

# City of Elkhart

## INSTRUCTIONS AND FILING PROCEDURE FOR APPEAL FROM STAFF DECISION

Per Section 29.10 of the Zoning Ordinance, the Board of Zoning Appeals shall consider appeals from any order, requirement, decision or determination made by the Planning and Zoning Department staff who are charged with the administration and enforcement of this Ordinance.

A person wishing to file an Appeal from Staff Decision shall submit the following items:

- An appeal letter, specifying the error upon which the appeal is based.
- A completed petition form (see page 2)
- A filing fee of \$200.00 (the amount listed in Section 29.12 of the Zoning Ordinance). The Permit Center accepts Visa, Mastercard, and Discover credit cards or a check made payable to the City of Elkhart.

The Appeal from Staff Decision must be filed with the Planning & Zoning Department located at the Permit Center at 229 S. Second Street, Elkhart, Indiana. **The appeal must be filed within thirty (30) days after the alleged error.**

The Board of Zoning Appeals shall hold a public hearing on such appeal. Notice of the public hearing, including time, date and place, is prepared by the Planning Department staff and published in the newspaper 10 days prior to the meeting. The Planning Department staff will also provide written notice of the hearing to all property owners within a 300-foot radius of the property. Please refer to the BZA calendar (see page 3) for the meeting location, time and dates

Immediately following the filing of an appeal, all actions pursuant to the order, requirement, decision or determination from which the appeal is taken shall be stayed unless the Planning and Zoning Department staff shall certify to the Board that, by reason of facts stated in such certificate, a stay of such action would cause imminent peril to life and property.

**PETITION #:** \_\_\_\_\_

**FILING FEE: \$** \_\_\_\_\_

**PETITION for APPEAL to the BOARD of ZONING APPEALS**

**PETITION TYPE:**

\_\_\_\_\_ Developmental Variance      \_\_\_\_\_ Appeal from Staff Decision

\_\_\_\_\_ Use Variance      \_\_\_\_\_ Special Exception      \_\_\_\_\_ Conditional Use

Property Owner(s): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Email: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Email: \_\_\_\_\_

**Subject Property Address:** \_\_\_\_\_

Zoning: \_\_\_\_\_

Present Use: \_\_\_\_\_ Proposed Use: \_\_\_\_\_

NOTE: The petitioner is the legal property owner of record, or a certified representative, and agrees the above information is accurate. Failure to provide a legal signature or accurate information will make this application null and void.

PROPERTY OWNER(S) (PRINT): \_\_\_\_\_

SIGNATURE(S): \_\_\_\_\_ DATE: \_\_\_\_\_

**STAFF USE ONLY:**

Staff Checklist for the applicant's submittal of a complete Petition to the Board of Appeals docket:

\_\_\_\_\_ One copy of the Appeal Letter signed in ink by the owner of the property.

\_\_\_\_\_ A completed Petition form signed by the legal owner of record.

\_\_\_\_\_ If any person other than the legal owner or the legal owner's attorney files the appeal, written and signed authorization from the property owner must be supplied.

\_\_\_\_\_ A full and accurate legal description of the property.

\_\_\_\_\_ One to scale drawing of the property, measuring 11" x 17" or smaller. If larger than 11" x 17", 12 copies must be submitted.

\_\_\_\_\_ Optional: any supplementary information the applicant may wish to include.

Ordinance Requirement: Section(s): \_\_\_\_\_

Map #: \_\_\_\_\_ Area: \_\_\_\_\_

RECEIVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

## **2022 CITY OF ELKHART BOARD OF ZONING APPEALS CALENDAR**

### **File by Date**

Friday, December 10, 2021  
Friday, January 14, 2022  
Friday, February 11, 2022  
Friday, March 11, 2022

### **Thursday, April 14, 2022**

Friday, May 13, 2022  
Friday, June 10, 2022  
Friday, July 15, 2022  
Friday, August 12, 2022  
Friday, September 9, 2022  
Friday, October 14, 2022

### **Thursday, November 10, 2022**

Friday, December 9, 2022

### **Meeting Date**

Thursday, January 13, 2022  
Thursday, February 10, 2022  
Thursday, March 10, 2022  
Thursday, April 14, 2022  
Thursday, May 12, 2022  
Thursday, June 9, 2022  
Thursday, July 14, 2022  
Thursday, August 11, 2022  
Thursday, September 8, 2022  
Thursday, October 13, 2022  
Thursday, November 10, 2022  
Thursday, December 8, 2022  
Thursday, January 12, 2023

All meetings are held in the Council Chambers, 2<sup>nd</sup> floor, City Municipal Building at 6:00 p.m., the 2<sup>nd</sup> Thursday of each month unless indicated in **bold**.