



# BZA Application Packet

## USE VARIANCE

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 2024*

This application packet is for Use Variance petitions going before the **City of La Porte Board of Zoning Appeals**.

- **Use Variance** – approval of a specific land use that is not otherwise permitted in the subject zoning district.

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

	Use Variance	
1. Application Fee	\$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 Use Variance	✓	

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. **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.
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. if necessary)
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.
10. **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.
11. **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.
12. **Attachment C: Notice for Property Owners.** The notice for adjacent property owners must be mailed to all adjacent property owners to the subject property a minimum of ten (10) days in advance of the public hearing as specified in the meeting deadlines.
13. **Attachment D: Standards for Evaluating a Use Variance.** This form must be submitted with the application for a Use Variance. The BZA's decision shall be based upon how each of the following statutory requirements is justified in the request.
14. **Form 1: Affidavit of Notification to Adjacent Property Owners.** Submit this Form 1 seven (7) days prior to the public hearing along with proof of publication and proof of mailing.
15. **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.
16. **Public Notice Sign.** The public notice sign must be displayed on the subject property visible from the public street a minimum of ten (10) days prior to the public hearing.

## 2024 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.
- **Site Review Meeting:** Upon Application submittal, Administrator will determine if project needs site review. Meetings are held at 9:00 am on Wednesday as scheduled. Please fill out [site review application](#) and call or email the Administrator at 219-362-8260 *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 [dheinold@cityoflaportein.gov](mailto:dheinold@cityoflaportein.gov).
- **Public Notice Deadline:** Deadline to publish public notice in the newspaper and postmark mailings to surrounding property owners a minimum of ten (10) days prior to the public hearing. The public notice sign must be posted on the subject property visible from the road at least ten (10) days prior to the public hearing.
- **Submit Proof of Public Notice:** Submit Forms 1 and 2 as proof of adequate public notice of the hearing at least seven (7) days prior to the public hearing. Forms shall be submitted to the Department of Community Development & Planning at La Porte City Hall, 801 Michigan Avenue, La Porte, IN 46350.
- **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
12/19/2023	1/3/2024	1/2/2024	12/30/2023	1/4/2024	1/2/2024	1/9/2024
1/23/2024	2/7/2024	2/6/2024	2/3/2024	2/8/2024	2/7/2024	2/13/2024
2/20/2024	3/6/2024	3/5/2024	3/2/2024	3/7/2024	3/7/2023	3/12/2024
3/19/2024	4/3/2024	4/2/2024	3/30/2024	4/4/2024	4/2/2024	4/9/2024
4/23/2024	5/8/2024	5/7/2024	5/4/2024	5/9/2024	5/7/2024	5/14/2024
5/21/2024	6/5/2024	6/4/2024	6/1/2024	6/6/2024	6/4/2024	6/11/2024
6/18/2024	6/26/2024	7/2/2024	6/29/2024	7/3/2024	7/2/2024	7/9/2024
7/23/2024	8/7/2024	8/6/2024	8/3/2024	8/8/2024	8/6/2024	8/13/2024
8/20/2024	9/4/2024	9/3/2024	8/31/2024	9/5/2024	9/3/2024	9/10/2024
9/17/2024	10/2/2024	10/1/2024	9/28/2024	10/3/2024	10/1/2024	10/8/2024
10/22/2024	11/6/2024	11/5/2024	11/2/2024	11/7/2024	11/5/2024	11/13/2024
11/19/2024	12/4/2024	12/3/2024	11/30/2024	12/5/2024	12/3/2024	12/10/2024

## 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 *Form 1: Affidavit of Notification* verifies this notification. *Form 2: Adjacent Property Owners Notified by Mail* must be submitted if property owners are to be notified by certified mail.

### 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. *Form 1: Affidavit of Notification* and proof of each newspaper publication 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.

### 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 Certified Mail and Return Receipt.

- **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: Notice to Property Owners
- Project Summary
- Site Plan

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

# 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:

Use Variance

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: Notice for Property Owners

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***Include with the mailing: 1) Site Plan, 2) Project Summary, and 3) Attachment D***

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:

Use Variance

for the said property in order to:

\_\_\_\_\_

\_\_\_\_\_

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

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



# Attachment D: 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...

# 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 all owners of property as required by the Zoning Ordinance at taxpayer address 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 and list of adjacent property owners are 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: \_\_\_\_\_

# 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. Submit this Form 2 at least seven (7) days prior to the public hearing.*

Name and Address of Sender		Type of Mail: <input type="checkbox"/> Certified Mail <input type="checkbox"/> Certificate of Mailing ONLY		
	<b>Name &amp; Address</b>	<b>Postage</b>		<b>Remarks</b>
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:				of