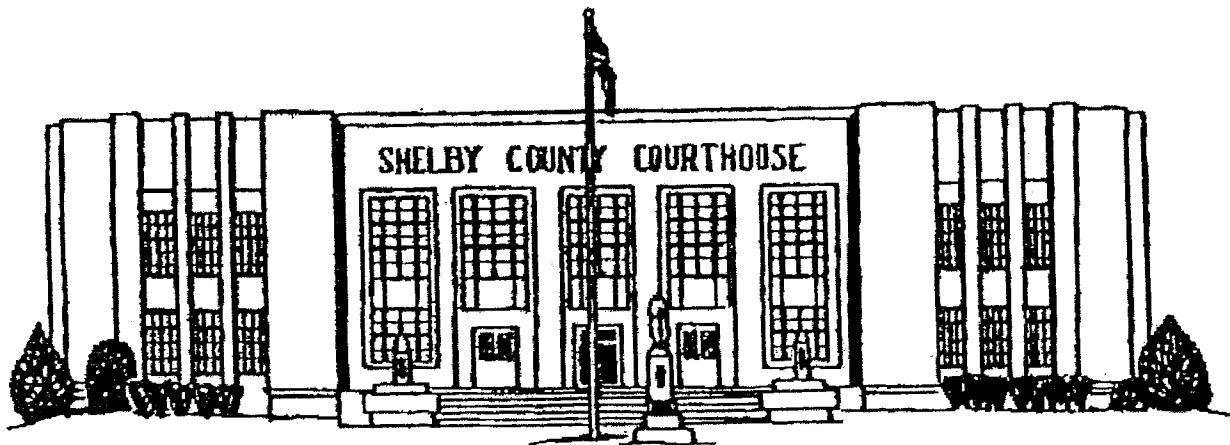


BOARD OF ZONING APPEALS

APPLICATION PACKAGE

Development Standards Variance
Flood Hazard Area Variance
Use Variance
Special Exception
Administrative Appeal



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

Amy L. Dillon, AICP, Executive Director

BOARD OF ZONING APPEALS PETITION PROCEDURES

TYPE OF REQUEST

Below is a brief description of each type of Board of Zoning Appeals petition. Please review each to determine which type of procedure you need.

Variance of Development Standards

If you wish to develop a site to standards other than those allowed in a particular zoning district as contained in the Shelby County Unified Development Ordinance, a Variance of Development Standards would be required.

The Board may only approve a variance from development standards upon a determination in writing that (1) the approval will not be injurious to the public health, safety, and general welfare of the community; (2) the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and (3) the strict application of the terms of the Ordinance will result in a practical difficulty in the use of the subject property (This situation cannot be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain).

Flood Hazard Area Variance

If you wish to develop or occupy a site or structure in a manner other than prescribed in the Flood Hazard Area Standards of the Shelby County Unified Development Ordinance, a Flood Hazard Area Standards Variance would be required.

The Board may only approve a variance from the Flood Hazard Area Standards upon a determination in writing that (1) there exists a sufficient cause for the variance; (2) the strict application of the terms of the Flood Hazard Area Standards will constitute an exceptional hardship to the applicant; and (3) the granting of the variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public, or conflict with other existing laws or ordinances.

Variance of Use

If you wish to use land, a building, or a structure in a manner that is not consistent with the allowed uses for a particular zoning district as specified in the Shelby County Unified Development Ordinance, a Variance of Use would be required.

The Board may only approve a Variance of Use upon a determination in writing that (1) the approval will not be injurious to the public health, safety, and general welfare of the community; (2) the use and value of the area adjacent to the property will not be affected in a substantially adverse manner; (3) the strict application of the terms of the Ordinance will result in a practical difficulty in the use of the subject property (This situation cannot be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain); (4) the strict application of the terms of the Ordinance will result in an unnecessary hardship if they were applied to the subject property; and (5) the approval of the variance does not interfere substantially with the goals and objectives of the Comprehensive Plan.

Special Exception

If you wish to use land, a building, or a structure for a use that is designated in the Shelby County Unified Development Ordinance as a Special Exception Use, then a Special Exception approval from the Board of Zoning Appeals would be required.

The Board may only approve a special exception upon a determination in writing that (1) the proposal will not be injurious to the public health, safety, and general welfare of the community; (2) the requirements and development standards for the requested use as prescribed by the Ordinance will be met; (3) granting the exception will not be contrary to the general purposes served by the Ordinance, and will not permanently injure other property or uses in the same zoning district and vicinity; and, (4) the proposed use will be consistent with the character of the zoning district in which it is located and the Shelby County Comprehensive Plan.

Administrative Appeal

If you wish to appeal any decision, interpretation, or determination made by the Plan Commission Director, other Plan Commission staff members, or any other administrative official or board charged with the duty of enforcing and interpreting the Shelby County Unified Development Ordinance, then an Administrative Appeal must be made to the Board of Zoning Appeals.

The Board may only grant an appeal of an administrative decision based on a determination in writing that the decision of the administrative person or board was inconsistent with the provisions of the Shelby County Unified Development Ordinance.

SUBMITTAL MATERIALS

Seven (7) copies of the following materials shall be submitted:

1. Application (including affidavits for consent of property owner and notice to interested parties).
2. Findings of Fact sheet with completed responses.
3. Other forms and information as noted below for the type of petition being submitted.

VARIANCE APPLICATION PROCEDURES

The applicant must submit a Variance application, affidavit and consent of property owner (if the property owner is someone other than the applicant), a copy of the deed for the property involved, the required filing fee, and required supporting information. Supporting information shall include, but not be limited to:

1. Site Plan: A site plan shall be signed and dated and clearly show the entire layout of the property and all features relevant to the variance request.
2. Statement of Intent: A statement of intent to the BZA describing the details of the variance being requested and stating how the request is consistent with the required findings of fact of the Unified Development Ordinance. The statement should include any written commitments being made by the applicant.

SPECIAL EXCEPTION APPLICATION PROCEDURES

The applicant must submit a Special Exception application, affidavit and consent of property owner (if the property owner is someone other than the applicant), a copy of the deed for the property involved, the required filing fee, and required supporting information. Supporting information shall include, but not be limited to:

1. Site Plan: A site plan shall be signed and dated and clearly show the entire layout of the property and all features relevant to the special exception request.
2. Statement of Intent: A statement of intent to the BZA describing the details of the special exception request including but not limited to (a) the ways in which the special exception will comply with the applicable development standards of the Unified Development Ordinance, (b) the ways in which the special exception will be consistent with the required findings of fact, and (C) any written commitments being made by the applicant.

ADMINISTRATIVE APPEAL APPLICATION PROCEDURES

The applicant must submit an Administrative Appeal application and required supporting information. Supporting information shall include, but not be limited to:

1. Original Submittals: Copies of all materials upon which the decision being appealed was based.
2. Written Decisions: Copies of any written decisions that are the subject of the appeal.
3. Appeal Basis: A letter describing the reasons for the appeal noting specific sections of the Unified Development Ordinance or other standards applicable in the Shelby County upon which the appeal is based.

PUBLIC HEARING NOTIFICATION

Notice of Public Hearing for the Board of Zoning Appeals is to be completed as set forth in Shelby County Unified Development Ordinance. The procedures related to public hearings notification contained in this Petition Packet are provided for convenience purposes only.

1. Legal Notice: The applicant is responsible for posting a legal advertisement in the newspaper. The legal advertisement must run at least once, at least 10 days prior to the hearing (not including the date of the hearing). The advertisement must be submitted to the newspaper 2 days prior to the desired publication date.
2. Notice to Interested Parties: The applicant is responsible for preparing and distributing written notice of the petition (including the same information found in the Legal Notice) to all property owners within 2 ownerships of the boundaries of the subject property. Names and addresses of those property owners should be obtained from the Property Transfer Books contained in the Shelby County Auditor's Office. The notices must be sent at least once, at least 10 days prior to the hearing. Notice must be distributed through regular first-class mail.
3. Notification Certification: A copy of the materials provided to each property owner, the completed mailing and/or delivery forms, and a signed and notarized Affidavit of Notice certifying the correctness of the mailing list shall be provided to the Plan Commission Director by the petitioner a minimum of 10 business days prior to the date of the public hearing.

VARIANCE/SPECIAL EXCEPTION/APPEAL 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:	_____
Fees:	_____
Approved	Denied

1. Applicant/Property Owner

Applicant

Name: _____
Address: _____

Phone Number: _____
Fax Number: _____
E-mail Address: _____

Owner (if different than Applicant)

Name: _____
Address: _____

Phone Number: _____
Fax Number: _____

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

Attorney/Representative

Name: _____
Address: _____

Phone Number: _____
Fax Number: _____

Project Engineer

Name: _____
Address: _____

Phone Number: _____
Fax Number: _____

3. Type of Petition *(Please indicate the number of each action requested)*

- Variance of Development Standards: _____
- Special Exception: _____
- Flood Hazard Area Standards Variance: _____
- Variance of Use: _____
- Administrative Appeal: _____

4. Project Information

Address of Property: _____
Name of Subdivision: _____
Current Zoning: _____ Existing Use of Property: _____

5. Applicable Ordinance Section Number(s)

(Please indicate ALL applicable Zoning Ordinance Section Numbers for your Petition including Article, Section, and Page Number)

6. Attachments

- Affidavit & Consent of Property Owner (if applicable)
- Copy of Deed
- Site Plan (if applicable)
- Statement of Intent/Appeal Basis
- Copies of Original Submittals (for appeals only)
- Copies of Written Decisions (for appeals only)
- 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 _____

NOTICE OF PUBLIC HEARING
BY THE
SHELBY COUNTY BOARD OF ZONING APPEALS

Notice is hereby given that the Shelby County Board of Zoning Appeals will hold a Public Hearing on _____ at _____ in the Conference Room 208A at the Shelby County Courthouse Annex to consider a petition by _____ to allow the following:
(Name of applicant)

(Type a brief description of request)

The property is located at _____, on the _____ side of County Road _____ between County Road _____ and County Road _____ in Section _____ of _____ Township

And also described by the following

(INSERT LEGAL DESCRIPTION OF PROPERTY)

The application may be examined at the office of the Shelby County Plan Commission located in the Courthouse Annex at 25 West Polk Street, Room 201, Shelbyville, Indiana, 46176, Monday through Thursday between the hours of 7:00 AM and 5:00 PM.

Written comments in support of or in opposition to the Petition may be filed with or mailed to the Plan Commission Director prior to the Public Hearing at the above address or filed with the Board of Zoning Appeals Secretary at the Public Hearing. Said Public Hearing will be open to the public and any objectors will be heard at this meeting. Hearings may be continued from time to time as may be necessary.

Plan Commission
Representative

Title

**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):

OWNERS

ADDRESS

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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.

(Name of person mailing the letters)

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 _____

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 Unified Development Ordinance will result in a practical difficulty in the use of the property (this situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain).

**SPECIAL EXCEPTION
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 Special Exception. 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. **Development Standards:** The requirements and development standards for the requested use as prescribed by the Shelby County Unified Development Ordinance will be met.

3. **Ordinance Intent:** Granting the Special Exception will not be contrary to the general purposes served by the Shelby County Unified Development Ordinance and will not permanently injure other property or uses in the same zoning district and vicinity.

4. **Comprehensive Plan:** The proposed use will be consistent with the character of the zoning district in which it is located and the Shelby County Comprehensive Plan.

**USE 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 Use 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 Unified Development Ordinance will result in a practical difficulty in the use of the property (this situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain).

4. **Unnecessary Hardship:** The strict application of the terms of the Shelby County Unified Development Ordinance will constitute an unnecessary hardship as they are applied to the property for which the variance is sought.

5. **Comprehensive Plan:** The granting of the variance does not interfere substantially with the Comprehensive Plan.

FLOOD HAZARD AREA 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 Flood Hazard Area Standards Variance. Using the lines provided, please explain how your request meets each of these criteria.

1. **Sufficient Cause:** There exists a sufficient cause for the requested variance.

2. **Exceptional Hardship:** The strict application of the terms of the Shelby County Unified Development Ordinance will constitute an exceptional hardship to the applicant.

3. **Public Safety:** The granting of the requested variance will not increase flood heights, create additional threats to public safety, create nuisances, cause fraud or victimization of the public, or conflict with other existing laws or ordinances.

