

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

The information contained in this document will assist you in filing a petition before the Valparaiso Board of Zoning Appeals (“BZA”). Although not required, many petitioners do seek the advice of an attorney before filing a petition. As the Petitioner you are responsible for providing all documents and requested information with the petition on or before the Deadline for the BZA meeting. The information and documents must be accurate and must be submitted to the Planning Department prior to the scheduled Deadline. The decision of the BZA depends on a clear understanding of your request. It is strongly recommended that the Petitioner begin collecting the necessary documents prior to the date of the Deadline. If a petition is not complete or is filed late it will not be placed on the Agenda for the following month. The required filing fee as indicated below must be paid to the City Clerk-Treasurer upon filing a complete petition. **Please submit nine (9) copies of your petition.** If you require assistance in completing this form or would like a copy of the application in an alternate format please call the Planning Department at: (219) 462-1161.

STEP ONE: APPLICATION AND CHECK LIST

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

1. _____ **Application Fee** – Submitted to Clerk/Treasure’s Office by no later than 4:00 PM on the day of the posted Deadline for the desired Board of Zoning Appeals meeting.
2. _____ Completed petition and checklist. Petition is attached.
3. _____ **Vicinity Map.** A vicinity map for the purpose of locating the subject property within the City of Valparaiso.
4. _____ **Site Plan/Concept Plan.** The site plan must be to scale and show the front, rear, and side setbacks and provide a lot coverage calculation for all impermeable surfaces. The site plan shall also 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.
5. _____ **Written Description of Project.** There should be a brief 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. _____ **Legal Description.** A legal description for the property must be either written in the space provided or typed and 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 Porter County Recorders Office located in the Porter County Administration Building at 155 Indiana Avenue in Valparaiso.
7. _____ **Surrounding Property Owner List.** If a public hearing is required for your requested action, the names and addresses of all the property owners within 300 feet in all directions from the subject parcel shall be provided. Information concerning the owners of property within 300 feet can be obtained through a title company or the Porter County Auditor's Office. Owners of the property within a 300-foot radius of the lot lines of the subject parcel must receive notice of your Petition and the scheduled Public Hearing. All property owner information (including those owned by the City, State, etc.) must be submitted as part of the application. It is the Petitioner's responsibility to obtain this information, and Indiana law and Rules of Procedures of the Valparaiso Board of Zoning Appeals require timely notice to all property owners within 300 feet. Should a property owner not receive timely notice, such could result in your request being denied, delayed, or potentially revoked at some later date.
8. _____ **Petitioner's Affidavit of Notice and Consent of Property Owner.** 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 300 feet of 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 BZA hearing.** The Petitioner will bring all the original certified "green cards" to the Board of Zoning Appeals hearing. Upon inspection by the Board of Zoning Appeals and its Attorney, the cards will be returned to the Petitioner. It is highly recommended that the Petitioner retain these cards as proof that all property owners receive notice. Any objection as to failure to notify a property owner within 300 feet will be the responsibility of the Petitioner.
9. _____ **Factual basis for the BZA's action.** It is the Petitioner's responsibility to establish to the BZA's satisfaction the factual basis pertaining to all cases. The Petitioner will need to fill out the attached form for the variance that is being requested.

STEP TWO: PUBLIC NOTIFICATION REQUIREMENTS

Notification by Newspaper – NWI Times

After it is determined that your application is complete, Planning Staff will submit a Public Hearing Notice in compliance with applicable state law to the Northwest Indiana Times Newspaper if your request requires a Public Hearing. The cost for publication and a proof of publication will be mailed to the Petitioner listed on the Petition. Payment of the bill is the responsibility of the Petitioner. Failure to pay the publication cost may constitute grounds for revoking any granted variance.

Onsite Notification Sign

Planning Staff will place one or more signs on the subject parcel in a conspicuous location at least ten (10) days prior to the scheduled public hearing for your requested action. Staff will collect the sign(s) immediately following the public hearing date listed on the sign. Do not remove the onsite notification sign for any reason without the permission of the Planning Director. If the sign is damaged or stolen, please contact the Planning Department so that a new sign may be placed on the property.

Surrounding Property Owner Notification

As outlined in checklist item #8 above, 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 less than ten (10) days prior to the public hearing. This is defined by the BZA as all property owners within a 300 foot radius of the property lines of the subject property. The Petitioner shall present all received or returned green certified mail cards to the BZA Staff or Attorney for inspection to verify compliance with notification requirements, and comparison with provided surrounding property owners list. The Affidavit of Notification of Surrounding Property Owners shall also be provided as outlined above in checklist # 8.

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 Petitioner 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

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

Public Hearing

The Petitioner or his/her representative must attend the BZA meeting to present the project and answer questions. The Board of Zoning Appeals meets on the third Tuesday of each month at 7 p.m. at City Hall. The Petitioner will not be notified or reminded of the meeting. Meeting dates are presented below for your reference.

Deadline

BZA Meeting Date

December 22nd, 2016
January 20th, 2017
February 24th
March 24th
April 21st
May 19th
June 23rd
July 22nd
August 18th
September 22nd
October 20th
November 20th
December 20th, 2017

January 17th, 2017
February 21st, 2017
March 21st
April 18th
May 16th
June 20th
July 18th
August 16th
September 19th
October 17th
November 21st
December 19th
January 16th, 2018

BZA Application Fees

Use Variance	\$200
Single Family Development Standards Variance	\$50
Commercial Development Standards Variance	\$150
Special Exception/Special Use	\$200
Relief to an Administrative Decision	\$200
Special Meeting	\$1000
Conditional Use	\$100
Wireless Communications Facility Special Use – Major	\$500
Wireless Communications Facility RF Tech Study Fee	\$ Actual cost of study

Petition #: _____

**PETITION TO
VALPARAISO BOARD OF ZONING APPEALS**

The Petition shall be filed in duplicate with the City Clerk-Treasurer a minimum of 25 days prior to the date of the next Board of Zoning Appeals (“BZA”) meeting. The BZA meets every third Tuesday of the month at 7:00 PM in City Hall, 166 Lincolnway, Valparaiso. The Petitioner and/or his/her representative must be present at the public hearing. The filing fee must be paid to the City Clerk-Treasurer upon filing a complete Petition. Please submit nine (9) copies of this petition.

PLEASE COMPLETE THE FOLLOWING:

The undersigned Petitioner and owner(s) of real estate, identified within this application as property within the jurisdiction of the City, respectfully petition the Board of Zoning Appeals to consider;

- ___ 1. Relief to an Administrative decision. (Exhibit No. ___)
- ___ 2. Variance(s) from the development standards.
- ___ 3. Variance of the use from the terms of the Zoning Ordinances.
- ___ 4. Petition for Special Exception.
- ___ 5. Special Exception from Home Occupation.
- ___ 6. Conditional Use.

In support of an application for **Variance(s) from the Development Standards**, the Petitioner states that the granting of such request:

- ___ Will not be injurious to the health, safety, morals, and general welfare of the community;
- ___ Will not affect the use and value of the area adjacent to the property included in the variance in a substantially adverse manner; and arise from practical difficulties in the use of the property in conformity with the Zoning Ordinance.
- ___ Petitioner will comply with all ordinance parking requirements.

In support of an application for a **Use Variance**, the Petitioner states that the granting of such request:

- ___ Will not be injurious to the health, safety, morals, and general welfare of the community;
- ___ Will not affect the use and value of the area adjacent to the property included in the variance in a substantially adverse manner; and arise from practical difficulties in the use of the property in conformity with the Zoning Ordinance.
- ___ Arise from a condition peculiar to the property;

- ___ Arises from unnecessary hardships if the Zoning Ordinance is strictly applied; and
- ___ Does not interfere substantially with the Comprehensive Plan adopted.
- ___ Petitioner will comply with all ordinance parking requirements.

In Support of an application for **Special Exception**, the Petitioner states that the granting of such request:

- ___ Will not generate excessive vehicular traffic on minor residential streets;
- ___ Will not create vehicular parking or traffic problems;
- ___ Appropriate access roads, drives, utilities, drainage, facilities, and other necessary facilities have been or will be installed;
- ___ Will make a substantial contribution to the neighborhood environment and will not infringe on the rights of properties in the vicinity of the expected use;
- ___ Will comply with the requirements of the district in which proposed use is to be located.
- ___ Petitioner will comply with all ordinance parking requirements.

In support of such application for **Special Exception for Home Occupation**, Petitioner states:

- ___ That no person other than members of the family residing on the premises will be engaged in the home occupation.
- ___ That the use of the dwelling unit for home occupation will be clearly incidental and subordinate to its use for residential purposes and not more than 25% of the floor area of the dwelling will be used in the conduct of the home occupation.
- ___ That there will be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, other than one sign-such sign not exceeding two square feet in area, non-illuminated and containing only the name and nature of the business.
- ___ That no home occupation will be conducted in any accessory building.
- ___ That there will be no sales area unless specifically permitted by the BZA.
- ___ That no traffic will be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation will be met by required or permitted parking spaces, and will not be in the front yard.
- ___ That no equipment or process will be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses which can be detected off premises.

PETITIONER:

Name (Please Print)	Address	Phone
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OWNER OF SUBJECT PROPERTY:

Name (Please Print)	Address	Phone
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ADDRESS OF SUBJECT PROPERTY: _____
 Subject property fronts on the _____ side between (streets) _____
 in the _____ Zoning District.

Legal Description of Subject Property: (Exhibit No.____)

DESCRIPTION OF PROPOSED PROJECT INCLUDING, NEW CONSTRUCTION, ADDITION, ALTERATION, OR CHANGE OF USE: (Exhibit No.____)

Section (3) of the Zoning Ordinance from which a Variance, Special Exception, or Administrative Relief is sought:

Article:____ Section:____ Paragraph:____ Item:____
:____ :____ :____ :____
:____ :____ :____ :____

Attach a Site Plot Plan drawn to scale showing:

- a. scale
- b. lot: shape, location, dimension, and area
- c. existing improvements on the lot (including, structures, sidewalks, & driveways) and the percent coverage of improvements on the lot
- d. distance for lot lines, right-of-way lines, or easements to any structure for: front, back and side yards

Please fill in:

Front Setback____ Rear Setback____ Side Setbacks____/____ Lot Coverage____
Height____

The powers and duties of the Board of Zoning Appeals are provided for and limited by Enabling Acts in Indiana Code 36-7-4-900 et. eq.. The public hearing procedures are similar to a courtroom hearing. Although it is not required that the Petitioner represented by legal counsel, information and documentation pertaining to the petitioner should be prepared as if it were to become part of a court hearing. **Although the office of the City Planner is available to assist the Petitioner, it is the Petitioner’s responsibility to request and prepare the appropriate variance petition.** The Planning Department can be contacted Monday-Friday between 8:30 – 4:30 at (219) 462-1161.

Petitions will not be scheduled for public hearing unless all legal and procedural requirements have been met.

STAFF USE ONLY

Date Received _____

- ___ Names and Addresses of property owners within 300 feet provided
- ___ Signature notarized
- ___ Site Plan attached
- ___ Legal Description (Not Abbreviated) Provided
- ___ Petition Filed Complete
- ___ Written Description of Project
- ___ Petitioners Affidavit of Notice
- ___ Findings of Fact
- ___ Photo's of Property (Staff Request)
- ___ Landscape Plan (Staff Request)

Date approved for Public Hearing _____, _____

BZA Application Fees

___ Use Variance	\$200
___ Single Family Development Standards Variance	\$50
___ Commercial Development Standards Variance	\$150
___ Special Exception/Special Use	\$200
___ Relief to an Administrative Decision	\$200
___ Special Meeting	\$1000
___ Conditional Use	\$100
___ Wireless Communications Facility Special Use – Major	\$500
___ Wireless Communications Facility RF Tech Study Fee	\$ Actual cost of study

TOTAL FEE _____

Certificate of Petitioner

Please read and sign the following statement:

I, the Petitioner (and Property Owner, if separate), understand that I and/or my representative must be present at the public hearing. Should I fail to appear, the BZA, in my absence, may consider and take action on my Petition. If the Petitioner is not the owner of the property that is the basis of this Petition, the signature of the Property Owner(s) constitutes authorization for the Petitioner to speak and act on behalf of the Property Owner(s). The Petitioner certifies that neither the Petitioner nor any attachments or exhibits submitted contains any known intentional misrepresentations or intentionally misleading statements. All information submitted is accurate, true and correct to the best of the Petitioner’s knowledge. The providing of false and/or inaccurate information on this Petition or during any proceedings before the BZA may result in the denial of the request or the revocation of the request, should a Petition be granted. Similarly, if as part of any granted Petition, the BZA places any restrictions and/or limitations, I acknowledge that my failure to comply with such restrictions/limitations shall be grounds to revoke any granted Petition. The Petitioner acknowledges that it bears the obligation to mail notice of any Public Hearing to all property owners within 300 feet of the property that is the subject of this Petition. Any errors by the Petitioner may result in the Petition being delayed, denied or revoked.

Signature of Petitioner

Printed Name

Signature of Property Owner

Signature of Property Owner

Subscribed and sworn to before me, a Notary in and for said County and State, personally appeared: _____, and
acknowledge the execution of the foregoing document, this ____ day of _____, 20__.

NOTARY PUBLIC

My Commission Expires: _____
Resident of _____ County

Type or Print name of Notary

Affidavit of Consent of Property Owner

(To be presented with application for Board of Zoning Appeals)

_____, being dully sworn upon his/her oath, being of sound mind and legal age deposes and states:

1. That _____ (“Owner”) (is/are) the legal owner(s) of real property that is the subject of a Petition before the BZA.

2. That Owner authorizes _____ (“Petitioner”) to seek the relief sought in the Petition filed before the BZA. Petitioner is further authorized to commit to any reasonable restriction requested by the BZA or proposed by the Petitioner.

Property Owner

Date

Property Owner

Date

Subscribed and sworn to before me this ____ day of _____, 20_____.

Notary Public

My Commission:

Date

**NOTICE OF PUBLIC HEARING
CITY OF VALPARAISO BOARD OF ZONING APPEALS**

Dear Property Owner:

This letter is to notify that the City of Valparaiso Board of Zoning Appeals will conduct a public hearing on Petition Number _____ on the _____ day of _____, 20____ at 7:00 p.m. at Valparaiso City Hall, 166 Lincolnway, City Council Chambers, to consider a request for Board of Zoning Appeals action (insert action here)_____.

The petitioner for the requested action is _____ of the (address here) _____.

The property is located in the _____ Zoning District. The subject parcel is located at (Address or Location) _____ and includes the following tract of land:

Legal Description

(Please type the street address and legal description here or attaché to the letter)

You are sent this notice as a property owner within 300 feet of the parcel. Your view on this petition may be submitted in writing to the Planning Director, or you will be given an opportunity to be heard at the above-mentioned time of the Public Hearing. All interested parties are invited to attend. To review the petition and detailed site plans, please contact the Planning Department between 8:30 a.m. and 4:30 p.m. Monday through Friday.

Correspondence to:

Tyler Kent, Planning Director

City of Valparaiso

166 Lincolnway

Valparaiso, IN 46383

Phone: (219) 462-1161 Fax: (219) 464-4273

Email: tkent@valpo.us

(all electronic mail must include name, address, and telephone number)

Respectfully,

Petitioner

Petitioner

Petitioner

Petitioner

Affidavit of Proper Public Notice for Public Hearing

(To be presented to Board of Zoning Appeals staff or attorney at Public Hearing)

_____, being dully sworn upon his/her oath, being of sound mind and legal age deposes and states:

1. That he/she is the _____(agent, attorney, owner) of the property described in the attached notice which an application for a variance has been filed before the Board of Zoning Appeals of the City of Valparaiso, Indiana
2. That on the ____ day of _____, _____, did mail at least ten 10 (10) days prior to the scheduled Public Hearing postage paid, by certified mail, return receipt requested, a letter explaining the proposed change, time, date and place of hearing and attached hereto, to all of the property owners within three hundred (300) feet from the lot lines of described real estate, as follows.

(Please attach legal description)

List the name the address of all property owners who have received notification on page 10.

Petitioner

Date

Subscribed and sworn to before me this _____ day of _____, _____.

Notary Public

My Commission Expires

Date

Variance from Development Standards
Findings of Fact
(Please Print)

Petitioner submits that:

A. The proposed variance from the Development Standards will not be injurious to the public health, safety, morals, and general welfare of the community because: _____

B. The use and value of the area adjacent to the property included in the proposed variance will not be affected in a substantially adverse manner because: _____

C. The strict application of the terms of the zoning ordinance will result in particular difficulties in the use of the property included in the proposed variance because: _____

The Petitioner carries the burden of proving to the Board of Zoning Appeals the existence of each and every one of the elements listed above.

**Use Variance
Findings of Fact**
(Please Print)

Petitioner Submits that:

A. The proposed use variance will not be injurious to the public health, safety, morals, and general welfare of the community because: _____

B. The use and value of the area adjacent to the property included in the proposed variance will not be affected in a substantially adverse manner because: _____

C. The need for the use variance arises from the following condition peculiar to the property involved: _____

D. 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 because: _____

E. Approval of the proposed use variance does not interfere substantially with the comprehensive plan adopted by the City of Valparaiso because: _____

The petitioner carries the burden of proving to the Board of Zoning Appeals the existence of each element listed above.

**Special Exception/Special Use
Findings of Fact**
(Please Print)

Petitioner Submits that:

The variance will not generate excessive vehicular traffic on minor residential streets and will not create vehicular parking and traffic problems to the community because: _____

The appropriate access roads, drives, walks, utilities, drainage facilities, and other necessary facilities have been or will be installed explain: _____

The special exception/special use will make a substantial contribution to the neighborhood environment and will not infringe on the rights of properties in the vicinity of the expected use because: _____

The petitioner carries the burden of proving to the Board of Zoning Appeals the existence of each element listed above.

