

**PROCEDURES, POLICIES, AND FEES FOR PETITIONS  
SPECIAL USE, USE VARIANCE, AND DEVELOPMENT STANDARD VARIANCE**

1. **Nine (9) copies of the petition packet and nine (9) copies of an acceptable plat of the property must be submitted at least thirty (30) days prior to the Board of Zoning Appeals meeting** (the Board meets the second Tuesday of the month at 7:00 p.m. local time, City Hall, Council Chambers).
2. If the petition is appealing a decision, requirement or determination made by the Plan Director, the petition must be filed within thirty (30) days of the Plan Director's decision.
3. The petition must be accompanied by a non-refundable \$50.00 filing fee.
4. The petition application must include the following information (form attached):
  - (a) Subject of the petition.
  - (b) Name, address and phone number of the petitioner.
  - (c) Name and address of the property owner.
  - (d) A legal description of the property and a common description.
  - (e) The present zoning of the property.
  - (f) Covenants running with the property relative to the petition.
  - (g) Reason for petitioning.
  - (h) Section of the Zoning Ordinance relating to the petition.
5. Once the petition has been set for public hearing, all property owners abutting the petitioned site and across the right-of-way shall be notified of the time and place of public hearing (see attached example). This shall be done by certified letter at the expense of the petitioner. **The petitioner shall provide proof that they have conformed to the above by submitting their affidavit of service and proof of mailing to the Planning Department the Monday (or Friday if Monday is a holiday) before the Board of Zoning Appeals meeting for review.** (See attached public hearing notice requirements)
6. Per state statute, the petitioner shall provide at their expense, legal advertisement in the local newspaper and **submit proof of same to the Planning Department the Monday (or Friday if Monday is a holiday) before the Board of Zoning Appeals meeting for review.** (See attached public hearing notice requirements)
7. The petitioner shall provide a preliminary finding and order for consideration and review by the Board in all cases of Special Use, Use Variance, and Development Standard Variance (form attached).
8. The petitioner will be required, at his expense, to have the petition, the formal minutes, and the findings and orders, recorded in the Office of the LaPorte County Recorder, and a copy of the recorded document filed with the Michigan City Planning Department before any permits are issued.

**No exceptions to the above.**

**Note:** In the presentation of a case, the burden shall be upon the petitioner to supply all information including charts, plats, diagrams, architectural and/or engineering drawings and other exhibits necessary for a greater understanding of the problem. The Board may continue the hearing when in its judgment; the petitioner has not provided sufficient evidence and information to make a determination.

BOARD OF ZONING APPEALS

DOCKET NO. \_\_\_\_\_  
(To be assigned by Office)

Petition for (check all that apply): SPECIAL USE \_\_\_\_\_  
USE VARIANCE \_\_\_\_\_  
DEVELOPMENT STANDARD VARIANCE \_\_\_\_\_

(a) Subject of the petition: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(b) Name, address & phone number of petitioner: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
( ) \_\_\_\_\_

(c) Name & address of property owner: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(d) Legal description of property: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Common description (address) of property: \_\_\_\_\_

(e) Present zoning of property: \_\_\_\_\_

(f) Covenants running with the property relative to the petition: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(g) Reason for petitioning: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(h) Section of Zoning Ordinance relating to this petition: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature of owner or party with substantial interest\*)

\*Petitioners who are not owners and/or persons not having substantial interest in the property, must provide the Zoning Board with a written statement of Power of Attorney that they may in fact make representations on behalf of the property owner.

**DEVELOPMENT STANDARD VARIANCE  
PRELIMINARY FINDING & ORDER**

1. That the DEVELOPMENT STANDARD VARIANCE requested in the petition will not be injurious to the public health, safety, morals, and general welfare of the community, because of the facts as follows:

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2. That the DEVELOPMENT STANDARD VARIANCE requested in the petition will not affect the use and value of the area adjacent to the property included in the variance in a substantially adverse manner, because of the facts as follows:

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3. That the DEVELOPMENT STANDARD VARIANCE requested in the petition will, by the strict application of the terms of the Zoning Ordinance, result in practical difficulties in the use of the property. Practical difficulties shall result from exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district. The variance shall be necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district, because of the facts as follows:

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**EXAMPLE OF PLAT OF  
NEIGHBORING PROPERTY OWNERS**

A. John Doe  
102 North Oak Street  
Michigan City, IN 46360

E. Fred White  
102 East Maple Street  
Michigan City, IN 46360

B. Robert Black  
103 North Oak Street  
Michigan City, IN 46360

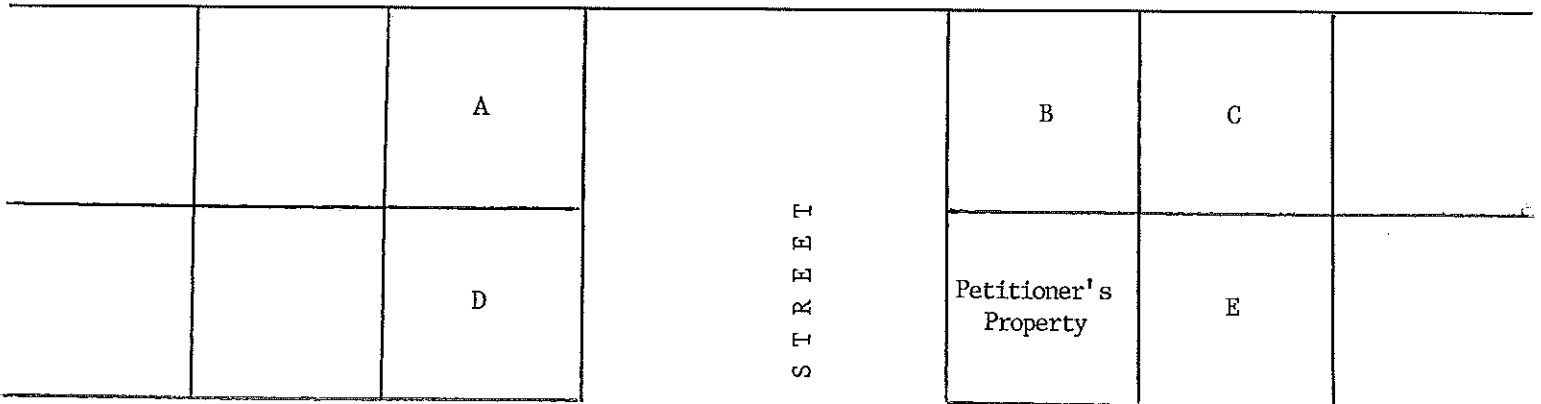
F. George Adams  
100 South Oak Street  
Michigan City, IN 46360

C. Jim Smith  
103 East Walnut Street  
Michigan City, IN 46360

G. Betty Moore  
101 East Maple Street  
Michigan City, IN 46360

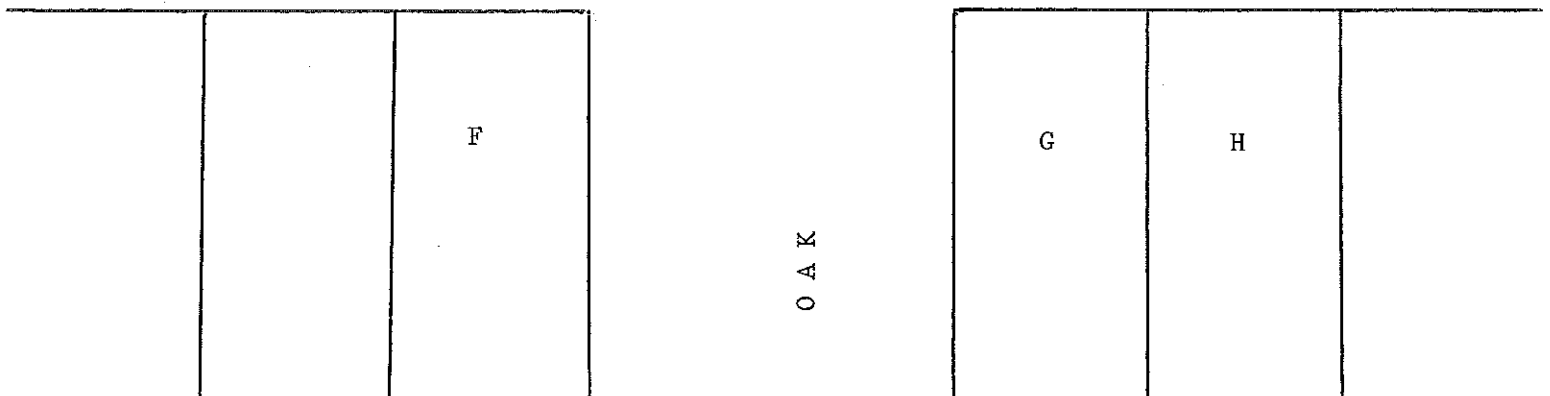
D. Bob Jones  
100 North Oak Street  
Michigan City, IN 46360

H. Richard Harrison  
103 East Maple Street  
Michigan City, IN 46360



M A P L E

S T R E E T



O A K

**NOTICE OF  
PUBLIC HEARING**

Notice is hereby given that \_\_\_\_\_ (name) \_\_\_\_\_ has filed for a petition before the Michigan City Board of Zoning Appeals for \_\_\_\_\_ (type of petition) \_\_\_\_\_ on the following described real estate in LaPorte County, Indiana, to wit:

DESCRIPTION: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The above described real estate is located at \_\_\_\_\_ (address) \_\_\_\_\_ Michigan City, Indiana 46360.

Notice is further given that this petition will be heard and determined at 7:00 p.m. local time on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, in the Common Council Chambers, City Hall, 100 East Michigan Boulevard, Michigan City, IN 46360, and that interested persons may attend and remonstrate, or the written remonstrances may be filed prior to and up to the time of the hearing.

**AFFIDAVIT OF SERVICE**

I, \_\_\_\_\_ (NAME) \_\_\_\_\_, being first duly sworn upon my oath, do depose and say that notice of a petition \_\_\_\_\_ (TYPE AND NATURE OF PETITION) \_\_\_\_\_ affecting property located at \_\_\_\_\_ (ADDRESS) \_\_\_\_\_, Michigan City, Indiana, was mailed by Certified Mail, Return Receipt Requested, with sufficient, pre-paid postage thereon to all property owners who adjoin, abut or are across from the right-of-way of said property, advising said property owners of hearing on said petition before the Michigan City Board of Zoning Appeals, on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, at 7:00 p.m. local time; that said notice was mailed on or before a date ten (10) days prior to the date of said hearing.

\_\_\_\_\_  
(Signature of Petitioner)

\_\_\_\_\_  
(Printed or Typed Name of Petitioner)

STATE OF INDIANA     )  
  SS:  
COUNTY OF LAPORTE    )

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

\_\_\_\_\_  
(Notary Public)

My Commission Expires:

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_

\_\_\_\_\_  
(County of Residence)



# The News-Dispatch

## **PUBLIC HEARING NOTICE REQUIREMENTS FOR THE NEWS DISPATCH**

The News Dispatch requires a **4 DAY ADVANCE NOTICE** for all legals/public notices published in the paper. Your notice by publication must be received by the newspaper **14 DAYS before the date of the hearing** to get your notice published 10 days before the hearing & no less than 3 days for the second publication required by the planning department. If you have any questions you can contact Cynthia Tyra, Legal Advertising Representative, at 874-7211 ext. 422 .