

Informational Packet
Long Beach Advisory Board of Zoning Appeals¹

This packet has been developed for the use of any persons who wish to petition the Long Beach Advisory Board of Zoning Appeals (BZA). This packet includes: a.) BZA Rules, b.) BZA Forms, c.) Petitioner's Assistance Guide. It is the responsibility of the petitioner to complete the entire petition, including all appropriate Findings and Decision forms. It is also the duty of the petitioner to include all supporting documentation required. Please note that the BZA may request additional documentation or information in order to make its decision. The BZA also has the right to delay the process in order to gather additional information and may do so at its discretion.

Failure to submit a complete Petition and all forms required will
result in the delay of your hearing.

The BZA regularly meets
on the Second Tuesday of the Month at 7:00 p.m.

You must read this packet in its entirety PRIOR to beginning to fill out paperwork.

Please note that it is not the responsibility of the Building Commissioner, the Office of the Clerk-Treasurer, the BZA, or its Secretary to prepare your submission.

¹ Last Revised 11/8/2016

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Petitioner's Assistance Guide

The BZA is a quasi-judicial body that provides a forum through which property owners can seek relief from the Long Beach Zoning and Subdivision Ordinance or a decision by certain Long Beach officials, charged with enforcing this ordinance. Further, the BZA functions to give greater assurance that zoning is fair and equitable, that it is properly interpreted, and that it does not cause undue hardship. In general, the BZA's duties fall into three major categories: (1) appeals of administrative decisions; (2) the granting of special exceptions, special uses, contingent uses or conditional uses; and (3) the granting of variances.

The rules and regulations adopted by this BZA, and that governs procedures and meetings, are contained in this packet.

Please note that the decisions of the BZA are in regard to the laws and ordinances in place. Therefore, it is necessary that the BZA conduct its business in a fair and legally correct manner.

Who Can Request a Variance

A person can become a petitioner if they are the legal OR equitable owner of the real estate for which the variance is being sought. If a person does not hold legal title (for instance, the property is being leased, or is part of a purchase agreement), then the party who currently holds legal title is the only one who can become a petitioner. Equitable title means that a person is purchasing the property on an installment land contract, where a deed is being held in escrow, which will be released to the purchaser when final payment of the contract is made. Proof of legal title, a deed for legal owners of property or a copy of the installment contract in the case of equitable ownership, is required as part of the submission of a petition. If the person who will be appearing in front of the BZA does not have legal title (or is not an equitable owner as noted above) to the property in question, the owner of the real estate must sign the petition and the person appearing before the BZA must have a Power of Attorney from the owner investing in them the authority to act on the owner's behalf in presenting the petition, accepting conditions of any a variance(s), and making written commitments concerning the use of the real estate in the event that a variance(s) is granted.

Variances and Appeals

Variances are relief from the strict application of the Long Beach Zoning and Subdivision Ordinance. Variances are not automatically granted. Administrative Appeals are heard by the BZA.

There are four (4) general categories of variances:

1. **Development Standard Variances** - These are relief from the strict application of the Long Beach Zoning and Subdivision Ordinance Examples could include:
 - Structures that do not fall within required setbacks;
 - Structures that exceed height requirements;
 - Signs that exceed height or size requirements;
 - Cul de sacs which exceed maximum allowable length;

- Structures that have less than the minimum number of parking spaces;

as well as others.

2. **Use Variances** - These variances are relief from strict application of Long Beach Zoning and Subdivision Ordinance, Article V, Section 505 (Permitted Uses.) Examples could include:

- Business use in a residentially zoned area;
- Multi-family housing in an R-1 zone;

as well as others.

3. **Special Exceptions** - These are only where specifically allowed in Table A of Section 505 (Permitted Uses) of the Long Beach Zoning and Subdivision Ordinance. There shall be no cases or application therefore not any particular situation in which this Ordinance authorizes special exceptions without the approval of the BZA. Further, no previous application shall set a precedent for any other applications before the BZA. Examples could include:

- Recreational Business use in a residentially zoned area;
- Bank machines and drive-throughs in business zoned area;
- Nursing homes and retirement villages in residential business districts

as well as others.

4. **Administrative Decision Appeals** are used to review any order, requirement, decision, or determination made by the Building Commission or other administrative official charged with the enforcement of the Long Beach Zoning and Subdivision Ordinance. Examples could be:

- To review the Building Commissioner's denial of a building or occupancy permit;
- To review the Building Commissioner's interpretation of a zoning ordinance;

as well as others.

The BZA may impose such reasonable conditions upon approval of variances, special exceptions, conditional uses, and home occupations as it deems necessary in order that the findings of fact it makes will be served.

The BZA may permit or require the owner of a parcel of property to make written commitments concerning the use or development of the property as specified under I.C. 36-7-4-921, as the same shall be amended from time to time. A commitment may be modified or terminated only by a decision of the BZA made at a public hearing after notice as provided herein.

A use authorized by any special exception may not be expanded, extended or enlarged unless authorized by the BZA under the procedures for granting a special exception.

A special exception granted for a specific use ceases to be authorized and is void if that use is not established within a 12-month period of the date the special exception was granted, or if that use is discontinued at that site for a six (6) month period which time is not succeeded by the same use specifically authorized as a special exception.

The application for a special exception and the steps to petition for one, including a preliminary and public hearing, shall be the same as those for a variance.

A variance or special exception granted by the BZA may be terminated by the BZA on its own motion or upon the filing of an application therefore by an interested person or a member of the staff or Plan Commission and, upon a finding made at a public hearing with 10 days' notice given to the property owner for which the variance or special exception was given, that the terms of this Ordinance or conditions of approval or written commitments have not been complied with.

General Outline of the Process of Petitioning the BZA

The process is generally outlined as follows:

1. A petitioner submits a completed petition to the Clerk-Treasurer, along with the filing fee. This must be in the Office of the Clerk-Treasurer no later than 10:00 a.m. on the Tuesday, 14 days prior to the next regular meeting of the BZA.
2. The Secretary will set the Preliminary Hearing.
3. At the Preliminary Hearing, the BZA will review the petition for completeness. It may request that the Petitioner explain the reason for the request and it may suggest additional information be provided. If the BZA decides that the petition is not in order, it may instruct the Petitioner to make corrections and return to the BZA at a later time. Any corrections or amendments to the Petitioner's documents must be submitted by Petitioner to the Clerk-Treasurer no later than 10:00 a.m. fourteen (14) days prior to the date of a regular scheduled meeting of the BZA.

If the BZA decides that the petition is in order and complete, the BZA will set the matter for Public Hearing.

4. The petitioner is required to notify property owners (the format for this notification is included in this packet) within 300 feet of the subject property at least 14 days before the Public Hearing. Proof of Notification of the property owners within 300 feet must be submitted to the Office of the Clerk-Treasurer by Monday of the week of the intended Public Hearing. Petitioner must also post an On-Site Notice Sign in a conspicuous location along the street frontage on the subject property at least 21 days prior to the public hearing. Petitioner shall also complete an Affidavit of Posting of On-Site Notice Sign (BZA 15) and turn the Affidavit in to the Clerk-Treasurer by Monday of the week of

the Public Hearing

Failure to complete these requirements will result in a delay of the Public Hearing.

(The required format for this notification is included in this packet. No deviation from this notification requirement can be allowed.)

5. The Secretary will publish the notice of the Public Hearing in the newspaper that the Town of Long Beach has chosen, and the Petitioner will be billed for the cost. The Petitioner must provide proof of payment of publication prior to the opening of the Public Hearing.
6. If all requirements have been met, the Public Hearing will be opened by the BZA Chairman. The Public Hearing is a formal proceeding, and as such it will follow a prescribed sequence. The sequence is described later in this packet.
7. The BZA may decide to: grant the variance(s) requested, deny the request for variance(s), rewrite the Findings and Decision for the variance(s), or continue the hearing. Hearings may be continued as often as deemed necessary by the BZA.

Rules of Practice & Procedure

LONG BEACH ADVISORY BOARD OF ZONING APPEALS

ARTICLE I (Meetings)

1. The regular meeting of the Long Beach Advisory Board of Zoning Appeals (hereinafter referred to as BZA) shall be the second Tuesday of each month at 7:00 p.m., where there is business pending before the Board, unless otherwise announced by the Chairman at the last preceding regular meeting. If it appears that the public hearings will be lengthy, the BZA can have an extra meeting that month to accommodate the heavy agenda, which will be held on a date set by the BZA at its regular meeting. The rules that govern the BZA will govern the BZA during the extra meeting as well, and the paperwork must be submitted at the same time as the deadline for the regular Tuesday meeting.
2. Special meetings of the BZA may be called by the Chairman or by two (2) members upon written request to the Secretary. The Secretary shall send to all the members and press entitled to notice, at least two (2) days in advance of a special meeting, a written notice fixing the time and place of the meeting.

Petitioner may request a special meeting of the BZA. If granted, the Petitioner is required to bear the cost of the special meeting, which is \$900.00.

Written notice of a special meeting is not required if the time of the special meeting has been fixed in a regular meeting, or if all members are present at the regular meeting.

3. Emergency meetings may be called by the Chairman or Secretary giving notice as provided in I.C. 5-14-1-5-5.
4. A majority of the members shall constitute a quorum. No action of the Board is official, however, unless authorized by a majority of the BZA at a regular or properly called special meeting.
5. Decisions of the BZA shall be by voice vote of the members. Upon request of any member of the BZA, any vote shall be taken by written ballot, signed by voting, and the read aloud by the Secretary. All members present shall vote on every question unless they disqualify themselves or are excused from voting by a majority of the members present.
6. The Secretary of the BZA shall record and keep the official minutes of all proceeding showing the vote of each member, on each member, on each question presented, or indicating that the member is absent or not voting.
7. The Secretary of BZA or in his/her absence a Secretary pro tem appointed by the Chairman or presiding officer shall keep the official minutes of all proceedings, which shall include:
 - i. Date time and place of meeting,
 - ii. The members present and absent;
 - iii. The general substance of all matters proposed, discussed or decided; and
 - iv. A record of all votes taken, by individual members if there is a roll call. The Secretary shall submit the minutes of the previous meetings to the next regular meeting of the BZA for approval. When approved the record shall be signed by the Chairman and attested by the Secretary. Once approved the minutes shall be filed with the Office of the Clerk-Treasurer of the Town of Long Beach and shall be open to the public for inspection and copying.
8. A member of the BZA may not participate in a hearing or decision of the BZA concerning a matter in which he has a direct or indirect financial interest or for other reasons brought to the attention of the BZA and which disqualification is approved by the BZA. The BZA shall enter in its records the fact that a regular member has such a

disqualification and the name of the alternate member, if any, who participates in the hearing or decision. Said alternate member, if any, shall be appointed by the authority of the appointing body of the regular member who has been disqualified. Communication with BZA members before the BZA is prohibited. However, the Staff may file with the BZA a written statement setting forth any facts or opinions relating to the matter.

ARTICLE II
(Officers and Employees)

1. At its first regular meeting following the first day of January, the BZA shall elect from its member a Chairman and Vice Chairman.
2. The Vice Chairman shall have the authority to act as Chairman of the BZA during the absence, disability or resignation of the Chairman. In the case of resignation, the new Chairman shall be elected from the membership and shall file the unexpired term of such departing Chairman.
3. The BZA may appoint and fix the compensation of a Secretary and such employees necessary to the discharge of the duties and responsibilities of the BZA. Such compensation shall conform to and comply with the compensation and salaries theretofore fixed by the Long Beach Town Council.

ARTICLE III
(Hearings)

1. The BZA shall hear and determine appeals from and review any order, requirement, decision or determination made by an Administrative Official or Staff member made in relation to the enforcement of the Long Beach Zoning Ordinance or Subdivision Ordinance and the enforcement of building and occupancy permits as adopted under I.C. 36-7 and all Sections therein applicable. A separate appeal shall be filed for each order, requirement, decision, or determination being challenged. A preliminary and public hearing in accordance with these Rules is required for petitions pursuant to this paragraph.
2. In exercising its powers, the BZA may reverse or affirm, wholly or partly, or may modify any order, requirement, decision or determination appealed from as in its opinion ought to be done in the premises and to that end shall have all the powers from whom the appeal is taken.
3. A petitioner seeking the relief outlined in Section I above must file a petition with the Office of the Clerk-Treasurer no later than 10:00 a.m. on the Tuesday, 14 days prior to the next regular meeting date, such petition to be forthwith forwarded by said Clerk-

Treasurer to the Secretary of the BZA.

4. A separate petition shall be required for each lot in which a petitioner is seeking a variance. When we use the term “lot,” we are utilizing the definition of lot as found in Article II - Definitions of the Long Beach Zoning and Subdivision Ordinance, which is a “parcel of land occupied or to be occupied by one (1) principal structure and its accessory buildings with such open spaces and off-street parking spaces as are required by the provision of this Ordinance and having frontage on a public street.
5. The BZA shall also approve or deny all variances of use variances, development standard variances and special exceptions. A petitioner seeking the relief outlined in this paragraph must file a petition BZA 1 for variances and BZA 2 for special exceptions with the Office of the Clerk-Treasurer no later than 10:00 a.m. on the Tuesday, 14 days prior to the next regular meeting of the Board, such petition to be immediately forwarded by said Clerk-Treasurer to the Secretary of the BZA.
6. The Secretary of the BZA shall forward one copy of each petition filed with the BZA to the Long Beach Building Commission for review by the Building Commission. A representative of the Building Commission shall attend each BZA meeting. Further, a representative of the Building Commission shall provide written comments on each petition to the Secretary of the BZA at least 5 days prior to the public hearing on each petition. The Secretary shall forward said comments to each BZA member.
7. Such petitions must be filed with the Office of the Clerk-Treasurer and the Secretary no later than 10:00 a.m. on the Tuesday, 14 days prior to the next regular meeting of the BZA. Petitions filed too late to comply with this Section shall be heard at the next succeeding regular meeting of the BZA. However, the BZA may waive the requirements of this section by a unanimous vote of the members present, upon showing that an emergency exists. The purpose of this section is to enable the members to examine and study the pending appeals and to conduct any investigation deemed advisable.
8. A non-refundable filing fee shall accompany all such petitions, as follows:

Development Standard Variance

Residential	\$200.00
Business	\$300.00

Use Variance

Residential	\$200.00
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Business	\$300.00
Administrative Review	
Residential	\$200.00
Business	\$300.00
Special Exception.....	\$200.00
Special Meeting	\$900.00

To help defray the administrative and investigative expenses of the BZA. Petitioner shall bear all costs of publication and notification that is required by the Board of Zoning Appeals.

9. When the Petition is filed with the Office of the Clerk-Treasurer, the Petitioner shall also file with the Clerk-Treasurer at the Town Hall proposed Findings and Decision for the immediate forwarding to the Secretary of the BZA. Samples of the Findings and Decision forms are attached to these Rules and are marked “BZA 8, BZA 9, and BZA 10.”
10. At least 14 days prior to the date set for public hearing, the BZA Secretary shall publish in a newspaper of general circulation in the Town, a notice of the time and place of the hearing. Petitioner is required to pay for such publication, and provide proof of payment of publication prior to having a public hearing.
11. At least 14 days prior to the date set for public hearing, the petitioner shall notify the owner(s) of all real estate within a radius of three hundred (300) feet of the affected property of the date of hearing and the substance of the appeal by certified mail with return receipt requested (See BZA 4 or BZA 5) or by hand-carried forms with the same information and a place for signature of property owner(s) (See BZA 6 or BZA 7) to acknowledge receipt. These receipts and/or forms are to be turned into the Clerk-Treasurer by Monday of the week of the Public Hearing for forwarding to the BZA Secretary.
12. At least 21 days prior to the date set for Public Hearing for developmental standard and use variance, Petitioner must post an On-Site Notice Sign in a conspicuous location along the street frontage of the Subject Property. The sign must remain posted until the conclusion of the Public Hearing. The sign shall be obtained from the Clerk-Treasurer for a \$20.00 non-refundable fee for each sign. Petitioner shall also complete an Affidavit of Posting of On-Site Notice Sign (BZA 15) and turn the Affidavit in to the Clerk-Treasurer by Monday of the week of the Public Hearing for forwarding to the BZA

Secretary.

13. If the BZA finds that a petition is in good order with sufficient information, it will set a time and place for holding a public hearing and announce same publicly.

ARTICLE IV (Agenda)

1. Each case to be presented before the BZA shall be filed in proper form with the required date, shall be numbered serially, and placed on the docket of the BZA. The docket numbers shall include the year and begin anew on January 1st of each year.
2. As soon as the case receives a docket number, it shall be placed upon the Agenda of the BZA and a date set for preliminary hearing.
3. Cases shall become before the BZA in the regular order of their consecutive numbers unless otherwise ordered by the BZA, or hereinafter otherwise provided.

ARTICLE V (Conduct of Hearing)

1. At a public hearing before the BZA, the presentation of a case by the Petitioner should, in most situations, take no more than five (5) minutes to address all pertinent facts necessary for the BZA to decide this matter. Those who oppose the petitioner shall follow, after which Petitioner shall have (5) minutes for rebuttal. To maintain orderly procedure, each side shall proceed without interruption by the other. Each speaker shall have three (3) minutes to speak, and shall speak only once. Each speaker shall address the Chair and be recognized before speaking. If a person has submitted comments in writing to the BZA in support of or in opposition to the Petition, the Chairman will read them into the record.
2. In the presentation of a case, the burden shall be upon the Petitioner to supply all information, including charts, scaled plats, accurate diagrams, and other exhibits necessary for a clear understanding of the problem. The BZA may continue the hearing when in its judgment the Petitioner has not provided sufficient evidence and information on which to make a determination.
3. A Use Variance from the terms of the Long Beach Zoning Ordinance may be approved by the BZA only upon a determination in writing that:
 - a) The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and

- b) Use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
 - c) The need for the variance arises from some condition peculiar to the property involved; and
 - d) The strict application of the terms of this ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
 - e) the approval does not interfere substantially with the Comprehensive Plan adopted under the 500 series of I.C. 36-7-4.
4. A Development Standards Variance for the Long Beach Zoning Ordinance or Subdivision Ordinance may be approved by the BZA only upon a determination in writing that:
- a) The approval will not be injurious to the public health, safety, morals and general welfare of the community; and
 - b) Use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
 - c) The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.
5. A special Exception from the Long Beach Zoning Ordinance may be approved only where specifically allowed in the Zoning Ordinance of this ordinance. There shall be no cases or application therefore nor any particular situation in which this ordinance authorizes special exceptions without the approval of the BZA. Further, no previous application shall set a precedent for any other applications before the BZA. The BZA may grant a special exception for a use in a zoning district, if, after a public hearing, it makes findings of facts in writing, that;
- a) the requirements and development standards for the requested use as prescribed in this Ordinance will be met; and
 - b) the special exception shall be designed so that it can be constructed, operated, and maintained in a manner harmonious with the character of adjacent property in the surrounding area; and
 - c) the special exception shall not inappropriately change the essential character of the surrounding area; and
 - d) the special exception shall not interfere with the general enjoyment of adjacent property; and
 - e) the special exception shall represent an improvement to the use or character of the property under consideration and the surrounding area in general, it shall also be in keeping with the natural environment of the site; and
 - f) the special exception shall not be hazardous to adjacent properties, or involve

uses, activities, materials or equipment which would be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes or glare.

6. In the presentation of the case, the burden of proof as to the items in Sections 3, 4 and 5 above, (whichever is applicable), shall be upon the petitioner. The facts supporting said petitioner's burden shall be stated by him in the proposed Findings and Decisions on the applicable form.
7. Every person appearing before the BZA shall abide by the order and directions of the Chairman. Discourteous, disorderly or contemptuous conduct shall be regarded as a breach of the privileges of the BZA and shall be dealt with as the BZA directs.
8. The BZA, at its discretion, may continue or postpone the hearings of any case upon an affirmative vote of a majority of the members present.

ARTICLE VI (Final Deposition of Cases)

1. The final disposition of any case shall be in the form of an order setting forth the findings and determination of the BZA together with any modification, specification, or limitation, which it makes. The BZA may also impose reasonable conditions as part of its approval. In addition to reasonable conditions as aforementioned, the BZA may require the owner of a parcel of property to make a written commitment concerning the use or development of that parcel as set forth in Article VII.
2. The BZA may dismiss a case for want of prosecution or lack of jurisdiction. When a petitioner has failed to appear at two (2) consecutive meetings, the case shall be dismissed for want of prosecution.
3. A petitioner may not withdraw a case after a roll call vote has been ordered by the Chairman.
4. A case, which has been withdrawn by the petitioner, shall not be again placed on the docket within a period of three (3) months after the date of withdrawal.
5. A case, which has been decided adversely to the petitioner, shall not again be placed upon the docket for a period of one (1) year from the date of the decision.

ARTICLE VII (Written Commitments)

1. The BZA, in its discretion, may impose reasonable conditions as a part of its approval of any petition. In the event of a violation of the reasonable conditions imposed by the BZA, the BZA may take any action it deems necessary including, but not limited to, revoking any variance granted that contained reasonable conditions that are violated by the petitioner. Prior to revoking any variance for violation of reasonable conditions imposed by the BZA, the BZA shall give written notice to the petitioner at his/her last known address advising the petitioner of the allegation concerning the reasonable conditions and giving the petitioner notice of the time and place of a meeting at which the BZA will consider this matter.
2. In the case of any approval by the BZA, it may permit or require the owner of a parcel of property to make a written commitment(s) concerning the use or development of that parcel.
3. The written commitments shall be in typewritten form and subject to the approval of the BZA's attorney.
4. The written commitments shall take effect upon the approval of the special exception, standards development or use variance.
5. Unless modified or terminated by the BZA, a commitment is binding upon;
 - a) the owner of the parcel;
 - b) a subsequent owner of the parcel; and,
 - c) a person who acquires an interest in the parcel.
6. A written commitment may be modified or terminated only by a decision of the BZA made at a public hearing after 10 days' notice has been given by the BZA to the petitioner of said public hearing. No other notice is required with the exception of the legal publication that is required pursuant to Indiana law for public hearing.

ARTICLE VIII

(Termination or Revocation of Variance of Special Exception)

1. A variance of special exception granted by the BZA may be terminated by the BZA on its own motion or upon the filing of an application therefore by an interested person or a member of the Staff or Plan Commission and, upon finding made at a public hearing with 10 days' notice given to the property owner for which the variance of special exception was given, that the terms of this Ordinance or conditions of approval or written commitments have not been complied with.

The revised Rules of Practice and Procedure of the Long Beach Advisory Board of

Zoning Appeals were approved by the affirmative vote of 5 members of said BZA at the regular meeting of the Board held on November 8, 2016.

_____/s/Michael Gorman_____
Chairman, Long Beach
Advisory Board of Zoning Appeals

ATTEST:

_____/s/ Margaret Collins_____
Secretary, Long Beach
Advisory Board of Zoning Appeals

NOTE:

- **An information packet for the Long Beach Advisory Board of Zoning Appeals has been adopted as part of the general overview and appropriate forms that must be used for petitions before the BZA. A complete information packet, as may be amended from time to time, is available in the Office of the Clerk-Treasurer. The BZA informational packet includes the Rules of Practice and Procedures, information designed to assist petitioner before the BZA, and the forms and checklists.**

Public Hearing

The Public Hearing is judicial in nature and as such, it is conducted in a formal manner. The general format is as follows:

1. If all requirements are met, the Chairman will declare the Public Hearing open.
2. The Petitioner will be called to state his/her case. Only the Petitioner is allowed to speak. The Petitioner will be given five (5) minutes (longer if absolutely necessary) to complete his/her presentation.
3. The Chairman will call for persons who wish to speak in support of the Petition. Each will be given three minutes to speak. All should state their name and their home address, and should address their comments and questions to the BZA.

4. The Chairman will call for persons who wish to speak in opposition to the Petition. Each will be given three minutes to speak. All should state their name and address, and should address their comments and questions to the BZA.
5. The Petitioner will be called to rebut comments made by those in opposition. Comments should be addressed to the BZA.
6. The Chairman will declare the Public Comment portion of the meeting closed.
7. The Chairman will call for comments from the Building Commission Representative.
8. The Chairman will call for discussion from the BZA.
8. The BZA will then vote to continue the Public Hearing, grant the Petition, or deny the Petition.

Findings and Decision Forms - Recommendations

It is the Petitioner's responsibility to provide facts to support his/her case before the BZA. This is done formally by using the Findings and Decision Form(s). The Findings and Decision are addressed at the Public Hearing. Information gathered at the Public Hearing can supplement these Findings. The BZA can: accept the Findings and Decisions as the BZA's own and grant the petition, or the BZA can present its own Findings and Decision and deny the Petition. Written Findings and Decision are required by the State of Indiana.

This is the most important part of the Petition submission. It must logically spell out the Petitioner's argument. It is important that the petitioner keep in mind the things that the BZA will be using to judge the petition.

To grant a Use Variance, the BZA must find the following:

1. That the variance will not be injurious to the public health, safety, morals and general welfare;
2. That the variance will not affect the use and value of adjacent property in a substantially adverse manner;
3. That the need for the variance does arise from some condition peculiar to the property involved;

4. That the strict application of the Long Beach Zoning and Subdivision Ordinance will constitute an unnecessary hardship if applied to property; and,
5. That the approval does not interfere substantially with the Comprehensive Plan adopted by the Town of Long Beach.

To grant a Development Standard Variance, the BZA must find the following:

1. That the variance will not be injurious to public health, safety, morals and general welfare;
2. That the variance will not affect the use and value of adjacent property in a substantially adverse manner; and,
3. That the strict application of the Long Beach Zoning and Subdivision Ordinance will result in practical difficulties in the use of the property for which the variance is sought.

To grant a Special Exception, the BZA must find the following:

1. That the special exception requirements for the requested use have been met;
2. That the special exception will be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property;
3. That the special exception will not inappropriately change the essential character of the surrounding area;
4. That the special exception will not interfere with the general enjoyment of adjacent property;
5. That the special exception does represent an improvement to the use or character of the property under consideration and the surrounding area in general; and,
6. That the special exception is not hazardous to adjacent properties and does not involve uses, activities, materials or equipment which may be detrimental to the health, safety or welfare of person or property through the excessive production of traffic, noise, smoke odor, fumes or glare.

For each of the listing findings set forth above, the petitioner must supply facts that support that finding. If the petitioner does not present facts to the BZA to substantiate each and every finding

for the variance requested under Indiana law the BZA must reject the variance.

(Please refer to this section when completing the Findings and Decision form(s). It will help to make sure that the Petition will be complete and correct.)

Forms - Listing and Brief Explanation

The following information pertains to the forms that are required for a petition to the BZA for a variance.

The forms in this packet are explained as follows:

1. Petition Form - Use and Development Standard Variances (BZA 1)

This form is required for all petitions for variances. It is the formal request for a hearing for a variance(s). It describes the property in question, assures that the petitioner is familiar with the Long Beach Zoning and Subdivision Ordinance and/or other applicable regulations, states ownership of the real estate, shows the current zoning for the real estate described, and lists all of the variances that are being requested. It also give the petitioner's reason for requesting the variance, assures that all required drawings and forma are attached, and states that the petitioner(s) will comply with all notification rules.

2. Petition Form - Special Exception (BZA 2)

This form is required for all petitioners for special exceptions. It is the formal request for a hearing for a special exception(s). It describes the property in question, assures that the petitioner is familiar with the Long Beach Zoning and Subdivision Ordinance and/or other applicable regulations, states ownership of the real estate, shows the current zoning for the real estate described, and lists all of the special exceptions that are being requested. It also gives the petitioner's reason for requesting the special exception, assures that all required drawings and forms are attached, and states that the petitioner(s) will comply with all notification rules.

3. Petition Form - Administration Decision Appeals (BZA 3)

This form is required for all petitions for Administrative Decision Appeals. It is the formal request for appealing the decision of the Building Commissioner or other administrative official charged with the enforcement of the Long Beach Zoning and Subdivision Ordinance.

4. Form of Notice to Property Owners Within 300 Feet, Certified Mail, Return Receipt Requested - Use and Development Standard Variances (BZA 4)

This form shows the format required for notification of property owners when notification is to be delivered by certified mail.

5. **Form of Notice to Property Owners Within 300 Feet, Certified Mail, Return Receipt Requested - Special Exceptions (BZA 5)**
This form shows the format required for notification of property owners when notification is to be delivered by certified mail.
6. **Form of Acknowledged Delivered Notice of Property Owners Within 300 Feet, Notice Delivered in Person - Use and Development Standard Variances (BZA 6)**
This form shows the format to be used for documentation of personal delivery of notification.
7. **Form of Acknowledged Delivered Notice of Property Owners Within 300 Feet, Notice Delivered in Person - Special Exceptions (BZA 7)**
This form shows the format to be used for documentation relative to the personal delivery of notification
8. **Findings and Decision Form - Use Variance (BZA 8)**
This is the form that which must accompany the Petition Form when a Use Variance(s) is being requested.
9. **Findings and Decision Form - Development Standard Variance (BZA 9)**
This is the form that must accompany the Petition Form when a Development Standard Variance(s) is being requested.
10. **Findings and Decision Form - Special Exception (BZA 10)**
This is the form that must accompany the Petition Form when a Special Exception(s) is being requested.
11. **Petitioner Checklist - Preliminary Hearing (BZA 11)**
This is the checklist for submission of the Petition prior to Preliminary Hearing. It must accompany the Petition Form.
12. **Petitioner Checklist - Public Hearing (BZA 12)**
This is the checklist for Public Hearing. It doesn't need to be presented to the BZA Secretary at or before the Public Hearing. The checklist is for the benefit of the petitioner and also for the BZA to make sure that all requirements of the BZA are complied with before a public hearing takes place.
13. **Form of Acknowledged Delivered Notice to Property Owners Within 300 Feet, Notice Delivered in Person – Administrative Appeals (BZA 13)**
This form shows the format to be used for documentation relative to the personal delivery of notification

14. Form of Notice to Property Owners Within 300 Feet, Certified Mail, Return Receipt Requested – Administrative Appeals (BZA 14)

This form shows the format required for notification of property owners when notification is to be delivered by certified mail.

15. Affidavit of Posting of On Site Notice Sign- Developmental Standard and Use Variance (BZA 15).

This form shows the format required for certifying the posting of an On-Site Notice Sign

PETITIONS AND FORMS

Petition Form --- Use and Development Standard Variance (BZA 1)

Long Beach Advisory Board of Zoning Appeals

Date _____

Petition Number _____

Receipt Number _____

(To be filled out by the BZA Secretary)

Received By _____

Amended For ___/___/___ (Date of Meeting
Revised Petition is Intended For)

Petitioner _____

I/We, _____, petition the Long Beach Advisory Board of Zoning Appeals (hereinafter "BZA" for certain variations for the property described herein and represent and show to the BZA the following:

1. That I/we have received a copy of the BZA Rules and Regulations on file with the Building Clerk Treasurer's Office of the Town of Long Beach; and further, we have received a copy of all, forms noted in the Petition Packet.
2. That I/we have paid to the office of the Clerk-Treasurer the appropriate filing fee for this petition, which we understand to Non-Refundable.
3. That I/we are familiar with the Long Beach Zoning Ordinance or Subdivision Ordinance and/or applicable Regulations of the Town of Long Beach as they relate to the Petition.
4. That I/we are the legal or equitable owners of the following described real estate in Long Beach, LaPorte County, Indiana, to wit. (Insert Legal Description)

Which property is commonly known as: (address or general location of property)

5. That under the Long Beach Zoning Ordinance said property is currently zoned as _____, as indicated on the Zoning Map in the Long Beach Town Hall.
6. That your Petitioners request. the following variation(s) from the Long Beach Zoning Ordinance or Subdivision Ordinance and/or other applicable Regulations of the Town of Long Beach;
 - a) Variation _____

Town Code of Long Beach, Indiana

Section _____, Long Beach Zoning/Subdivision Ordinance (Circle appropriate Ordinance)

b) Variation _____

Town Code of Long Beach, Indiana

Section _____, Long Beach Zoning/Subdivision Ordinance (Circle appropriate Ordinance)

c) Variation _____

Town Code of Long Beach, Indiana

Section _____, Long Beach Zoning/Subdivision Ordinance (Circle appropriate Ordinance)

d) Variation _____

Town Code of Long Beach, Indiana

Section _____, Long Beach Zoning/Subdivision Ordinance (Circle appropriate Ordinance)

Amended for ____/____/____ (date of meeting petition is intended for)

e) That the reasons for the variation(s) requested are as follows:

f) That your Petitioners have attached to this petition an accurate scale drawing showing dimensions of property and buildings, yard space, distances to any adjacent buildings, and all easements to the subject property; and a list of property owners within 300 feet of the property.

That your Petitioners represent that they will comply with the notice requirements to the owners of property within 300 feet of the property which is the subject matter of this petition as set out in the Rules and Regulations of the BZA, the proposed Findings and Decision, and the Checklist for all public hearings of the BZA.

Petition Number _____

Sheet 3

WHEREFORE, your Petitioners request that:

The Secretary of the BZA publishes the required notice at least 14 days prior to said Public Hearing.

The BZA approves the variation(s) as requested in accordance with the Long Beach Zoning Ordinance or Subdivision Ordinance and/or other applicable Regulations of the Town of Long Beach.

Signature of Petitioner

Signature of Petitioner

Type or Print Name

Type or Print Name

Address: _____

Telephone: _____

Board's Action:
Public Hearing Set For: _____

Amended for ___/___/___ (date of meeting revised petition is intended for)

Petition Form --- Special Exceptions (BZA 2)
Long Beach Advisory Board of Zoning Appeals

Date _____

Petition Number _____

Receipt Number _____

(To be filled out by the BZA Secretary)

Received By _____

Amended For ___/___/___ (Date of Meeting
Revised Petition is Intended For)

Petitioner _____

I/We, _____, petition the Long Beach Advisory Board of Zoning Appeals (hereinafter "BZA" for certain variations for the property described herein and represent and show to the BZA the following:

1. That I/we have received a copy of the BZA Rules and Regulations on file with the Building Commissioner's Office of the Town of Long Beach; and further, we have received a copy of all, forms noted in the Petition Packet.
2. That I/we have paid to the office of the Clerk-Treasurer the appropriate filing fee for this petition,

which we understand to Non-Refundable.

3. That I/we are familiar with the Long Beach Zoning Ordinance or Subdivision Ordinance and/or applicable Regulations of the Town of Long Beach as they relate to the Petition.

4. That I/we are the legal or equitable owners of the following described real estate in Long Beach, LaPorte County, Indiana, to wit. (Insert Legal Description)

Which property is commonly known as: (address or general location of property)

5. That under the Long Beach Zoning Ordinance or Subdivision Ordinance said property is currently zoned as _____, as indicated on the Zoning Map in the Building Commissioner's Office.

6. That your Petitioners request. the following variation(s) from the Long Beach Zoning Ordinance or Subdivision Ordinance and/or other applicable Regulations of the Town of Long Beach;

a) Special Exception _____

Town Code of Long Beach, Indiana

Petition Number _____

Sheet 2

Section _____, Long Beach Zoning Ordinance

or

Section _____, Long Beach Subdivision Ordinance

b) Special Exception _____

Town Code of Long Beach, Indiana

Section _____, Long Beach Zoning Ordinance

or

Section _____, Long Beach Subdivision Ordinance

c) Special Exception _____

Town Code of Long Beach, Indiana

Section _____, Long Beach Zoning Ordinance
or
Section _____, Long Beach Subdivision Ordinance

d) Special Exception _____

Town Code of Long Beach, Indiana

Section _____, Long Beach Zoning Ordinance
or
Section _____, Long Beach Subdivision Ordinance

Amended for ____/____/____ (date of meeting petition is intended for)

- e) That the reasons for the special exception(s) requested are as follows:
- f) That your Petitioners have attached to this petition an accurate scale drawing showing dimensions of property and buildings, yard space, distances to any adjacent buildings, and all easements to the subject property; and a list of property owners within 300 feet of the property.

That your Petitioners represent that they will comply with the notice requirements to the owners of property within 300 feet of the property which is the subject matter of this petition as set out in the Rules and Regulations of the BZA, the proposed Findings and Decision, and the Checklist for all public hearings of the BZA.

Petition Number _____

Sheet 3

WHEREFORE, your Petitioners request that:

The BZA set this PETITION for a Public Hearing.

The Secretary of the BZA publishes the required notice at least 14 days prior to said Public Hearing.

The BZA approves the variation(s) as requested in accordance with the Long Beach Zoning Ordinance or Subdivision Ordinance and/or other applicable Regulations of the Town of Long Beach.

Signature of Petitioner

Signature of Petitioner

Type or Print Name

Type or Print Name

Address: _____

Telephone: _____

Fax Number: _____

Board's Action:
Public Hearing Set For: _____

Amended for ___/___/___ (date of meeting revised petition is intended for)

Petition Form --- Administrative Decision Appeals (BZA 3)

Long Beach Advisory Board of Zoning Appeals

Date _____

Petition Number _____
(To be filled out by the BZA Secretary)

Received By _____

Amended For ___ / ___ / ___ (Date of Meeting
Revised Petition is Intended For)

Petitioner _____

I/We, _____, petition the Long Beach Advisory Board of
Zoning Appeals to appeal the decision of _____ made on the
_____ day of _____, 20__.

The decision made was:

I/We appeal this decision for the following reasons:

Petition Number _____

Sheet 2

THE FOLLOWING SECTION IS FOR BZA USE ONLY

THE BOARD NOW GRANTS _____ REJECTS _____ the above requested

ADMINISTRATIVE DECISION APPEAL:

And further decides the following conditions shall be imposed:

Dated: _____

LONG BEACH ADVISORY BOARD OF ZONING APPEALS

Form of Notice to Property Owners Within Three Hundred (300) Feet, (BZA 4)

Certified Mail Return Receipt Requested - Use and Development Standard Variances

(This is the format that must be used to give written notification to property owners within 300 feet of the property where the variance is being requested. If this format is not followed exactly, then the written notice may not be valid. Please note that this is an example - your letters should show the information for your particular variance and hearing.)

Date:

Mr. & Mrs. Joseph Smith
123 First Street
Long Beach, IN

Re: Petition of John Doe
Before the Long Beach Board of Zoning Appeals

Dear Mr. & Mrs. Smith:

We are the owners of the following described real estate in Long Beach, IN, to wit:

_____ (insert the legal description here)

Commonly known as _____ (insert the street address here)

We have submitted a petition to the Long Beach Advisory Board of Zoning Appeals for certain variations from the Long Beach Zoning and Subdivision Ordinance and/or other applicable Regulations of the Town of Long Beach for the following USE _____ DEVELOPMENT STANDARD _____ variations: (check the appropriate place or places)

(List all variances that are being requested at the Public Hearing here)

The Long Beach Advisory Board of Zoning Appeals has set our petition for public hearing on _____ (insert date) at _____ (insert time) o'clock p.m. in the Long Beach Town Hall at 2400 Oriole Trail, Long Beach, Indiana.

You are invited to be present for said hearing and to direct your comments to the BZA concerning this application. In the event that you are unable to appear on the above mentioned hearing date, the BZA invites you to submit any written comments you may have concerning this application. In the event you are a remonstrator against this petition you may submit opposing proposed Findings and Decisions of the Board's form BZA 8 or BZA 9 (whichever is applicable), obtainable at the Town Hall.

Very truly yours,

John Doe

**Form of Notice to Property Owners Within Three Hundred (300) Feet,
Certified Mail Return Receipt Requested - Special Exception (BZA 5)**

(This is the format that must be used to give written notification to property owners within 300 feet of the property where the special exception is being requested. If this format is now followed exactly, then the written notice may not be valid. Please note that this is an example - your letters should show the information for your particular variance and hearing.)

Date:

Mr. & Mrs. Joseph Smith
123 First Street
Long Beach, IN

Re: Petition of John Doe
Before the Long Beach Board of Zoning Appeals

Dear Mr. & Mrs. Smith:

We are the owners of the following described real estate in Long Beach, IN, to wit:

_____ (insert the legal description here)

Commonly known as _____ (insert the street address here)

We have submitted a petition to the Long Beach Advisory Board of Zoning Appeals for certain variations from the Long Beach Zoning and Subdivision Ordinance and/or other applicable Regulations of the Town of Long Beach for the following SPECIAL EXCEPTION

(List all special exceptions that are being requested at the Public Hearing here)

The Long Beach Advisory Board of Zoning Appeals has set our petition for public hearing on _____ (insert date) at _____ (insert time) o'clock p.m. in the Long Beach Town Hall at 2400 Oriole Trail, Long Beach, Indiana.

You are invited to be present for said hearing and to direct your comments to the BZA concerning this application. In the event that you are unable to appear on the above mentioned hearing date, the BZA invites you to submit any written comments you may have concerning this application. In the event you are a remonstrator against this petition, you may submit opposing proposed Findings and Decisions of the Board's Form BZA 8 or BZA 9 (whichever is applicable), obtainable at the Town Hall. Further, a copy of the Long Beach Zoning and Subdivision Control Ordinance can be found on the Town's website (www.longbeachin.org) and also at the Office of the Clerk-Treasurer.

Very truly yours,

John Doe

**Form of Acknowledged Delivery Notice to Owners of Property Within 300 Feet,
Notice Delivered in Person - Use and Development Standard Variances (BZA 6)**

(This is the format for submitting proof of delivery of the Form of Notice if it is not done via Certified Mail, Return Receipt Requested. The petitioner must create his or her own document in this format.)

We, the undersigned, owners of property within 300 feet of property owned by _____(insert name of owner of property where variance is being requested) hereby acknowledge the receipt of written notice of a public hearing before the Advisory Board of Zoning Appeals of the Town of Long Beach, Indiana to be held at _____(insert time here) o'clock p.m. on the _____ day of _____, 20____, for purpose of considering certain variations from the Long Beach Zoning and Subdivision Ordinance and/or other applicable regulations of the Town of Long Beach for property owned by (insert name of owner of property where variance is being requested).

(List all variances that are being requested at the Public Hearing here)

Signature	Address
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

I, _____ (insert name), certify that I delivered the notice referred to above to those whose signatures appear above and that I witnessed those individuals affix their signatures to this document.

Print Name _____

Note: If the property is vest in more than one person, i.e. husband and wife, both should sign.

**Form of Acknowledged Delivery Notice to Owners of Property Within 300 Feet,
Notice Delivered in Person - Special Exception (BZA 7)**

(This is the format for submitting proof of delivery of the Form of Notice if it is not done via Certified Mail, Return Receipt Requested. The petitioner must create his or her own document in this format.)

We, the undersigned, owners of property within 300 feet of property owned by _____(insert name of owner of property where variance is being requested) hereby acknowledge the receipt of written notice of a public hearing before the Advisory Board of Zoning Appeals of the Town of Long Beach, Indiana to be held at _____(insert time here) o'clock p.m. on the _____ day of _____, 20____, for purpose of considering certain variations from the Long Beach Zoning and Subdivision Ordinance and/or other applicable regulations of the Town of Long Beach for property owned by (insert name of owner of property where variance is being requested).

(List all variances that are being requested at the Public Hearing here)

Signature	Address
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

I, _____ (insert name), certify that I delivered the notice referred to above to those whose signatures appear above and that I witnessed those individuals affix their signatures to this document.

Print Name_____

Note: If the property is vest in more than one person, i.e. husband and wife, both should sign.

Findings and Decisions - Use Variance (BZA 8)

Petition No. _____

*Amended for ___/___/___

The application of (Name)_____

Legal Description: _____

Address: _____

Date Public Hearing Held _____

Date Public Hearing Closed _____

We ask that the members of the Long Beach Advisory Board of Zoning Appeals now FIND:

1. That the USE VARIANCE requested WILL _____ WILL NOT _____ be injurious to the public health, safety, morals and general welfare BECAUSE of the facts shown as follows:

2. That the use and value of the area adjacent to the property included in the variance WILL _____ WILL NOT _____ be affected in a substantially adverse manner BECAUSE of the fact shown as follows:

*Date of meeting revised petition is intended for.

3. The need for the variance DOES _____ DOES NOT _____ arise from condition peculiar to the proper involved BECAUSE of the facts as shown as follows

:

4. That strict application of the zoning ordinance WILL _____ WILL NOT _____ constitute an unnecessary hardship if applied to the property for which the variance is sought BECAUSE of the fact shown as follows:

5. The approval DOES _____ DOES NOT _____ interfere substantially with the Comprehensive Plan adopted by the Town of Long Beach BECAUSE of the facts shown as follows:

Petition Number _____

Sheet 3

THE FOLLOWING SECTION IS FOR BZA USE ONLY

THE BOARD NOW GRANTS _____REJECTS _____ the above requested USE VARIANCE:

And further decides the following conditions shall be imposed:

Dated: _____

LONG BEACH ADVISORY BOARD OF ZONING APPEALS

**Findings and Decisions - Development Standard Variance (BZA 9)
Long Beach Advisory Board of Zoning Appeals**

Petition No. _____

*Amended for ____/____/____

The application of (Name)_____

Legal Description:_____

Address: _____

Date Public Hearing Held_____

Date Public Hearing Closed_____

We ask that the members of the Long Beach Advisory Board of Zoning Appeals now FIND:

1. That the DEVELOPMENT STANDARD VARIANCE requested WILL_____ WILL NOT _____ be injurious to the public health, safety, morals and general welfare BECAUSE of the facts shown as follows:

2. That the use and value of the area adjacent to the property included in the variance WILL _____ WILL NOT _____ be affected in a substantially adverse manner BECAUSE of the fact shown as follows:

Petition Number _____

Sheet 2

3. That strict application of the Long Beach Zoning and Subdivision 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:

THE FOLLOWING SECTION IS FOR BZA USE ONLY

THE BOARD NOW GRANTS _____ REJECTS _____ the above requested DEVELOPMENT STANDARD VARIANCE:

And further decides the following conditions shall be imposed:

Dated: _____

LONG BEACH ADVISORY BOARD OF ZONING APPEALS

**Findings and Decision - Special Exception (BZA 10)
Long Beach Advisory Board of Zoning Appeals**

Petition No. _____

*Amended for ___/___/___

The application of (Name) _____

Legal Description: _____

Address: _____

Date Public Hearing Held _____

Date Public Hearing Closed _____

We ask that the members of the Long Beach Advisory Board of Zoning Appeals now FIND:

1. That requirements and development standards for the requested use as prescribe in the Long Beach Zoning and Subdivision Ordinance HAVE _____ HAVE NOT _____ been met BECAUSE of the facts shown as follows:

2. The special exception WILL _____ WILL NOT _____ be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property in the surrounding areas BECAUSE of the fact shown as follows:

*Date of meeting revised petition is intended for.

3. The special exception WILL _____ WILL NOT _____ inappropriately change the essential character of the surrounding area BECAUSE of the facts as shown as follows:

4. The special exception WILL _____ WILL NOT _____ interfere with the general enjoyment of adjacent property BECAUSE of the fact shown as follows:

5. The special exception DOES _____ DOES NOT _____ represent an improvement to the use of character of the property under consideration and the surrounding are in general, and it DOES _____ DOES NOT _____ keep with the natural environment of the site BECAUSE of the facts shown as follows:

6. The special exception IS _____ IS NOT _____ hazardous to adjacent property and DOES _____ DOES NOT _____ involve uses, activities, materials or equipment which may be detrimental to the health, safety or welfare of person or property through the excessive production of traffic, noise, smoke, odor, fumes or glare BECAUSE of the facts shown as follows:

THE FOLLOWING SECTION IS FOR BZA USE ONLY

THE BOARD NOW GRANTS _____ REJECTS _____ the above requested SPECIAL EXCEPTION:

And further decides the following conditions shall be imposed:

Dated: _____

LONG BEACH ADVISORY BOARD OF ZONING APPEALS

Petitioner Checklist - Preliminary Hearing (BZA 11)

For All Preliminary hearings Before the Advisory Board of Zoning Appeals (BZA)

(This form must be filled out and signed by the Petitioner.

Failure to do so constitutes an incomplete petition.)

Petitioner has decided that a variance (or variances) is required and the type of variance being requested. If a Use Variance is required, attach properly completed Findings and Decision Form - Use Variance (BZA 8). If a Development Standard Variance is required, attach properly completed Findings and Decision Form - Development Standard Variance (BZA 9). If a Special Exception is required, attach properly completed Findings and Decision Form - Special Exception (BZA 10).

_____ Petitioner is the legal or equitable owner of the property.

_____ Deed, Installment contract or Power of Attorney is attached to the Petition Form.

_____ Petitioner has completed the Petition Form (BZA 1) or (BZA 2). Each original page of the Petition Form and all accompanying documents are dated and the Findings and Decision form,(s) have been completed.

_____ An accurate scale drawing showing the dimensions of the property, buildings (including roof overhangs), yard spaces, distances to any adjacent buildings, and all easements is attached.

_____ An accurate map showing the location and ownership of properties within 300 feet of the PERIMETER of the property that is the subject matter is attached.

_____ A list of the names and addresses of property owners within 300 feet of the perimeter of the property.

_____ Petitioner has attached Findings and Decision Form - Use Variance (BZA 8) or Findings and Decision Form - Development Standards, (BZA 9), or both, Findings and Decision Form Special Exception (BZA10).

_____ Petitioner has paid to the Office of the Clerk-Treasurer the non-refundable filing fee and is providing the Clerk-Treasurer with 16 copies of the entire submission (including all forms and supporting documentation). All forms and supporting documents are dated for the expected Preliminary Hearing date. This must be in the Office of the Clerk-Treasurer no later than 10:00 a.m. on the Tuesday, 14 days prior to the next regular meeting of the BZA.

Any amended documents will be dated for the meeting at which the petition will be heard.

Signed _____
Name

Name

Date

Date

Petitioner Checklist - Public Hearing (BZA 12)

For All Public Hearings Before the
Advisory Board of Zoning Appeals (BZA)

(This form should be submitted to the Secretary prior to the opening of the Public Hearing.)

The following items are required prior to conducting a Public Hearing.

_____ The Petitioner shall notify all property owners within 300 feet of the PERIMETER of the property in question AT LEAST FOURTEEN (14) DAYS PRIOR TO THE SCHEDULED PUBLIC HEARING. This can either be “hand carried” using the format found in:

Form of Acknowledged Delivered Notice of Property Owners Within 300 Feet, Notice Delivered in Person - Use and Development Standard Variances (BZA 6)

or

Form of Acknowledged Delivered Notice of property Owners Within 300 Feet, Notice Delivered in Person - Special Exceptions (BZA 7)

or

Notice can be given via Certified Mail - Return Receipt Requested using the format shown in:

Form of Notice to Property Owners Within 300 Feet, Certified Mail - Return Receipt Requested - Use and Development Standard Variances (BZA 4)

or

Form of Notice to Property Owners Within 300 Feet, Certified Mail - Return Receipt Requested - Special Exception (BZA 5)

_____ The Petitioner shall post an On-Site Notice Sign in a conspicuous location along the street frontage of the Subject Property. The sign must remain posted until the conclusion of the Public Hearing AT LEAST 21 DAYS PRIOR TO THE SCHEDULED PUBLIC HEARING. The sign shall be obtained from the Clerk-Treasurer for a \$20.00 non-refundable fee for each sign. Petitioner shall also complete an Affidavit of Posting of On-Site Notice Sign (BZA 15) and turn the Affidavit in to the Clerk-Treasurer by MONDAY of the week of the Public Hearing.

_____ Proof of Notification must be submitted to the Office of the Clerk-Treasurer by MONDAY of the week of the intended Public Hearing. Certified Mail receipts - or a completed form with signatures of all property owners will serve as proof of notification.

_____ Petitioner shall provide proof of payment for publication of the Notice of Public Hearing prior to the Public Hearing.

_____ Any amended or new documents that were not part of the original petition submission shall be dated for the date of the scheduled Public hearing. These documents must also bear the name of the Petitioner. The date and name should appear in the upper right hand corner of the document.

**This form is to be used in the event a person who will be appearing in front of the BZA 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 property 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 Long Beach Board of Zoning Appeals concerning property located at _____(insert address), Long Beach, LaPorte 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 _____)

Before me, the undersigned, a Notary Public in and for 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

Printed Name

My Commission expires: _____

My County of residence: _____

**Form of Acknowledged Delivery Notice to Owners of Property Within 300 Feet,
Notice Delivered in Person – Administrative Appeal (BZA 13)**

(This is the format for submitting proof of delivery of the Form of Notice if it is not done via Certified Mail, Return Receipt Requested. The petitioner must create his or her own document in this format.)

We, the undersigned, owners of property within 300 feet of property located at _____(insert address of subject property) hereby acknowledge the receipt of written notice of a public hearing before the Advisory Board of Zoning Appeals of the Town of Long Beach, Indiana to be held at _____(insert time here) o'clock p.m. on the _____ day of _____, 20____, for purpose of considering certain administrative appeals filed by _____(name of Petitioner), specifically:

(List all decisions being appealed)

Signature	Address
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

I, _____ (insert name), certify that I delivered the notice referred to above to those whose signatures appear above and that I witnessed those individuals affix their signatures to this document.

Print Name _____

Note: If the property is vested in more than one person, i.e. husband and wife, both should sign.

Form of Notice to Property Owners Within Three Hundred (300) Feet

Certified Mail Return Receipt Requested – Administrative Decision Appeal (BZA 14)

(This is the format that must be used to give written notification to property owners within 300 feet of the property where the administrative decision is being appealed. If this format is not followed exactly, then the written notice may not be valid. Please note that this is an example - your letters should show the information for your particular appeal and hearing.)

Date:

Mr. & Mrs. Joseph Smith
123 First Street
Long Beach, IN

Re: Petition of John Doe
Before the Long Beach Board of Zoning Appeals

Dear Mr. & Mrs. Smith:

I/We have submitted a petition to the Long Beach Advisory Board of Zoning Appeals appealing an order, requirement, decision, or determination of an administrative official, staff member, or administrative board. Specifically, the decision I am appealing is:

(List all decisions being appealed)

In relation to the following real property in Long Beach, IN, to wit:

_____ (insert the legal description here)

Commonly known as _____ (insert the street address here)

The Long Beach Advisory Board of Zoning Appeals has set our administrative decision appeal for public hearing on _____ (insert date) at _____ (insert time) o'clock p.m. in the Long Beach Town Hall at 2400 Oriole Trail, Long Beach, Indiana.

You are invited to be present for said hearing and to direct your comments to the BZA concerning this application. In the event that you are unable to appear on the above mentioned hearing date, the BZA invites you to submit any written comments you may have concerning this application. In the event you are a remonstrator against this petition you may submit opposing proposed Findings and Decisions.

Very truly yours,

John Doe

Affidavit of Posting of On-Site Notice Sign (BZA 15)

I _____(Petitioner) do hereby certify that the On-Site Notice Sign required by the Long Beach Advisory Board of Zoning Appeals' Rules of Practice and Procedure to be posted in a conspicuous location along the street frontage of the Subject Property, located at _____, was posted on the _____ day of _____, 20_____, being at least twenty one (21) days prior to the scheduled Public Hearing.

Petitioner