

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

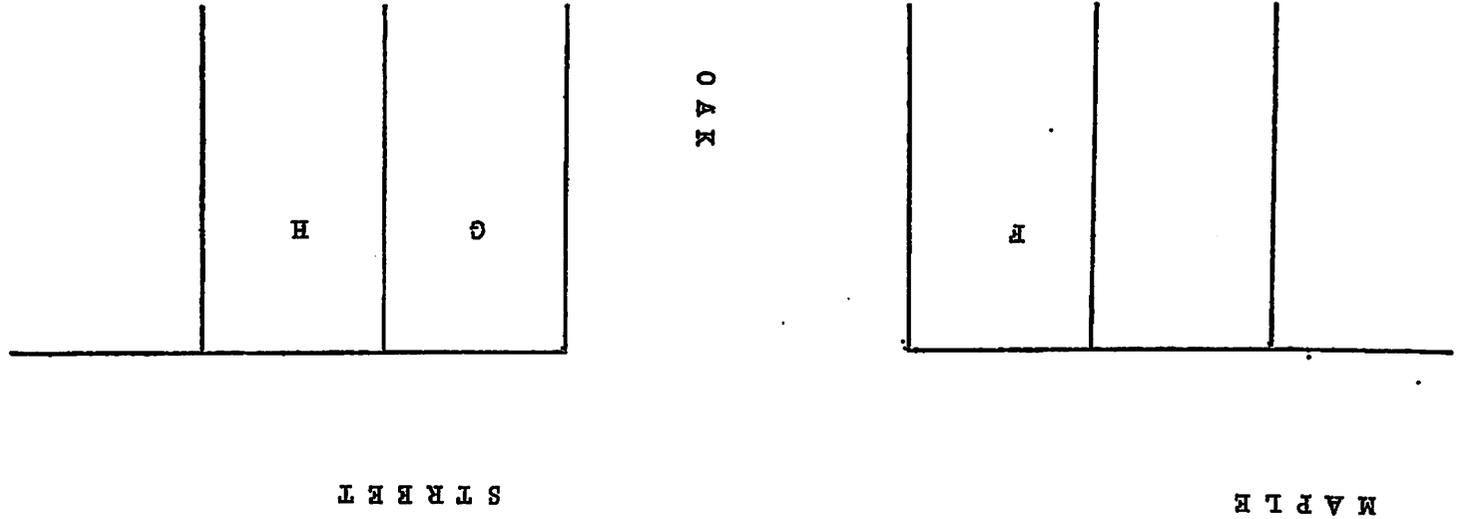
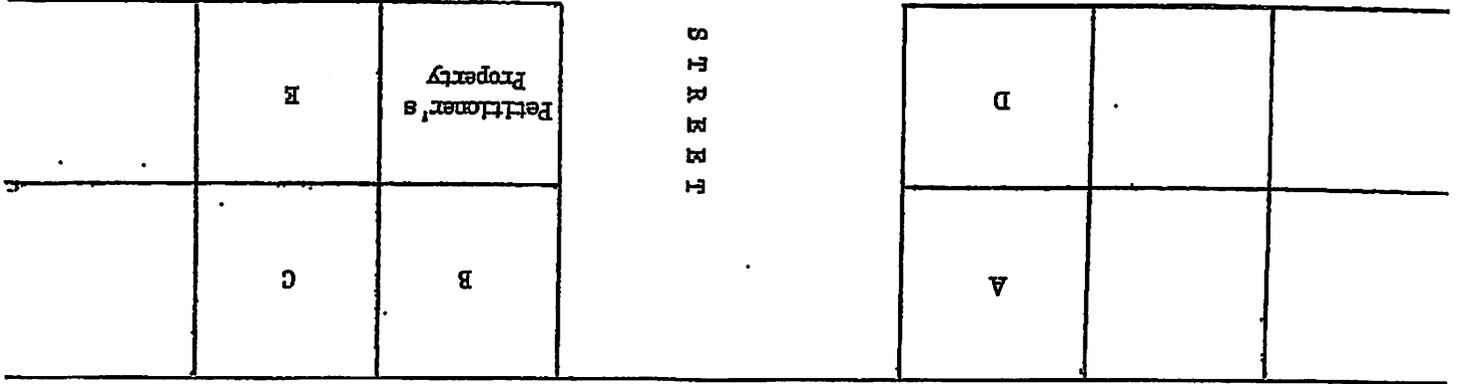
1. **Nine (9) copies of the petition packet and nine (9) copies of an acceptable plat of the property must be submitted at least thirty (30) days prior to the Board of Zoning Appeals meeting** (the Board *normally* meets the second Tuesday of the month at 6:00 p.m. local time).
2. If the petition is 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, with said notice being mailed no less than 10 days prior to the date of the public hearing. **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 Exception Use, Use Variance, and Development Standards Variance (forms 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.

EXAMPLE OF PLAT OF NEIGHBORING PROPERTY OWNERS

- | | | | |
|--|---|---|--|
| <p>A. John Doe
102 North Oak Street
Michigan City, IN 46360</p> | <p>B. Robert Black
103 North Oak Street
Michigan City, IN 46360</p> | <p>C. Jim Smith
103 East Walnut Street
Michigan City, IN 46360</p> | <p>D. Bob Jones
100 North Oak Street
Michigan City, IN 46360</p> |
| <p>E. Fred White
102 East Maple Street
Michigan City, IN 46360</p> | <p>F. George Adams
100 South Oak Street
Michigan City, IN 46360</p> | <p>G. Betty Moore
101 East Maple Street
Michigan City, IN 46360</p> | <p>H. Richard Harrison
103 East Maple Street
Michigan City, IN 46360</p> |



(FORM OF NOTICE)

**NOTICE OF
PUBLIC HEARING**

Notice is hereby given that (PETITIONER) has filed for a petition before the Michigan City Board of Zoning Appeals for (SPECIFY ONE OR MORE OF THE FOLLOWING: SPECIAL EXCEPTION USE and/or USE VARIANCE and/or DEVELOPMENT STANDARD VARIANCE) for (REASON FOR PETITIONING) on the following described real estate in LaPorte County, Indiana, to wit:

(LEGAL DESCRIPTION): _____

The above described real estate is located at (COMMON ADDRESS), Michigan City, Indiana 46360.

Notice is further given that this petition will be heard and determined at (TIME OF MEETING) p.m. local time on the (DATE) day of (MONTH), (YEAR), at (LOCATION OF MEETING), (ADDRESS OF MEETING LOCATION), 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, _____, being first duly sworn upon my oath, do
depose and say that notice of a petition for _____
affecting property located at _____, 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 _____ 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

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 AND NO LESS THAN 3 DAYS FOR THE SECOND PUBLICATION REQUIRED BY THE PLANNING DEPARTMENT. IF YOU HAVE ANY QUESTIONS, YOU MAY CONTACT CINDY GALLIGAN, LEGAL ADVERTISING REPRESENTATIVE BY CALLING 219-214-4207.

Motion on rule of procedure to state:

"The Petitioner shall submit their affidavit of service, proof of mailing, and publisher's affidavit of publication of legal notice to the Planning Department the Monday (or Friday if Monday is a holiday) before the Board of Zoning Appeals meeting for review."

**USE THE PRELIMINARY FINDING
AND ORDER FORM THAT IS
SPECIFIC TO YOUR PETITION**

**DEVELOPMENT STANDARDS VARIANCE
PRELIMINARY FINDING & ORDER**

1. That the DEVELOPMENT STANDARDS 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:

2. That the DEVELOPMENT STANDARDS 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:

3. That the DEVELOPMENT STANDARDS 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:

**SPECIAL EXCEPTION USE
PRELIMINARY FINDING & ORDER**

1. That the SPECIAL EXCEPTION USE requested in the petition is specified in the Zoning Ordinance as a permissible special use within the zoning district which is applicable to the property in question:

2. That the SPECIAL EXCEPTION USE requested in the petition will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare, because of the facts as follows:

3. That the SPECIAL EXCEPTION USE requested in the petition will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood, because of the facts as follows:

4. That the SPECIAL EXCEPTION USE requested in the petition will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district, because of the facts as follows:

5. That the SPECIAL EXCEPTION USE requested in the petition will provide adequate utilities, access roads, drainage and/or other necessary site improvements, because of the facts as follows:

6. That the SPECIAL EXCEPTION USE requested in the petition will provide adequate measures for ingress and egress so designed as to minimize traffic congestion in the public streets, because of the facts as follows:

7. That the SPECIAL EXCEPTION USE requested in the petition will conform to the special conditions as outlined in the Zoning Ordinance, because of the facts as follows:

**USE VARIANCE
PRELIMINARY FINDING & ORDER**

1. That the **USE 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:

2. That the **USE 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:

3. That the **USE VARIANCE** requested in the petition arises from some condition peculiar to the property involved, because of the facts as follows:

4. That the **USE VARIANCE** requested in the petition will constitute, by the strict application of the terms of the Zoning Ordinance, an unnecessary hardship if applied to the property for which the variance is sought, because of the facts as follows:

5. That the **USE VARIANCE** requested in the petition will not interfere substantially with the Comprehensive Plan adopted, because of the facts as follows:
