

**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.

**BOARD OF ZONING APPEALS**

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

**Petition for (check all that apply):** **SPECIAL EXCEPTION USE** \_\_\_\_\_  
**USE VARIANCE** \_\_\_\_\_  
**DEVELOPMENT STANDARDS VARIANCE** \_\_\_\_\_

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

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

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

**(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\*)**

**\*Note: 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.**

**MICHIGAN CITY BOARD OF ZONING APPEALS  
PUBLIC HEARING NOTICE REQUIREMENTS**

1. Your notice by publication must be published two (2) times, with the first publication appearing at least ten (10) days before the date of the hearing and the second date of publication being no less than three (3) days prior to the hearing date. Said publication shall be in a newspaper meeting the requirements of Indiana Code 5-3-1-4.
  
2. A form of notice describing the name of the petitioner, the address of the property, the nature of the petition, and the time, date, and place of the hearing must be sent via Certified Mail, Return Receipt Requested, to all adjoining and abutting property owners no less than 10 days prior to the date of public hearing. This includes property owners whose parcels are diagonally across lot line or street intersection points as well as across public right-of-ways, streams, or bodies of water.
  
3. The Monday before (or Friday if Monday is a holiday) the Board of Zoning Appeals meeting, the Petitioner shall submit the following to the Planning Department for review:
  - a. The green return receipt cards or the returned as undeliverable envelope and green card for each neighboring property owner to which you mailed the required notice as set forth in paragraph 2 above.
  
  - b. A copy of the actual form of notice sent to each neighboring property owner as set forth in paragraph 2 above.
  
  - c. A signed and notarized Affidavit of Service attesting to delivery of notice to all neighboring property owners as set forth in paragraph 2 above.
  
  - d. A plat or sketch clearly indicating the location of the petitioner's property site in relation to all neighboring property owners as described in paragraph 2 above. Said plat or sketch must clearly indicate the name of each neighboring property owner.
  
  - e. The Publisher's Affidavit of Publication of legal notice.

I, \_\_\_\_\_, acknowledge receipt of this  
                                  (name of Petitioner)  
document this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
(signature)

**EXAMPLE OF PLAT OF  
NEIGHBORING PROPERTY OWNERS**

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

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

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

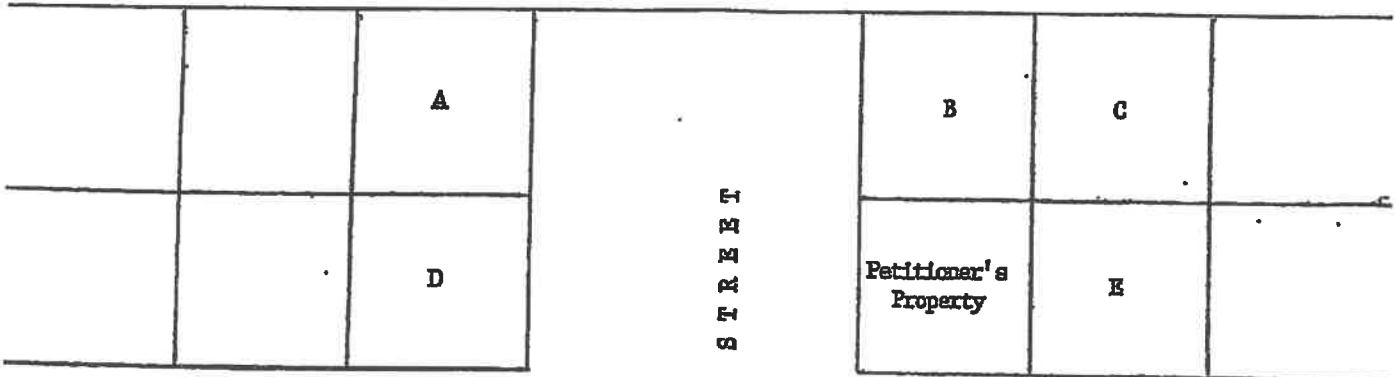
F. George Adams  
100 South Oak Street  
Michigan City, IN 46360

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

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

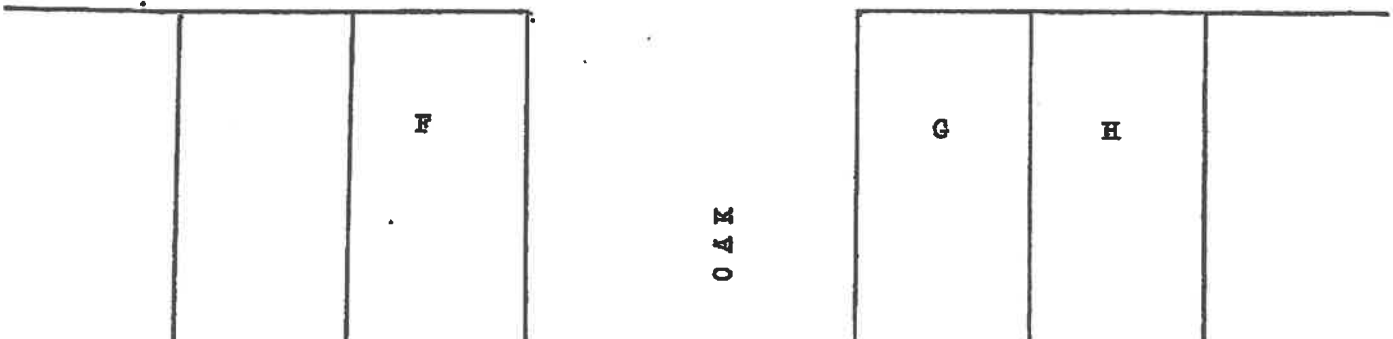
D. Bob Jones  
100 North Oak Street  
Michigan City, IN 46360

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



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## NOTICE OF PUBLIC HEARING

Notice is hereby given that **(PETITIONER)** has filed for a petition before the Michigan City Board of Zoning Appeals for a **(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: **(PROVIDE 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 6:00 p.m. local time on the **(DATE)** day of **(MONTH), (YEAR)**, in the Common Council Chambers, City Hall, 100 E. Michigan Boulevard, Michigan City, IN 46360; also hosted by Zoom (see instructions below) and streaming live on My Michigan City Facebook. Interested persons may attend and remonstrate, or the written remonstrances may be filed prior to and up to the time of the hearing.

Join Zoom Meeting (Board of Zoning Appeals)

<https://us02web.zoom.us/j/85077612153?pwd=VkwYlNzbW5nbmRqd09vU0paOEZSQ09>

Meeting ID: 850 7761 2153

Passcode: 305575

One tap mobile

+13017158592,,85077612153#,,,,\*305575# US (Washington DC)

+13126266799,,85077612153#,,,,\*305575# US (Chicago)

Dial by your location

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 9128 US (San Jose)

Meeting ID: 850 7761 2153

Passcode: 305575

Find your local number: <https://us02web.zoom.us/u/kbtttdCKyKt>

**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:

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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:

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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:

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**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:

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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:

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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:

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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:

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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:

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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:

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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:

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**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:

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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:

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

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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:

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

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