

B2A #
25-002
Feb 13th

TOWN OF LOWELL BOARD OF ZONING APPEALS
APPLICATION FOR VARIANCE FROM DEVELOPMENT STANDARDS

1. Completed Application _____
2. Proof of Ownership _____
3. Application Fee _____
4. Plat of Survey or Site Plan (To Scale) _____
5. Certified List of Adjacent Property Owners _____
6. Proof of Publication _____
7. Notice to Adjacent Property Owners _____
8. Petitioner's Name Demotte State Bank Phone 219-987-4141
Address (Mailing) 210 South Halleck Street, Demotte, IN 46310
9. Owners Name (if different) THREE M DEVELOPMENT CO.
10. Property location 171st and Castlebrook Drive, Lowell, IN 46356
11. Corner Lot: yes _____ no X
12. Present Zone: Residential
13. Present Use: Single Family Residential
14. Legal Description: See Attached.
15. Request for variance from the provision of 151.05 (A)(10)
(Section, paragraph of zoning ordinance)
16. State specific change proposed and reason(s) such changes are necessary:
to modify the compensatory storage requirement from a ratio of 2:1 to 1:1 for
the purpose of completion of construction of the Meadows of Cedar Creek subdivision
after having obtained a LOMR from the Army Corps of Engineers
for the subdivision development.

2011-02-03
STAC
PAC

17. A board of zoning appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the zoning ordinance. A variance may be approved under this section only upon a determination in writing that:

1. The 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; and
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. However, the zoning ordinance may establish a stricter standard than the "practical difficulties" standard prescribed by this subdivision. [IC 36-7-4-918.5, as added by P.L. 357-1983, 14.]

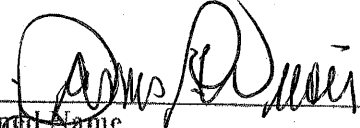
1-27-25
Date

 CEO
Signature of Petitioner

I RECEIVED THE INSTRUCTIONS FOR FILING A BZA PETITION

JAMES L. WIESER, Attorney for Petitioner
Printed Name

January 23, 2025
Date


Signed Name

Address

Updated 4/5/17 added signature line for receipt of instructions

PARCEL DESCRIPTION:

LOTS 42, 43, 44 AND 45 IN MEADOWS OF CEDAR CREEK-PHASE 5, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 102 PAGE 86 AS DOCUMENT NUMBER 2008 044006 ON JUNE 17, 2008 IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA.

DEDICATION STATEMENT:

IT, THREE M DEVELOPMENT CORPORATION, THE UNDERSIGNED, DOES HEREBY CERTIFY THAT IT IS THE OWNER OF THE REAL ESTATE SHOWN AND DESCRIBED HEREON, AND IT DOES HEREBY CERTIFY THAT IT HAS LAID OFF, PLATTED AND SUBDIVIDED, AND DOES HEREBY LAY OFF, PLAT AND SUBDIVIDE SAID REAL ESTATE IN ACCORDANCE WITH THE PLAT HEREIN.

THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS MEADOWS OF CEDAR CREEK-PHASE 5 FIRST RESUBDIVISION, A REPLAT OF LOTS 42-45 IN THE TOWN OF LOWELL, LAKE COUNTY, INDIANA. ALL STREETS AND ALLEYS, AS WELL AS PARK AREAS, SHOWN AND NOT HERETOFORE DEDICATED, ARE HEREBY DEDICATED TO THE TOWN OF LOWELL, LAKE COUNTY, INDIANA.

FRONT, REAR AND SIDE YARD BUILDING SETBACK LINES ARE HEREBY ESTABLISHED AS SHOWN ON THIS PLAT, BETWEEN WHICH LINES AND THE PROPERTY LINES OF THE STREET, THERE SHALL BE ERECTED OR MAINTAINED NO BUILDING OR STRUCTURE. THERE ARE STRIPS OF LAND MARKED "DRAINAGE EASEMENT" THAT ARE HEREBY GRANTED TO THE TOWN OF LOWELL FOR THE INSTALLATION AND MAINTENANCE OF DRAINAGE BASINS, SWALES, DITCHES, OR WATERWAYS, UPON AND ALONG THE PARCELS OR STRIPS OF LAND DESIGNATED ON THE PLAT AND MARKED "DRAINAGE EASEMENT" FOR THE PURPOSE OF STORING, HANDLING AND TRANSPORTING THE STORM WATER RUNOFF.

AN EASEMENT IS HEREBY GRANTED TO THE TOWN OF LOWELL, ALL PUBLIC UTILITY COMPANIES INCLUDING AMERITECH AND NORTHERN INDIANA PUBLIC SERVICE COMPANY SEVERALLY, AND PRIVATE UTILITY COMPANIES WHERE THEY HAVE A "CERTIFICATE OF TERRITORIAL AUTHORITY" TO RENDER SERVICE, AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, TO INSTALL, PLACE, AND MAINTAIN SANITARY AND/OR STORM SEWERS, WATER MAINS, GAS MAINS, CONDUITS, CABLES, POLES AND WIRES- EITHER OVERHEAD OR UNDERGROUND WITH ALL NECESSARY BRACES, GUYS, ANCHORS, AND OTHER APPLIANCES IN, UPON, AND ALONG AND OVER THE STRIPS OF LAND DESIGNATED ON THE PLAT AND MARKED "UTILITY EASEMENT" FOR THE PURPOSE OF SERVING THE PUBLIC IN GENERAL WITH SEWER, WATER, GAS, ELECTRIC AND TELEPHONE SERVICE. TOGETHER WITH THE RIGHT TO ENTER UPON THE SAID EASEMENTS FOR PUBLIC UTILITIES AT ALL TIMES FOR ANY AND ALL THE PURPOSES AFORESAID AND TO TRIM AND KEEP TRIMMED ANY TREES, SHRUBS, OR SAPLINGS THAT INTERFERE WITH ANY SUCH UTILITY EQUIPMENT. NO PERMANENT OR OTHER STRUCTURES ARE TO BE ERECTED OR MAINTAINED UPON SAID STRIPS OF LAND, BUT OWNERS OF THE LOTS IN THIS SUBDIVISION SHALL TAKE THEIR TITLES TO THE RIGHTS OF PUBLIC UTILITIES.

THERE ARE AREAS OF GROUND MARKED ON THIS PLAT AS "CONSERVATION EASEMENT" THAT ARE HEREBY RESERVED FOR THE PRESERVATION AND CONSERVANCY OF EXISTING FLOODWAYS. USE RESTRICTIONS INSIDE SAID AREAS ARE AS FOLLOWS: THERE SHALL BE NO DISCHARGING OF DREDGED OR FILL MATERIAL, DREDGING, OR OTHER ALTERING, MODIFICATION OR DEVELOPMENT INSIDE SAID AREA. THE VEGETATION, SOILS, AND HYDROLOGY INSIDE SAID AREA SHALL TO THE BEST OF THE INDIVIDUAL OWNER'S ABILITY REMAIN IN AN UNALTERED, NATURAL CONDITION.

DATED THIS _____ DAY OF _____, 2024.

THREE M DEVELOPMENT CORPORATION

