



Instructions for filing a petition before the CITY OF MICHIGAN CITY BOARD OF ZONING APPEALS

The Petitioner is responsible for providing all documents and requested information with the petition on or before the deadline for the Board meeting. The information and documents must contain accurate information and must be submitted to the Planning Department prior to the scheduled meeting. The decision of the Board depends on a concise and clear understanding of the Petitioner's request. It is strongly recommended that the Petitioner begin collecting the documents prior to the date of the deadline. *If a petition is not complete it will not be accepted or if it is filed late, it will be placed on the Agenda for the following month.* The required filing fee as indicated below must be paid to the Planning Department upon filing a complete petition. **Please submit seven (7) copies of your petition.** If you require assistance in completing this form or would like a copy of the application in an alternative format, please call the Planning Department at 219-873-1419 or email planning@emichigancity.com

STEP ONE: APPLICATION AND CHECKLIST

In order for a petition to be considered complete it shall include at a minimum the following (Check all Items provided):

1. Application Fee. Submitted to Planning Office by no later than 4:00 PM on the day of the posted Deadlines for the desired Board of Zoning Appeals meeting on Page 4.
2. Complete petition and checklist. Petition is attached. **An electronic copy in PDF format is required** to be submitted via email, flash drive, or file transfer service.
3. **Vicinity Map.** A vicinity map for the purpose of locating the subject property within the City of Michigan City.
4. **Site Plan/Concept Plan.** The site plan must be to scale and include all present and proposed buildings and structures, parking areas, location and name of all adjacent streets and roads (whether public or private), and a north arrow. Easement information must also be provided if easements exist or are proposed on the property in question.

If the project involves new construction. A survey, or a site plan based off the survey must be included.

5. **Written Description of Project.** There should be a written description of the proposed project attached with the site plan. The written description allows the Board of Zoning Appeals and the Planning Department to better understand the proposed project.
6. **Proposed Findings and Orders.** Completed specific to your petition(s).
 - o Use Variance
 - o Development Standard Service
 - o Special Exception Use

See forms attached at the end of this application.

7. **Architectural Drawings.** Required for all Petitions involving a new construction, additions, and substantial exterior alterations. The drawings must be to scale and include all existing (if applicable) and proposed floor plan, elevations, sections, and roof plan.
8. **Project Data Table.** The table must include the current zoning designation, the required numerical zoning metrics, and the proposed numerical zoning metrics for the proposed project.
9. **Legal Description.** A legal description for the property must be either written in the space provided or attached. The legal description can be found on the Deed for the property or potentially within a recorded mortgage. The abbreviated version of the legal description on the property tax bill is not sufficient. If necessary, the Petitioner can obtain a copy of the Deed from the La Porte County Recorder's Office located at 555 Michigan Ave #201, La Porte, IN 46350
10. **Surrounding Property Owner List + Map.** The Public Hearing requires the names and addresses of all the property owners within a 300-foot buffer from the subject parcel shall be provided. Information concerning the radius buffer owners of property can be obtained through a title company or the Petitioner may obtain such information from the beacon.schneidercorp.com which is maintained by the County of La Porte. All owners of radius buffer of the subject parcel must receive notice. All property owner information (including those owned by the City, State, etc.) must be submitted as part of the application. A Map indicating the subject property and the surrounding properties receiving notice is required. The Map must include a north arrow, road names, and property lines. Please be advised that it is the Petitioner's responsibility to obtain this information. Indiana law and the Rules and Procedures of the Michigan City Board of Zoning Appeals require timely notice to all affected property owners. Should a property owner not receive timely notice, such could result in your request being denied, delayed, or potentially revoked at some later date.

How To (Owners List):

In Beacon, search the subject property using address or parcel number. Select "Spatial selection mode". Select options "Export"; Use: "Owner name and address"; Export Use "Address labels", Check "show parcelid on labels".

Provide a copy to Staff as a part of your completed application.

Select "Clear Selection" tool.

How To (Map):

In Beacon, search the subject property using address or parcel number. Select "Spatial selection mode". Select options "Buffer". Select the "Print" Tool to pdf to PDF. Map may need to be adjusted prior to selecting tool to ensure the entire **buffer is visible and centered**.

Provide a copy to Staff as a part of your completed application.

11. **Petitioner's Affidavit of Service and Newspaper Affidavit.** As part of the Board of Zoning Appeals application process, the Petitioner is required to execute an affidavit indicating that notification of affected property owners has been completed in a timely manner. Letters of notification shall be mailed to property owners within a 300-foot radius buffer to the Petitioner's property, which is the subject of the requested Board of Zoning Appeals action. The letter of notification shall be sent via certified mail, return receipt requested, and must be postmarked a minimum of ten (10) days prior to the Board of Zoning Appeals hearing. A form letter for your use is attached to this application. The Petitioner will bring all the original certified receipt to the Planning office the Monday before the Board of Zoning Appeals hearing. It is highly recommended that the Petitioner retain a copy of these cards as proof that all property owners received notice. The Board of Zoning Appeals will not hear a petition unless all pertinent notice documentation has been received and verified prior to the meeting.
- Newspaper Affidavit** will be provided by the LaPorte County Herald Dispatch.
12. **Consent of Property Owner.** If Petitioner is not the owner of the property. The petition must supply a power of attorney or an authorization letter signed by the owner.

STEP TWO: PUBLIC NOTIFICATION REQUIREMENTS

Notification by Newspaper – LaPorte County Herald Dispatch

The petitioner is responsible for all legal advertisements in Herald Dispatch and the timeliness of the required advertisements as follows.

The Herald Dispatch requires a four (4) day advance notice for all legals/public notices in the paper. Your notice by publication must be received by the Herald Dispatch fourteen (14) days before the date of the public hearing to get your first notice published ten (10) days before the hearing and no less than three (3) days for second notice publication before the public hearing as required by the Planning Department. If you have any questions, you may contact the legal advertising dept. at the Herald Dispatch by calling 219-214-4207

Surrounding Property Owner Notification

As outlined in checklist item #10 above, A public hearing required for your requested action, it is the Petitioner's responsibility to mail proper notice to all affected surrounding property owners via certified mail return receipt requested that is postmarked no later than ten (10) days prior to the public hearing. This is defined by the City of Michigan City as all property owners within a 300-foot radius buffer of the subject property. The Petitioner shall present all received or returned green certified mail cards to the Planning department the Monday before the meeting allowing Board of Zoning Appeals Staff or Attorney for inspection to verify compliance with notification requirements, and comparison with provided surrounding property owners list and map. The Affidavit of Notification of Surrounding Property Owners shall also be provided as outlined above in checklist item #10.

(continued next page)

STEP THREE: APPLICATION PROCESS AND PUBLIC HEARING SCHEDULE

Application Review and Checklist Acceptance

Planning staff will review the application materials for completeness and clarity and schedule the request for the following Board of Zoning Appeals meeting date. If it is determined that the application is incomplete, Planning staff will notify the owner of the missing or incomplete items and schedule the request for the next Board of Zoning Appeals Meeting following receipt of a complete application packet.

Staff Report

Staff will Complete a staff report or recommendation to be presented at the Board of Zoning Appeals meeting. The Petitioner may request a copy of any report or recommendation from the Planning Director.

Public Hearing Attendance

The Petitioner or his/her representative needs to attend the Board of Zoning Appeals meeting to present the project and answer questions. The Board of Zoning Appeals meets on the second Tuesday of each month at 6 p.m. at City Hall. Meeting Dates are presented below for your reference.

CITY OF MICHIGAN CITY BOARD OF ZONING APPEALS

2022 Petition Deadlines and Meeting Dates

**Note: All meetings take place in the Council Chambers,
City Hall, 100 E Michigan Blvd.**

**Commission meetings are on the 2nd Tuesday of each month at 6:00 PM.
Petition deadlines are due on the 2nd Monday of each month by 4:00 PM except when City Hall is closed for a Holiday. In which case the deadline is the following day.**

<u>Board of Zoning Appeals Deadline</u>	<u>Board of Zoning Appeals Meeting Date</u>
December 13, 2021	January 11, 2022
January 10, 2022	February 8, 2022
February 7, 2022	March 8, 2022
March 7, 2022	April 12, 2022
April 11, 2022	May 10, 2022
May 9, 2022	June 14, 2022
June 13, 2022	July 12, 2022
July 11, 2022	August 9, 2022
August 8, 2022	September 13, 2022
September 12, 2022	October 11, 2022
October 10, 2022	November 8, 2022
November 7, 2022	December 13, 2022
December 12, 2022	January 10, 2023

Dates Subject to Change

PETITION #: _____
(Staff use only)

MICHIGAN CITY BOARD OF ZONING APPEALS PETITION

The undersigned applicant respectfully petitions the City of Michigan City Board of Zoning Appeals:

PUBLIC HEARING REQUIRED (CHECK ALL THAT APPLY)

- Special Exception Use
- Use Variance
- Development Standards Variance
- Administrative Appeal

Please provide the following information:
(Print or Type)

Applicant Name: _____	Owner Name: _____
Mailing Address: _____ _____	Mailing Address: _____ _____
Phone Number: _____	Phone Number: _____
Email: _____	Email: _____

Applicant is (check one): Sole Owner Joint Owner Tenant Agent Other

Contact person (if not listed) Phone Email

Subject of the petition: _____

Legal description of property: _____

Common description (address) of property: _____

Parcel Number: _____

Subdivision _____

Covenants running with the property relative to the petition: _____

Reason for petitioning: _____

Section of Zoning Ordinance relating to this petition: _____

Current Zoning of Property: _____

Zoning of Adjacent Properties:	North	_____	South	_____
	East	_____	West	_____
		_____	Other	_____

Other Information:

Dimensions of property: Property Area (square feet/acres)	Frontage	_____	Depth	_____

Present use of property: _____

Proposed use of property: _____

SURROUNDING PROPERTY OWNER LIST

List the name the address of all property owners who have received notification below (Use Additional Sheets if necessary):

(Please print)

Name

Address

**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 300-foot radius buffer property owners no less than ten (10) days prior to the date of public hearing.
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 certified mail receipts, the green cards or the returned as undeliverable envelopes** for each 300-foot radius buffer 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 300-foot radius buffer property owner as set forth in paragraph 2 above.
 - c. A signed and notarized Affidavit of Service attesting to delivery of notice to all 300-foot radius buffer 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 300-foot radius buffer property owners as described in paragraph 2 above. Said plat or sketch must clearly indicate the name of each neighboring property owner and the location of their property.
 - e. The Publisher's Affidavit of Publication of Legal Notice.

I, _____, acknowledge receipt of this
(Name of Petitioner)

document this _____ day of _____, 20 _____.

(signature)

**LAPORTE COUNTY HERALD-DISPATCH
NOTICE REQUIREMENTS**

The LaPorte County Herald Dispatch requires a four (4) day advance notice for all legals/public notices published in the newspaper. This requires that your notice for publication must be received by the newspaper **at least fourteen (14) days before the date of the hearing** to get your first publication ten (10) days before the hearing and the second publication no less than three (3) days before the hearing to meet requirements of Indiana Code 5-3-1-4.

The Petitioner, and not the newspaper, is responsible for meeting this deadline and must plan with this in mind.

Any questions can be directed to:

Isis Cains, Advertising Director
422 Franklin Street, Suite B
Michigan City, IN 46360
Phone: 219-214-4210
Email: icains@lpheralddispatch.com

NOTICE OF PUBLIC HEARING

Notice is hereby given that _____ has filed for a petition before
(Petitioner)

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)

(Specify one or more of the following: Special Exception Use and/or Use Variance and/or Development Standard Variance)

for: _____

(Detail Reason for Petitioning)

on the following described real estate in La Porte County, Indiana, to wit:

LEGAL DESCRIPTION: _____

The above described real estate is located at _____ Michigan City, Indiana 46360.

(Common Address)

Notice is further given that this petition will be heard and determined at 6:00 p.m. local time on the _____ day of _____, _____ in the Common Council Chambers, City Hall, 100 East 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.

Topic: Michigan City Board of Zoning Appeals

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/82950592983?pwd=SDNGeEd2QXZrMEkzRFU0djZaQ0JmUT09>

Passcode: 463602

Or One tap mobile :

US: +13017158592,,82950592983#,,,,*463602# or +13126266799,,82950592983#,,,,*463602#

Or Telephone:

Dial (for higher quality, dial a number based on your current location):

US: +1 301 715 8592 or +1 312 626 6799 or +1 646 558 8656 or +1 253 215 8782 or +1 346 248 7799 or +1 669 900 9128

Webinar ID: 829 5059 2983

Passcode: 463602

International numbers available: <https://us02web.zoom.us/j/82950592983?pwd=SDNGeEd2QXZrMEkzRFU0djZaQ0JmUT09>

AFFIDAVIT OF SERVICE

I, _____, being first duly sworn upon my oath, do depose and say that notice of a petition _____ 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 are located within the 300-foot radius buffer 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 6:00 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)

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

**DEVELOPMENT STANDARDS VARIANCE
PROPOSED 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 substantial property right similar to that possessed by other properties in the same zoning district, because of the facts as follows:

USE THE PROPOSED FINDING & ORDER FORM THAT IS SPECIFIC TO YOUR PETITION

**SPECIAL EXCEPTION USE
PROPOSED FINDING & ORDER**

1. That the SPECIAL EXCEPTION USE requested in the petition 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 districts, because of the facts as follows:

(continued next page)

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 THE PROPOSED FINDING & ORDER FORM THAT IS SPECIFIC TO YOUR PETITION

**USE VARIANCE
PROPOSED FINDING & ORDER**

1. That the USE VARIANCE 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:
