



## **INSTRUCTIONS FOR FILING A BOARD OF ZONING APPEALS APPLICATION**

***Prior to submittal of a Board of Zoning Appeals (BZA) application, a petitioner must attend a pre-application meeting with the Planning Director.***

### **1. TYPES OF APPLICATIONS**

The BZA hears and rules on the following applications:

- a. Administrative Appeals
- b. Conditional Uses
- c. Variances
  - i. Developmental Standards Variances
  - ii. Use Variances

### **2. FILING THE APPLICATION**

- a. An application for a BZA petition can be obtained at the Community Development Department, Town Hall, 1005 Ridge Road, Munster, Indiana, 46321.
- b. The complete application must be submitted to the Community Development Department between the hours of 8:00 a.m. to 4:00 p.m., Monday through Friday, at least twenty-eight (28) calendar days before the date of the BZA meeting. The BZA meets the second Tuesday of each month at 6:00 p.m., at the Town Hall.
- c. Submittal of an application with supporting documents to the Community Development Department must be accompanied by payment of a fee, which is calculated by the Community Development Department and paid at the Office of the Clerk-Treasurer.
- d. If the person filing the petition is not the current owner of the property, he or she must be authorized in writing by affidavit to act on the owner's behalf; a sample affidavit is included in the application packet.
- e. The Community Development Department staff will review the application for completeness. If determined to be incomplete, staff will notify the petitioner and the review of the application will be suspended until a complete application is received. If determined to be complete, the petition will be placed on the agenda of the next regularly scheduled BZA meeting.

### **3. BZA HEARINGS**

- a. The BZA meets the second Tuesday of each month at 6:00 p.m. at the Town Hall.
- b. The individual that filed the petition may appear in person, by agent, or by attorney to explain the request.
- c. Two meetings with the BZA are required: a preliminary hearing and a public hearing.

- d. Preliminary Hearing  
At the first meeting, the members will ask questions and listen to the Petitioner's explanation and then vote to schedule a public hearing at the next regularly scheduled BZA meeting.
- e. Public Hearing  
State law requires that hearings for BZA petitions be advertised to allow neighbors and other affected property owners of record to speak in favor or against the request.
- f. Notice of the public hearing shall be given by the petitioner in the following manner:
  - i. **Publication.** The petitioner shall, at petitioner's expense, publish a legal ad in the Northwest Indiana Times at least ten days prior to the public hearing. To place a public notice please call 219-933-3292, email [Legals@nwi.com](mailto:Legals@nwi.com), or follow the instructions employed by Northwest Indiana Times and its representatives.
  - ii. **Mailed.** The petitioner shall send notice of the public hearing by certified mail to all property owners who own property within 200 feet of the subject property at least ten days prior to the hearing. The Community Development Department will provide a list of property owners and addresses. Upon sending the certified mail, the petitioner will receive a white ticket for each letter. The white tickets, (certified mail receipts), must be submitted to the Community Development Department no later than 10 days prior to the public hearing. The read receipts, which are green tickets, must be submitted to the Community Development Department upon receipt.
  - iii. **Posted.** The petitioner shall post a sign with information about the public hearing prominently on the property for at least ten days prior to the public hearing using a sign provided by the Town of Munster. There is a charge for the sign and a deposit for the post which is refundable when the post is returned. The sign must be placed in plain view and legible from the street fronting the property.
  - iv. **Proof.** The petitioner shall be responsible for returning proof of notice to the Community Development Department no later than 24 hours prior to the public hearing. Failure to provide proof of notice will result in a tabling of the public hearing.
- g. At the BZA meeting during which the public hearing is held, the chairman of the BZA will open the public hearing and ask if there is anyone wishing to speak in favor or against the petition. It is strongly suggested that the person filing the petition contact the nearby property owners of record and inform them of the petition in order to minimize confusion and misunderstanding.
- h. The BZA may continue or close the public hearing. Continuing the public hearing to the next meeting usually means that more information is needed before a decision can be made. Closing the public hearing means that the BZA believes they have received sufficient public input.
  - i. In the case of a developmental standards variance request or an administrative appeal, the BZA is authorized to approve, approve with conditions, or deny.
  - ii. In the case of a use variance, conditional use request, the BZA is authorized to forward a recommendation to the Town Council. The recommendation may be to approve, approve with conditions, or deny. The BZA may also vote to forward the petition to the Town Council with no recommendation.

- i. A majority of the whole five-member BZA (that is, 3 of the 5 members regardless of whether all 5 are present at the meeting) must vote the same way to constitute official action.

#### **4. TOWN COUNCIL HEARING**

In the case of a use variance, conditional use request, the BZA will forward its recommendation to the Town Council for final consideration at its next meeting.

**IMPORTANT NOTE: Indiana State Law prohibits a petitioner from communicating with BZA members about the petition prior to the formal hearings.**

**Ref: IC 36-7-4-920 (g) *A person may not communicate with any member of the board before the hearing with intent to influence the member's action on a matter pending before the board.***



Petition BZA \_\_\_\_\_ - \_\_\_\_\_

Date: \_\_\_\_\_

Application Fee: \$ \_\_\_\_\_

Sign Fee: \$ \_\_\_\_\_

**Town of Munster Board of Zoning Appeals Petition Application**  
**OWNER INFORMATION:**

\_\_\_\_\_  
Name of Owner Phone Number

\_\_\_\_\_  
Street address, City, ST, ZIP Code Email address

**APPLICANT OR PETITIONER INFORMATION (if different than above):**

\_\_\_\_\_  
Name of Applicant/Petitioner Phone Number

\_\_\_\_\_  
Street address, City, ST, ZIP Code Email address

**PROPERTY INFORMATION:**

\_\_\_\_\_  
Business or Development Name (if applicable)

\_\_\_\_\_  
Address of Property or Legal Description Current Zoning

**APPLICATION INFORMATION:**

Please select what this Application is for:

- Variance**                      If yes, select one of the following:                       **Use**    **Developmental Standards**
- Conditional Use**
- Administrative Appeal**

**Brief Description of Project and List of Variances or Conditional Uses Being Requested (if applicable):**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Name of Registered Engineer, Architect or Land Surveyor Phone Number

\_\_\_\_\_  
Street address, City, ST, ZIP Code Email address



Petition BZA \_\_\_\_\_ - \_\_\_\_\_

***Town of Munster*** Board of Zoning Appeals Application Signature Page

I hereby authorize \_\_\_\_\_ to act on my behalf as my agent in this petition and to furnish, upon request, supplemental information in support of this petition application.

\_\_\_\_\_  
*Signature of Owner*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Signature of Applicant*

\_\_\_\_\_  
*Date*

\_\_\_\_\_

## REQUIRED ATTACHMENTS

### Required Attachments for Board of Zoning Appeals Applications

To ensure that adequate information is provided to the BZA, please check off each of these items and provide documentation to the Community Development Department at the time of submittal of the application.

ALL APPLICATIONS	Included	N/A
Narrative statement describing project		
Property owner consent (Signature page)		
Proof of Ownership (e.g. copy of tax bill)		
Plat of Survey depicting current conditions		
Site Plan containing the following:		
Boundary identification		
Fire hydrant locations		
Accessory structures		
Parking lot design		
Utility location		
Building footprints		
Proposed curb cuts		
Drainage/detention plans		
Traffic circulation		
Ingress/egress locations		
Major topographic information		
Infrastructure improvements		
Conditions of Approval Form (Note: complete the form specific to your petition)*		
Any other information that the BZA may find useful in determining whether the application is merited.		

\* Unique conditions have been established for special use permits for public garages, gas filling stations, used car lots, garden centers, massage parlors, adult bookstores, tattoo parlors, adult cabarets, and outdoor dining areas. Community Development staff will advise potential applicants of these at the pre-application meeting.

**NOTE: If you checked any exhibits "N/A", please explain:**

---



---



---



---



---



---



---

## **CONDITIONAL USE CONDITIONS OF APPROVAL (PAGE 1 of 2)**

The Munster Board of Zoning Appeals is authorized to hear petitions for conditional uses and to forward the petition to the Munster Town Council with a recommendation to approve, a recommendation to deny, or no recommendation. The Board of Zoning Appeals may also recommend reasonable conditions and restrictions. Sec. 26-6.405.L.4 of the Munster Zoning Code states that no conditional use shall be granted by the Munster Town Council unless the special use meets the conditions listed below.

Please explain how the proposed use meets these conditions.

1. It will be harmonious with and in accordance with the general and specific intent, purposes and objectives of Section 26-6.105, that is, it promotes and is necessary to the health, safety, general welfare, comfort, and convenience of the Town and its residents, and the Town's Comprehensive Plan.

---

---

---

---

---

2. It will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the same area.

---

---

---

---

---

3. It will not be hazardous or disturbing to existing neighboring uses.

---

---

---

---

---

4. It will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.

---

---

---

## CONDITIONAL USE CONDITIONS OF APPROVAL (PAGE 2 of 2)

- 
- 
- 
5. It will not create excessive additional requirements at public expense for public facilities and services and will not be detrimental to the economic welfare of the community.

- 
- 
- 
- 
6. It will not involve uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

- 
- 
- 
- 
7. It will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

- 
- 
- 
- 
8. It will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance
- 
- 
- 
- 

***Attach additional pages if necessary***



## DEVELOPMENTAL VARIANCE CONDITIONS OF APPROVAL

The Munster Board of Zoning Appeals is authorized to hear petitions for developmental standards variances and to approve or deny. The Board of Zoning Appeals may also impose reasonable conditions and restrictions. Indiana Code 36-7-4-918.5 lists the legal criteria for a developmental standards variance:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community. Explain why this statement is true in this case:

---

---

---

---

---

---

---

---

---

---

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. Explain why this statement is true in this case:

---

---

---

---

---

---

---

---

---

---

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. Explain why this statement is true in this case:

---

---

---

---

---

---

---

---

---

---

***Attach additional pages if necessary***

## USE VARIANCE CONDITIONS OF APPROVAL (PAGE 1 OF 2)

The Munster Board of Zoning Appeals is authorized to hear petitions for use variances and to forward the petition to the Munster Town Council with a recommendation to approve, a recommendation to deny, or no recommendation. The Board of Zoning Appeals may also recommend reasonable conditions and restrictions. Indiana Code 36-7-4-918.4 lists the legal criteria for a use variance:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community. Explain why this statement is true in this case:

---

---

---

---

---

---

---

---

---

---

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. Explain why this statement is true in this case:

---

---

---

---

---

---

---

---

---

---

3. The need for the variance arises from some condition peculiar to the property involved. Explain why this statement is true in this case:

---

---

---

---

---

---

---

---

---

---

## USE VARIANCE CONDITIONS OF APPROVAL (PAGE 2 OF 2)

4. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought. Explain why this statement is true in this case:

---

---

---

---

---

---

---

---

5. The approval does not interfere substantially with the adopted comprehensive plan. Explain why this statement is true in this case:

---

---

---

---

---

---

---

---

***Attach additional pages if necessary***

**Town of Munster**

*Legal Notice*

BOARD OF ZONING APPEALS PETITION NO. \_\_\_\_\_ - \_\_\_\_\_

Notice is hereby given that the Town of Munster, Lake County, Indiana, will hold a public hearing in the Munster Town Hall, 1005 Ridge Road, at 6:00 p.m. on \_\_\_\_\_, 20\_\_\_\_, to consider the following petition, in accordance with the Munster Zoning Ordinance:

---

---

---

---

Common Address and/or Description:

---

---

Legal Description:

---

---

---

---

---

Anyone interested in the Petition may appear in person or by agent at the public hearing. Written objections filed with the Board of Zoning Appeals Executive Secretary, Sergio Mendoza, by 4pm of the day the public hearing is to be heard. The public hearing may be continued from time to time as may be found necessary. All information concerning such petition (application) is on file in the Community Development Office, 1005 Ridge Road, Munster, Indiana, 46321, for public examination.

Sergio Mendoza, Executive Secretary

**Town of Munster**

*Notice to Owners of Affected Property*  
BOARD OF ZONING APPEALS PETITION NO. \_\_\_\_\_ - \_\_\_\_\_

\_\_\_\_\_  
*Name of Petitioner*

\_\_\_\_\_  
*Address*

Notice is hereby given that at the regularly scheduled meeting of \_\_\_\_\_, 20\_\_\_\_,  
at 6:00 p.m., at the Munster Town Hall, 1005 Ridge Road, Munster, Indiana, the Board of Zoning Appeals  
will conduct a public hearing on the following petition:

\_\_\_\_\_  
\_\_\_\_\_

Anyone interested in the petition may appear in person or by agent. Written objections, filed with the Board of Zoning Appeals Executive Secretary, Sergio Mendoza, by 4pm of the day the public hearing is to be heard. The public hearing may be continued from time to time as may be found necessary. All information concerning the petition (application is on file in the Community Development Office, 1005 Ridge Road, Munster, Indiana, 46321, for public examination.

\_\_\_\_\_  
Signature of Petitioner

\_\_\_\_\_  
Date