

# BZA Application Packet

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*Version: August 2020*

This application packet is for petitions going before the **City of La Porte Board of Zoning Appeals** and includes:

- **Variance** – A modification of the specific requirements or standards of the zoning ordinance.
- **Special Exception** – approval of a specific land use that would not be permitted in the subject zoning district provided it meets certain conditions.
- **Use Variance** – approval of a specific land use that is not otherwise permitted in the subject zoning district.
- **Use Classification** – the classification of a land use that is neither listed nor similar to any use in the zoning ordinance.
- **Appeals** – an appeal of the Administrator’s review, decision, or determination in the enforcement of the zoning ordinance.

## Step 1: Pre-Application.

At least one week prior to the intended filing of the petition, the applicant must discuss the potential application with the Administrator for the purpose of becoming familiar with requirements, submittals, procedures, deadlines, and hearings. Contact the Administrator by calling (219) 362-8260 or [tcasey@cityoflaportein.gov](mailto:tcasey@cityoflaportein.gov).

## Step 2: Making Application.

The applicant must make an appointment with the Administrator in order to file an application by calling (219) 362-8260 or emailing [tcasey@cityoflaportein.gov](mailto:tcasey@cityoflaportein.gov). A complete application and all required attachments are to be submitted by the date shown on the Application Schedule. At this time, the Administrator will review the application to determine whether the application is complete. If the application is not complete, it will be returned to the applicant with the deficiencies identified. Applications submitted or completed after the posted submittal deadline will be placed on the application cycle for the next regular meeting.

### Step 3: Submittal Checklist

	Variance	Special Exception	Use Variance	Use Classification	Appeals
1. Application Fee	\$80	\$ _____	\$80	\$ _____	\$ _____
2. Electronic Copy	✓	✓	✓	✓	✓
3. Application Form	✓	✓	✓	✓	✓
4. Vicinity Map	✓	✓	✓	✓	✓
5. Aerial Map	✓	✓	✓	✓	✓
6. List of Adjacent Property Owners	✓	✓	✓		
7. Site Plan	✓	✓	✓	✓	✓
8. Project Summary	✓	✓	✓	✓	✓
9. Brief Legal Description (as shown on BEACON)	✓	✓	✓	✓	✓
Attachment A: Consent of Property Owner	✓	✓	✓		✓
Attachment B: Notice for Newspapers	✓	✓	✓		✓
Attachment C: Notice for Property Owners	✓	✓	✓		✓
Attachment D: Standards for Evaluating a Variance	✓				
Attachment E: Standards for Evaluating a Special Exception		✓			
Attachment F: Standards for Evaluating a Use Variance			✓		
Attachment G: Standards for Classifying a Use			✓		
Attachment H: Information for Appeal					✓

- 1. Application Fee.** Make checks payable to “City of La Porte”.
- 2. Electronic Copy.** Submit PDFs with ALL of the items on the submittal checklist, including the application, maps, lists, plans, project summaries, and other required attachments. Each item should be saved as an individual file and may be submitted via email, flash drive, or CD.
- 3. Application Form.** All items must be fully completed and either typewritten or printed in ink. The application must be signed by the applicant(s) and notarized.
- 4. Vicinity Map.** Submit a vicinity map, 8 1/2”x11” in size, showing where the property is generally located in La Porte, making sure major streets are labeled. Scale should be approximately 1:1,000.

5. **Aerial Map.** Submit an aerial map of the subject parcel, 8 1/2" x 11" in size, showing all properties within the notice requirement zone of subject parcel. The map can be obtained from Google Earth or other similar aerial mapping programs. Be sure to highlight the subject parcel.
6. **List of Adjacent Property Owners.** Obtain a list of all abutting properties in all directions from all portions of the subject property and properties across the street and diagonally. The list can be obtained from the County Real Estate Office, 555 Michigan Avenue, Suite 204, 219-326-6808 Ext. 2521.
7. **Site Plan.** Submit a basic site plan, 8 1/2" x 11" in size, showing the basic layout of the proposed development for duplication purposes.
8. **Project Summary.** A Project Summary describing the nature of the application, land use, and proposed development including number of lots, hours of operation, number of employees, anticipated traffic generation, and the dates/details of previous construction/permits if applicable. Also include a bulleted statement of the history of the project (annexation, rezoning, platting, amendments, approvals, etc.)
9. **Brief Legal Description (as shown on BEACON).** A land description of the written words delineating the property and a corresponding drawing with dimensions and bearings.

**Attachments A-H.** Complete necessary attachments per the respective instructions contained on each form.

## **Step 4: Notifying the Public (not applicable to Secondary Plat or Development Plan)**

State Law and the Rules and Procedures for La Porte's BZA require you to notify the public of the hearing in two different ways: by newspaper and by notifying property owners that surround the subject property. Signing and submitting an *Affidavit of Notification* verifies this notification.

### ***Notification by Newspaper***

Complete Attachment B: Notice for Newspapers. At the application meeting, the Administrator will review and approve the completed attachment.

Publish the approved attachment and legal description one time in the newspapers listed below at least 10 days prior to the Hearing\* (see Application Schedule). Failure to meet the publishing deadlines will delay the hearing of your petition. Be certain to obtain a "Proof-of-Publication" affidavit from the newspaper for your advertisement. These affidavits and *Form 1: Proof of Notification* must be turned in to the administrator at least three days prior to the hearing (see Application Schedule).

- La Porte Herald Argus. (219) 362-2161. [newsroom@heraldargus.com](mailto:newsroom@heraldargus.com)
- Michigan City News Dispatch. (219) 874-7211. [circulation@thenewsdispatch.com](mailto:circulation@thenewsdispatch.com)
- Westville Indicator, Kiel Media. (219) 544-2060. [news@kielmedia.com](mailto:news@kielmedia.com)

\*Information must be submitted at least 4-5 business days prior to the date you want your ad to be published.

### ***Surrounding Property Owner Notification***

Complete Attachment C: Notice for Property Owners. At the application meeting, the Administrator will review and approve the completed attachment.

The Petitioner must notify all surrounding property owners of all abutting properties in all directions from all portions of the subject property and properties across the street and diagonally.

Notification must be mailed by either First Class Certificate of Mailing or Certified Mail.

- Certificate of Mailing provides evidence that mail has been presented to the post office for mailing. Use Form 2 for listing those notified (copy enclosed). Proof of Mailing will be Form 2 that has been stamped by the Post Office.
- Certified Mail or "green cards" provides the sender with a mailing receipt and proof of delivery. Visit the Post Office for special cards and stickers for addressing letters sent by Certified Mail. Proof of Mailing is a combination of the "green cards" that have been sent back to you and your Certified Mail Receipt for letters that were not claimed.

All letters must be postmarked at least 10 days prior to the hearing (see Application Schedule). Include the following information to each person notified:

- A copy of the approved Attachment C
- Brief Legal Description (as shown on BEACON)
- Project Summary
- Site Plan
- Attachment H (if applicable).

Proof of mailing must be submitted to the Administrator at least three days prior to the hearing (see Application Schedule).

## 2020 Application Schedule

The following table depicts the deadlines for petitions before the La Porte BZA. Deviations from this schedule are not permitted without requesting approval from the Rules and Procedures.

### 2020 BZA Application Dates

Application Submittal	Deadline for Submitting Info/Revisions to the File	Public Notice Deadline	Submit Proof of Public Notice	Site Review	Agenda & Staff Report Published	BZA Hearing Date
12/24/2019	12/31/2019	1/4/2020	12/31/2018	1/8/2020	1/10/2020	1/14/2020
1/21/2020	1/28/2020	2/1/2020	2/4/2020	2/5/2020	2/7/2020	2/11/2020
2/18	2/25	2/29	3/3	3/4	3/6/2020	3/10/2020
3/24	3/31	4/4	4/7	4/8	4/10/2020	4/14/2020
4/21	4/28	5/2	5/8	5/6	5/8/2020	5/12/2020
5/19	5/26	5/30	6/2	6/3	6/5/2020	6/9/2020
6/23	6/30	7/4	7/7	7/8	7/10/2020	7/14/2020
7/21	7/28	8/1	8/4	8/5	8/7/2020	8/11/2020
8/18	8/25	8/29	9/1	9/2	9/4/2020	9/8/2020
9/22	9/29	10/3	10/6	10/7	10/9/2020	10/13/2020
10/20	10/27	10/31	11/6	11/4	11/6/2020	11/10/2020
11/17	11/24	11/28	12/1	12/2	12/4/2020	12/8/2020

- **Application Submittal:** The filing deadline is 3:00 pm on the date indicated. Call (219) 362-8260 or email [tcasey@cityoflaportein.gov](mailto:tcasey@cityoflaportein.gov) to make an appointment to file your application. Application meetings are at La Porte City Hall, 801 Michigan Avenue, La Porte, IN 46350.
- **Site Review Meeting:** Upon Application submittal, Administrator will determine if project needs site review. Meetings are held at 9:00 am at the Greater La Porte Economic Development Corporation (GLEDC), 809 Washington St. La Porte, IN 46350. Please fill out [site review application](#) and call or email Jamie Novak at (219) 362-2327 or [jnovak@cityoflaportein.gov](mailto:jnovak@cityoflaportein.gov) to schedule. *(Not applicable to Zone Map Changes). More complex projects require attendance at site review.*
- **Deadline for Submitting Info/Revisions to the File:** Revisions or additions to the plans and/or file must be submitted by 3:00 pm on the date indicated in order to remain on the current application schedule. Plans shall be submitted to the Department of Community Development & Planning at La Porte City Hall, 801 Michigan Avenue, La Porte, IN 46350, or by email to [tcasey@cityoflaportein.gov](mailto:tcasey@cityoflaportein.gov).
- **Public Notice Deadline:** Deadline to publish public notice in the newspaper and postmark mailings to surrounding property owners.

- Agenda & Staff Report: On the date indicated, Agendas will be emailed to the La Porte BZA, Applicant/Owner, and required media for public notice requirements.
- Submit Proof of Public Notice: Submit Forms 1 and 2 as proof of adequate public notice of the hearing. Forms shall be submitted to the Department of Community Development & Planning at La Porte City Hall, 801 Michigan Avenue, La Porte, IN 46350, or by email to [tcasey@cityoflpaortein.gov](mailto:tcasey@cityoflpaortein.gov).
- BZA Hearing: Unless otherwise noticed, BZA Meetings are held at 6:00 pm at the La Porte City Hall, 801 Michigan Avenue, La Porte, IN 46350, (219) 362-8260.

# BZA Application

**For Office Use Only**

Fee collected:

Date filed:

Date of Public Hearing:

Denied

Approved

w/conditions

No Recommendation

This application is being submitted for (check all that apply):

- Variance                       Special Exception  
 Use Variance                 Use Classification  
 Appeals

**Applicant Info**

Name	
Street Address	
City, State, Zip	
Primary Contact Person regarding this petition	
Phone	E-Mail
Engineer Preparing Plans	E-Mail
Others to be Notified	E-Mail

**Property Owner**

Name	
Street Address	
City, State, Zip	
Phone	E-Mail
Applicant is (check one):	<input type="checkbox"/> Sole owner <input type="checkbox"/> Joint Owner <input type="checkbox"/> Tenant <input type="checkbox"/> Agent <input type="checkbox"/> Other (specify)

**Premises Affected**

Parcel ID Number				
Actual/approximate address or location from major streets				
Total Acreage		Flood Zone on Site?		
Zoning of Subject Property		Use of Subject Property		
Proposed Zoning		Proposed Land Use		
Zoning of Adjacent Properties	North:	South:	East:	West:
Land Use of Adjacent Properties	North:	South:	East:	West:

**Notarization**

The above information and attached exhibits, to my knowledge and belief, are true and correct.

\_\_\_\_\_  
Signature of Notary

\_\_\_\_\_  
Notary Public's Name (printed)

My Commission Expires \_\_\_\_\_

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

\_\_\_\_\_  
Signature of Applicant

State \_\_\_\_\_

County \_\_\_\_\_

# Attachment A: Consent of Property Owner

**Complete and submit if applicant is different from property owner.**

I (we) \_\_\_\_\_  
Name(s)

After being first duly sworn, depose and say:

- That I/we are the owner(s) of the real estate located at:

\_\_\_\_\_  
(Address)

- That I/we have read and examined the Application, and are familiar with its contents.
- That I/we have no objection to, and consent to such request as set forth in the application.
- That such request being made by the applicant ( \_\_\_\_\_ is) ( \_\_\_\_ is not) a condition to the sale or lease of the above referenced property.

(AFFIANT)

\_\_\_\_\_  
STATE OF INDIANA)  
) SS:  
COUNTY OF \_\_\_\_\_ )

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

\_\_\_\_\_, Notary Public

My Commission expires: \_\_\_\_\_ County of Residence: \_\_\_\_\_



# Attachment B: Notice for Newspapers

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Notice is hereby given that I have, as the owner (or with the owner's consent) of the property commonly described as the address of \_\_\_\_\_ with the brief legal description of \_\_\_\_\_, have filed a petition before the La Porte Board of Zoning Appeals requesting a:

- Variance       Special Exception       Use Variance       Appeal

for the said property in order to:

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This petition will come for hearing at 6:00 pm in the La Porte City Hall, 801 Michigan Avenue, La Porte, IN 46350, on \_\_\_\_\_, 20\_\_\_\_.

In accordance with the Americans With Disabilities Act, if anyone wishes to attend the public hearing on the above referenced matter and is in need of reasonable accommodation in order to hear, present evidence, or participate in the proceedings at the public hearing on this matter, please contact the Administrator so accommodations can be made. The petition and file on this matter is available for examination by contacting the Administrator at (219) 362-8260 or email [tcasey@cityoflaportein.gov](mailto:tcasey@cityoflaportein.gov). Comments regarding this petition may be submitted at any time. Information to be considered in the Staff Report and distributed to the BZA members in advance of the meeting must be received seven (7) days prior to the hearing and must be sent to City Planner ([tcasey@cityoflaportein.gov](mailto:tcasey@cityoflaportein.gov)) or La Porte BZA, La Porte City Hall, 801 Michigan Avenue, La Porte, IN 46350.

Petitioner: \_\_\_\_\_

# Attachment C: Notice for Property Owners

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**Include with the mailing: 1) Legal Description, 2) Site Plan, 3) Project Summary, and 4) Attachment H (if applicable)**

Notice is hereby given that I have, as the owner (or with the owner's consent) of the property commonly described as the address of \_\_\_\_\_

\_\_\_\_\_, have filed a petition before the La Porte Board of Zoning Appeals, which petition requests a:

- Variance       Special Exception       Use Variance       Appeal

for the said property in order to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This petition will come for hearing at 6:00pm in the La Porte City Hall, 801 Michigan Avenue, La Porte, IN 46350, on \_\_\_\_\_, 20\_\_\_\_.

In accordance with the Americans With Disabilities Act, if anyone wishes to attend the public hearing on the above referenced matter and is in need of reasonable accommodation in order to hear, present evidence, or participate in the proceedings at the public hearing on this matter, please contact the Administrator so accommodations can be made. The petition and file on this matter is available for examination by contacting the Administrator at (219) 362-8260 or email at [tcasey@cityoflaportein.gov](mailto:tcasey@cityoflaportein.gov). Comments regarding this petition may be submitted at any time. Information to be considered in the Staff Report and distributed to the BZA members in advance of the meeting must be received seven (7) days prior to the hearing and must be sent to City Planner ([tcasey@cityoflaportein.gov](mailto:tcasey@cityoflaportein.gov)) or La Porte BZA, La Porte City Hall, 801 Michigan Avenue, La Porte, IN 46350.

Petitioner: \_\_\_\_\_

# Attachment D: Standards for Evaluating a Variance

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Use the following form or attach a separate sheet (s) to explain the Variance request. The BZA's decision shall be based upon how each of the following statutory requirements is justified in the request.

Project Name:

## Petition Information

Describe the proposed use of the property (type of use, hours of operation, access, necessary construction, employees, etc.)

## Standards for Evaluation

1. The variance will not be injurious to the public health, safety, morals, and general welfare of the community because.....

2. The use or value of the area to the property included in the variance will not be affected in a substantially adverse manner because.....

3. The strict application of the terms of the Ordinance will continue the unusual and unnecessary hardship as applied to the property for which the variance is sought because...

# Attachment E: Standards for Evaluating a Special Exception

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Use the following form or attach a separate sheet(s) to explain the Special Exception request. The BZA's decision shall be based upon how each of the following statutory requirements is justified in the request.

**Petition Information:** Describe the proposed use of the property (type of use, hours of operation, access, necessary construction, employees, etc.)

## **Standards for Evaluation**

1. The establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, morals, or general welfare.

2. The special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

3. The establishment of the special exception will not impede or substantially alter the normal and orderly development and improvement of surrounding property for uses permitted in the district.

4. Adequate utilities, access road, drainage, and other necessary facilities have been or are being provided.

5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion on the public roadways.

6. The special exception will be located in a district where such use is permitted and all other requirements set forth in the Ordinance that are applicable to such use will be met.

# Attachment F: Standards for Evaluating a Use Variance

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Use the following form or attach a separate sheet(s) to explain the Use Variance request. The BZA's decision shall be based upon how each of the following statutory requirements is justified in the request.

## ***Petition Information***

Describe the proposed use of the property (type of use, hours of operation, access, necessary construction, employees, etc.):

## ***Standards for Evaluation***

1. The approval of the Use Variance will not be injurious to the public health, safety, morals, and general welfare of the community because....

2. The use and value of the area adjacent to the property included in the Use Variance will not be affected in a substantially adverse manner because....

3. The need for the Use Variance arises from some condition peculiar to the property involved, and is more clearly described as....

4. The strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought, and is more clearly described as....

5. The approval does not interfere substantially with the Comprehensive Plan because...

# Attachment G: Standards for Classifying a Use

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Use the following form or attach separate sheet(s) to explain the Use to be classified. The BZA's decision shall be based upon how each of the following statutory requirements is justified in the request.

## ***Petition Information***

Describe the proposed use of the property (type of use, hours of operation, access, necessary construction, employees, etc.):

## ***Standards for Evaluation***

1. The subject use and its operations are compatible with the uses permitted in the district wherein it is proposed to be located, and are further described as...

2. The subject use is similar to one or more uses permitted in the district within which it is proposed to be located. The best example of a similar use is \_\_\_\_\_ and it is similar in the following ways....

3. The subject use will not cause substantial injury to the values of property in the neighborhood or district within which it is proposed to be located because....

4. The subject use will be designed, located, and operated to protect the public health, safety, and general welfare in the following ways.

# Attachment H: Information for Appeal

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Use the following form or attach a separate sheet(s) to explain the nature of the Appeal.

The BZA shall hear and determine appeals from and review any order, requirement, decision, or determination made by the Administrator in the enforcement of the Zoning Ordinance. In exercising its power the BZA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed and to that end shall have all of the powers of the Administrator from whom the appeal is taken.

When an appeal has been filed, all proceedings, operation, and work on the premises concerned shall be stayed, unless the official or board from whom the appeal was taken shall certify to the BZA that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such cases, proceedings or work shall not be stayed except by a restraining order, which may be granted by a circuit or superior court of the county in which the premises affected are situated, on notice to the office or board from whom the appeal is taken and the owner of the premises affected, and on due cause shown.

## ***Petition Information***

Itemize the subject of the appeal and identify Zoning Ordinance citations where applicable:

Citation/Requirement	Administrator's Interpretation	Applicant's Position



# Form 1: Affidavit of Notification

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**Submit this Form seven days prior to the hearing along with proof of publication and proof of mailing.**

I (we)

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After being first duly sworn, depose and say:

- That I have notified in person or by First Class U.S. Mail all owners of property as required by ordinance at taxpayer address;
- That said property owners were informed by me of the filing of the petition and of the nature of said application, as directed in the application packet "Notifying the Public" which is part of the Rules and Procedures of the Plan Commission and/or BZA as described;
- That the said property owners were notified that the Plan Commission/BZA will hold a public hearing regarding this application on the date of \_\_\_\_\_, at 6:00 PM; and
- That the names and addresses of said property owners so notified are listed on a separate paper which is a part of this Affidavit.

And further the Affiant sayeth not.

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STATE OF INDIANA)  
  ) SS:  
COUNTY OF \_\_\_\_\_ )

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

\_\_\_\_\_, Notary Public

My Commission expires: \_\_\_\_\_ County of Residence: \_\_\_\_\_

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# Form 2: Adjacent Property Owners Notified by Mail

***If property owners are to be notified by mail, either complete this form or provide a list with the same information. Make additional copies if necessary.***

Name and Address of Sender			Type of Mail: <input type="checkbox"/> Certified Mail <input type="checkbox"/> Certificate of Mailing ONLY	
Line	Name & Address	Postage	Fee	Remarks
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
Total number of pieces listed by sender:		Total number of pieces received at Post Office:		POSTMASTER, per <i>(name of receiving employee)</i>
Affix stamp here if issued as certificate of mailing or for additional copies of this bill. POSTMARK AND DATE OF RECEIPT:			Page            of	