

Special Exception Process

- Apply for a Building Permit with the Building Commissioner.
A copy of the rejected building permit will be forwarded to the Secretary of the Burns Harbor Board of Zoning Appeals/Plan Commission indicating the Special Exception, Use Variance or Development Standard Variance needed.
- Contact the Secretary to the Burns Harbor Board of Zoning Appeals/Plan Commission to obtain appropriate paperwork @ 219-241-4622 to set date for public hearing
- Preliminary Hearing at Board of Zoning Appeals
- Public Hearing at Board of Zoning Appeals

The following must be submitted to the BZA/Plan Commission Secretary, 1240 North Boo Road, Burns Harbor at least 10 days prior to the preliminary hearing.

Group all of the originals in one envelope marked “originals” and make 10 copies of the originals packet and staple each copy together

- Application**, notarized where indicated
- Completed Findings and Decisions or Special Exception Required Findings**, the petitioner must check will or will not on the form and provide reasons to support the choice, the BZA then agrees or disagrees. In the case of a Special Exception, it is required to explain in narrative form on a separate piece of paper how the eight (8) standards for compliance will be met.
- Rejected Building Permit/Letter from Building Commissioner**
- Deed to Property**
- Site Plan, drawn to scale**, showing both the existing improvements, if any, on the property, and the proposed improvements.
- Power of Attorney, if the petitioner is NOT the legal owner** of the property under petition, a notarized letter from the property owner indicating you are authorized to act as their agent for the purpose of this petition must be submitted. (Appendix E)
- Names and Addresses** of property owners within 300 feet of the property, and a **map** indicating where each is located in relation to the property
(Obtain the names and addresses of the property owners within 300 feet of the property involved in the petition by taking the legal description to the Porter County Assessor’s office at the County Administration Building in Valparaiso, IN or through a Title Company)
- Landscaping Plan**, where applicable
- Drainage Calculations**, where applicable.
- Any other relevant information**; pictures or exhibits.
- Filing Fee**, pay \$150.00 filing fee to the Clerk-Treasurer at the Town Hall and provide a copy of the receipt to the Secretary

The following must be completed and submitted to the BZA/Plan Commission Secretary, 1240 North Boo Road, Burns Harbor at least 10 days prior to the public hearing.

- Notice of Public Hearing**, published in the Chesterton Tribune at least 10 days prior to the public hearing and posted at the Town Hall, 1240 North Boo Road, Burns Harbor and at the convenience store on the SE corner of Hwy 149 and Hwy 20
*Notice must be sent to newspaper no later than the Wednesday prior to the 10 day requirement for public hearing
- Proof of Posting** for Notice of Public Hearing, notarized where indicated
- Submit** a copy of the paid receipt for the Notice of public hearing in the Chesterton Tribune
- Notify neighbors** within 300 feet by certified mail of the public hearing, submit all white and green cards from certified mailing to the Secretary

**Notice should not be posted at the Town Hall or sent to the Chesterton Tribune or neighbors within 300 feet notified until a public hearing date has been set by the Board of Zoning Appeals*

**BURNS HARBOR BOARD OF ZONING APPEALS
APPLICATION FOR A SPECIAL EXCEPTION**

Petition: 2010 - _____

Name of Applicant: _____ Phone: _____

Address of Applicant: _____

Name of Owner of premises involved: _____

General location of premises; street or road on _____
between road _____ and road _____

Explain the SPECIAL EXCEPTION applied for (from the Notice of Public Hearing):

Explain in detail why applicable zoning requirements CANNOT reasonably be complied with:

Explain in detail the exact nature of the use(s) you plan to conduct and any use(s) you would like to conduct in the future:

Applicant hereby agrees to pay the cost of the published legal notice of public hearing required by law – to have said notice published and to notify all owners within 300 feet distance from the applicant’s property lines. The above information, to my knowledge and belief, is true and correct, subject to penalty of perjury.

(Signature of Applicant)

STATE OF INDIANA, COUNTY OF PORTER SS:

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

(Signature of Notary Public)

My Commission expires: _____

SPECIAL EXCEPTION FINDINGS WORKSHEET

Petition: 2010 - _____

In order to grant the petition of _____

The Board of Zoning Appeals must find that:

1. The proposed use is one listed as a Special Exception for this district and in the case of a Residential Use, that the proposed use meets the standards of the district for which said use is a permitted use.
YES **NO**
2. The Special Exception has been subjected to the required review of the Plan Commission and that a recommendation of the Plan Commission has been forwarded to the BZA regarding the compliance of the Special Exception with the Comprehensive/Land Use Plan and Zoning Ordinance of the Town of Burns Harbor.
YES **NO**
3. The BZA finds before approving a Special Exception request that:
 - a. The standards of the district in which the special use is to be located and fulfilled; and,
 - b. The standards or other requirements of this section are fully complied with.**YES** **NO**

The following are the Standards upon which compliance shall be based:

1. The Special Exception shall be designed, constructed, operated and maintained in a manner harmonious with the character of the adjacent property and the surrounding area.
2. The Special Exception shall not inappropriately change the essential character of the surrounding area.
3. The Special Exception shall not interfere with the general enjoyment of the adjacent property.
4. The Special Exception shall represent an improvement to the use or character of the property under consideration and the surrounding area in general, yet also keeping with the natural environment of the site.
5. The Special Exception shall not be hazardous to the adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through excessive production of traffic, noise, smoke, odor, fumes or glare.
6. The Special Exception shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed Special Exception shall be able to continually provide adequately for the services and facilities deemed essential to the special use under consideration.
7. The Special Exception shall not place demands on public services and facilities in excess of available capacity.
8. The Special Exception shall be consistent with the intent and purpose of this Chapter and the objectives of any currently adopted Comprehensive Plan.

THE BOARD NOW DECIDES:

That said request BE AND IS GRANTED _____, and further decides that these condition(s) shall be imposed:

That the said request BE AND IS HEREBY DENIED____.

DATED: _____, 201__

BURNS HARBOR BOARD OF ZONING APPEALS

	YES		NO	
	YES		NO	
	YES		NO	
	YES		NO	
	YES		NO	

**NOTICE OF PUBLIC HEARING
BEFORE THE BURNS BOARD OF ZONING APPEALS**

Notice is hereby given that the Board of Zoning Appeals will hold a public hearing at the Town Hall, 1240 North Boo Road, Burns Harbor, Indiana 46304 on the insert date, and will hear the Petition of insert name requesting insert nature of petition in a insert zoning zone for the following described real estate in Burns Harbor, Indiana, to-wit:

Insert Legal Description

which property is commonly known as insert address.

A copy of the Petition is on file at the Office of the Burns Harbor Clerk-Treasurer, 1240 North Boo Road, Burns Harbor, Indiana, for examination by the public before the public hearing. Written objections to the Petition that are filed with the Board of Zoning Appeals Secretary prior to the hearing will be considered. Oral comments concerning the Petition will be heard at the public hearing. The hearing may be continued from time to time as may be found necessary. The hearing will begin at 7:00 p.m. or as soon thereafter as the agenda for the Board of Zoning Appeals will permit.

BURNS HARBOR BOARD OF ZONING APPEALS

PUBLICATION DATE: At least 10 days prior to meeting date. Publication is required one time only.

Proof of publication can be sent to the Town of Burns Harbor, 1240 North Boo Road, Burns Harbor, Indiana 46304 and insert Petitioner's home address.

Note to Petitioner: The Notice must be placed in a newspaper of general circulation within the Town at least ten (10) days prior to the meeting date. Petitioner is responsible for the cost of publication and is expected to bring a receipt for payment to the Public Hearing.

STATE OF INDIANA)
COUNTY OF PORTER)

SS:

PROOF OF POSTING

_____, being first duly sworn, deposes and says:

1. That as a representative of Petitioner _____ that affiant caused the Posting of a copy of the Notice of Public Hearing on the Petitioner’s Petition requesting a Special Exception, Use Variance, Development Standard Variance or Finding, a copy of which is labeled exhibit “A” and attached hereto and made a part hereof, in the following public places in the Town of Burns Harbor, Indiana, to wit:
 - a. The Town Hall building located at 1240 North Boo Road, and
 - b. The convenience store located at the southeast corner of Indiana 149 and U.S. 20

2. That said copies of said Legal Notice were duly posted on the _____ day of _____, 20 ____, and that to the best of my knowledge and information of the affiant, said Notices remained posted until the Public Hearing described therein was held on the _____ day of _____, 20 ____.

FURTHER AFFIANT SAYETH NOT.

(Signature)

(Printed Signature)

BEFORE ME, a Notary Public in and for said County and State, personally appeared _____ and acknowledges the execution of the foregoing Proof of Posting on this _____ day of _____, 20 ____.

(Signature of Notary Public)

(Printed Signature)

My Commission Expires: _____

Resident of _____ County

NAMES & ADDRESSES

- LIST THE NAMES & ADDRESSES OF ALL OWNERS OF PROPERTY WITHIN 300 FEET DISTANCE FROM THE PROPERTY.

NAME: _____

ADDRESS: _____

NAME: _____

ADDRESS: _____

NAME: _____

ADDRESS: _____

NAME: _____

ADDRESS: _____

NAME: _____

ADDRESS: _____

NAME: _____

ADDRESS: _____

NAME: _____

ADDRESS: _____

NAME: _____

ADDRESS: _____

NAME: _____

ADDRESS: _____

NAME: _____

ADDRESS: _____

NAME: _____

ADDRESS: _____

NAME: _____

ADDRESS: _____

FORM OF NOTICE TO PROPERTY OWNERS WITHIN 300 FEET

DATE _____

Mr. and Mrs. _____
(Name)

(Street)

(Town, State, Zip)

Dear Mr. and Mrs. _____ :

We are the owners of the following described real estate in the Town of Burns Harbor, Indiana, to-wit:

(insert legal description)

Commonly known as (insert address or general location of property.)

We have submitted a Petition to the Board of Zoning Appeals for:
(insert the type of petition and the action requested to be taken by the Board of Zoning Appeals) for the above-described property.

The Board of Zoning Appeals has set our Petition for public hearing on (insert date) at 7 o'clock p.m. at the Burns Harbor Town Hall, 1240 North Boo Road, Burns Harbor, Indiana.

You are invited to be present for said hearing and to direct your comments to the Board of Zoning Appeals concerning this application or to submit your comments to the Board of Zoning Appeals in writing prior to the hearing.

Very truly yours,

(Petitioner's signature)

APPENDIX - E

** This form is to be used in the event a person who will be appearing in front of the BZA or Plan Commission does not have legal title, or is not an equitable owner of the property in question. The owner of the real estate must sign the Power of Attorney authorizing the person appearing before the Board to act with proper authority on the owner's behalf in presenting the petition.

STATE OF INDIANA

SS:

COUNTY OF _____

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that I, _____ (insert name of property owner), a resident of _____ County, State of _____, have made, constituted and appointed, and by these presents do make, constitute and appoint _____ (insert name of appointee) of _____ County, State of _____, my true and lawful attorney, for me and in my name, to do the following:

1. Act for me and in my behalf in connection with a petition before the _____ (Town of Burns Harbor Board of Zoning Appeals or Town of Burns Harbor Advisory Plan Commission) concerning property located at _____ (insert address), Burns Harbor, Porter County, Indiana, legally described as follows:

(Insert legal description)

2. Accept conditions on any variance(s) sought by the petition and make written commitments concerning the use of the real estate in the event that a variance (or variances) is granted.

IN WITNESS WHEREOF, I have hereunto set my hand this ____ day of _____, 20__.

(Signature of property owner)

STATE OF INDIANA

SS:

COUNTY OF PORTER

Before me, the undersigned, a Notary Public in the aforesaid county and state this ____ day of _____, 20____, personally appeared _____ (name), and acknowledged the execution of the foregoing instrument.

WITNESS my hand and Notarial Seal.

, Notary Public

(Print name)

My commission expires: _____
Resident of _____ County