

\*\*\*\*\*

**2016 FILING SCHEDULE**  
**AREA BOARD OF ZONING APPEALS**

**FILING DATE – BEFORE NOON**

**MEETING DATES – 1:30 p. m.**

DECEMBER 15, 2015	-----	JANUARY 6, 2016
JANUARY 12, 2016	-----	FEBRUARY 3, 2016
FEBRUARY 9, 2016	-----	MARCH 2, 2016
MARCH 15, 2016	-----	APRIL 6, 2016
APRIL 12, 2016	-----	MAY 4, 2016
MAY 10, 2016	-----	JUNE 1, 2016
JUNE 14, 2016	-----	JULY 6, 2016
JULY 12, 2016	-----	AUGUST 3, 2016
AUGUST 16, 2016	-----	SEPTEMBER 7, 2016
SEPTEMBER 13, 2016	-----	OCTOBER 5, 2016
OCTOBER 11, 2016	-----	NOVEMBER 2, 2016
NOVEMBER 15, 2016	-----	DECEMBER 7, 2016
DECEMBER 13, 2016	-----	JANUARY 4, 2017

\*\*\*\*\*

**INSTRUCTIONS FOR FILING PETITIONS**

The **FOLLOWING ITEMS** are needed to **FILE A PETITION** before the **AREA BOARD OF ZONING APPEALS**.

**ALL PAPERWORK IS TO BE FILED BY NOON ON THE FILING DEADLINE**

1. **10 copies of a computer generated petition, in the form of a letter or statement and is to include the following information:**
  - a. **NAME, ADDRESS, PHONE NUMBERS & E-MAIL ADDRESSES OF THE PETITIONER AND/OR PROPERTY OWNERS.**
  - b. **LOCATION OF PROPERTY IN PETITION (ADDRESS).**
  - c. **STATEMENT OF VARIANCE REQUESTED AND REASON FOR REQUEST.**
  - d. **YOU MUST ADDRESS INDIVIDUALLY IN A LETTER TO THE BOARD EACH OF THE FOLLOWING STANDARD FOR VARIANCE I.C. 36-7-4-918.5:**
    1. **WHY the approval will not be injurious to the public health, safety, morals and general welfare of the community.**
    2. **WHY the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner**
    3. **WHY the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.**
  - e. **NAME, ADDRESS AND PHONE NUMBER OF PERSON PRESENTING PETITION, IF OTHER THAN OWNER.**
  - f. **ZONING CLASSIFICATION of property and TOWNSHIP it lies in.**
  - g. **SIGN the petition.**
  
2. (A) **10 copies of a site plan of the property in petition, SHOWING PROPERTY SIZE, ALL EXISTING AND PROPOSED BUILDINGS, & SEPTIC LOCATION, THEIR DIMENSIONS AND DISTANCES from all PROPERTY LINES. If the property is UNDER 3 ACRES, THIS MUST BE DRAWN TO SCALE.**
  
- (B) **10 copies of an AERIAL VIEW ALL PROPERTIES WITHIN 300 FEET OF PROPERTY IN PETITION, SHOWING PROPERTY SIZE, BUILDINGS, AND THEIR DISTANCES FROM ALL PROPERTY LINES (2<sup>ND</sup> FL. AUDITOR'S OFFICE. TALK TO VICKIE OR MARK IN THE PLAT ROOM. THEIR NUMBER IS 574235-9463)**
  
3. **10 copies of the LIST OF NAMES AND ADDRESSES OF PROPERTY OWNERS WITHIN 300 FEET OF PROPERTY IN PETITION. IDENTIFY PROPERTY OWNERS TO THEIR PROPERTY ON THE AERIAL VIEW.**
  
4. **A COPY of the NOTICE TO ADJACENT PROPERTY OWNERS and A STAMPED ADDRESSED ENVELOPE FOR EACH PROPERTY OWNER WITHIN 300 feet, PLUS ONE EXTRA COPY FOR OUR FILES. Stuff the envelopes but do not seal. If using your own envelopes, OUR RETURN ADDRESS MUST BE ON THE OUTSIDE OF THE ENVELOPES BECAUSE IF RETURNED THEY MUST COME TO THIS OFFICE**
  
5. **2 COPIES of the NOTICE OF PUBLIC HEARING form. The NOTICE OF PUBLIC HEARING MUST BE PUBLISHED AT LEAST 10 DAYS PRIOR TO THE MEETING DATE.**
  
6. **A \$85.00 FILING FEE for a VARIANCE or a \$300.00 DOLLAR FILING FEE for a SPECIAL EXCEPTION/USE or CONDITIONAL USE and \$45.00 for each variance filed simultaneously with another variance or Special Use/Exception or Conditional Use, in cash, check, or money order made payable to "St. Joseph County/City of South Bend".**
  
7. **The PETITIONER, HIS/HER ATTORNEY, OR REPRESENTATIVE MUST BE PRESENT AT THE HEARING. If the REPRESENTATIVE IS NOT AN ATTORNEY AND THE TITLEHOLDER IS NOT PRESENT, IT IS NECESSARY TO HAVE A STATEMENT FROM THE TITLE HOLDER GIVING PERMISSION TO PRESENT THE PETITION. IF THE PETITION IS GRANTED YOU WILL NOT BE ABLE TO OBTAIN YOUR BUILDING PERMIT UNTIL THE DAY FOLLOWING THE HEARING.**

**SEE ADDITIONAL PAGE FOR MORE INSTRUCTIONS**

**INSTRUCTIONS FOR FILING PETITIONS.**

Page Two

**ADDITIONAL INFORMATION IS REQUIRED FOR THE FOLLOWING:**

**MOBILE HOME PETITIONS**

1. **10** copies of the **MOBILE HOME PETITION**. A time period must be indicated as the Board will not grant an open-ended time period for a mobile home.
2. On a **MOBILE HOME PETITION** for **A MEDICAL HARDSHIP**, a letter is required from the attending physician(s) explaining the condition of occupant of mobile home.
3. **SHOW** proposed location of mobile home on the site plan and also where the septic system and well will be located.

**COMMERCIAL PROJECT - SITE PLAN REQUIREMENTS**

1. **HEIGHT** of **BUILDINGS**.
2. **SURFACE WATER DRAINAGE PLANS. ALSO SITE PLAN INDICATING FINISHED ELEVATIONS.**
3. **OPEN SPACES** (shown by either label or figures).
4. **ON-SITE PARKING PROVISIONS** - where and how many.
5. **ALL TABULATED DATEA** must be present on site plan.
6. **ANY BUFFER STRIPS AND/OR SCREENING** if required.

**SPECIAL USE/EXCEPTIONS PETITION:**

1. **11** copies of everything stated on the instructions.
2. A prepared ordinance for Special Use/Exception must be filed in the County Council/City Clerks office prior to filing your petition.

**ALL PAPERWORK IS TO BE FILED BY NOON ON THE FILING DATE DEADLINE.**

**NOTE: REGARDING THE NOTICE OF PUBLIC HEARING FORM:**

It is the **responsibility of the petitioner, or representative** to make arrangements for publication of the **NOTICE OF PUBLIC HEARING FORM**. This notice **MUST** be **PUBLISHED ONE (1) BEING AT LEAST 10 DAYS PRIOR TO THE DATE ON WHICH THE PUBLIC HEARING IS TO BE HELD**. It is the **PETITIONER'S RESPONSIBILITY** to provide proof of publication on the meeting date.

The following papers are allowed for publication:

South Bend Tribune  
Mishawaka Enterprise  
Tri-County News

**AREA BOARD OF ZONING APPEALS**

125 S. Lafayette Blvd.  
Suite 100  
South Bend, Indiana 46601  
574/235-9554  
574/235-5541-Fax

**NOTICE TO ADJACENT PROPERTY OWNERS:**

You are hereby notified that a public hearing will be held by the Area Board of Zoning Appeals on Wednesday, the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at 1:30 p.m. in the Council Chambers on the 4<sup>th</sup> Floor of the County-City Building, 227 W. Jefferson Blvd., South Bend, Indiana.

A petition is on file by \_\_\_\_\_

Seeking:

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

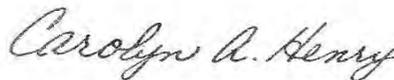
On property commonly described as:

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

Said public hearing will be held as authorized by the applicable Zoning Ordinance and Chapter 138, Acts of 1957 of the General Assembly of the State of Indiana.

As a property owner within the immediate appeal area, this notice is sent to you as a courtesy. Sometimes, for reasons beyond our control, property owners within the immediate area of the subject property will not receive a copy of this notice. If you know of someone who should have received notice but didn't, please inform them of this hearing. Any persons desiring to oppose or support this petition will be heard at the time of the hearing.

AREA BOARD OF ZONING APPEALS



\_\_\_\_\_  
Carolyn A. Henry  
Secretary to the Board

NOTICE OF PUBLIC HEARING

Notice is hereby given to all interested persons that the Area Board of Zoning Appeals will hold a public hearing in the Council Chambers on the 4th Floor of the County-City Building, 227 W. Jefferson Blvd., South Bend, Indiana on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at 1:30 p.m. or as soon thereafter as the matter can be heard. This hearing is for the purpose of considering a petition that was

Filed by: \_\_\_\_\_

Seeking:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

On real estate commonly described as:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

and is legally described as follows:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Area Board of Zoning Appeals

\_\_\_\_\_  
Carolyn A. Henry  
Secretary to the Board

**TO THE PETITIONER:** It is your responsibility to complete this form correctly and deliver it to the Secretary of the Board of Zoning Appeals with the other papers at the time of original filing. Once it is signed by the Secretary, then it is your responsibility to make arrangements to have publication of notice made in a local newspaper having general circulation in St. Joseph County. Such notice must be published one (1) time, being at least ten (10) days prior to the date on which the public hearing is to be held. Proof of publication must be presented to the Board at the time of public hearing.

## **SPECIAL EXCEPTION PROCEDURES**

1. A resolution must be filed with the City Clerks Office prior to the filing of the paper work with the secretary to the Area Board of Zoning Appeals.
2. Proper paper work for a Special Exception filed with the secretary to the Area Board of Zoning Appeals.
3. Public Hearing for Special Exception before the Area Board of Zoning Appeals.
4. Common Council committee meeting.
5. Common Council public hearing.

### **CONTACT PERSONS:**

#### **AREA BOARD OF ZONING APPEALS:**

Carolyn A. Henry  
125 S. Lafayette Blvd.  
Suite 100  
South Bend, IN 46601  
574/235-9554  
574/235-5541-Fax

#### **CITY CLERKS OFFICE:**

Alykeyna Aldridge 4 <sup>th</sup> Floor County-City Building South Bend, IN 46601 574/235-5575	or	Kareemah Fowler 4 <sup>th</sup> Floor County-City Building South Bend, IN 46601 574/235-9222
--	----	--

**AREA BOARD OF ZONING APPEALS**

**STANDARDS FOR SPECIAL EXCEPTIONS**

**ALL PAPERWORK IS TO BE FILED BY NOON OF THE FILING DEADLINE**

When applying for a Special Exception the Standards below **must be addressed and incorporated** in the written statement or petition.

**STANDARDS FOR SPECIAL EXCEPTIONS** I.C. 36-7-4-918.4 as listed below:

- i. The proposed *use* will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;
- ii. The proposed *use* will not injure or adversely affect the *use* of the adjacent area or property values therein;
- iii. The proposed *use* will be consistent with the character of the *district* in which it is located and the land uses authorized therein; and
- iv. The proposed use is compatible with the recommendations of the City of South Bend *Comprehensive Plan*.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE COMMON COUNCIL OF THE  
CITY OF SOUTH BEND, INDIANA,  
APPROVING A PETITION OF THE AREA  
BOARD OF ZONING APPEALS  
FOR THE PROPERTY LOCATED AT**

**WHEREAS**, Indiana Code Section 36-7-4-918.6, requires the Common Council to give notice pursuant to Indiana Code Section 5-14-1.5-5, of its intention to consider Petitions from the Board of Zoning Appeals for approval or disapproval; and

**WHEREAS**, the Common Council must take action within sixty (60) days after the Board of Zoning Appeals makes its recommendation to the Council; and

**WHEREAS**, the Common Council is required to make a determination in writing on such requests pursuant to Indiana Code Section 36-7-4-918.4, and

**WHEREAS**, the Area Board of Zoning Appeals has made a recommendation, pursuant to applicable state law.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA** as follows:

**SECTION I.** The Common Council has provided notice of the hearing on the Petition from the Area Board of Zoning Appeals pursuant to Indiana Code Section 5-14-1.5-5, requesting that a Special Exception be granted for the property located at:

in order to permit

**SECTION II.** Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the petition of the Area Board of Zoning Appeals, a copy of which is on file in the Office of the City Clerk.

**SECTION III.** The Common Council of the City of South Bend, Indiana, hereby finds that:

1. The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;
2. The proposed use will not injure or adversely affect the use of the adjacent area or property values therein;
3. The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein;
4. The proposed use is compatible with the recommendations of the City of South Bend Comprehensive plan;

**SECTION IV.** Approval is subject to the Petitioner complying with the reasonable conditions established by the Area Board of Zoning Appeals which are on file in the office of the City Clerk.

**SECTION V.** The Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

---

Member of the Common Council