



TO: Petitioners
FROM: Town of Munster Board of Zoning Appeals
RE: Developmental Standards Variance Petitions

According to State Law, the Munster Board of Zoning Appeals may approve a developmental standards variance ONLY if it is determined that:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and
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 will result in practical difficulties in the use of the property.

ALL THREE CONDITIONS MUST BE MET FOR THE BZA TO GRANT A VARIANCE.

BZA _____

DATE _____

FEE \$ _____

TOWN OF MUNSTER APPLICATION FOR DEVELOPMENTAL STANDARDS VARIANCE

NOTE: APPLICATION MUST BE COMPLETED AND FILED WITH THE CLERK-TREASURERS OFFICE, 1005 RIDGE ROAD, MUNSTER INDIANA, AT LEAST 10 DAYS PRIOR TO BOARD OF ZONING APPEALS MEETING AT WHICH THE BOARD IS TO CONSIDER SUCH APPLICATION. IF THE APPLICANT IS OTHER THAN THE OWNER OF THE PROPERTY, OWNER MUST ALSO SIGN THE APPLICATION, OR SUBMIT A LETTER AUTHORIZING APPLICANT TO ACT ON OWNERS BEHALF.

APPLICANT _____
PHONE _____

ADDRESS _____

PROPERTY OWNER _____ PHONE _____

OWNERS
ADDRESS _____

GENERAL LOCATION OF SUBJECT
PROPERTY _____

LEGAL DESCRIPTION OF
PROPERTY _____

CONTAINING _____ ACRES CURRENT ZONING _____ DATE PURCHASED _____
(AREA)

DEVELOPMENTAL STANDARDS
VARIANCE REQUESTED

ORDINANCE
REQUIREMENT _____

PROPOSED USE

I AM REQUESTING THE DEVELOPMENTAL STANDARDS VARIANCE FOR THE FOLLOWING REASON _____

ATTACHMENTS: APPLICANT MUST SUBMIT TEN (10) COPIES OF THE LEGAL PLAT IN ACCORDANCE WITH THE REQUIREMENTS LISTED IN THE TOWN OF MUNSTER ZONING ORDINANCE.

SIGNATURE OF APPLICANT _____ DATE _____

TOWN OF MUNSTER
LEGAL NOTICE

BOARD OF ZONING APPEALS APPLICATION NO. _____

An application to request a DEVELOPMENTAL STANDARDS VARIANCE from the requirements of
Town of Munster Zoning Ordinance has been filed by:

(name of applicant)

Notice is hereby given that the Town of Munster, Lake County, Indiana will hold a public hearing
in the Munster Town Hall, 1005 Ridge Road, at 7:00 p.m. on _____, 200____, to
consider the application filed. The application is requesting a DEVELOPMENTAL STANDARDS
VARIANCE from the requirements of the Zoning Ordinance for _____
as this affects the area bounded by:

(common description)

(name of subdivision)

consisting of _____ acres, located and legally described as follows:

(insert legal description here)

Anyone interested in the application may appear in person or by agent at the public hearing. Written objections filed with the BOARD OF ZONING APPEALS Secretary before the hearing will be considered. The hearing may be continued from time to time as may be found necessary. All information concerning such application is on file in the Community Development Office, 1005 Ridge Road, Munster, Indiana, 46321, for public examination.

William Baker, Chairperson

NOTICE TO OWNERS OF AFFECTED PROPERTY

BOARD OF ZONING APPEALS
TOWN OF MUNSTER

(name of applicant)

(address)

Application Number _____ - _____

Notice is hereby given that at the regularly scheduled meeting of _____, 200__, at 7:00 p.m., at the Munster Town Hall, 1005 Ridge Road, Munster, Indiana, the BOARD OF ZONING APPEALS will conduct a public hearing on the following application:

Anyone interested in the application may appear in person or by agent. Written objections, filed with the Board Secretary before the hearing, will be considered. The hearing may be continued from time to time as may be found necessary. All information concerning the application is on file in the Community Development Office, 1005 Ridge Road, MUNSTER, Indiana, 46321, for public examination.

(signature of applicant)

TOWN OF MUNSTER
BOARD OF ZONING APPEALS
INSTRUCTIONS FOR FILING A
PETITION FOR A DEVELOPMENTAL STANDARDS VARIANCE

1. Receiving a DEVELOPMENTAL STANDARDS VARIANCE on a parcel of land permits the owner to use that parcel in a way, which would not be permitted otherwise. Each parcel in Town based on how it is currently zoned has rules about how high a building can be built, how close to a property line, how large the structure must be, etc. A request for variance is an attempt to get official permission to not follow the requirements. The list of requirements can be found in the Munster Zoning Ordinance at the Town Hall, 1005 Ridge Road, Munster, Indiana, 46321.

2. An application for a DEVELOPMENTAL STANDARDS VARIANCE can be picked up at the Town Hall, 1005 Ridge Road, Munster, Indiana, 46321. It must be filled out and brought back to the Town Hall, between the hours of 7:30 a.m. to 4:30 p.m., Monday through Friday, at least ten (10) calendar days before the date of the BOARD OF ZONING APPEALS meeting. The BOARD OF ZONING APPEALS meets the fourth Tuesday of each month at 7:00 p.m. at the Town Hall.

3. At the time the completed application is submitted to the Town Hall, an application fee, as determined by the Clerk-Treasurer, must be paid, and 20 copies of the application and drawings if needed. The receipt must be presented to the BOARD OF ZONING APPEALS at the first meeting.

4. The petition will then be placed on the next regularly scheduled BOARD OF ZONING APPEALS Meeting. The person filing the petition must be present to explain their request for the DEVELOPMENTAL STANDARDS VARIANCE and why. If the person filing the petition is not the current owner of the property, he or she must be authorized in writing by affidavit to act on the owner's behalf.

5. At the meeting of the BOARD OF ZONING APPEALS where the request is first heard the members will ask questions and listen to the petitioner's explanation. Then the Board can either table the petition and ask for more information or they may schedule a public hearing for the next regular meeting.

6. State law requires that during each request for a DEVELOPMENTAL STANDARDS VARIANCE, a public hearing must be advertised and held at the BOARD OF ZONING APPEALS Meeting to allow neighbors and other affected property owners to speak in favor or against the request.

7. The person filing the DEVELOPMENTAL STANDARDS VARIANCE petition is responsible for placing public notice in the local newspaper and notifying property owners of record within 200' of the subject property, about the public hearing. The Times is the required newspaper for publishing notice. A legal ad must be placed in that newspaper to appear at least ten (10) calendar days in advance of the public hearing. A sample ad to be used is included in the DEVELOPMENTAL STANDARDS VARIANCE packet attached to these instructions.

8. The person filing the legal ad must also request that the newspaper send them a Proof of Publication, showing evidence to the BOARD OF ZONING APPEALS that the ad did appear at least ten (10) days before the hearing. The BOARD OF ZONING APPEALS will ask for that proof before they will hear the petition at the public meeting.

9. The person filing the petition must also give notice by certified mail to all property owners of

record within 200 feet of the property, which is the subject of the request. The Town will supply a list of those owners. Then the notice of public hearing must be sent to these owners at least ten (10) calendar days before the date of the public hearing. A sample notice to property owners of record is attached to these instructions. The notice must be sent by certified mail with return receipt requested.

10. When the petitioner mails the notices, they will receive a white ticket showing that each was mailed. When the owners receive their letter they are supposed to mail the attached green card back to the person who mailed them. The assessors list and the white tickets, (certified mail receipts), must be submitted to the Town Attorney at least ten (10) days prior to the public hearing. The green cards, when received, will serve as proof that the public hearing was properly advertised in accordance with state law. Green cards received prior to the public hearing should be brought to the public hearing. Green cards not received by the public hearing should be submitted to the Town Engineer when they are received to be added to your file.

11. The Petitioner must also continuously post a public notice sign for at least ten (10) calendar days immediately prior to the date of the public hearing. The sign and post is provided by the Town by visiting the Community Development office. There is a charge for the sign and a deposit for the post, which is refundable when the post is returned. The sign must be placed in plain view and legible from the street fronting the property.

12. The Board of Zoning Appeals will then open the public hearing and ask if there is anyone wishing to speak in favor or against the request. It is strongly suggested that the person filing the petition should contact the nearby property owners of record and inform them of the request in order to minimize confusion and misunderstanding.

13. The Board of Zoning Appeals will then either continue or close the public hearing. Continuing the public hearing to the next meeting usually means that more information from the public is needed before a decision can be made. Closing the public hearing means that the Board feels that they have heard enough from the public, and they are ready to vote.

14. The Board of Zoning Appeals by state law will then vote to approve or deny the petition. A majority of the whole five member Board must vote the same way to constitute official action. In other words, three (3) members of the five (5) member Board must vote for either approval or denial for the motion to pass.

15. The BZA action is final, and does not go before the Town Council or Plan Commission.

16. It is the duty of each Board member to inspect property and buildings, which are the subject of petitions before them. Upon the presentation of proper credentials, the petitioner agrees to allow entry into any building, structure, premises, or land, for the purpose of making inspections, at any reasonable hour.

Petitioner's signature _____ Date _____