



CITY OF VALPARAISO

Planning Department | 166 Lincolnway | Valparaiso, IN 46383 | (219) 462-1161

BOARD OF ZONING APPEALS APPLICATION PACKET

For Office Use Only:

CHECK #: _____ RECEIPT #: _____

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 seek the advice of an attorney before filing a petition. The Petitioner must provide a complete application, required fee, and all associated documents for the petition by the deadline. Late or incomplete petitions will be placed on the agenda for the following month. If you need help completing this form or would like a copy of the application in an alternative format, please call the Planning Department at (219) 462-1161.

2021 MEETING DATES & DEADLINES

The City of Valparaiso Board of Zoning Appeals meets at 5:30 PM, on the third Wednesday of each month at Valparaiso City Hall, 166 Lincolnway, Valparaiso, IN 46383, unless otherwise notified. You must file your petition no later than the close of business on the appropriate date listed below. The office hours of the City of Valparaiso Planning Department are from 8:30 AM to 4:30 PM, Monday through Friday.

APPLICATION DEADLINE	PUBLIC NOTICE DEADLINE	PROOFOFNOTICEDEADLINE	BZA MEETING DATE
December 23rd, 2020	<i>January 9th, 2021</i>	<i>January 13th</i>	January 20 th , 2021
January 22nd, 2021	<i>February 6th</i>	<i>February 10th</i>	February 17 th , 2021
February 12th, 2021	<i>March 6th</i>	<i>March 10th</i>	March 17 th , 2021
March 19th, 2021	<i>April 10th</i>	<i>April 14th</i>	April 21 st , 2021
April 16th, 2021	<i>May 8th</i>	<i>May 12th</i>	May 19 th , 2021
May 14th, 2021	<i>June 5th</i>	<i>June 9th</i>	June 16 th , 2021
June 18th, 2021	<i>July 10th</i>	<i>July 14th</i>	July 21 st , 2021
July 16th, 2021	<i>August 7th</i>	<i>August 11th</i>	August 18 th , 2021
August 13th, 2021	<i>September 4th</i>	<i>September 8th</i>	September 15 th , 2021
September 17th, 2021	<i>October 9th</i>	<i>October 13th</i>	October 20 th , 2021
October 15th, 2021	<i>November 6th</i>	<i>November 10th</i>	November 17 th , 2021
November 12th, 2021	<i>December 4th</i>	<i>December 8th</i>	December 15 th , 2021
December 17th, 2021	<i>January 8th</i>	<i>January 12th</i>	January 19 th , 2022

FILING PROCEDURE & PETITIONER CHECKLIST

All applications must be reviewed in a meeting with a planning staff prior to the filing of the petition. All relevant documents must be completed in their entirety either typed or written neatly in ink.

Step 1: Pre-Application Conference

At least one week prior to the intended filing of the petition, the petitioner must discuss the project with Planning staff to review requirements, submittals, procedures, deadlines, and hearings. Contact the Planning Department by phone at 219-462-1161 to speak with staff.

Step 2: Complete & Submit Application

Use the following checklist to assemble your application and contact the Planning Department with any questions.

- Completed Application & Checklist**
- Application Fee** – Submit fee with one completed copy of the application to the Clerk-Treasurers Office by 4:00 PM on or before the deadline. Meeting dates and deadlines are on p. 1 of this packet and the fee schedule is on p. 4.
- Affidavit of Consent of Property Owner** – Submit only if the applicant is *not* the property owner.
- Vicinity Map** – Provide a map identifying the subject property within the City of Valparaiso with major street labeled. At the very least, all parcels within 300’ of the subject property should be represented. You can find a vicinity map by using Google Maps or Beacon. If you need additional assistance finding a vicinity map, please contact the Planning Department.
- Site Plan/Concept Plan** – The site plan must show the entire layout of the property with all items related to the petition clearly shown. The site plan shall also include all present and proposed buildings, 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 proposed, on the property in question. If applying for a sign variance, please include images of the sign and the proposed location. If applying for a façade variance, please include clearly labeled elevations.
- Written Description of the Project** – Please provide a brief written description of the proposed project. The written description allows the public, the BZA, and planning staff to better understand the proposed project.
- Legal Description** – A legal description for the property must be included, either in the space provided or attached. The legal description can be found on the deed of the property or potentially within the recorded mortgage. The abbreviated version of the legal description on the property tax bill is sufficient if the full legal description is not readily available.
- Surrounding Property Owners List** – You must provide the names and addresses of all the property owners within 300 feet in all directions from the subject parcel, including those owned by the City, State, or other governmental unit. You can identify these property owners using [Porter County’s web map](#) following [instructions on the city website](#).
- Letter to Surrounding Property Owners** – You must prepare notice to property owners within a 300-foot radius of the project’s parcel boundaries. Complete your draft letter for planning staff review using the sample notice to surrounding property owners on p. 11 of this application. The notice must include the basic information as indicated in the sample, explaining the petition in clear, simple language. Also provide a site plan, map, and/or any illustrations that will help the surrounding property owners understand the petition.
- 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. Please complete the appropriate pages for the variance that is being requested.
 - If you are applying for *Development Standards Variance*, please complete “Variance from Development Standards Findings of Fact”.
 - If you are applying for a *Use Variance* or *Conditional Use*, please complete “Use Variance Findings of Fact”.
 - If you are applying for a *Special Exception/Special Use*, please complete “Special Exception/Special Use Findings of Fact”.
 - If you are applying for an *Administrative Appeal*, please fill out the sheet named “Administrative Appeal”.
- Supporting Documents** – Please include any additional documents such as images, plans, elevations etc. that will assist the Board of Zoning Appeals Members in reviewing your case.

Step 3: Staff Review Prior to Notification

- City staff will review the submitted application 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.

Step 4: Notify the Public

- Notification by Newspaper** - 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. **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 approvals or being removed from the requested Plan Commission meeting agenda. Following Indiana Code, the notice will appear once, a minimum of ten (10) days prior to the meeting date.
- Surrounding Property Owner Notification** - Once planning staff has reviewed your draft letter and surrounding property owner list to and finds it to be complete, you must send the letters out to all the property owners using either certified mail (green cards) or certificates of mailing (white slips) by the public notice deadline (p.1). If any property owner does not receive timely notice, your request may be denied, delayed, or potentially revoked at some later date. After mailing your notices, provide proof of notice to planning staff by the proof of notice deadline. Proof of notice may be copies or images of the green certified mail cards or white certificate of mailing slips postmarked by the public notice deadline.
- 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.
- Affidavit of Proper Public Notice** – Because adequate public notice is so important for all petitions requiring public hearings, in addition to providing proof of notice, the Petitioner must also submit a copy of the Affidavit of Proper Public Notice for Public Hearing (p.11) after letters to surrounding property owners are sent but before the Proof of Notice deadline.

Step 3: Public Hearing

- Planning Department Staff will distribute all petitioner exhibits to the Board and post supporting documents on the City of Valparaiso website one (1) week prior to the meeting date.
- Either the petitioner or a representative of the petition must be present at the public hearing to present the petition and address any relevant questions from the Board.
- The BZA will provide the public the opportunity to comment on the petition.

BZA APPLICATION FEES

Listed below are the application types and associated fees. Application fees must be submitted to the Clerk-Treasurers Office by no later than 4:00 PM on the day of the posted deadline, refer below, for the desired Board of Zoning Appeals meeting.

APPLICATION TYPE	APPLICATION FEE
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 TO VALPARAISO BOARD OF ZONING APPEALS:

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

- Use Variance
- Development Standards Variance
- Special Exception/Special Use
- Relief to Administrative Decision
- Conditional Use
- Wireless Communications Facility

<p><i>For Office Use Only:</i></p> <p>Petition #: _____</p> <p>Application Type: _____</p> <p>Application Filing Fee: _____</p> <p>Date Filed: ____/____/____</p> <p>Meeting: ____/____/____</p>

SUBJECT PROPERTY INFORMATION	TYPE OR PRINT IN INK
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<p>Property Address:</p> <div style="border: 1px solid black; height: 100px; width: 100%;"></div>	<p>Subject property fronts on the _____</p> <p>side between (streets) _____</p> <p>& _____</p> <p>Zoning District: _____</p>
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PETITIONER INFORMATION

<p>Applicant Name: _____</p> <p>Phone: _____</p> <p>Email: _____</p>	<p>Address:</p> <div style="border: 1px solid black; height: 150px; width: 100%;"></div>
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PROPERTY OWNER INFORMATION

<p>Applicant Name: _____</p> <p>Phone: _____</p> <p>Email: _____</p>	<p>Address:</p> <div style="border: 1px solid black; height: 150px; width: 100%;"></div>
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SECTIONS OF UDO FROM WHICH A VARIANCE, SPECIAL EXCEPTION OR ADMIN RELIEF IS SOUGHT:

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

LEGAL DESCRIPTION OF SUBJECT PROPERTY: (OR EXHIBIT NO. _____)

DESCRIPTION OF PROPOSED PROJECT: (OR EXHIBIT NO. _____)

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

Signature of Property Owner

Printed Name

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

SAMPLE NOTICE TO SURROUNDING PROPERTY OWNERS

Dear Property Owner:

I _____, owner or agent of the property at _____
_____ filed a petition with the Valparaiso Board of Zoning Appeals for:

The legal description of this parcel is:

Plainly speaking, I am asking the Valparaiso Board of Zoning Appeals to:

A site plan illustrating the petition is included with this letter.

The Board of Zoning Appeals will conduct a public hearing on this matter, Petition Number _____ on
_____20___ at 5:30 pm at Valparaiso City Hall, 166 Lincolnway in Council Chambers.

You are receiving this notice because you are a property owner within 300 feet of the parcel(s) under consideration. You may submit your view on this matter in writing to the Planning Director before the hearing date. Alternatively, interested persons desiring to present their views will be given the opportunity to be heard and view the public hearing live via the City of Valparaiso Website, In-Person at Valparaiso City Hall or by Web Conference at _____.

If you have questions about this petition or would like more information, please contact the City of Valparaiso Planning Department at planningdepartment@valpo.us .

Beth Shrader, Planning Director
Valparaiso City Hall
166 Lincolnway
Valparaiso, IN 46383

Phone: (219) 462-1161

e-mail: bshrader@valpo.us (all e-mails must include name, address, and telephone number)

Respectfully,

Petitioner

AFFIDAVIT OF PROPER PUBLIC NOTICE FOR PUBLIC HEARING

(To be presented to Planning Department via email after notices are mailed)

_____, being duly 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 _____, _____, at least ten 10 (10) days prior to the scheduled Public Hearing, did send by certified mail 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:

(Insert 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
Petitioner's Proposed Findings of Fact
(Please use fillable pdf, print neatly, or attach printed document.)

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 practical 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
Petitioner's Proposed Findings of Fact
(Please use fillable pdf, print neatly, or attach printed document.)

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:

- D. The need for the use variance arises from the following condition peculiar to the property involved, which is:

- E. 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:

- F. 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
Petitioner's Proposed Findings of Fact**
(Please use fillable pdf, print neatly, or attach printed document.)

Petitioner Submits that:

- A. The special use will not materially detract from the character of the immediate area or negatively affect the anticipated development or redevelopment trajectory because:

- B. There is no practicable alternative location where the use is permitted as-of-right within one-quarter mile of the parcel proposed for development, or, if such a location exists, the proposed location is more favorable in terms of providing a needed community service to a population that has limited mobility because:

- C. The approval of the special use will not create a critical mass of similar special uses that is likely to tend to discourage permitted uses by making the vicinity less desirable for them because:

- D. The special use is conducted in a manner that is not materially more disruptive to adjacent properties than other permitted uses in the district unless the special use is temporary and the duration of the use is limited to minimize the impact because:

(Include any proposed conditions of approval to ensure that this requirement is satisfied.)

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

Administrative Appeal

(Please use fillable pdf, print neatly, or attach printed document.)

Please submit in writing why staff has made an error on a decision.

Petitioner

Date