

Requirements for Board of Zoning Appeals (BZA) Public Hearing

1. Petitioners seeking relief from Town Ordinances fall into one of four categories:

- A.** Administrative Review
- B.** Development Standards
- C.** Use Variance
- D.** Special Use/Special Exception

Each type has its own list of conditions that must be met in order to qualify for relief. Please contact Bryan Lane, Director of Operations, at (219) 865-6108, he will advise you of the category in which your request for relief is classified. See page 2-3 for a list of the conditions.

2. For decisions regarding administrative review or a development standards variance, the decision of the BZA is final. For decisions regarding use variances or special uses/exceptions, the BZA makes either a favorable, neutral, or unfavorable recommendation to the Town Council, which then renders a final decision on the recommendation. Both the BZA and the Council may attach conditions to any decision or recommendation. A final decision may be reviewed by a court.
3. For **residential** variances, obtain a list of immediately adjacent property owners at the St. John Township Assessors Office, 9157 Wicker Ave (Rt 41), St. John, IN.
4. For all other variances, obtain a certified list of property owners within 300 feet of your property. You can also obtain this list from the St. John Township Assessors Office, 9157 Wicker Ave (Rt 41), St. John, IN.
5. The Petitioner must send, by certified mail-return receipt requested, letters (**Exhibit A**) to all property owners advising them of the hearing. Please be sure to complete this form and specify what the variance request is for completely. Notices must be postmarked at least ten (10) days prior to the Public Hearing.
6. Send the Application for Public Hearing Form, along with the application fee, to the Board of Zoning Appeals Chairman at the address below or contact Bryan Lane, Director of Operations, at least 30 days prior to the meeting date. The BZA meets only when business is on the agenda.
7. Publish Notice of Public Hearing (**Exhibit A**) in a newspaper of regular circulation in Lake County one time, not less than 10 days, no more than 21 days before the hearing. If you choose to publish your notice to The Times, submit it at least 5 full working days prior to the publication date. Publishing requirements for The Times are on the last page of this packet.
8. **At least 2 business days** prior to the Public Hearing, you must return the Proof of Publication, list of Property Owners and the green certified cards returned from the Post Office, and or the white mailing receipts to Bryan Lane, Director of Operations, at the Dyer Town Hall, One Town Square, Dyer, IN.

Fees Are: **\$125.00** **for Residential Property**
(Fees are non-refundable)

\$225.00 **for Commercial/Industrial Property**

The BZA meets the 1st Monday of every month at 6:00 P.M., if business is pending, in the downstairs Main Meeting Room in the Dyer Town Hall, One Town Square, Dyer, IN 46311.

Categories/Conditions

Please read the conditions you must meet before you decide to pursue your request. The application fee that you pay is non-refundable. The BZA is required to make its determination or recommendation based on the conditions listed under your type of request. If they find that you do not meet those conditions, they will not make a favorable decision or recommendation for your request. The Director of Operations will advise you as to which category your request for relief is classified as:

A. Administrative Review

Whether the staff's decision to grant or deny the permit was in accordance with applicable ordinances and other laws.

B. Development Standards

1. Approval will/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 will result in practical difficulties in the use of the property.

You must make every effort to provide as much detail as possible in describing your request including but not limited to: maps, plats, and drawings.

C. Use Variance

1. 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 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 plan.

You must make every effort to provide as much detail as possible in describing your request including but not limited to: maps, plats, and drawings.

D. Special Use/Special Exception

1. With regard to ingress and egress to property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
2. With regard to off-street parking and loading areas where required, with particular attention to the items set forth in #1 above and the economic, noise, glare, or odor effects of the special exception/special use on adjoining properties and properties generally in the district
3. With regard to refuse and service areas, with particular reference to the items in #2 and #3 above.
4. With regard to utilities, with reference to locations, availability and compatibility.
5. With regard to screening and buffering with reference to type, dimension and character.
6. With regard to signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.
7. With regard to required yards and other open spaces
8. With regard to general compatibility with adjacent properties and other property in the district.

You must make every effort to provide as much detail as possible in describing your request including but not limited to: maps, plats, and drawings.

EXHIBIT A

**NOTICE OF PUBLIC HEARING
BOARD OF ZONING APPEALS
DYER, INDIANA**

The Board of Zoning Appeals for the Town of Dyer, Lake County, Indiana will meet at
6:00 P.M. on _____, at the Dyer Town Hall, Main Meeting Room, One Town
Square, Dyer, IN, to consider the petition of _____

For:

(circle all that apply)

USE VARIANCE

DEVELOPMENTAL STANDARDS

SPECIAL USE

SPECIAL EXCEPTION

APPEAL OF ADMINISTRATIVE DECISION

Described as follows: _____

At _____

Public comment, for or against, will be heard at the above time and place.

If the petition is for a Special Use, Use Variance, or Special Exception as noted above, it shall ultimately be decided upon by the Dyer Town Council and shall be considered at its next public meeting following the recommendation of the Board of Zoning Appeals.

Dated this _____ day of _____, 202____

Gary Raduenz, Chairman

Matthew Kohut, Executive Secretary

**BZA
APPLICATION FORM
FOR A PUBLIC HEARING**

I/we _____, am/are applying for a hearing before the
(name)

Board of Zoning Appeals at a public meeting to be held at the Dyer Town Hall on

_____.
(date of next BZA meeting)

This variance request is for _____
(description of request)

at _____
(address)

Fee: _____ \$125 Residential Request

_____ \$225 Commercial Request

Signature _____ Date _____

For Office Use

Attest _____ Date _____

The Northwest Indiana Times – Publication information

Note: You are only required to publish with a newspaper of general circulation, if you choose to use the NWI Times, this information is provided as a courtesy, however, please check to confirm prior to submitting for publication.

Submission Deadlines for The NWI Times - Legal Notices

<u>Publish Day</u>	<u>Final Deadlines</u>
Sunday	(No Legal Publication)
Monday	Thursday 4pm
Tuesday	Friday 9am
Wednesday	Monday 9am
Thursday	Tuesday 9am
Friday	Wednesday 9am
Saturday	Wednesday 9am

Anything received after the above deadlines will be scheduled for the next publication date.

You can place your Legal Notice by going to www.column.us. You will need to register, create a login/password, and then you place your legal notice. You will be able to pay through this site and get your affidavits as well.

Please Note: Any 7-day period containing a legal holiday, where offices are closed, is subject to advanced deadlines. Please contact The Times for these advanced deadlines, as they may not be the same for every holiday period.

Phone: 219-933-3292