

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

The information contained in this checklist will assist you in filing a petition before the Beverly Shores' Board of Zoning Appeals ("BZA"). The decision of the BZA depends on a clear understanding of your request. Although not required, many Applicants do seek the advice of an attorney before filing a petition. An Application for hearing on appeal shall be filed with the Chairperson of the BZA 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. As the Applicant you are responsible for providing all documents and requested information with the petition no later than five (5) business days before the date of the BZA Preliminary Hearing or the Public Hearing, as applicable ("Deadline"). The information and documents must be accurate and must be submitted to the BZA Secretary prior to the scheduled Deadline, except for proofs of notice which may be delivered on the date of the Public Hearing. It is strongly recommended that the Applicant begin collecting the necessary documents prior to the date of the Deadline. If an Application is not complete or is filed late it will not be placed on the Agenda for the following month. Please submit nine (9) copies of your Application and supporting information. Applicant is advised to thoroughly review the By-Laws 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.

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### APPLICATION AND PRELIMINARY HEARING:

In order for a application to be considered complete it must include at a minimum the following (Check all items provided):

1. \_\_\_ APPLICATION FEE. In the amount of \$500.00 payable in cash, personal check or money order to the Clerk's Office by no later than NOON on the day of the Deadline for the desired Board of Zoning Appeals meeting.
2. \_\_\_ COMPLETED APPLICATION.
3. \_\_\_ SITE PLAN/CONCEPT PLAN. The 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 relevant topographical data. Easement and wetland information must also be provided if wetlands if construction activities are within twenty-five feet of a wetland or if easements exist or are proposed on the property in question.

4. \_\_\_\_ WRITTEN DESCRIPTION OF PROJECT. There should be a reasonably detailed written description of the proposed project, including, without limitation the variances that are being sought and the reasons why the Applicant's proposed improvements have difficulties in complying with the applicable zoning ordinance provisions. If plans and specifications for the proposed improvements have been prepared, they shall be submitted with the Application. The written description and the plans and specifications help the Board of Zoning Appeals to better understand the proposed project.

6. \_\_\_\_ DEED. A copy of the recorded deed containing the legal description of the property. The Applicant can obtain a copy of the Deed from the Porter County Recorders 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 from the BZA.

7. \_\_\_\_ PHOTOGRAPHS. Applicant shall deliver 8" x 10" photographs of (a) the existing improvements on the subject property; (b) the improvements on the adjacent properties; and (3) the location of the proposed improvements on the subject property.

8. \_\_\_\_ 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.

9. \_\_\_\_ FACTUAL BASIS FOR THE BZA'S ACTION. In all cases, it is the Applicant's responsibility to establish to the BZA's satisfaction the factual basis for the requested BZA action pertaining to all cases. The Applicant will need to fill out the Proposed Findings of Fact Form supplied by the BZA for the variance that is being requested.

The BZA will review the application materials for completeness and clarity. If it is determined that the application is incomplete, the BZA will notify the Applicant of the missing or incomplete items and schedule the request for the next Board of Zoning Appeals meeting following receipt of a complete application packet.

## PUBLIC HEARING:

If the BZA determines at the preliminary hearing that the Application contains all required information and that a public hearing is required by applicable law, the BZA will schedule the matter for a public hearing and you must provide the following information to the BZA at the public hearing or the Deadline, as applicable:

1. \_\_\_\_ 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 Auditor'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. All property owner information must be submitted as part of the application. It is the Applicant's responsibility to obtain this information.

2. \_\_\_\_ 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 "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 potentially revoked at some later date.

3. \_\_\_\_ APPLICANT'S AFFIDAVIT OF NOTICE. The Applicant is required to post written notice of the BZA public hearing at the Beverly Shores Post Office and the Beverly Shores Administration Building no later than ten (10) days prior 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 potentially revoked at some later date.

4. \_\_\_\_ 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 the Chesterton Tribune or other newspaper in general circulation in Porter County, Indiana. Applicant shall deliver proof of publication to the BZA at the public hearing. If you do not deliver proof of publication, the public hearing may not be held and the request may be denied, delayed, or potentially revoked at some later date.

5. \_\_\_ STEEP SLOPE. If the variance involves a Steep Slope, Applicant may be required to submit a geotechnical engineering report.

6. \_\_\_ OTHER INFORMATION. Applicant shall deliver any other information that was requested by the BZA at the Preliminary Hearing prior to the Deadline.

7. \_\_\_ ONSITE NOTIFICATION SIGN

The BZA may 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. The BZA will collect the sign(s) immediately following the public hearing date listed on the sign. 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 so that a new sign may be placed on the property.

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

**ARTICLE I**

**MEETINGS**

1. The meetings of the Beverly Shores Board of Zoning Appeals (here-in-after referred to as BZA) shall be held as scheduled by the Board from time to time, except for the first meeting of the year, which shall be held sometime in January for the purpose of reorganization.
2. Special meetings of the BZA may be called by the Chairperson on their own initiative or upon request of two (2) members to the Chairperson. The Chairperson shall provide all members at least two (2) days in advance of a special meeting, notice 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. Notice must be given to the newspaper and posted at least (48) hours before a special meeting.
3. 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.
4. Decisions of the BZA shall be by voice vote of the members. Any member shall disqualify themselves or be disqualified from voting, by a majority of the entire membership of the BZA upon determination that the member 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.
5. The Secretary of the BZA shall keep the minutes of all proceedings and shall record the vote on all action taken, which shall be presented to the BZA for approval at the next regular meeting. When approved, the minutes shall be ATTESTED by the Secretary and SIGNED by the Chairperson. A copy shall be kept on file for public inspection at the Administration Building.
6. All meetings at which official action is taken shall be open to the general public.

# **BOARD OF ZONING APPEALS - BY-LAWS**

## **ARTICLE II**

### **OFFICERS AND EMPLOYEES**

1. The officers of the BZA shall consist of a Chairperson and Vice-Chairperson.
2. 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.
3. The Vice-Chairperson shall have the authority to act as Chairperson of the BZA during the absence, disability or resignation of the Chairperson.
4. 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.
5. Vacancies in officers shall be filled promptly by majority vote of the membership of the BZA.
6. The BZA may employ a secretary and such persons as are necessary for discharge of the duties and responsibilities of the BZA and make contracts for special or temporary services and any professional counsel. The secretary shall keep the minutes and records of the BZA in a secure cabinet in the Town Hall. Appointments shall be made by a majority vote of the BZA members. Compensation for such employees shall be fixed by BZA. Total annual expenses for services and counsel shall not exceed funds available for that purpose.

## **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, committee or board charged with the enforcement of a zoning ordinance.
2. A petitioner who wishes to appeal an order, requirement, decision or determination shall file an APPLICATION FOR HEARING ON APPEAL in the form prescribed by the BZA, by depositing said application and any required or otherwise pertinent documents in the UNITED STATES POSTAL SERVICE, postage pre-paid, addressed to the CHAIRPERSON OF THE BZA, c/o TOWN OF BEVERLY SHORES, PO BOX 38, BEVERLY SHORES, IN 46301-0038. The postmark date shall be presumptive evidence of the date of filing. A separate application must be filed out for each type of relief being requested even if they concern the same property and the same project.

## **BOARD OF ZONING APPEALS - BY-LAWS**

3. 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 HEARING APPEAL; 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 be appended to the APPLICATION FOR HEARING APPEAL; 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 HEARING APPEAL.

4. Application for hearing on appeal shall be filed with the Chairperson of the BZA within thirty (30) days of issuance of written rejection, citation or determination by an administrative official, committee or board charged with the enforcement of the zoning ordinance.

5. All appeals shall be accompanied by a FILING FEE OF FIVE HUNDRED DOLLARS (\$500.00) to help defray the administrative costs of the BZA. Shall be filed with the Clerk Treasurer at least five (5) business days before the next meeting in order to get on the agenda.

6. The Chairperson shall call a preliminary meeting of the BZA no later than twenty (25) days from the date an appeal is filed for the purpose of determining the sufficiency of the application 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 add place for public hearing. Cases shall come before the BZA 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.

7. Whenever a public hearing is required for any proceeding or permit requiring action by the BZA:

A. NOTICE THEREOF SHALL BE PUBLISHED IN ONE (1) NEWSPAPER of general circulation published in Porter County, Indiana circulated in the town.

(a) Such notices shall announce the DATE, TIME, AND PLACE OF THE HEARING.

(b) SHALL DECLARE THE NATURE AND PURPOSE OF THE

## **BOARD OF ZONING APPEALS - BY-LAWS**

PROCEEDING.

- (c) SHALL DESCRIBE THE PROPERTY OR PREMISES CONCERNED BOTH BY LEGAL AND GENERAL DESCRIPTION.
- (d) SHALL STATE WITH SUFFICIENT CLARITY THE AMENDMENT, PERMIT, APPROVAL OR RELIEF SOUGHT THROUGH THE PROCEEDINGS OF WHICH NOTICE IS GIVEN.

B. In addition to publication, a copy of such notice shall be posted in a conspicuous place at the Post Office, Town Hall and at the meeting place.

At the hearing an affidavit shall be filed by the person posting said notices stating the date and places of posting, and a publisher's affidavit shall be filed showing proof of publication. All of such notices are in lieu of there being no newspaper of general circulation published in the Town, and said notices shall be so published and posted at least ten (10) days prior to the date fixed for the public hearing.

8. In all appeals to the BZA, personal notice of such appeal shall be given to all adjoining property owners holding title to land within three hundred (300) feet of the property line of property involved. Notice shall be in the form prescribed by the BZA and shall be given by the applicant, mailing such notices by CERTIFIED MAIL RETURN RECEIPT REQUESTED to the last known address of the adjoining property owners to the address of the owner of the property as stated in the records of the Township Assessor or Porter County Auditor at least ten (10) days before the date of public hearing. The responsibility for fulfilling and paying for all posting, publication, and notice requirements shall be that of the applicant and the applicant shall provide the Chairman with the required documentation proving all said requirements were fulfilled.

The Chairperson shall file with the case a copy of such notices, together with the names and addresses of the persons notified.

9. 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.

10. When an appeal has been filed with the BZA, proceedings and 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. In that case, proceedings or work may not be stayed except by a restraining order.

Upon application, after notice to the administrative official, committee or board rendering the decision appealed from, and to the owner of the premises affected after due cause is shown, the Town BZA or Circuit or Superior court of the County in which the affected premises are located, may grant the restraining order.



# BOARD OF ZONING APPEALS - BY-LAWS

## ARTICLE IV

### CONDUCT OF HEARING

- 1) At a public hearing before the BZA:
  - (1). The applicant shall first present the facts and arguments in support of the case.
  - (2). Those who oppose the applicant shall follow.
  - (3). After which applicant will have five (5) minutes for rebuttal.

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

2. In the presentation of a case, the burden shall be upon the petitioner to supply all information, including charts, plats, 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. 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.

4. 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.

5. 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 Sections 540 through 542 of the Zoning Ordinance, in writing.

**BOARD OF ZONING APPEALS - BY-LAWS**

**ARTICLE V**

**FINAL DISPOSITION OF CASE**

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 modifications, specifications, restrictions, conditions, or limitations which the BZA determines are appropriate under the circumstances of the case.
2. The BZA may dismiss a case for want of prosecution or lack of jurisdiction. When a 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.
3. A applicant may not withdraw a case after a roll call vote has been ordered by the Chairperson.
4. 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.
5. A case which has been decided adversely to the applicant shall not be reconsidered by the Board except upon the presentation of new evidence.
6. 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.

**ARTICLE VI**

**AMENDMENTS**

1. These By Laws may be suspended or amended by a four-fifths (4/5) vote of the entire membership of the BZA.
2. Upon amendment of the By Laws, complete new By Laws 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 upon the payment of \$2.00. Reasonable steps shall be taken to make the By-Laws accessible on the Town's website.

Chairman: \_\_\_\_\_

Attest: Secretary \_\_\_\_\_

**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 By-Laws and all of the forms required to be submitted with this Application.
2. Applicant has paid the applicable Application Fee which Applicant acknowledges is non-refundable.
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: \_\_\_\_\_

Zoning 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 nine (9) copies and the application fee of \$500 to the Secretary of the BZA, Town Hall, 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. Applicant is advised to thoroughly review the BY-Laws of the BZA and to attach to this Application that said By-Laws require to be submitted with this Application plus any information the Applicant believes would be helpful to the BZA in this matter.

(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

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The nature of the Variance is

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contrary to Section \_\_\_\_ Subsection \_\_\_\_\_ of the Zoning Ordinance of Beverly Shores. The real estate is located at \_\_\_\_\_ and is legally described as:

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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.

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Applicant

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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 mailed to the Secretary of the Beverly Shores Board of Zoning Appeals, P.O. Box 38, Beverly Shores, IN, 46301.

Plan Commission Form Approval May 7, 2012

**NOTICE OF PUBLIC HEARING FOR A VARIANCE  
UNDER THE BEVERLY SHORES ZONING ORDINANCE, AS AMENDED  
FOR PROPERTIES WITHIHN 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.

Plan Commission Form Approval May 7, 2012

STATE OF INDIANA        )  
                                          ) SS:  
COUNTY OF PORTER        )

PROOF OF POSTING

\_\_\_\_\_, being first duly sworn, deposes  
and says:

1. That the Affiant caused the posting of one (1) 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:

- a. The Town Hall Building located on  
Broadway at Service Avenue in  
Beverly Shores, Indiana, and
- b. The Beverly Shores Post Office  
located at 4942 West Dunes Highway,  
Beverly Shores.

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\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
Printed Signature, Notary Public

My Commission Expires: \_\_\_\_\_ A resident of \_\_\_\_\_ County, IN

## POWER OF ATTORNEY

KNOW ALL PERSONS BY THESE PRESENTS that  
\_\_\_\_\_ (insert name of  
property owner) a resident of \_\_\_\_\_ County State of \_\_\_\_\_  
hereby constitute(s) and appoint(s) \_\_\_\_\_ as  
my/our attorney-in-fact, with full power of substitution, with the following powers to be  
exercised in my/our name and for our benefit:

Act for me/us and in my/our behalf in connection with a petition before the Beverly  
Shores' Board of Zoning Appeals or the Beverly Shores' Plan Commission concerning  
ther property located at \_\_\_\_\_, Beverly Shores,  
Indiana 46301, legally described as:

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

The undersigned property owner approves the petition before Beverly Shores' Board of  
Zoning Appeals or the Beverly Shores' Plan Commission.

Dated: \_\_\_\_\_

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

SUBSCRIBED AND SWORN

\_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Notary Public

Printed Name: \_\_\_\_\_

County of Residence: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_



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

No. \_\_\_\_\_

The Application of: \_\_\_\_\_

Property Location: \_\_\_\_\_

Parcel No. \_\_\_\_\_

Legal Description attached hereto as Exhibit A

Variance Requested:

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1. 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:

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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 facts shown as follows:

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3. 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:

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4. 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:

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

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6. 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:

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BEVERLY SHORES BOARD OF ZONING APPEALS  
CONDITIONAL USE  
FINDINGS OF FACT AND DECISION

No. \_\_\_\_\_

The Application of: \_\_\_\_\_

Property Location: \_\_\_\_\_

Parcel No. \_\_\_\_\_

Legal Description attached hereto as Exhibit A

Variance Requested:

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1. 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:

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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 facts shown as follows:

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3. 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:

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4. 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:

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

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6. 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:

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THE BOARD NOW GRANTS \_\_\_\_\_ REJECTS \_\_\_\_\_ this above requested CONDITIONAL USE:

And further decides the following conditions shall be imposed:

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DATE \_\_\_\_\_

BOARD OF ZONING APPEALS:

_____	YES ____	NO ____
_____	YES ____	NO ____
_____	YES ____	NO ____
_____	YES ____	NO ____
_____	YES ____	NO ____

STATE OF INDIANA                    )  
                                                  )  
COUNTY OF PORTER                 )        SS.

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the above identified members of the Beverly Shores Board of Zoning Appeals and acknowledged the execution of the foregoing for the purposes therein set forth.

\_\_\_\_\_  
Notary Public

Printed Name: \_\_\_\_\_  
County of Residence: \_\_\_\_\_  
Commission expires: \_\_\_\_\_

This Instrument Prepared by:

Jeffrey B. Katz  
831 Washington Street  
Michigan City, IN 46360

I affirm, under penalties for perjury, that I have taken reasonable care to redact each social security number in this document unless required by law. Jeffrey B. Katz

BEVERLY SHORES BOARD OF ZONING APPEALS  
DEVELOPMENT STANDARD VARIANCE INVOLVING A STEEP SLOPE  
APPLICANT'S PROPOSED FINDINGS OF FACT

No. \_\_\_\_\_

The Application of: \_\_\_\_\_

Property Location: \_\_\_\_\_

Parcel No. \_\_\_\_\_

Legal Description attached hereto as Exhibit A

Variance Requested:

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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:

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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 facts shown as follows:

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3. 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:

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4. 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:

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5. 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:

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BEVERLY SHORES BOARD OF ZONING APPEALS  
DEVELOPMENT STANDARD VARIANCE INVOLVING A STEEP SLOPE  
FINDINGS OF FACT AND DECISION

No. \_\_\_\_\_

The Application of: \_\_\_\_\_

Property Location: 725 East Lakefront Drive; Block 207, Lots 6, 7 & part of 25

Parcel No. \_\_\_\_\_

Legal Description attached hereto as Exhibit A

Variance Requested:

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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:

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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 facts shown as follows:

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3. 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:

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4. 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:

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5. 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 the zoning ordinance BECAUSE of the facts shown as follows:

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THE BOARD NOW GRANTS \_\_\_\_\_ REJECTS \_\_\_\_\_ this above requested DEVELOPMENT STANDARD VARIANCE INVOLVING A STEEP SLOPE:

And further decides the following conditions shall be imposed (INITIAL APPLICABLE CONDITIONS):

(A) \_\_\_\_\_ Within sixty (60) days after the date of these Findings, Applicant shall obtain and deliver to the Building Commissioner for review and approval by the Building Commissioner, a geotechnical engineering report for the site plan from a licensed Indiana geotechnical engineer including at a minimum the following:

1. A complete description of the area effected during construction or excavation activities;
2. All precautions which will be taken during construction to protect the area;
3. All monitoring which will occur during construction or excavation;
4. A Slope stability analysis of the dune including a discussion of the effect of construction and excavation as well as the effect of the location of the structure on the dune;
5. All efforts which will be taken to restore the site after construction to the original Slope;
6. All studies conducted on the site to support any conclusions.
7. A three-dimensional drawing or model of the structure on the proposed site.

(B) \_\_\_\_\_ Within sixty (60) days after the date of these Findings, Applicant shall select a licensed Indiana geotechnical engineer, from a list of engineers approved by the Town of Beverly Shores, to review the initial engineering reports submitted by the Applicant. All costs and professional fees associated with this review shall be paid by the Applicant.

(C) \_\_\_\_\_ Within thirty (30) days after the date of these Findings, Applicant shall obtain and deliver to the Building Commissioner an insurance policy in the minimum combined single limit coverage amount of \$\_\_\_\_,000,000 (not less than \$1,000,000) with the named insured's: the Town of Beverly Shores, the builder, the property owner, and adjacent or other affected property owners. The insurance policy shall be approved by the Building Commissioner and shall remain in force for a minimum of one year following granting of the occupancy permit. If there are any issues remaining under the policy after the one-year period and either the Town or any other affected landowner gives notice to the insurance company and the property owner, then the policy shall remain in effect until the remaining issues are resolved.

(D) \_\_\_\_\_ Additional Conditions:

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DATE \_\_\_\_\_

BOARD OF ZONING APPEALS:

_____	YES ____	NO ____
_____	YES ____	NO ____
_____	YES ____	NO ____
_____	YES ____	NO ____
_____	YES ____	NO ____

STATE OF INDIANA                    )  
                                                  )  
COUNTY OF PORTER                )        SS.

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the above identified members of the Beverly Shores Board of Zoning Appeals and acknowledged the execution of the foregoing for the purposes therein set forth.

\_\_\_\_\_  
Notary Public

Printed Name: \_\_\_\_\_  
County of Residence: \_\_\_\_\_  
Commission expires: \_\_\_\_\_

This Instrument Prepared by:

Jeffrey B. Katz  
831 Washington Street  
Michigan City, IN 46360

I affirm, under penalties for perjury, that I have taken reasonable care to redact each social security number in this document unless required by law. Jeffrey B. Katz

BEVERLY SHORES BOARD OF ZONING APPEALS  
DEVELOPMENT STANDARD VARIANCE  
APPLICANT'S PROPOSED FINDINGS OF FACT

No. \_\_\_\_\_

The Application of: \_\_\_\_\_

Property Location: \_\_\_\_\_

Parcel No. \_\_\_\_\_

Legal Description attached hereto as Exhibit A

Variance Requested:

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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:

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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 facts shown as follows:

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3. 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:

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BEVERLY SHORES BOARD OF ZONING APPEALS  
DEVELOPMENT STANDARD VARIANCE  
FINDINGS OF FACT AND DECISION

No. \_\_\_\_\_

The Application of: \_\_\_\_\_

Property Location: \_\_\_\_\_

Parcel No. \_\_\_\_\_

Legal Description attached hereto as Exhibit A

Variance Requested:

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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:

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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 facts shown as follows:

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3. 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:

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THE BOARD NOW GRANTS \_\_\_\_\_ REJECTS \_\_\_\_\_ this above requested DEVELOPMENT STANDARD VARIANCE:

And further decides the following conditions shall be imposed:

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DATE \_\_\_\_\_

BOARD OF ZONING APPEALS:

_____	YES ____	NO ____
_____	YES ____	NO ____
_____	YES ____	NO ____
_____	YES ____	NO ____
_____	YES ____	NO ____

STATE OF INDIANA                    )  
                                                  )  
COUNTY OF PORTER                )        SS.

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the above identified members of the Beverly Shores Board of Zoning Appeals and acknowledged the execution of the foregoing for the purposes therein set forth.

\_\_\_\_\_  
Notary Public

Printed Name: \_\_\_\_\_  
County of Residence: \_\_\_\_\_  
Commission expires: \_\_\_\_\_

This Instrument Prepared by:

Jeffrey B. Katz  
831 Washington Street  
Michigan City, IN 46360

I affirm, under penalties for perjury, that I have taken reasonable care to redact each social security number in this document unless required by law. Jeffrey B. Katz



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

No. \_\_\_\_\_

The Application of: \_\_\_\_\_

Property Location: \_\_\_\_\_

Parcel No. \_\_\_\_\_

Legal Description attached hereto as Exhibit A

Variance Requested:

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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:

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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 facts shown as follows:

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

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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 facts shown as follows:

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5. 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:

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BEVERLY SHORES BOARD OF ZONING APPEALS  
USE VARIANCE  
FINDINGS OF FACT AND DECISION

No. \_\_\_\_\_

The Application of: \_\_\_\_\_

Property Location: \_\_\_\_\_

Parcel No. \_\_\_\_\_

Legal Description attached hereto as Exhibit A

Variance Requested:

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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:

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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 facts shown as follows:

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3. 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:

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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 facts shown as follows:

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5. 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:

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THE BOARD NOW GRANTS \_\_\_\_\_ REJECTS \_\_\_\_\_ this above requested USE VARIANCE:

And further decides the following conditions shall be imposed:

DATE \_\_\_\_\_

BOARD OF ZONING APPEALS:

_____	YES ____	NO ____
_____	YES ____	NO ____
_____	YES ____	NO ____
_____	YES ____	NO ____
_____	YES ____	NO ____

STATE OF INDIANA                    )  
                                                  )  
COUNTY OF PORTER                 )        SS.

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the above identified members of the Beverly Shores Board of Zoning Appeals and acknowledged the execution of the foregoing for the purposes therein set forth.

\_\_\_\_\_  
Notary Public

Printed Name: \_\_\_\_\_  
County of Residence: \_\_\_\_\_  
Commission expires: \_\_\_\_\_

This Instrument Prepared by:  
  
Jeffrey B. Katz  
831 Washington Street  
Michigan City, IN 46360

I affirm, under penalties for perjury, that I have taken reasonable care to redact each social security number in this document unless required by law. Jeffrey B. Katz