

INSTRUCTIONS FOR FILING A PETITION BEFORE THE BEVERLY SHORES BOARD OF ZONING APPEALS

The information contained in this checklist will assist the Applicant in filing a petition before the Beverly Shores Board of Zoning Appeals ("BZA"). The decision of the BZA is a quasi-judicial determination. Although not required, many Applicants do seek the advice of an attorney before filing a petition.

An APPLICATION FOR REVIEW OR APPEAL AND DETERMINATION shall be filed with the Beverly Shores Clerk Treasurer within thirty (30) days after the issuance of written rejection, citation or determination by an administrative official, committee or board charged with the enforcement of the zoning ordinance ("Application Deadline"). The Clerk Treasurer will then submit the application to the Chairperson of the BZA. This Application Deadline will be considered met upon submission of completed application and application fee.

As the Applicant you are responsible for providing all documents required ("Application Packet") for the petition no later than five (5) business days before the date of the BZA Preliminary Hearing or Public Hearing, as applicable. All information and documents must be accurate and must be submitted except for proofs of notice which may be delivered on the date of the Public Hearing. The Chairperson of the BZA will review the submitted documents. If it is determined that the petition is incorrect or incomplete, the Chairperson will notify the Applicant of the deficiency and schedule the request for the next Board of Zoning Appeals meeting following receipt of a complete Petition.

It is strongly recommended that the Applicant begin collecting the necessary documents to submit as early as possible so that incomplete or incorrect submissions may be resolved without delay. A list of required documents is found below. Please submit six (6) paper copies plus one (1) digital copy of your application and supporting documentation prior to the scheduled Preliminary Hearing, or Public Hearing for appeal of an administrative decision not including a variance or special exception request.

Applicant is further advised to thoroughly review the Rules of Practice and Procedure of the BZA and the Beverly Shores Zoning Ordinance. Applicant may submit information other than that which is required by this Checklist or the Beverly Shores Zoning Ordinance that Applicant believes would be helpful to the BZA in considering this matter.

When an appeal has been filed with the BZA, if the Building Commissioner issues a stop work order, work on the premises affected shall be stayed unless the administrative official, committee or board rendering the decision appealed from certifies to the BZA that, by reason of the fact stated in the certificate, a stay would cause an imminent peril to life or property.

DOCUMENT CHECKLIST FOR PETITION:

In order for an Application Packet to be considered complete it must include at a minimum the following:

- ___ APPLICATION FEE in the amount of \$500.00 payable in cash or personal check or money order payable to Town of Beverly Shores and delivered to the Clerk's Office.
- ___ COMPLETED APPLICATION.
- ___ WRITTEN DESCRIPTION OF PROJECT. For appeal of a rejection by the Building and Building Site Committee, there should be a reasonably detailed written description of the proposed project, including, without limitation, the variance being sought and the reasons why the Applicant's proposed improvements cannot comply with the applicable zoning ordinance provisions. For all other appeals, a reasonably detailed writing describing the variance requested or administrative decision being appealed and the reason for requesting review is required.
- ___ DEED. A copy of the recorded deed containing the legal description of the property is required. The Applicant can obtain a copy of the Deed from the Porter County Recorder's Office located in the Porter County Administration Building at 155 Indiana Avenue in Valparaiso, IN 46383. If the Applicant is not the owner of the subject property, the Applicant shall deliver a Power of Attorney signed by the owner of the subject property granting Applicant the right to file the petition and seek a variance or other relief from the BZA.
- ___ PHOTOGRAPHS. Applicant shall deliver 8" x 10" photographs of (1) the existing improvements on the subject property; (2) the improvements on the adjacent properties; and (3) the location of the proposed improvements on the subject property.

A request for a variance or special exception shall also include the following:

- ___ WRITTEN REJECTION. For appeal of a rejection by the Building and Building Site Committee or Building Commissioner, a copy of the written rejection.
- ___ PROPOSED FINDINGS OF FACT. In all cases, it is the Applicant's responsibility to establish to the BZA's satisfaction the factual basis for the requested BZA action. The Applicant will need to fill out the Proposed Findings of Fact Form supplied by the BZA for the variance or other relief that is being requested.
- ___ SITE PLAN/CONCEPT PLAN. For appeal of a rejection by the Building and Building Site Committee, a site plan must be to scale and show the front, rear, and side setbacks. The site plan shall also include all present and proposed buildings and structures, parking areas, location and name of all adjacent streets and roads, a north arrow, and topographical data. Easement and wetland information must also be provided if

construction activities are within twenty-five feet of a wetland or if easements exist or are proposed on the property in question.

____ SEPTIC APPROVAL. In the event that the proposed project is new construction or involves increasing the number of bedrooms in an existing building, Applicant shall deliver a Porter County Health Department Septic Approval or a certification from the Porter County Health Department or licensed soil scientist that the proposed improvements do not require septic approval.

ADDITIONAL DOCUMENTATION REQUIRED FOR PUBLIC HEARING:

For appeals of an administrative decision not including a variance or special exception request, a public hearing will be scheduled within 30 days of receipt of complete Application Packet.

For appeal of a rejection by the Building and Building Site Committee, a public hearing will be scheduled upon determination by the BZA that the petition is complete for the next regularly scheduled BZA meeting date or as agreed to by the BZA and Applicant.

Applicant must provide the following additional information at or before the public hearing.

____ SURROUNDING PROPERTY OWNER LIST. The names and addresses of all the property owners within 300 feet in all directions from the lot lines of the subject property shall be provided together with a scaled drawing of the 300-foot radius from the lot lines of the subject property. Information concerning the owners of property within 300 feet can be obtained through a title company or the Porter County Assessor's Office. Owners of the property within a 300-foot radius of each of the lot lines of the subject property must receive notice of your Petition and the scheduled Public Hearing.

____ SURROUNDING PROPERTY OWNER NOTIFICATION. Applicant shall mail written notice postage prepaid by CERTIFIED MAIL RETURN RECEIPT REQUESTED to all property owners within 300 feet and postmarked no later than ten (10) prior to the date of the public hearing. The Applicant will bring all the original certified and USPS Form 3811 ("green cards") to the BZA hearing. If you do not provide proof that you mailed notices to property owners within 300 feet, the public hearing may not be held and the request may be denied, delayed, or revoked at some later date.

____ PUBLICATION NOTICE. No later than ten (10) days prior the date of the BZA public hearing, the Applicant is required to publish written notice of the BZA public hearing in a newspaper in general circulation in Porter County, Indiana. Applicant shall deliver proof of publication to the BZA at the public hearing. Such notices shall announce the date, time, and place of the hearing, the nature and purpose of the proceeding, it shall describe the property or premises concerned both by legal and general description, and shall state with sufficient clarity the amendment, permit, approval or relief sought through the proceedings of which notice is given. A publisher's affidavit shall be filed showing proof of publication.

- _____ APPLICANT'S AFFIDAVIT OF NOTICE. The Applicant is required to post written notice of the BZA public hearing in a conspicuous place at the Beverly Shores Administration Building and the Beverly Shores Community House Library no later than ten (10) days prior to the date of the BZA public hearing. Applicant shall execute an affidavit indicating the notice has been posted and deliver it to the BZA at the public hearing. If you do not deliver proof that the notice was properly posted, the public hearing may not be held and the request may be denied, delayed, or revoked at some later date.

- _____ STEEP SLOPE. If the relief requested is for a variance involving a Steep Slope as defined in Chapter 155 of the Town of Beverly Shores, IN Code of Ordinances, Applicant may be required to submit a geotechnical engineering report. The determination of this requirement will be made at the Preliminary Hearing.

- _____ OTHER INFORMATION. Applicant shall deliver any other information that was requested by the BZA at the Preliminary Hearing.

- _____ ONSITE NOTIFICATION SIGN. The BZA may require Applicant to place one or more signs on the subject property in a conspicuous location at least ten (10) days prior to the scheduled public hearing for your requested action. Do not remove the onsite notification sign for any reason without the permission of the BZA. If the sign is damaged or stolen, please contact the BZA. A new sign may be required to be placed on the property.

BOARD OF ZONING APPEALS
TOWN OF BEVERLY SHORES, INDIANA
RULES OF PRACTICE & PROCEDURE (PREVIOUSLY BY-LAWS)

ADOPTED AUGUST 20, 1981

REVISED JANUARY 19, 1983

REVISED APRIL 11, 1983

REVISED JANUARY 20, 1986

REVISED MAY 23, 2009

REVISED JANUARY 14, 2010

REVISED JANUARY 13, 2022

ARTICLE I - MEETINGS

The meetings of the Beverly Shores Board of Zoning Appeals (hereinafter referred to as BZA) shall be held as scheduled at the first meeting of the year, which shall be held sometime in January for the purpose of reorganization. Meeting dates for the remainder of the calendar year will be reserved on the same day of each month, to be held as needed.

Special meetings of the BZA may be called by the Chairperson or upon request of two (2) members. The Chairperson shall provide written or electronic notice to all members at least two (2) days in advance of a special meeting fixing the time, place and purpose of the meeting. Said notice is not required if the time of a special meeting has been fixed in a regular meeting or if all members are present at the meeting at which the special meeting is called.

A quorum consists of a majority of the entire membership of the BZA. No action of the BZA is official unless authorized by a majority of the entire membership of the BZA at a regular meeting or properly called special meeting.

Decisions of the BZA shall be by voice vote of the members. Prior to a Public Hearing, any member may disqualify themselves or be disqualified by a majority of the entire membership of the BZA upon determination that the member

1. is biased or prejudiced or otherwise unable to be impartial; or
2. has a direct or indirect financial interest in the case under consideration.

Upon disqualification, the appointing authority shall appoint an alternate to participate as a member in the hearing or decision concerning that zoning matter.

The Secretary of the BZA shall keep the minutes of all proceedings. The vote on all action taken shall be recorded on meeting minutes to be presented to the BZA for approval at the next regular meeting. When approved, the minutes shall be signed by the Chairperson. A copy shall be kept on file for public inspection at the Administration Building.

All meetings at which official action is taken shall be open to the general public. All meetings shall be in person except those in accordance with House Enrolled Act 1437 (2021) and Indiana Code chapter § 5-14-1.5 as adopted by the Beverly Shores Board of Zoning Appeals (see "Electronic Participation Policy for Public Meetings").

ARTICLE II - OFFICERS

The officers of the BZA shall consist of a Chairperson and Vice-Chairperson. A Secretary may be elected from membership or otherwise designated.

The Chairperson shall preside at all meetings and hearings of the BZA and shall have the duties normally performed by such an officer. They shall have the privilege of discussing all matters before the BZA and of voting thereon.

The Vice-Chairperson shall have the authority to act as Chairperson of the BZA during the absence, disability or resignation of the Chairperson.

At the first meeting in January the BZA shall elect its officers from among its members by majority vote of the entire membership of the BZA. Such officers shall serve for a one (1) year term.

Vacancies in officers shall be filled promptly by majority vote of the membership of the BZA.

ARTICLE III – HEARINGS

The BZA shall schedule hearings to determine appeals from and review any order, requirement, decision or determination made by an administrative official, committee or board charged with the enforcement of a zoning ordinance upon receipt of a properly filed Application.

When an administrative appeal of a decision not allowing work to proceed has been filed with the BZA, work on the premises shall be stayed unless the administrative official, committee or board rendering the decision appealed from certifies to the BZA that, by reason of the fact stated in the certificate, a stay would cause an imminent peril to life or property. When an order requiring certain work is appealed, only work pertaining to the appeal shall be stayed.

An Applicant who wishes to appeal an order, requirement, decision or determination shall file an APPLICATION FOR REVIEW OR APPEAL AND DETERMINATION in the form prescribed

by the BZA, by delivering the required application packet to the Town of Beverly Shores Clerk Treasurer.

The Chairperson shall accept an appeal only when the administrative official, committee or board charged with the enforcement of the zoning ordinance:

1. Has received a written application, rejected said application in writing, and the applicant has appended said rejection with the APPLICATION FOR REVIEW OR APPEAL AND DETERMINATION; or,
2. Has issued a written statement citing the property owner for a violation of the zoning ordinance and a copy of said citation has been appended to the APPLICATION FOR REVIEW OR APPEAL AND DETERMINATION; or,
3. Has determined the requested relief may not be granted without a variance or special exception and a copy of said determination has been appended to the APPLICATION FOR REVIEW OR APPEAL AND DETERMINATION.

The Chairperson shall conduct an initial review of Application Packet for completeness and notify Applicant of any deficiency. The Chairperson shall call a preliminary meeting of the BZA no later than thirty one (31) days from the date a complete Application Packet is filed for review of the application by the BZA and to set a date for the public hearing.

At the preliminary meeting if the BZA finds, upon review of the information submitted by the applicant or upon its own investigation at the preliminary meeting, that the application is in good order with sufficient data, it shall set a time and place for public hearing. Cases shall be scheduled in sequence of filing. The Chairperson shall give a written request to the administrative official, Committee or Board whose decision, rejection, citation, or determination is being appealed to provide the Board a certified copy of the documents, plans, papers, and any other evidence constituting the record of the action from which the appeal is taken at least 5 days before the date set for the public hearing.

In addition to those hearings required by law, the BZA may, at its discretion, hold additional public hearings when it decides that such hearings will be in the public interest.

ARTICLE IV - CONDUCT OF HEARING

All persons testifying at a public hearing shall answer the following: "Do you swear or affirm that the testimony you will give in this case is truthful?"

At a public hearing before the BZA:

1. Applicant shall first present the facts and arguments in support of the case;
2. Those who oppose the applicant shall follow;
3. Applicant will have five (5) minutes for rebuttal

In the presentation of a case, the burden shall be upon the Applicant to supply all information, including charts, plats, diagrams and other exhibits necessary for a clear understanding of the issue. The BZA may continue the hearing, when in its judgment, the

Applicant has not provided sufficient evidence and information on which to make a determination.

The BZA, at its discretion, may continue or postpone the hearing of any case upon an affirmative vote of a majority of the members present.

An applicant may not withdraw a case after a roll call vote has been ordered by the Chairperson.

A case which has been withdrawn by the Applicant shall not again be considered by the BZA within a period of three (3) months after the date of the withdrawal.

To maintain orderly procedure, each side shall proceed without interruption by the other. Each speaker shall address the chair and be recognized before speaking.

Every person appearing before the BZA will abide by the order and directions of the Chairperson. Discourteous, disorderly or contemptuous conduct shall be regarded as a breach of the privileges of the BZA and will be dealt with as the Chairperson directs.

The BZA shall:

1. Authorize special exceptions to the district regulations only in the classes of cases or in particular situations as specified in the Zoning Ordinance; and,
2. Authorize on appeal in specific cases such variances from the terms of the Zoning Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the Zoning Ordinance will result in unnecessary hardship, and so that the spirit of the Zoning Ordinance shall be observed and substantial justice done.

Authorization of any variance from the terms of the Zoning Ordinance may only be made upon the BZA making all of the determinations required by IC 36-7-4-918.5 and Section 150 or 155, as applicable, of the Town of Beverly Shores Zoning Ordinance, in writing.

ARTICLE V - FINAL DISPOSITION OF CASE

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 modifications, specifications, restrictions, conditions, or limitations which the BZA determines are appropriate under the circumstances of the case.

The BZA may dismiss a case for want of prosecution or lack of jurisdiction. When an applicant has failed to appear at two (2) consecutive meetings for which it was announced at the previous meeting that the case would be on the agenda., the case may be dismissed for want of prosecution.

A case which has been withdrawn by the applicant shall not again be considered by the BZA within a period of three (3) months after the date of the withdrawal.

A case which has been decided adversely to the applicant shall not be reconsidered by the Board except upon the presentation of new evidence.


The Chairperson of the Board shall notify the applicant, the administrative official, Committee, or Board rendering the decision that was appealed, and the Building Commissioner of its determination by providing them a copy of the written decision.

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

ARTICLE VI - AMENDMENTS

These Rules of Practice & Procedure ("Rules") may be suspended or amended by a four-fifths (4/5) vote of the entire membership of the BZA.

Upon amendment of the Rules, complete new Rules shall be distributed to all BZA members, the Board Attorney, Secretary and Town Clerk and shall be available for review by the public, including any applicant, in the office of the Town Clerk. The Clerk shall provide copies to anyone upon their request subject to fees established by the town from time to time. Reasonable steps shall be taken to make the Rules accessible on the Town's website.

Chairman: 

Attest: Secretary 

BEVERLY SHORES BOARD OF ZONING APPEALS
ELECTRONIC PARTICIPATION POLICY FOR PUBLIC MEETINGS

This Policy shall govern electronic participation in public meetings by the Board of Zoning Appeals members, all in accordance with House Enrolled Act 1437 (2021) and Indiana Code chapter § 5-14-1.5.

1. **Minimum number physically present:** Except in cases of disaster or emergency, at least fifty percent (50%) of board members must be physically present at a meeting.
2. **Simultaneous communication required to participate:** Board members who participate in a meeting by electronic communication must use an electronic means of communication that allows all participating board members to simultaneously communicate with one another.
3. **Video and audio required to vote:** A board member participating by electronic communication shall not vote on any item during a meeting unless that member is using an electronic means of communication that is displaying video of the member in addition to transmitting audio.
4. **Public broadcast:** If any board member is participating by electronic communication during any meeting open to the public and not in executive session, the meeting shall be broadcast by electronic means to allow the public to attend and observe the meeting without being physically present.
5. **Roll call vote required:** If any board member is participating by electronic communication during any meeting open to the public and not in executive session, and eligible to vote under section 3 of this policy, all action shall be decided by roll call vote.
6. **Annual limit:** A board member may not attend more than half of the board's meetings in a calendar year by electronic means of communication, except for the circumstances set out in 9 below.
7. **Consecutive limit:** A board member may not attend more than two (2) consecutive meetings by electronic means of communication, except for the circumstances set out in Section 9 below.
8. **Physical attendance requirement:** If a board member attends two (2) consecutive meetings by electronic means of communication, that member must physically attend at least one (1) meeting before attending another meeting by electronic means, except for the circumstances set out in Section 9 below.
9. **Exceptions:** The limits of attendance by electronic means of communication set for in Sections 6, 7, and 8, shall not apply in the follow situations:
 - a. Military service of the board member;
 - b. Illness or other medical condition of the board member;

- c. Death of a relative of the board member; or
- d. Emergency involving actual or threatened injury to persons/property.

10. **Meeting minutes:** If any board member is member is participating by electronic communication during any meeting, the minutes shall include the following:

- a. Statement of the names of each member who was physically present;
- b. Statement of the names of each member who participated by electronic means, and identify the electronic means used by the member;
- c. Statement of the names of any member who was absent; and
- d. Identify the electronic means of communication by which the public was able to attend and observe the meeting.

11. **Emergency exceptions:** In the event an emergency is declared by the Governor of Indiana under Ind. Code § 10-14-3-12, or a local disaster emergency is declared by the Town Council President under Ind. Code § 10-14-3-29, board members are permitted to participate in a meeting by electronic means of communication without restriction on the number of members participating, annual limit, or consecutive limit. Electronic participation during an emergency is subject to the following requirements:

- a. At least a quorum of board members participate in the meeting by electronic means of communication or in person;
- b. The public is able to simultaneously attend and observe the meeting, except for executive sessions;
- c. The minutes or memoranda of the meeting:
 - i. State the names of each member who participated by electronic means, and identify the electronic means used by the member;
 - ii. State the names of any member who was absent; and
 - iii. Identify the electronic means of communication by which the public was able to attend and observe the meeting.
- d. All votes in a meeting where a member is participating by electronic means of communication must be done by roll call vote.

Adopted by the Beverly Shores Board of Zoning Appeals on the 3rd day of December, 2021.

BOARD OF ZONING APPEALS OF THE TOWN OF BEVERLY SHORES, INDIANA

APPLICATION FOR REVIEW OR APPEAL AND DETERMINATION

APPLICANT: Name: _____ Tel. No. _____

Address: _____

OWNER: Name: _____ Tel. No. _____

Address: _____

1. Applicant has received a copy of the BZA Rules of Practice and Procedure and all of the forms required to be submitted with this Application.
2. Applicant has paid the applicable Application Fee which Applicant acknowledges is nonrefundable.
3. Applicant is familiar with the Beverly Shores' Zoning and Subdivision Ordinance as they relate to this Application.

PROPERTY: Legal Description: _____

Common Address: _____

Date Acquired by Owner: _____ Current Zoning: _____

Current Use: _____ Proposed Use: _____

TYPE OF REVIEW OR DETERMINATION REQUESTED: (Check One-Only one type of relief per Application)

____ Appeal of Determination of Town Official or Agency ____ Variance

____ Special Exception ____ Special Use ____ Contingent Use ____ Conditional Use

ISSUE(S) INVOLVED IN REVIEW/APPEAL: _____

Determination Appealed From: _____

Code Section(s) involved: _____

Condition Not Conforming to Code: _____

Brief Narrative of History of Matter: _____

Applicant requests the following from the Beverly Shores Zoning and Subdivision Ordinance:

SIGNATURES: _____

Applicant

Owner

Town Official Accepting Application and Fee Date Application and Fee Received

NOTE: Applicant should submit this form, fully completed, together with the application fee of \$500 to the Secretary of the BZA, Town Hall, 500 S. Broadway, P.O. Box 38, Beverly Shores, IN 46301. Failure to fully complete this form or to pay the fee will be a basis for the BZA refusing to proceed on this Application.

(FOR BZA USE ONLY)

Board Action: Approved _____ Rejected _____ Deferred _____ Date _____

BZA Secretary

BZA President

NOTICE OF PUBLIC HEARING FOR A VARIANCE

UNDER THE BEVERLY SHORES ZONING ORDINANCE, AS AMENDED

NOTICE IS HEREBY GIVEN that the Board of Zoning Appeals of the Town of Beverly Shores, Indiana, on the _____ day of _____ 20____, at _____ o'clock P.M., local time, in the Town Administration Building, located at 500 South Broadway, Beverly Shores, Indiana, will hold a Public Hearing on a Petition for a Variance pursuant to Section _____ of Zoning Ordinance 11-03, as amended, for the Town of Beverly Shores, Indiana by

The nature of the Variance is

contrary to Section ____ Subsection _____ of the Zoning Ordinance of Beverly Shores.

The real estate is located at _____

and is legally described as:

A copy of the proposed variance is on file at the Town Administration Building, 500 South Broadway, Beverly Shores, Indiana, for public examination.

Interested persons desiring to present their views upon the proposed variance in writing or verbally will be heard at the above-mentioned Time and Place.

Said meeting will be continued from time to time as may be necessary.

Written suggestions or objections to this Variance may be filed with the Secretary at or before such meeting and will be heard by the Board of Zoning Appeals at the Time and Place specified.

Applicant

Applicant

Note to Publisher: Publish once on _____, 20____, at the expense of the Applicant who is expected to bring a paid receipt to the Public Hearing. Proof of publication should be delivered to the Beverly Shores Board of Zoning Appeals, 500 S. Broadway or P.O. Box 38, Beverly Shores, IN, 46301.

STATE OF INDIANA)
) SS:
COUNTY OF PORTER)

PROOF OF POSTING

_____, being first duly sworn, deposes and says:

That the Affiant caused the posting of one copy of the legal notice which is labeled Exhibit "A" and attached hereto, in the following public places in the Town of Beverly Shores, Indiana, to-wit:

1. The Town Hall Building located on Broadway at Service Avenue in Beverly Shores, Indiana, and
2. _____

That said copies of said Legal Notice were duly posted on or before the _____ day of _____, 20__.

FURTHER AFFIANT SAYETH NOT

Printed Signature

STATE OF INDIANA)
) SS:
COUNTY OF PORTER)

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above affiant and acknowledge the execution of the foregoing Proof of Posting this _____ day of _____, 20__.

_____ a resident of _____ County, IN

Printed Signature, Notary Public

My Commission Expires:

NOTICE OF PUBLIC HEARING FOR A VARIANCE UNDER THE BEVERLY SHORES ZONING ORDINANCE, AS AMENDED FOR PROPERTIES WITHIN 300 FEET OF THE SUBJECT PROPERTY

According to the records maintained by the Porter County Tax Assessor's Office, you are a property owner located within 300 feet of the following described real estate owned by the Applicant identified below.

NOTICE IS HEREBY GIVEN that the Board of Zoning Appeals of the Town of Beverly Shores, Indiana, on the _____ day of _____ 20____, at _____ o'clock P.M., local time, in the Town Administration Building, located at 500 South Broadway, Beverly Shores, Indiana, will hold a Public Hearing on a Petition for a Variance pursuant to Section ___ of Zoning Ordinance 11-03, as amended, for the Town of Beverly Shores, Indiana by

The nature of the Variance is

contrary to Section ___ Subsection _____ of the Zoning Ordinance of Beverly Shores.

The real estate is located at _____ and is legally described as:

A copy of the proposed variance is on file at the Town Administration Building, 500 South Broadway, Beverly Shores, Indiana, for public examination.

You are entitled to attend this hearing and express your views on the request or you may send your written comments on the request addressed to:

Secretary
Board of Zoning Appeals
c/o Town of Beverly Shores
P.O. Box 38
Beverly Shores, IN 46301

Said meeting will be continued from time to time as may be necessary.

Applicant

Applicant

Note: Applicant must send the above letter to all property owners located within 300 feet of each of the lot lines of the property for which the relief request is being made. Applicant must provide the Secretary of the Board of Zoning Appeals of the Town of Beverly Shores, Indiana, with proof of notification and a list of property owners so notified at the public hearing.

STATE OF INDIANA)
) SS:
COUNTY OF PORTER)

PROOF OF POSTING

_____, being first duly sworn, deposes and says:

That the Affiant caused the posting of one copy of the legal notice which is labeled Exhibit "A" and attached hereto, in the following public places in the Town of Beverly Shores, Indiana, to-wit:

- 3. The Town Hall Building located on Broadway at Service Avenue in Beverly Shores, Indiana, and
- 4. _____

That said copies of said Legal Notice were duly posted on or before the _____ day of _____, 20__.

FURTHER AFFIANT SAYETH NOT

Printed Signature

STATE OF INDIANA)
) SS:
COUNTY OF PORTER)

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above affiant and acknowledge the execution of the foregoing Proof of Posting this _____ day of _____, 20__.

_____ a resident of _____ County, IN

Printed Signature, Notary Public

My Commission Expires:

BEVERLY SHORES BOARD OF ZONING APPEALS
APPLICANT'S PROPOSED FINDINGS OF FACT FOR CONDITIONAL USE VARIANCE

The Application of: _____

Property Location: _____

Parcel No. _____

Legal Description attached hereto as Exhibit A

Variance Requested:

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

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 facts shown as follows:

That the CONDITIONAL USE WILL ____ WILL NOT ____ create a nuisance by reason of noise, smoke, odors, vibrations or objectionable lights BECAUSE of the facts shown as follows:

That the hours of operation of the CONDITIONAL USE WILL ____ WILL NOT ____ pose a hazard, hardship or nuisance to the neighborhood BECAUSE of the facts shown as follows:

That the CONDITIONAL USE WILL ____ WILL NOT ____ cause undue traffic congestion or require off-site parking BECAUSE of the facts shown as follows:

The approval of the CONDITIONAL USE DOES ____ DOES NOT ____ interfere substantially with the Comprehensive Plan adopted by the Town of Beverly Shores BECAUSE of the facts shown as follows:

BEVERLY SHORES BOARD OF ZONING APPEALS

APPLICANT'S PROPOSED FINDINGS OF FACT FOR A DEVELOPMENT STANDARD VARIANCE INVOLVING A STEEP SLOPE

The Application of: _____

Property Location: _____

Parcel No. _____

Legal Description attached hereto as Exhibit A

Variance Requested:

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:

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 facts shown as follows:

The strict application of the 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:

There IS _____ IS NOT _____ a practicable alternative site on the property which would avoid or lessen the impact to the Steep Slope BECAUSE of the facts shown as follows:

If there is no practicable alternative site other than on a Steep Slope, the Applicant's plans and the review by the engineer DO _____ DO NOT _____ demonstrate that the Application meets the requirements of the zoning ordinance and the interests of the Town of Beverly Shores described in zoning ordinance BECAUSE of the facts shown as follows:

BEVERLY SHORES BOARD OF ZONING APPEALS

APPLICANT'S PROPOSED FINDINGS OF FACT FOR A DEVELOPMENT STANDARD VARIANCE

The Application of: _____

Property Location: _____

Parcel No. _____

Legal Description attached hereto as Exhibit A

Variance Requested:

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:

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 facts shown as follows:

The strict application of the 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:

BEVERLY SHORES BOARD OF ZONING APPEALS
APPLICANT'S PROPOSED FINDINGS OF FACT FOR A USE VARIANCE

The Application of: _____

Property Location: _____

Parcel No. _____

Legal Description attached hereto as Exhibit A

Variance Requested:

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:

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 facts shown as follows:

The need for the variance DOES _____ DOES NOT _____ arise from some condition peculiar to the property BECAUSE of the facts shown as follows:

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 facts shown as follows:

The approval DOES _____ DOES NOT _____ interfere substantially with the Comprehensive Plan adopted by the Town of Beverly Shores BECAUSE of the facts shown as follows:
