

BOARD OF ZONING APPEALS

APPLICATION PACKAGE

Development Standards Variance



Shelby County Plan Commission
25 West Polk Street, Room 201
Shelbyville, IN 46176
Phone: 317.392.6338
Fax: 317.421.8365
dcalderella@co.shelby.in.us

Desiree Calderella, AICP
Planning Director

GENERAL PROCEDURE

The procedures related to public hearings contained in this Petition Packet are provided for convenience purposes only. Adopted procedures can be found in the most recent Shelby County Board of Zoning Appeals Bylaws and Rules of Procedure.

1. SUBMITTAL OF REQUIRED MATERIALS

1. Application
2. Filing Fee
3. Affidavit and consent of property owner (if the property owner is someone other than the applicant)
4. A copy of the deed for the property involved
5. Findings of Fact sheet with completed responses.
6. Site Plan (see site plan example of following pages)

2. SITE VISIT

The Planning Director will conduct a property inspection at least one week prior to the hearing. The applicant does not have to be present for the inspection unless requested by the Planning Director.

3. PUBLIC HEARING NOTIFICATION PROCEDURE

- a. Notice: The Planning Director will prepare *legal notice* and *notice to interested parties* of the petition within three business days of submittal of the application. The applicant may request to receive the notice by email or may obtain the notice at the plan commission office during regular business hours.
- b. Legal Notice: The Planning Director will post the legal advertisement in the newspaper.
- c. Notice to Interested Parties: The applicant is responsible for distributing written notice of the petition to all owners of property within 660 feet of the boundaries of the subject property. The Plan Planning Director will provide the applicant with the mailing addresses of all property owners required to receive notice. The applicant is responsible for providing the notice mailed to each property owner, envelopes, and postage.
- d. Notification Certification: The addressed and stamped envelopes to be provided to each property owner and the signed and notarized Affidavit of Notice list (the Plan Commission office can act as a notary) shall be provided to the Planning Director at least 10 days prior to the hearing (not including the date of the hearing).
- e. On-Site Public Notice Sign: The applicant is responsible for posting a public notice sign(s) on the subject property at least ten (10) days prior to the public hearing (not including the date of the hearing). The Planning Director will provide the applicant with a public notice sign for each street frontage along the subject property. The sign(s) shall be visible from the public roadway and shall remain posted until resolution of the petition. The applicant must return the sign(s) to the Planning Director upon resolution of the petition.

4. PUBLIC HEARING BEFORE THE BOARD OF ZONING APPEALS

The applicant must be present at the public hearing to present the request to the Board and to address any questions. The Board will review the request and generally issue a final decision at the public hearing. The Board may approve the petition with additional conditions.

5. EXPEDITED HEARING PROCEDURE

At the discretion of the Planning Director, requests for Development Standards Variances may be scheduled for public hearing before the Hearing Officer. The Hearing Officer will hear the petition 14 days after submittal of a completed application. The applicant is not required to attend the public hearing before the Hearing Officer. Any petition scheduled to be heard by the Hearing Officer will be automatically transferred to the next regularly scheduled Board of Zoning Appeals meeting if any person enters an oral or written objection to the petition. New notice is not required for transferred petitions.

DEVELOPMENT STANDARDS VARIANCE APPLICATION

Shelby County Board of Zoning Appeals
25 West Polk Street, Room 201
Shelbyville, IN 46176
P: 317.392.6338 F: 317.421.8365

| |
|----------------------------|
| <i>For Office Use Only</i> |
| Case #: _____ |
| Hearing Date: _____ |

1. Applicant/Property Owner

Applicant

Name: _____

Address: _____

Phone Number: _____

E-mail Address: _____

Owner (if different than Applicant)

Name: _____

Address: _____

Phone Number: _____

2. Applicant's Attorney/Representative and Project Engineer (if any)

Attorney/Representative

Name: _____

Address: _____

Phone Number: _____

E-mail Address: _____

Project Engineer

Name: _____

Address: _____

Phone Number: _____

E-mail Address: _____

4. Project Information: Address of Property: _____ Current Zoning: _____

Existing Use (ag, home, business, etc.) of Property: _____

5. Description of Land Use Request: _____

6. Attachments

- Affidavit & Consent of Property Owner (if applicable)
- Copy of Deed
- Site Plan
- Findings of Fact (if applicable)
- Filing Fee

The undersigned states the above information is true and correct as (s)he is informed and believes.

Signature of Applicant: _____ Date: _____

State of Indiana)
County of Shelby) SS:

Subscribed and sworn to before me this _____ day of _____.

_____/_____
Notary Public Printed

Residing in _____ County My Commission expires _____

AFFIDAVIT & CONSENT OF PROPERTY OWNER
APPLICATION TO THE SHELBY COUNTY BOARD OF ZONING APPEALS

STATE OF INDIANA)
COUNTY OF SHELBY) SS:

I, _____, AFTER BEING DULY SWORN, DEPOSE AND SAY THE FOLLOWING:
(Name of property owner)

1. That I am the owner of real estate located at _____;
(Address of affected property)
2. That I have read and examined the Application made to the Shelby County Board of Zoning Appeals by:

(Name of applicant)
3. That I have no objections to, and consent to the request(s) described in the Application made to the Shelby County Board of Zoning Appeals.

Owner's Name (Please Print)

Owner's Signature

State of Indiana)
County of Shelby) SS:

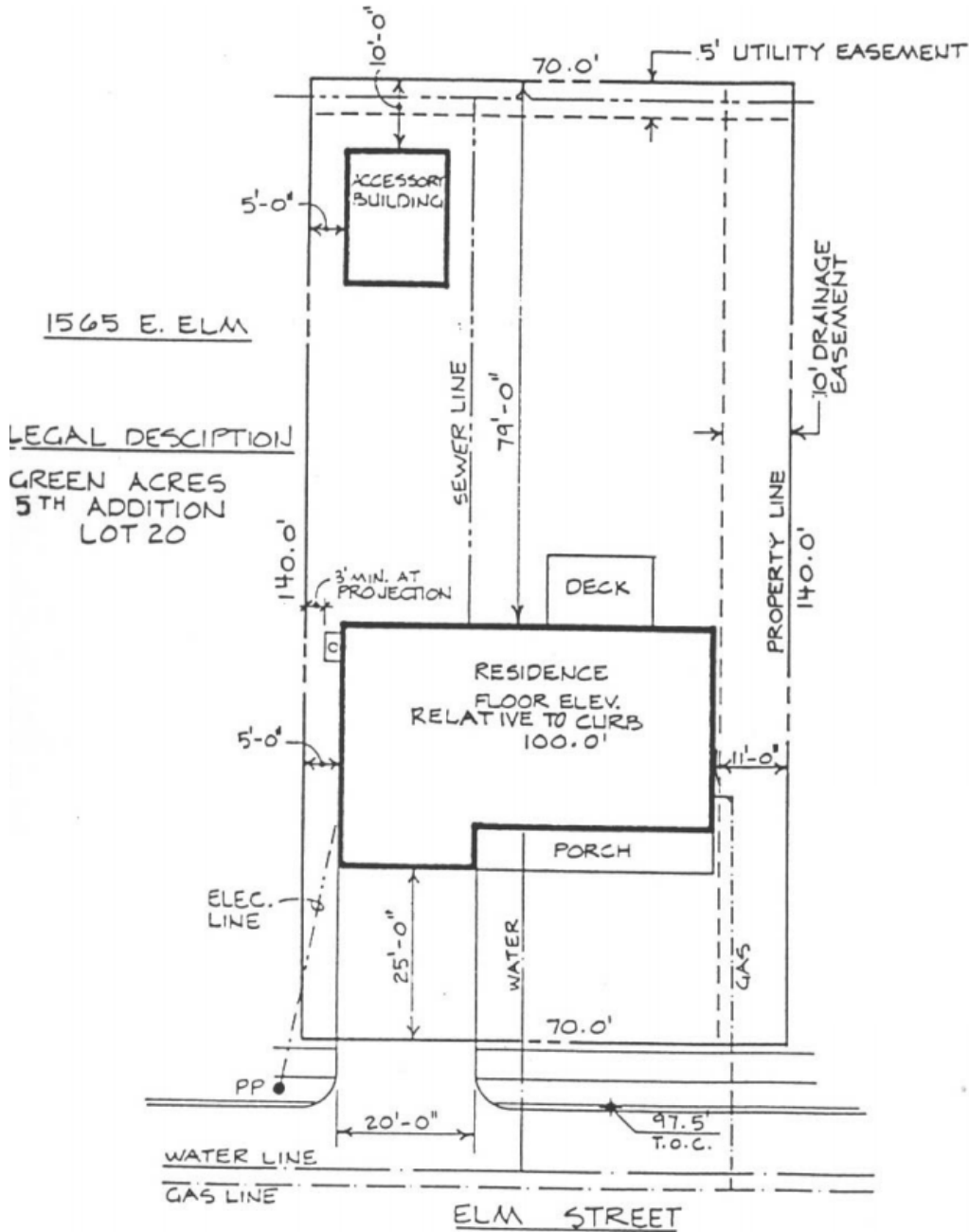
Subscribed and sworn to before me this _____ day of _____, _____.

_____/_____
Notary Public Printed

Residing in _____ County My Commission expires _____

SITE PLAN EXAMPLE

At minimum, the site plan should include all existing & proposed buildings on the subject property and all existing & proposed features of the property related to the request. The plan does not necessarily need to be drawn to scale, however the plan should indicate the dimensions of the property, dimensions of all buildings & property features, and the distance for all buildings and property features from the property line. The applicant may hand-draw the site plan or print out an online aerial map, however the Planning Director has the discretion to require a site plan drawn by a professional engineer dependent upon the complexity of the request. If approved, the request would be limited to the information provided on the site plan and any change that increased the scope of the proposal would require new approval from the Board



**DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT**

Applicant: _____

Case #: _____

Location: _____

The Shelby County Board of Zoning Appeals must determine that the following criteria have been met in order to approve an application for a Development Standards Variance. Using the lines provided, please explain how your request meets each of these criteria.

1. **General Welfare:** The approval will not be injurious to the public health, safety, and general welfare of the community.

2. **Adjacent Property:** 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. **Practical Difficulty:** The strict application of the terms of the Shelby County Zoning Ordinance will result in a practical difficulty in the use of the property.

The Board of Zoning Appeals may review the applicant’s findings of fact to assist with their decision-making process. Please see below for general guidance related to completing the findings of fact:

General Welfare: How does the request do no harm to the overall community of Shelby County? (ex. pollution, customer safety, road network safety, building code compliance, etc.)

Adjacent Property: How does the request do no harm to adjoining property and neighborhood? (ex. noise, odor, traffic generation, distance from property lines, appearance of property, etc.)

Practical Difficulty: This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain (ex. of practical difficulty: topography of property, location of septic system, consistency with nearby land uses, historical use of property, etc.)

**AFFIDAVIT OF NOTICE TO INTERESTED PARTIES
PUBLIC HEARING OF THE SHELBY COUNTY BOARD OF ZONING APPEALS**

STATE OF INDIANA)
COUNTY OF SHELBY) SS:

I, _____, DO HEREBY CERTIFY THAT NOTICE TO INTERESTED
(Name of person mailing letters)
PARTIES OF THE PUBLIC HEARING BY THE SHELBY COUNTY BOARD OF ZONING APPEALS, to consider the application
of: _____.
(Name of person on application)

Requesting: _____

For Property Located at: _____

Was sent to the following owners and addresses as listed in the Plat Books of the Shelby County Auditor's Office (attach additional sheets if necessary):

| <u>OWNERS</u> | <u>ADDRESS</u> |
|---------------|----------------|
| _____ | _____, _____ |
| _____ | _____, _____ |
| _____ | _____, _____ |
| _____ | _____, _____ |
| _____ | _____, _____ |
| _____ | _____, _____ |
| _____ | _____, _____ |
| _____ | _____, _____ |

And that said notices were sent on or before the ____ day of _____, _____, being at least ten (10) days prior to the date of the Public Hearing.

I further certify that the required public notice sign(s) was posted in a place visible from the public roadway on the subject property on or before the ____ day of _____, _____, being at least ten (10) days prior to the date of the Public Hearing and will remain on the property until resolution of the petition.

(Name of person mailing the letters and placing sign)

State of Indiana)
County of Shelby) SS:

Subscribed and sworn to before me this _____ day of _____, _____.

_____/_____
Notary Public Printed

Residing in _____ County My Commission expires _____