

BOARD OF ZONING APPEALS APPLICATION VARIANCE FROM USE

10645 Randolph Street
Winfield, IN 46307

Phone: (219) 662-2665
Fax: (219) 663-2431
www.winfield.in.gov



Any Owner or Petitioner must submit the attached application and the **non-refundable** filing fee in the amount specified in the Town of Winfield's Code of Ordinances by the **1st business day of each month**. All plans, drawings, and/or other exhibits which may assist the Board of Zoning Appeals in evaluating the request must be submitted along with the Petition. This will begin the process for the Public Hearing to be scheduled for the **2nd Thursday of the following month**. At the Public Hearing, the Board of Zoning Appeals will make a Favorable, Unfavorable, or No Recommendation to the Town Council. The Town Council will then make a final ruling on your request at its next meeting.

For example: If you filed your application anytime between the 2nd business day of January, and the 1st business day of February, your Public Hearing will be scheduled for the 2nd Thursday in March.

1. Filing a complete application **requires** the following:

- Completed application with an original, notarized signature, from the property owner
- Completed Affidavit of Ownership with an original, notarized signature of the property owner along with Proof of Ownership
- A list of all property owners within 300 feet of the petition property
- Return the completed Findings of Fact (sample form is provided)
- Payment of the filing fee

Failure to include all of these items at the time of filing **may** result in a postponement of your Public Hearing.

2. To be completed by the Petitioner **at least 10 days prior** to the Public Hearing:

- Notice of Public Hearing presented to the Town and published in the Times of Northwest Indiana
- All property owners within 300 feet of the petition property must be mailed a copy of the Notice of Public Hearing by Certified Mail
- Return the signed and notarized Petitioner Affidavit of Public Hearing along with the post-marked Certified Mail receipts and green Domestic Return Receipt to the Town
- Provide the Town with the Proof of Publication from The Times of Northwest Indiana

Failure to meet the requirements of this section **shall** result in a postponement of your Public Hearing.

**TOWN OF WINFIELD
BOARD OF ZONING APPEALS APPLICATION
VARIANCE FROM USE**

\$550.00 FOR FIRST ACRE, PLUS \$10.00 FOR EACH ADDITIONAL ACRE OR PORTION THEREOF

IT SHALL BE THE RESPONSIBILITY OF THE OWNER AND/OR PETITIONER TO PROVE THE REQUEST WILL NOT BE CONTRARY TO ANY PROVISION OF IC 36-7-4-918.5. SEE ATTACHMENT OF FINDINGS OF FACT.

APPLICATION FILED: _____ WAS A BUILDING PERMIT DENIED? _____
WHY? _____

VARIANCE REQUESTED: _____

CURRENT ZONING: _____ PARCEL/PROPERTY NUMBER: _____

LEGAL DESCRIPTION: _____

PROPOSED USE: _____

OWNER: _____ **PETITIONER:** _____

ADDRESS: _____ ADDRESS: _____

PHONE: _____ PHONE: _____

FEES ARE IN ACCORDANCE OF WINFIELD CODE OF ORDINANCES, § 150.27 BOARD OF ZONING APPEALS FEES

BEING DULY SWORN UPON OATH, [I / WE] DO HEREBY DECLARE THAT THE FACTS AND FIGURES SET FORTH IN THE ABOVE PETITION ARE TRUE TO [MY / OUR] KNOWLEDGE AND BELIEF, AND THAT [I AM / WE ARE] SUBMITTING SUCH FACTS AND FIGURES TO THE BOARD OF ZONING APPEALS FOR THE PURPOSE OF THIS REQUEST FOR THE ABOVE DESCRIBED REAL ESTATE.

SIGNATURE (S) OF OWNER (S) SIGNATURE (S) OF PETITIONER (S)

BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED BEFORE THE ABOVE PETITIONER(S) AND OWNER(S) AND ACKNOWLEDGED THE EXECUTION OF THE ABOVE AND FOREGOING INSTRUMENT TO BE TRUE VOLUNTARY ACT AND DEED FOR THE USES AND PURPOSES THEREIN MENTIONED.

DATED THIS _____ DAY OF _____, 20 _____.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC SIGNATURE

NOTARY SEAL

NOTARY PUBLIC PRINTED NAME

STATE OF _____

COUNTY OF _____

COUNTY OF RESIDENCE

THE ZONING AND PLANNING ADMINISTRATOR WILL ASSIST IN THE PROCESS FOR THE PUBLIC HEARING. THE COST FOR PUBLICATION IN THE NEWSPAPER AND THE CERTIFIED MAILINGS SHALL BE THE RESPONSIBILITY OF THE OWNER OR PETITIONER. A COMPLETE SURVEY AND LEGAL DESCRIPTION MUST BE ATTACHED.

FOR OFFICE USE ONLY ↓

BZA DOCKET #: _____ CHECK #: _____ DATE PAID: _____

RECEIPT #: _____ FEE: _____ RECEIVED BY: _____

**TOWN OF WINFIELD
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FINDINGS OF FACT

DOCKET NUMBER: BZA No. _____

IN CONSIDERING A VARIANCE FROM USE, THE BZA SHALL CONSIDER THE STATUTORY FACTORS LISTED BELOW: **THE PETITIONER HAS THE BURDEN TO PROVE THAT ALL OF THESE FACTORS HAVE BEEN MET.**

§ 156.356 USE VARIANCE

(A) The Board of Zoning Appeals shall hear, deliberate, and forward a recommendation to the Town Council regarding Use Variances pursuant to § 156.358 of this code. Conditions may be imposed as part of the approval of the Use Variance. The Board of Zoning Appeals shall make a written recommendation to the Town Council.

(B) The Board of Zoning Appeals may forward a favorable recommendation only upon a determination in writing that:

i. The approval will not be injurious to the public health, safety, morals and general welfare of the community;

Reasons: _____

ii. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;

Reasons: _____

iii. The need for the variance arises from some conditions peculiar to the property involved.

Reasons: _____

iv. The strict application of the terms of this chapter will constitute an unnecessary hardship if applied to the property for which the variance is sought.

Reasons: _____

v. The approval does not interfere substantially with the Comprehensive Plan.

Reasons: _____

(Ord. 23, § 4.20.70, passed 3-19-1997)

**TOWN OF WINFIELD
BOARD OF ZONING APPEALS APPLICATION**

AFFIDAVIT OF OWNERSHIP *

[I / We], being duly sworn, depose and say that [I am \ We are] the [owner or owners] of fifty percent (50%) or more of the property involved in this application and that the foregoing signatures, statements, and answers herein contained and the information herewith submitted are in all respects true and correct to the best of [my / our] knowledge and belief.

Name	Address	Signature
Name	Address	Signature
Name	Address	Signature

The correspondent or agent [if different from owner(s)]

Name	Address	Signature
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STATE OF _____
COUNTY OF _____

NOTARY SEAL

Subscribed and sworn before me this _____ day of _____, 20_____.

My Commission Expires: _____

NOTARY PUBLIC SIGNATURE

County of Residence: _____

NOTARY PUBLIC PRINTED NAME

*** MUST BE FILED WITH PROOF OF OWNERSHIP
(EX: DEED, LEASE, ASSESSOR RECORDS) IN FORM ACCEPTABLE TO TOWN ATTORNEY**

**TOWN OF WINFIELD
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SAMPLE NOTICE OF PUBLIC HEARING

Notice is hereby given that the Town of Winfield Board of Zoning Appeals will hold a Public Hearing on the _____ day of _____, 20__ at 5:30 P.M. at the Winfield Town Hall, 10645 Randolph St., Winfield, IN to consider the Petition for Variance from Use filed by _____ to vary from the following standard:_____

_____ for property located at _____ for property legally described as:

(INSERT LEGAL DESCRIPTION HERE)

A copy of the petitioner's proposal is on file at the Winfield Town Hall, 10645 Randolph St., in the office of the Zoning and Planning Administrator for the Town of Winfield and can be reviewed during office hours.

Written objections to the proposal may be filed with the Board of Zoning Appeals at any time prior to the public hearing and/or verbal statements relating to this proposal may be heard at the time and place set forth above. Said hearing may be continued from time to time as necessary.

Interested persons desiring to present their views upon the proposal, either in writing or verbally, will be given the opportunity to be heard at the above mentioned time and place.

TOWN OF WINFIELD, INDIANA BOARD OF ZONING APPEALS

By: _____, Chairman

**TO BE PUBLISHED IN THE TIMES OF NORTHWEST INDIANA AT LEAST 10 DAYS PRIOR
TO THE DATE OF THE PUBLIC HEARING**

**TOWN OF WINFIELD
BOARD OF ZONING APPEALS APPLICATION**

PETITIONER AFFIDAVIT OF PUBLIC HEARING

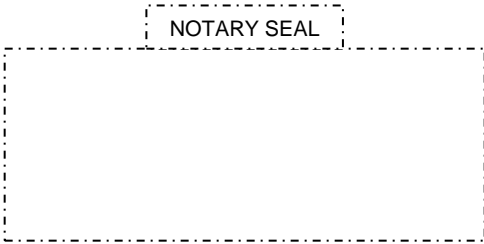
[I / We] _____ do hereby certify that notice of public hearing by the Winfield Board of Zoning Appeals to consider the Variance from Use of _____, was certified and mailed to the last known address of each of the property owners living within 300' of the petition property, as found on documentation provided by the petitioner. Said documentation shall be obtained from, but not limited to, the following sources: the office and records of the Lake County Surveyor; the office and records of the Lake County Assessor; the office and records of the Lake County Auditor; the Lake County GIS website; or a title company.

And said notices were served by certified mail on the _____ day of _____, 20____, being at least ten days prior to _____, 20____, the date of the public hearing in Winfield at 5:30 P.M., as evidenced by the attached certified mail receipts and return cards.

ATTACH CERTIFIED MAIL RECEIPTS AND RETURN CARDS

PETITIONER OR AGENT

PRINTED NAME



STATE OF _____
COUNTY OF _____

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

My Commission Expires: _____

NOTARY PUBLIC SIGNATURE

County of Residence: _____

NOTARY PUBLIC PRINTED NAME