



# BZA Application Packet

## APPEAL OF ADMINISTRATIVE DECISION

Contact: David Heinold, City Planner

(219) 362-8260 [dheinold@cityoflaportein.gov](mailto:dheinold@cityoflaportein.gov)

City Hall, 801 Michigan Avenue, La Porte, IN 46350

*Version: January 2023*

This application packet is for Appeal of Administrative Decision petitions going before the **City of La Porte Board of Zoning Appeals**.

- **Appeals** – an appeal of the Administrator’s review, decision, or determination in the enforcement of the zoning ordinance.

The applicant must follow the steps listed below for submitting an application to the Office of Community Development & Planning:

### **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 [dheinold@cityoflaportein.gov](mailto:dheinold@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 [dheinold@cityoflaportein.gov](mailto:dheinold@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: Application Submittal Checklist

	Appeals	
1. Application Fee	\$ _____	
2. Electronic Copy	✓	
3. Application Form	✓	
4. Vicinity Map	✓	
5. Aerial Map	✓	
6. Site Plan	✓	
7. Project Summary	✓	
8. Brief Legal Description (as shown on BEACON)	✓	
Attachment A: Consent of Property Owner	✓	
Attachment B: Notice for Newspapers	✓	
Attachment C: 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. **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.
7. **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. if necessary)
8. **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.
9. **Attachment A: Consent of Property Owner**. Property owner needs to sign and complete this form only if property owner is different from applicant. This form must be submitted at the time of application.
10. **Attachment B: Notice for Newspapers**. The notice for newspapers must be submitted to appropriate newspaper publications a minimum of ten (10) days in advance of the public hearing as specified in meeting deadlines.
11. **Attachment C: Information for Appeal**. This form must be submitted with the application to explain the nature of the Appeal. The BZA's decision shall be based upon how each of the following statutory requirements is justified in the request.
12. **Form 1: Affidavit of Notification to Newspapers**. Submit this Form 1 seven (7) days prior to the public hearing along with proof of publication.

## Step 4: Notifying the Public

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: Affidavit of Notification* must be turned in to the administrator at least seven days prior to the hearing (see Application Schedule).

- **La Porte Herald Dispatch**. Isis Cains (219) 214-4210 [icains@lpcohd.com](mailto:icains@lpcohd.com)
- **Westville Indicator, Kiel Media**. (219) 544-2060 [news@kielmedia.com](mailto:news@kielmedia.com)

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

## 2023 Application Schedule

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

- **Application Submittal:** The filing deadline is 3:00 pm on the date indicated. Call (219) 362-8260 or email [dheinold@cityoflaportein.gov](mailto:dheinold@cityoflaportein.gov) to make an appointment to file your application. Application meetings are held at La Porte City Hall, 801 Michigan Avenue, La Porte, IN 46350.
- **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 [dheinold@cityoflaportein.gov](mailto:dheinold@cityoflaportein.gov).
- **Agenda & Staff Report:** On the date indicated, Agendas & Staff Reports will be mailed to the BZA, Applicant/Owner, and emailed to the required media for public notice requirements.
- **BZA Public 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.

Application Submittal Deadline	Site Review	Deadline for Submitting Info/Revisions to the File	Public Notice Deadline	Agenda & Staff Report Published	Submit Proof of Public Notice	BZA Hearing Date
12/20/2022	1/4/2023	1/3/2023	12/31/2022	1/5/2023	1/3/2023	1/10/2023
1/24/2023	2/8/2023	2/7/2023	2/4/2023	2/9/2023	2/7/2023	2/14/2023
2/21/2023	3/8/2023	3/7/2023	3/4/2023	3/9/2023	3/7/2023	3/14/2023
3/21/2023	4/5/2023	4/4/2023	4/1/2023	4/6/2023	4/4/2023	4/11/2023
4/18/2023	5/3/2023	5/2/2023	4/29/2023	5/4/2023	5/2/2023	5/9/2023
5/23/2023	6/7/2023	6/6/2023	6/3/2023	6/8/2023	6/6/2023	6/13/2023
6/20/2023	7/5/2023	7/4/2023	7/1/2023	7/6/2023	7/4/2023	7/11/2023
7/18/2023	8/2/2023	8/1/2023	7/29/2023	8/3/2023	8/1/2023	8/8/2023
8/22/2023	9/6/2023	9/5/2023	9/2/2023	9/7/2023	9/5/2023	9/12/2023
9/19/2023	10/4/2023	10/3/2023	9/30/2023	10/5/2023	10/3/2023	10/11/2023
10/24/2023	11/8/2023	11/7/2023	11/4/2023	11/9/2023	11/7/2023	11/14/2023
11/21/2023	12/6/2023	12/5/2023	12/2/2023	12/7/2023	12/5/2023	12/12/2023



# Board of Zoning Appeals Application

## APPEAL OF ADMINISTRATIVE DECISION

City Planner  
 David Heinold, AICP  
[dheinold@cityoflaportein.gov](mailto:dheinold@cityoflaportein.gov)  
[www.cityoflaporte.com](http://www.cityoflaporte.com)

City Hall  
 801 Michigan Ave.  
 La Porte, IN 46350  
 (219) 362-8260

**For Office Use Only**

Fee: \_\_\_\_\_ Receipt: \_\_\_\_\_

File  
 Date: \_\_\_\_\_ File #: \_\_\_\_\_

Site Review: \_\_\_\_\_

Date of BZA mtg: \_\_\_\_\_

Decision: \_\_\_\_\_

This application is being submitted for an Appeal of Administrative Decision

### Applicant

Name	
Street Address	
City, State, Zip	
Primary Contact regarding this petition	
Phone	Email
Engineer Preparing Plans	Email
Others to be Notified	Email
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 _____	

### Property Owner (if different than above)

Name	
Street Address	Phone
City, State, Zip	Email

### Premises Affected

Parcel ID Number				
Address or General Location				
Total Acreage			Flood Zone?	
Zoning			Land Use	
Request				
Zoning of Adjacent Properties	North:	South:	East:	West:
Land Use of Adjacent Properties	North:	South:	East:	West:

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

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

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

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

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

# Attachment A: Consent of Property Owner

*Property owner needs to sign and complete this form only if different from applicant*

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 City of La Porte Board of Zoning Appeals requesting a:

Appeal of Administrative Decision

for the said property in order to:

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

This petition will come for hearing at or after 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 at (219) 362-8260 by 10:00 am, Friday, preceding the meeting to make any necessary arrangements. The petition and file on this matter is available for examination by contacting the Administrator at (219) 362-8260 or email [dheinold@cityoflaportein.gov](mailto:dheinold@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 the City Planner, David Heinold at [dheinold@cityoflaportein.gov](mailto:dheinold@cityoflaportein.gov), La Porte City Hall, 801 Michigan Avenue, La Porte, IN 46350.

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

# Attachment C: 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.**

I (we) \_\_\_\_\_

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After being first duly sworn, depose and say:

- That I have sent advertisement for such petition to the legal newspapers for the City of La Porte as required by Indiana Code 36-7-4-920 and 5-14-1.5;
- That I have notified each legal newspaper for the City of La Porte 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 Board of Zoning Appeals as described;
- That the said property owners were notified that the Board of Zoning Appeals will hold a public hearing regarding this application on the date of \_\_\_\_\_, at or after 6:00 PM; and
- That the proof of publication for each legal newspaper is included as 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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