

TO: Petitioners
FROM: Town of Porter Board of Zoning Appeals
RE: Developmental Standards Variance Petitions

According to State Law, the Porter Board of Zoning Appeals may approve a Developmental Standards Variance ONLY if it is determined that:

- 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and**
- 2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and**
- 3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.**

ALL THREE CONDITIONS MUST BE MET FOR THE BZA TO GRANT A VARIANCE.

BZA _____ - _____

DATE _____

FEE \$ _____

TOWN OF PORTER APPLICATION FOR DEVELOPMENTAL STANDARDS VARIANCE

NOTE: APPLICATION MUST BE COMPLETED AND FILED WITH THE CLERK-TREASURERS OFFICE, 303 FRANKLIN STREET, PORTER, INDIANA, AT LEAST 10 DAYS PRIOR TO BOARD OF ZONING APPEALS MEETING AT WHICH THE BOARD IS TO CONSIDER SUCH APPLICATION. IF THE APPLICANT IS OTHER THAN THE OWNER OF THE PROPERTY, OWNER MUST ALSO SIGN THE APPLICATION, OR SUBMIT A LETTER AUTHORIZING APPLICANT TO ACT ON OWNERS BEHALF.

APPLICANT _____ PHONE _____

ADDRESS _____

PROPERTY OWNER _____ PHONE _____

OWNERS ADDRESS _____

GENERAL LOCATION OF SUBJECT
PROPERTY _____

LEGAL DESCRIPTION OF
PROPERTY _____

CONTAINING _____ ACRES CURRENT ZONING _____ DATE PURCHASED _____
(AREA)

DEVELOPMENTAL STANDARDS
VARIANCE REQUESTED _____

ORDINANCE
REQUIREMENT _____

PROPOSED USE _____

I AM REQUESTING THE DEVELOPMENTAL STANDARDS VARIANCE FOR THE FOLLOWING REASON _____

ATTACHMENTS: APPLICANT MUST SUBMIT TEN (10) COPIES OF THE LEGAL PLAT IN ACCORDANCE WITH THE REQUIREMENTS LISTED IN THE TOWN OF PORTER ZONING ORDINANCE.

SIGNATURE OF APPLICANT _____ DATE _____

**TOWN OF PORTER
LEGAL NOTICE**

BOARD OF ZONING APPEALS APPLICATION NO. _____

An application to request a **DEVELOPMENTAL STANDARDS VARIANCE** from the requirements of
Town of Porter Zoning Ordinance has been filed by:

(name of applicant)

Notice is hereby given that the Town of Porter, Porter County, Indiana will hold a public hearing
in the Porter Town Hall, 303 Franklin Street, at 5:30 p.m. on _____, 202__, to
consider the application filed. The application is requesting a **DEVELOPMENTAL STANDARDS
VARIANCE** from the requirements of the Zoning Ordinance as they affect the area bounded by:

(common description)

(name of subdivision)

consisting of _____ acres, located and legally described as follows:

(insert legal description here)

Anyone interested in the application may appear in person or by agent at the public hearing.
Written objections filed with the Board of Zoning Appeals Secretary before the hearing will be
considered. The hearing may be continued from time to time as may be found necessary. All
information concerning such application is on file in the Community Development Office, 303
Franklin Street, Porter, Indiana, 46304, for public examination.

NOTICE TO OWNERS OF AFFECTED PROPERTY

**BOARD OF ZONING APPEALS
TOWN OF PORTER**

(name of applicant)

(address)

Application Number _____ - _____

Notice is hereby given that at the regularly scheduled meeting of _____, 202__, at 5:30 p.m., at the Porter Town Hall, 303 Franklin Street, Porter, Indiana, the Board of Zoning Appeals will conduct a public hearing on the following application:

Anyone interested in the application may appear in person or by agent. Written objections, filed with the Board Secretary before the hearing, will be considered. The hearing may be continued from time to time as may be found necessary. All information concerning the application is on file in the Building Department Office, 303 Franklin, Porter, Indiana, 46304, for public examination.

(signature of applicant)

TOWN OF PORTER

**BOARD OF ZONING APPEALS
INSTRUCTIONS FOR FILING A
PETITION FOR A DEVELOPMENTAL STANDARDS VARIANCE**

1. Receiving a **DEVELOPMENTAL STANDARDS VARIANCE** on a parcel of land permits the owner to use that parcel in a way which would not be permitted otherwise. Each parcel in Town, based on how it is currently zoned, has rules about how high a building can be built, how close to a property line, how large the structure must be, etc. A request for a **DEVELOPMENTAL STANDARDS VARIANCE** is an attempt to get official permission to not follow the requirements. The list of requirements can be found in the Porter Zoning Ordinance at the Town Hall, 303 Franklin Street, Porter, Indiana, 46304.
2. An application for a **DEVELOPMENTAL STANDARDS VARIANCE** can be picked up at the Town Hall, 303 Franklin Street, Porter, Indiana, 46304. It must be filled out and brought back to the Town Hall, between the hours of 8:30 a.m. to 4:30 p.m., Monday through Friday, at least ten (10) calendar days before the date of the Board of Zoning Appeals meeting. The Board of Zoning Appeals (BZA) meets the 3rd Wednesday of each month at 5:30 p.m. at the Town Hall.
3. At the time the completed application is submitted to the Town Hall, an application fee, as determined by the Clerk-Treasurer, must be paid, and 10 copies of the application and all other documents shall be submitted. The receipt must be presented to the Board of Zoning Appeals at the first meeting.
4. The petition will be placed on the next regularly scheduled Board of Zoning Appeals Meeting. The person filing the petition must be present to explain their request for the **DEVELOPMENTAL STANDARDS VARIANCE** and why. If the person filing the petition is not the current owner of the property, he or she must be authorized in writing by affidavit to act on the owner's behalf.
5. At the meeting of the Board of Zoning Appeals where the request is first heard the members will ask questions and listen to the petitioner's explanation. The Board can either table the petition and ask for more information or they may schedule a public hearing for the next regular meeting.
6. State law requires that during each request for a **DEVELOPMENTAL STANDARDS VARIANCE**, a public hearing must be advertised and held at the Board of Zoning Appeals meeting to allow neighbors and other affected property owners to speak in favor or against the request.
7. The person filing the **DEVELOPMENTAL STANDARDS VARIANCE** petition is responsible for placing public notice in the local newspaper and notifying property owners of record contiguous to the subject property about the public hearing. The **NWI Times** is the required newspaper for publishing notice. A legal notice must be placed in that newspaper to appear at least ten (10) calendar days in advance of the public hearing. The petitioner shall also submit an electronic copy of the public notice to post on the Town of Porter website. A sample notice to be used is included in the **DEVELOPMENTAL STANDARDS VARIANCE** packet attached to these instructions.
8. The person filing the legal notice must request that the newspaper send them a Proof of Publication, showing evidence to the Board of Zoning Appeals that the notice did appear at least ten (10) days before the hearing. The Board of Zoning Appeals will ask for that proof before they will hear the petition at the public meeting.

9. The person filing the petition must give notice by certified mail to all property owners of record whose property is contiguous to the property which is the subject of the request. A list of those owners must be obtained by the petitioner from the Town. The notice of public hearing must be sent to these owners at least ten (10) calendar days before the date of the public hearing. A sample notice to property owners of record is attached to these instructions. The notice must be sent by certified mail with return receipt requested. A copy of the list obtained from the Town must be presented prior to the public hearing.

10. When the petitioner mails the notices, they will receive a white ticket showing each was mailed. When the owners receive their letter they are supposed to mail the attached green card back to the person who mailed them. The owners list and the white tickets (certified mail receipts) must be submitted to the Clerk-Treasurer's Office prior to the public hearing. The green cards, when received, will serve as proof that the public hearing was properly advertised in accordance with state law. Green cards received prior to the public hearing should be brought to the public hearing. Green cards received after the public hearing should be submitted to the Clerk-Treasurer's Office when they are received to be added to your file.

11. The Petitioner must continuously post a public notice sign for at least ten (10) calendar days immediately prior to the date of the public hearing. The sign and post is provided by the Town by visiting the Clerk-Treasurers Office. There is a charge for the sign and a deposit for the post, which is refundable when the post is returned. The sign must be placed in plain view and legible from the street fronting the property.

12. The Petitioner must complete the Findings of Fact included in the application packet, and submit this with the completed application.

13. The Board of Zoning Appeals will open the public hearing and ask if there is anyone wishing to speak in favor or against the request. It is strongly suggested that the person filing the petition should contact the nearby property owners of record and inform them of the request in order to minimize confusion and misunderstanding.

14. The Board of Zoning Appeals will either continue or close the public hearing. Continuing the public hearing to the next meeting usually means that more information from the public is needed before a decision can be made. Closing the public hearing means that the Board feels that they have heard enough from the public and they are ready to vote.

15. The Board of Zoning Appeals, by state law, will vote to approve or deny the petition. A majority of the whole five-member Board must vote the same way to constitute official action. In other words, three (3) members of the five (5) member Board must vote for either approval or denial for the motion to pass. The BZA action is final, and does not go before the Town Council or Plan Commission.

17. It is the duty of each Board member to inspect property and buildings, which are the subject of petitions before them. Upon the presentation of proper credentials, the petitioner agrees to allow entry into any building, structure, premises, or land, for the purpose of making inspections, at any reasonable hour.

I have carefully read these instructions and will abide by them.

Petitioner's signature _____ Date _____

**TOWN OF PORTER
ADVISORY BOARD OF ZONING APPEALS**

**FINDINGS AND DECISION ON PETITION FOR:
DEVELOPMENT STANDARDS VARIANCE**

Petition No. _____ Applicant Name: _____
Mailing Address: _____

Address or General Location of Subject Property: _____

Tax Parcel Identification Number of Subject Property: _____

Legal Description of Subject Property (insert below or attach as Exhibit A):

Variance(s) Requested: _____

Date Public Hearing Opened: _____ Date Public Hearing Closed: _____

FINDINGS OF FACT

THE TOWN OF PORTER ADVISORY BOARD OF ZONING APPEALS, HAVING CONSIDERED ALL MATTERS PRESENTED IN THE PUBLIC HEARING CONCERNING THIS APPLICATION, NOW FINDS AS FOLLOWS:

1. The Board finds that the DEVELOPMENT STANDARDS VARIANCE(S) requested WILL _____ WILL NOT _____ be injurious to the public health, safety, morals and general welfare BECAUSE of the facts shown, as follows:

2. The Board finds that the use and value of the area adjacent to the property included in the DEVELOPMENT STANDARDS VARIANCE(S) requested WILL _____ WILL NOT _____ be affected in a substantially adverse manner BECAUSE of the facts shown, as follows:

3. The Board finds that the strict application of the Town of Porter Zoning Ordinance WILL _____ WILL NOT _____ result in practical difficulties in the use of the property for which the variance is sought BECAUSE of the facts shown, as follows:

DECISION:

THE BOARD NOW GRANTS _____ REJECTS _____ the _____ above _____ requested DEVELOPMENT STANDARDS VARIANCE(S), SUBJECT TO THE CONDITIONS SPECIFIED BELOW, IF ANY.

THE BOARD FURTHER DECIDES THAT THE FOLLOWING CONDITIONS SHALL BE IMPOSED:

1. _____

2. _____

3. _____

Petition No. _____
Page 3 of 3

Date of Decision: _____

Duly adopted at a meeting of the Town of Porter Advisory Board of Zoning Appeals held on the above-identified date in the Porter Town Hall, Porter, Indiana.

**TOWN OF PORTER
ADVISORY BOARD OF ZONING APPEALS**

By: _____

Title: _____

Attest: _____

Title: _____

AFFIDAVIT

POSTING OF REQUIRED PUBLIC NOTICE SIGN

STATE OF INDIANA
TOWN OF PORTER

PETITION NO. _____

This _____ day of _____, 202__,

(Owner / Agent for Owner)
[circle one]

personally appeared before in my State and County aforesaid, who after being first duly sworn made oath before me that: above owner or agent of owner placed the officially designated public notice of hearing sign provided by the Town of Porter Clerk-Treasurer's Office, for a minimum of ten (10) consecutive calendar days immediately preceding the scheduled public hearing pertaining to the above referenced petition in plain view on the property which is the subject of the petition.

GIVEN UNDER MY HAND THIS _____ DAY OF _____, 202__.

AFFIANT

NOTARY PUBLIC

My commission expires: _____