presentation of a case, the burden shall be upon the petitioner to supply all information, including charts, plats, diagrams and other exhibits necessary for a clear understanding of the problem. The commission may continue the hearing when in its discretion the petitioner has not provided sufficient evidence and information on which to make a determination.

3. Every person appearing before the commission shall abide by the order and directions of the president. Discourteous, disorderly or contemptuous conduct shall be regarded as a breach of the privileges of the commission and shall be dealt with as the commission directs.

4. The commission, at its discretion, may continue or postpone the hearings of any case upon an affirmative vote of a majority of the members present at said hearing.

5. All petitioners must bear the burden of proving one (1) or more of the following points to the satisfaction of a majority of the commission:

- a. That there was an error in the original zoning of the property when the ordinance was adopted.
- b. That the character of the area under consideration has changed, either through technological advances or developmental changes.
- c. That a change of zone will not be injurious or detrimental to surrounding property values.
- d. That, if the changes were granted, it would promote orderly community growth.

6. Upon having satisfied itself that the petitioner has met the requirements of section five (5) above, the commission shall then consider the following factors:

- a. That the proposed change will not adversely affect the community.
- b. That the comprehensive plan will not be disrupted or destroyed.
- c. That the land involved is suitable for the proposed zone change.
- d. That the topography is suitable for the proposed land use without adverse affect upon the surrounding land.
- e. That the land values of adjacent property would be increased.
- f. For purposes of this Article or any other article of these rules, "unanimous vote" or "unanimous vote of the commission" shall mean the unanimous vote of the members present at a regular or properly called special meeting of the plan commission.

Section K: Final disposition of cases.

1. The final disposition of any case shall be in the form of an order setting forth the findings and determinations of the commission, together with any modification, specification which it makes.

2. The commission may dismiss a case for want of prosecution and shall dismiss for lack of jurisdiction

3. A petitioner may not withdraw a case after a roll call vote has been ordered by the president.

4. A case which has been withdrawn by the petitioner shall not be again placed on the docket within a period of six (6) months after the date of withdrawal.

5. A case which has been decided adversely to the petitioner shall not be again placed upon the docket for consideration until one (1) year after the date of decision previously rendered, except upon the unanimous vote of those members present at a regular or properly called special meeting of the commission.

Section L: Amendments.

1. Amendments to these rules of procedure may be made by the commission at any regular or special meeting upon the affirmative vote of a majority of the members of the commission.
2. The suspension of any rule of the commission may be ordered at any meeting by a unanimous vote.

Section M: Possible action on petition after leaving plan commission.

1. If an ordinance or amendment is passed with a favorable recommendation by the plan commission, it will only take simple majority vote by the city council to pass or defeat the ordinance or amendment. The city council has one hundred twenty (120) days in which to act. If the council defeats or amends the ordinance, it must be returned to the plan commission for its reconsideration, with a written statement of the reason for its rejection or amendment. The plan commission has forty-five (45) days in which to consider the rejection or amendment and report to the city council. If the plan commission does not accept the rejection or amendment by the council, they can reaffirm their original recommendations and send it back to the council.
2. To finally defeat the ordinance or amendment, it requires a two-thirds ($\frac{2}{3}$) vote by the city council.