

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
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Desiree Calderella, AICP
Planning Director

GENERAL 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 applicant is responsible for scheduling a property inspection with the Planning Director for a date at least two weeks prior to the hearing. The Director may request to view and document by photograph any portion of the property relevant to the petition, including inside buildings. Inspections can be scheduled Monday – Thursday, from 8AM to 4:00PM, or for an alternate time in the case of a mitigating circumstance.

3. PUBLIC HEARING NOTIFICATION PROCEDURE

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.

- a. Notice: The Plan Commission 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. Provision of Notice to Interested Parties: The applicant is responsible for distributing the notice provided by the Plan Commission Director to all owners of property within 600 feet of the boundaries of the subject property. The Plan Commission 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.
- c. Notification Certification: The addressed and stamped envelopes to be provided to each property owner and the signed and notarized Affidavit of Notice (the Plan Commission office can act as a notary) shall be provided to the Plan Commission Director at least 10 days prior to the hearing (not including the date of the hearing).

4. PUBLIC HEARING

The applicant, or his/her representative, 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, approve the petition with stipulations, or deny the petition.

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

For Office Use Only

Case #: _____
Hearing Date: _____
Fees: _____

Approved _____ Denied _____

1. Applicant/Property Owner

Applicant

Name: _____

Address: _____

Phone Number: _____

E-mail Address: _____

*please indicate preferred method of contact

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: _____

*please indicate preferred method of contact

Project Engineer

Name: _____

Address: _____

Phone Number: _____

E-mail Address: _____

3. Project Information

Address of Property: _____ Name of Subdivision: _____

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

4. Applicable Ordinance Section Number(s)

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

6. Site Visit Appointment (Please indicate first and second choice of date & time, Mon-Thur, 8AM-4PM only)

First Choice _____

Second Choice _____

7. Attachments

- ☐ Affidavit & Consent of Property Owner (if applicable)
☐ Copy of Deed
☐ Site Plan

- ☐ Filing Fee
☐ Findings of Fact

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 _____, _____.

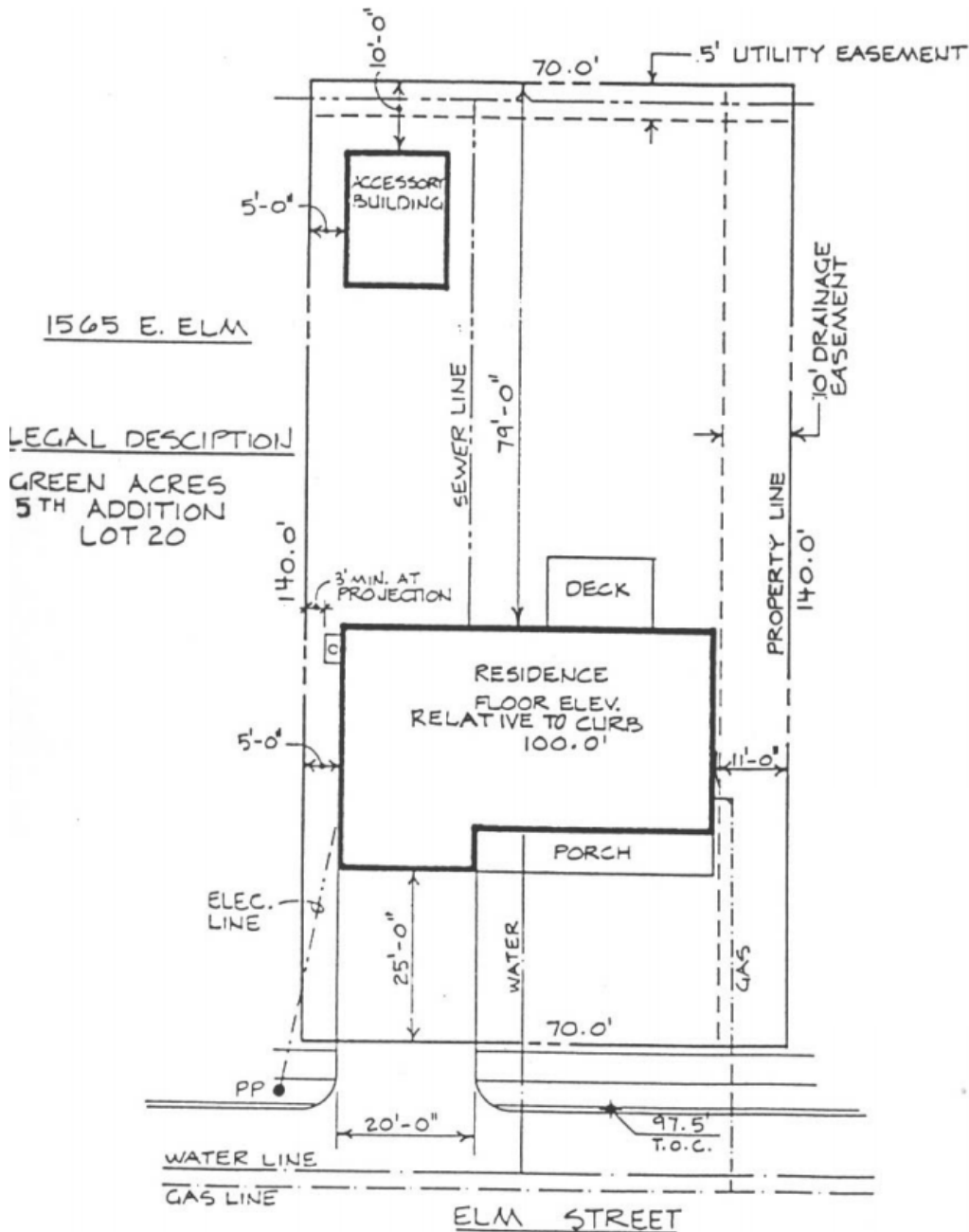
Notary Public / Printed

Residing in _____ County My Commission expires _____

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.)

My Commission expires _____