

What Are Your Rights As A Neighbor Invited To The Public Hearing?

You may submit written comments prior to the hearing. These are usually read into the minutes.

You may speak at the hearing either in favor or against the proposal. You may want to review the proposal with the Planning Office before outlining your concerns.

You have the right to appeal any decision by a Plan Commission or Board of Zoning Appeals (BZA) to the Courts. Most appeals need to be filed within 30 days after either a commission or board or legislative body (i.e. City Council) has made a decision.

If there is a lengthy agenda, the Board of Zoning Appeals may impose limits on the time the public is allowed to speak. The Planning office suggests having a spokesperson for your neighborhood to speak on behalf of the neighbors.

In accordance with IC 36-7-4-902 (g), a person may not communicate with any member of the BZA before the hearing with intent to influence the member's action on a matter pending before the board.

What Are The Procedures For A Public Hearing?

The chairperson of the commission or board hearing the proposal directs all public hearings, and will open the public hearing by reading the rules of procedure. Usually the rules include an opening presentation by the petitioner or representative describing the proposal in detail and how it complies with the current local standards.

Then the chairperson will open the floor to anyone in the public wishing to speak in favor of the proposal. Then the chairperson will open the floor to anyone in the public wishing to speak against the proposal or raise questions. The petitioner or representative will take down all questions and concerns from the public and will be given an opportunity to answer those questions or concerns.

If the petitioner or representative has not addressed all of the public's concerns or questions, the chairperson can request that the public repeat the questions or concerns. Once the chairperson is satisfied that all issues have been discussed, the public hearing may be closed, so the commission or board members may ask questions. Once the public hearing is closed, ONLY the board or commission members may ask questions.

What Happens After The Public Hearing Is Closed?

If the Plan Commission has made a decision on any proposal OTHER than subdividing land, the proposal goes to the local elected body, usually the City Council.

If a decision has been made the Board of Zoning Appeals, it is final unless an appeal is filed in the Courts.

If a decision has been tabled, the proposal is usually placed on the next agenda BUT neighbors are not notified again.

The commission or board can table a proposal and request additional information before a decision is made.

**A Public Hearing Is Required By
State Law For:**

- Ø *Annexations*
- Ø *Rezoning*s
- Ø *Special Exceptions*
- Ø *Variances*
- Ø *New Ordinances*
- Ø *Amendments to Plans, Zoning
Maps, and Ordinances*
- Ø *Primary Plats*
- Ø *Planned Unit Developments
(PUD)*

For More Information Contact:

Tyler Kent, Assistant Planner
Valparaiso City Hall
166 Lincolnway
Valparaiso, Indiana 46383
Phone: 219.462.1161
Fax: 219.464.4273
E-mail: Tkent@valpo.us

Home Page: www.valpo.us

Office Hours

Monday - Friday
8:30 AM - 4:30 PM

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