



TOWN OF LEO-CEDARVILLE  
BOARD OF ZONING APPEALS PACKAGE

**VARIANCE OF DEVELOPMENT STANDARDS**

**VARIANCE OF USE**

**SPECIAL EXCEPTION**

**ADMINISTRATIVE APPEAL**

# BOARD OF ZONING APPEALS APPLICATION

**For Office Use Only:**

Petition BZA \_\_\_\_\_

Public Hearing Date \_\_\_\_\_

Fees \$ \_\_\_\_\_

## 1. Applicant/Property Owner:

**Applicant Name:**

\_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Fax Number: \_\_\_\_\_

**Owner Name:**

\_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Fax Number: \_\_\_\_\_

## 2. Applicant's Attorney/Contact Person and Project Engineer (if any):

**Attorney/Contact Person Name:**

\_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Fax Number: \_\_\_\_\_

**Project Engineer:**

\_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Fax Number: \_\_\_\_\_

## 3. Board of Zoning Appeals Classification: (Check the appropriate box. Indicate the number of each action requested)

Variance of Development Standards: \_\_\_\_\_

Variance of Use: \_\_\_\_\_

Special Exception: \_\_\_\_\_

Administrative Appeal: \_\_\_\_\_

## 4. Project Information:

Address of Property: \_\_\_\_\_

\_\_\_\_\_

Existing Use of Property: \_\_\_\_\_

Name of Subdivision: \_\_\_\_\_

\_\_\_\_\_

Current Zoning: \_\_\_\_\_

## 5. Applicable Ordinance Section Number(s): (Please indicate ALL applicable Zoning Ordinance Section Numbers for your Petition including Article, Section, and Page Number)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**6. Attachments:**

- Legal description of property
- Proof of ownership (Warranty Deed)
- Authorization from Owner (if Applicant is not owner)
- List of interested Parties – provided by the Town of Leo-Cedarville
- Completed Findings of Facts (7 copies)
- Letter of Intent (7 copies)
- Statement of Commitments-if any (7 copies)
- Completed Notice of Public Hearing Sheet- provided by the Town of Leo-Cedarville
- 7 FOLDED copies of proposed plan (if applicable)
- Application Fee

**The undersigned have been duly sworn on oath states the above information is true and correct as (s) he is informed and believes.**

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

State of Indiana )  
County of Allen ) SS:

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
\_\_\_\_\_/\_\_\_\_\_

Residing in \_\_\_\_\_ County My Commission expires \_\_\_\_\_

# Board of Zoning Appeals Petition Procedures

## Determination of Request:

Below is a brief description of each type of Board of Zoning Appeals Petition. Please review each to determine which type of procedure you need.

<b>Variance of Development Standards</b>	<b>Variance of Use</b>	<b>Special Exception Use</b>	<b>Administrative Appeal</b>
A deviation from the Area, Bulk Height and other applicable regulations of a Zoning District contained in the Leo-Cedarville Zoning Ordinance which governs the physical development of real estate.	A deviation from the use of land or the use of a building or structure on land which is allowed, either as a matter of right under limited conditions (i.e., as a Special Exception Use, an accessory use, and home occupation, or a temporary use) in the Zoning District applicable to the land.	The use of land or the use of a building or structure on land which is allowed in the Zoning District applicable to the land only through the grant of a Special Exception by the Board of Zoning Appeals.	An appeal from any order, requirement, decision, or determination made by Staff, Zoning Administrator, administrative board, or other body except the Plan Commission.

## Submission of Petition of Board of Zoning Appeals:

1. A complete Board of Zoning Appeals Petition is to be submitted by 12:00pm; a minimum of 30 days prior to the initial hearing before the Board of Zoning Appeals.
2. Only complete Petitions will be docketed for the next Board of Zoning Appeals meeting. If the Petition is incomplete 30 days prior to the initial hearing before the Board of Zoning Appeals, the Petition will be docketed for the following Board of Zoning Appeals meeting to allow the applicant time to submit a complete Petition.
3. The following information is to be submitted with the notarized Petition:
  - Legal description of property
  - Proof of ownership (Warranty Deed)
  - Authorization from Owner (if Applicant is not the Owner)
  - List of Interested Parties
  - Completed proposed detailed written Findings of Fact (7 copies)
  - Preliminary Site Plan, Building Elevations, Sign Detail, etc. (7 folded copies)
  - Statement of Commitments, if any (7 copies)
  - Letter of Intent-detailing request before the Board of Zoning Appeals (7 copies)
  - Completed Notice of Public Hearing Sheet
  - Application Fee: Make checks payable to the Town of Leo-Cedarville

### Fee per Type of BZA Petition

Variance of Development Standards	<b>\$255 + \$50.00/Additional Development Standard Variance</b>
Special Exception	<b>\$255.00</b>
Variance of Use	<b>\$255.00 + \$50.00/Additional Use or Development Standard Variance</b>
Administrative Appeal	<b>\$380.00 + \$50.00/Additional Administrative Appeal</b>

**NOTICE OF PUBLIC HEARING BY  
THE LEO-CEDARVILLE BOARD OF ZONING APPEALS**

Notice is hereby given that the Leo-Cedarville Board of Zoning Appeals of the Town of Leo-Cedarville, Indiana will hold a Public Hearing at the Leo-Cedarville Town Hall at 13909 Pony Express Run, Leo-Cedarville, Indiana, on **DATE OF PUBLIC HEARING** at 8:00pm on the Petition of **NAME OF PETITIONER (DOCKET NUMBER)**, STREET ADDRESS, CITY, STATE, ZIP CODE for a **INSERT CLASSIFICATION OF REQUEST** to allow for **BRIEF DESCRIPTION OF REQUEST**.

The property involved is more commonly known as **ADDRESS AND/OR USE AND/OR OWNERS NAME**.

**LEGAL DESCRIPTION**

**LEGAL DESCRIPTION OF PROPERTY PROVIDED BY PETITIONER AND ATTACHED TO THE APPLICATION. THE TOWN OF LEO-CEDARVILLE WILL PROVIDE THIS NOTICE TO THE PUBLIC.**

A copy of this Petition and all pertaining thereto are on file and available for examination prior to Public Hearing at the Leo-Cedarville Town Hall at 13909 Pony Express Run, by appointment only; call (260)627-6321. No appointments on holidays. Written comments in support of or in opposition to the Petition may be filed with the Secretary of the Leo-Cedarville Board of Zoning Appeals prior to or at the Public Hearing.

The Public Hearing will be open to the public and any objectors will be heard at this meeting.

For special accommodations needed for disabled individuals planning to attend, call (260)627-6321 at least forty eight (48) hours prior to the meeting.

\_\_\_\_\_  
President, Board of Zoning Appeals

\_\_\_\_\_  
Zoning Administrator

**PUBLISH: NAME OF NEWSPAPER**

## Public Hearing Notification:

Notice of Public Hearing for the Board of Zoning Appeals is to be completed as set forth in the Rules of Procedure for the Leo-Cedarville Board of Zoning Appeals. The procedures related to public hearings notification contained in this Petition Packet are provided for convenience purposes only.

1. Notice by Publication: The Leo-Cedarville Zoning Administrator will submit the Public Hearing Sheet to the News Sentinel and Journal Gazette as the Legal Notice for two publications at least 10 days prior to the Board of Zoning Appeals Public Hearing. **The applicant will be charged \$50.00 by the Town of Leo-Cedarville for the cost of publishing the legal notice.**
2. Notice by Mailing: The applicant is to send the approved Public Hearing Sheet to each Interested Party via certified mail-return receipt requested at least 10 days prior to the Board of Zoning Appeals Public Hearing. Once notices have been sent, the Affidavit of Notice to Interested Parties is to be completed and submitted to the Zoning Administrator's office with the certified mail receipts attached.

## Petition Review Procedures:

1. Prior to acceptance, the Petition will be reviewed for completeness.
2. Once complete, the Petition will be docketed for the next Board of Zoning Appeals meeting.
3. The Petition and all supporting documentation will be forwarded to the Plan Commission for review and comment.
4. A summary of the Planning Commission comments and recommendations will be forwarded to the Board of Zoning Appeals for their consideration of the Petition.
5. The Board of Zoning Appeals meets typically on the 2<sup>nd</sup> Monday of each month at 8:00pm, at the Leo-Cedarville Town Hall.
6. The petitioner may request continuation of the Public Hearing prior to the Board of Zoning Appeals meeting.
7. The Board of Zoning Appeals at the Public Hearing may approve, deny, or continue the Petition.



**Legal Release Authorizing Zoning Administrator  
to enter Premises and or Property**

I \_\_\_\_\_, having applies for an Improvement Location Permit (“ILP”) from the Leo-Cedarville Planning and Zoning Administrator, hereby authorizes the Zoning Administrator to enter onto the property located at: \_\_\_\_\_

\_\_\_\_\_, without notice for the purpose of measuring and inspecting the property and any structures thereon to determine that all new development has been performed in a manner that is compliant with the Leo-Cedarville Zoning Code, the Leo-Cedarville Flood Control Ordinance, and/or the Leo-Cedarville Subdivision Control Ordinance.

By signing below, I aver that I am the legal owner of the above described property, and I hereby indemnify and hold harmless the Town of Leo-Cedarville, its officers, agents and employees, including the Zoning Administrator, from any and all claims which may be brought by any other person or entity due to or arising out of the Zoning Administrator’s entrance onto and inspection of the above described property.

I understand that the Zoning Administrator may enter onto the property to perform inspections on more than one occasion. I further understand that the Zoning Administrator will enter on the property to perform the inspections at a time that is reasonably convenient for her/him, but that the Zoning Administrator will not enter onto the property before the hour of 7:00 a.m. nor after the hour of 8:00 p.m. without prior approval nor shall the Zoning Administrator enter into or climb upon any structure on the property at any time without prior approval. I understand that no Certificate of Compliance (C of C) or Certificate of Occupancy (C of O) will be used by the Town or by the County or any other agency working under contract with the Town until after the Zoning Administrator has inspected the property and confirmed that all applicable Ordinances, Regulations and legal Conditions are in Compliance.

Applicant \_\_\_\_\_

Date \_\_\_\_\_

Witness \_\_\_\_\_

Date \_\_\_\_\_

Kerri Garvin, Zoning Administrator

**DEVELOPMENT STANDARDS VARIANCE**  
**Findings of Fact by the Leo-Cedarville Board of Zoning Appeals**

Applicant: \_\_\_\_\_

Project: \_\_\_\_\_

The Leo-Cedarville Board of Zoning Appeals FINDS the following facts:

1. The variance of the development standards will not be injurious to the public health, safety, moral, and general welfare of the community because: \_\_\_\_\_

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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 because: \_\_\_\_\_

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3. The strict application of the terms of the Leo-Cedarville Zoning Ordinance would result in an unnecessary hardship in the use of the property because: \_\_\_\_\_

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TOWN OF LEO-CEDARVILLE  
Leo-Cedarville Board of Zoning Appeals

By: \_\_\_\_\_  
President, Leo-Cedarville Board of Zoning Appeals



**USE VARIANCE**  
**Finding of Fact by the Leo-Cedarville Board of Zoning Appeals**

Applicant: \_\_\_\_\_

Project: \_\_\_\_\_

The Leo-Cedarville Board of Zoning Appeals FINDS the following facts:

1. The variance of use will not be injurious to the public health, safety, moral, and general welfare of the community because: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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 because: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. The need for the variance of use arises from the following 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 because: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. The use variance will not go against the goals and objectives of the Leo-Cedarville Comprehensive Plan: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

TOWN OF LEO-CEDARVILLE  
Leo-Cedarville Board of Zoning Appeals

By: \_\_\_\_\_  
Chairman, Leo-Cedarville Board of Zoning Appeals

**SPECIAL EXCEPTION**  
**Findings of Fact by the Leo-Cedarville Board of Zoning Appeals**

Applicant: \_\_\_\_\_

Project: \_\_\_\_\_

The Leo-Cedarville Board of Zoning Appeals FINDS the following facts:

1. The variance of use will not be injurious to the public health, safety, moral, and general welfare of the community because: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. The proposed use will not injure or adversely affect the adjacent area or property values therein because: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. The proposed use will be consistent with the character of the District, land use authorized therein, and the Town of Leo-Cedarville Comprehensive Plan: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TOWN OF LEO-CEDARVILLE  
Leo-Cedarville Board of Zoning Appeals

By: \_\_\_\_\_  
Chairman, Leo-Cedarville Board of Zoning Appeals



**EXCERPTS FROM THE RULES OF PROCEDURE  
ADOPTED 10/6/98**

**THE BELOW IS OFFERED TO YOU TO ASSIST IN COMPLIANCE TO REQUIREMENTS OF YOUR PETITION.**

**ARTICLE VII. PUBLIC HEARINGS:**

**Section 1.**

A petitioner who seeks to vacate a plat, amend the zoning ordinances, subdivision ordinances, comprehensive plan or other matters under the jurisdiction of the Commission shall file a petition with the Commission. Eight (8) copies of the petition, application, or plats must be filed with the Commission at least seven (7) calendar days prior to the next regularly scheduled Commission meeting which is normally held on the second Monday of each month at 8 p.m. at the Leo-Cedarville Town Hall.

**Section 2.**

All petitions not initiated by the Commission itself shall be accompanied by a non-refundable filing fee in the amount established in the Town of Leo-Cedarville Fee Schedule.

**Section 3.**

The Commission may require additional information, data, statistics or plats beyond those established by statute or ordinance which are deemed necessary for intelligent determination by the Commission.

**Section 4.**

If the Commission finds that the petition is in good order with sufficient information, it shall set a time for a public hearing on the matter and shall provide public notice in accordance with IC 5-3-1.

**Section 5.**

The petitioner shall prepare the legal advertisement of the public hearing for the approval of the Commission and shall bear the expense of the advertising costs. In addition, the Commission shall have the discretion to require the petitioner to notify by certified letter all persons deemed by state statutes and the Commission to be interested parties at least ten (10) days before the date of the public hearing, pursuant to Article VII. The petitioner shall provide proof that he or she has complied with this requirement.

## **ARTICLE VIII. NOTICE REQUIREMENTS:**

### **Section 1.**

A notice of a public hearing required by state statute or Town of Leo-Cedarville ordinance shall contain as a minimum the following information to be advertised in the Journal Gazette and News Sentinel.

- a) Docket number and the substance of the matter to be heard
- b) General location by address or other identifiable geographic characteristics of the property
- c) Name of the person, agency or entity initiating the matter to be heard
- d) Time and place of the hearing
- e) Statement that any person may offer verbal comments at the hearing or may file written comments prior to the hearing
- f) Statement that the petition may be examined at the Commission office
- g) Any other information which may be required by law to be contained in such notice

### **Section 2.**

For the purpose of an initial or replacement zoning ordinance or a subdivision control ordinance, all citizens of the Town of Leo-Cedarville are interested parties. The Commission is required to provide for the publication of notice pursuant to IC 36-7-4-604 at least ten (10) calendar days prior to the public hearing by posting copies of the notice in the Commission office.

### **Section 3.**

For the purpose of an amendment to the text of the zoning ordinances, interest parties are determined to be the residents and property owners of the Town of Leo-Cedarville and shall be provided notice by means of a legal notice published in the News Sentinel and Journal Gazette.

### **Section 4.**

For the purpose of an amendment to the zoning map, interested parties are determined to be all persons with a legal interest in the property, defined herein as all persons with real estate property abutting the described property, and/or all owners of real property within a distance of 300 feet of the described property. Such parties are to receive written notice by certified mail, return receipt requested. All copies of the compiled certified mail return receipts are to be submitted to the Commission.

### **Section 5.**

The names of property owners to be notified are to be ascertained from the real estate tax assessment lists as they appear in the office of the Allen County Assessor's office.

### **Section 6.**

Certified mail receipts with signatures shall be considered evidence that notice has been given. Personal appearance at the hearing shall also be considered as evidence of notice.