



# Appeal

## Administrative Appeals to the Board of Zoning Appeals

Office of Development Services | 815 Lincoln Highway East | New Haven, IN 46774

### Step 1: Application

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**Pre-Application Meeting** - Prior to the intended filing, the applicant must discuss the potential application with Staff for the purpose of becoming familiar with requirements, procedures, deadlines, and hearings. The legal descriptions for the petition may be reviewed at this time.

**Making Application** - The applicant must make an appointment with Staff to file by calling (260) 748-7040. A complete application with all required attachments must be submitted by the date shown on the Application Schedule. If the application is not complete, it will be returned to the applicant with the deficiencies identified. Applications submitted or completed after the posted submittal deadline will be placed on the application cycle for the next regular meeting.

### Items Required for a Complete Application:

- Application Fee** - Make checks payable to “The City of New Haven”. Appeal: \$150
- Application Form** - All items must be fully completed and either typewritten or printed in ink. The application must be signed by the applicant(s) and notarized.
- Attachment A:** Specific Grounds for Appeal [IC 36-7-4-919(a)]
- Attachment B:** Public Notice Reimbursement Agreement
- Attachment C:** Affidavit and Consent of Property Owner (Submit only if the owner is different from the applicant)
- Legal Description (If necessary)** – If the appeal concerns a decision about a specific property, then a legal description of the subject property is required. If the appeal involves a general decision or interpretation, then no legal description is required
- Site Plan (if necessary)** – 11” x 17” or smaller in size showing the existing structures, proposed structures (if applicable), streets, land uses, etc., of the proposed development. If this plan is in color, submit 8 copies

## **Step 2: Staff Report, Public Hearing and Appeal Schedule**

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### ***Staff Report***

After an examination of information in the public record and findings from additional research, Staff shall publish a Staff Report that provides an analysis of the petition request. Such report shall be published along with the agenda approximately five days prior to the hearing.

### ***Public Hearing***

The Board shall follow its adopted Rules of Procedures for the hearing, a copy of which available at the Planning Office. Public Hearings of the Board of Zoning Appeals are generally held on the third Tuesday of each month in the Common Council Chambers at the New Haven City Administration Building, 815 Lincoln Highway East, New Haven, Indiana 46774.

When your request comes up on the agenda, you must present your request to the Board. You may represent yourself or have a consultant or attorney represent you. You may use any evidence that will assist you in the presentation. If the members need additional information, they will ask questions regarding your request.

Upon conclusion of its public hearing, the Board will vote on your appeal. The Board may include commitments and conditions as part of its decision.

## **Step 3: Petition Information (Completed by Staff at the Time of Application)**

The Docket Number for this petition is \_\_\_\_\_. Please use this number for referencing the request and when submitting additional information in the future.

This petition will be heard by the Board on \_\_\_\_\_. The meeting starts at 7:00 pm in the Common Council Chambers of the New Haven Administration Building, 815 Lincoln Highway East, New Haven, Indiana 46774.

The Staff Report and Agenda for this petition will be published on approximately \_\_\_\_\_.

### ***What Happens Next?***

Should the BZA approve the appeal, the petitioner is free to take any actions necessary in accordance with the established procedures of the City to use property in accordance with the zoning ordinance as interpreted by the Board.

# 2021 New Haven Board of Zoning Appeals

## Variances, Special Uses, and Appeals

6:00pm in the City Council Chambers of the New Haven Administration Building

Hearing Date	Application Submittal	Public Notice	Agendas Distributed
January 20 <sup>th</sup>	12/23/20	1/6/21	1/13/21
February 17 <sup>th</sup>	1/20/21	2/3/21	2/10/21
March 17 <sup>th</sup>	2/17/21	3/3/21	3/10/21
April 21 <sup>st</sup>	3/24/21	4/7/21	4/14/21
May 19 <sup>th</sup>	4/21/21	5/5/21	5/12/21
June 16 <sup>th</sup>	5/19/21	6/2/21	6/9/21
July 21 <sup>st</sup>	6/23/21	7/7/21	7/14/21
August 18 <sup>th</sup>	7/21/21	8/4/21	8/11/21
September 15 <sup>th</sup>	8/18/21	9/1/21	9/8/21
October 20 <sup>th</sup>	9/22/21	10/6/21	10/13/21
November 17 <sup>th</sup>	10/20/21	11/3/21	11/10/21
December 15 <sup>th</sup>	11/17/21	12/1/21	12/8/21



# Appeal

## Administrative Appeals to the Board of Zoning Appeals

Department of Planning and Economic Development | 815 Lincoln Highway East | New Haven, IN 46774

Applicant Information	
Name:	
Street:	
City:	
State:	Zip:
Phone:	Fax:
E-mail:	
Property Owner Information	
Name:	
Street:	
City:	
State:	Zip:
Phone:	Fax:
E-mail:	
Notarization	
<p>The above information and attached exhibits, to my knowledge and belief are true and correct.</p>	
_____	_____
Printed Name of Applicant	Signature of Applicant
_____	_____
Notary Public's Name (printed)	Signature of Notary
_____	_____
My Commission Expires	State; County
Subscribed and sworn to before me this _____ day of _____, _____	

Office Use Only	
Docket #	
Filing Date	
Fee	
BZA Date	
Received By	

Project or Premises Information		
Please Select a Project Type		
<input type="checkbox"/> Commercial	<input type="checkbox"/> Industrial	<input type="checkbox"/> Residential
<input type="checkbox"/> Other:		
Location / Address:		
Parcel Number:		
Existing Zoning:		
Proposed Zoning:		
Existing Use:		
Proposed Use:		
Total Acreage:		
Total Lots:		



# Attachment A

## Specific Grounds for an Appeal

Department of Planning and Economic Development | 815 Lincoln Highway East | New Haven, IN 46774

Project \_\_\_\_\_

Docket \_\_\_\_\_

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### ***Petition Information***

**Applicant may substitute a typed document addressing the following questions in list format as they appear on this form.**

Describe your request:

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### ***Statutory Criteria***

The order, requirement, decision, or determination made by the administrative official, administrative board (other than the Plan Commission), or staff member was inconsistent with the requirements of the New Haven Municipal Code because:

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# Attachment B

## Public Notice Reimbursement Agreement

Department of Planning and Economic Development | 815 Lincoln Highway East | New Haven, IN 46774

### AGREEMENT BETWEEN APPLICANT AND CITY OF NEW HAVEN FOR REIMBURSEMENT OF COSTS FOR PUBLISHING LEGAL ADS AND PUBLIC HEARING NOTIFICATION FOR SURROUNDING PROPERTY OWNERS

SUBJECT PROJECT: \_\_\_\_\_

DEVELOPER OR OWNER OF THE REAL ESTATE (APPLICANT): \_\_\_\_\_

ADDRESS: \_\_\_\_\_

WHEREAS, the Applicant desires to rezone a certain parcel of real estate that has been submitted to the New Haven Advisory Plan Commission for approval, which is referred to above as the "SUBJECT PROJECT", and

WHEREAS, the City desires to expedite the process for publishing legal ads and notification of public hearing for surrounding property owners for said subject project; and

WHEREAS, the Applicant agrees to pay all sums necessary for the City's costs of publishing legal ads in the local newspapers and the notification of public hearing for surrounding property owners for the Applicant's project.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. The City shall provide the Applicant with a detailed invoice for the costs of publishing public notice and notification of surrounding property owners; and
2. The Applicant agrees to pay, prior to the Plan Commission Meeting in which said project will be heard, the costs of publication of legal ads as invoiced by the local newspaper and notification of surrounding property owners at \$1.00 per notice mailed.
3. The Applicant agrees to pay these costs by 4:30 P.M. on the day of the public hearing on said project.
4. In the event the Applicant has failed to pay the costs prior to the deadline as outlined above, the petition of said project shall be tabled to the next regularly scheduled Plan Commission meeting.

WHEREFORE, the Applicant has hereunto set his/her/its hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**"APPLICANT"**

**"CITY OF NEW HAVEN"**

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Company: \_\_\_\_\_



# Attachment C

## Affidavit and Consent of Property Owner

Department of Planning and Economic Development | 815 Lincoln Highway East | New Haven, IN 46774

Project \_\_\_\_\_

Docket \_\_\_\_\_

***Complete and submit if applicant is different from the property owner.***

I (we) \_\_\_\_\_  
NAME(S)

After being first duly sworn, depose and say:

1. That I/we are the owner(S) of the real estate located at \_\_\_\_\_.
2. That I/we have read and examine the Application, and are familiar with its contents.
3. That I/we have no objection to, and consent to such request as set forth in the application.
4. The such request being made by the applicant (\_\_\_\_\_ is) (\_\_\_\_\_ is not) a condition to the sale or lease of the above reference property.

\_\_\_\_\_  
(AFFIANT)

STATE OF INDIANA )

) SS:

COUNTY OF \_\_\_\_\_ )

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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

My Commission expires: \_\_\_\_\_

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