



BOARD OF ZONING APPEALS

Application for a Variance of Use

Provisions for Filing:

- I) Filing Requirements (required in order to file):
 - A) Application
 - 1) Applicant must submit a completed application.
 - 2) This application must be signed and notarized prior to submission to the Planning and Zoning Administrator.
 - B) Filing Fee
 - 1) Applicant must submit a filing fee of \$200 in zoning districts RR, HR, SF, & TF, or \$400 in zoning districts AG, R/OS, RMH, MF, I, DB, PB, & PI. The filing fee is not refundable.
 - 2) The Planning Department accepts cash, credit cards, or check. Please make checks payable to the "Town of Pendleton".
 - C) Materials
 - 1) Legal Description: An accurate legal description of the property which is the subject of the request.
 - (a) Please provide the recording number and a copy of the most recent Deed of Record.
 - 2) Site Plan: A current and accurate site plan (not to exceed 11"x17" in size) of the subject property, drawn to scale, showing the following information:
 - (a) The boundaries of the property which is the subject of the variance request;
 - (b) The locations and dimensions of all existing and proposed structures;
 - (c) Elevations of proposed structures or additions;
 - (d) The locations and dimensions of all existing and proposed building lines, right-of-way lines, regulated drains, floodways, and easements;
 - (e) The locations and dimensions of all significant infrastructure existing and proposed on the subject site;
 - (f) The locations and dimensions of all driveways and drainage areas adjacent to the subject property;
 - (g) Any other information the BZA may deem useful in determining if the proposed variance is appropriate at the proposed location.
- II) Notice Requirements (required after filing, but before public hearing):
 - A) Newspaper Publication
 - 1) A legal notice of the scheduled public hearing will be prepared and submitted by the Planning and Zoning Administrator to the Anderson Herald Bulletin in sufficient time to meet the notice deadlines. A portion of your filing fee will be used to pay for this publication.
 - B) Certified Mail Notification
 - 1) Notice to Affected Property Owners: The applicant is required to send, via certified mail with return receipt, written notice to all property owners of record within a distance of 150 feet of the property which is the subject of this variance request.
 - 2) Written notice shall be prepared by the Planning and Zoning Administrator.
 - 3) The applicant is responsible for the following tasks prior to the public hearing:
 - (a) Identifying Affected Property Owners: The applicant shall contact the Madison County Auditor's Office (located in the Madison County Government Center) in order to obtain the names and mailing addresses of all affected property owners.

**Madison County Government Center
Auditor's Office
16 East 9th Street
Anderson, IN 46016
Phone: (765) 641-9419**

- (b) Mailing Legal Notices
 - (i) The applicant shall mail legal notice of the public hearing, via certified mail with return receipt, to property owners of record within a distance of 150 feet of subject property as identified by the Auditor's Office.
 - (ii) The applicant is responsible for payment of certified mailing fees.
 - (iii) The applicant shall submit all certified mail return receipts and any undeliverable letters (such letters should remain unopened) to the Planning and Zoning Administrator five days prior to the scheduled public hearing.
- (c) Completion of Petitioner's Affidavit: An affidavit entitled "Petitioner's Affidavit of Notice of Public Hearing" is attached to this application. The affidavit shall be completed by the applicant and submitted to the Planning and Zoning Administrator five days prior to the scheduled public hearing.

III) Public Hearing

- A) Meetings start promptly at 7 p.m. at the Pendleton Town Hall, located at 100 West State Street.
- B) Applicant may appear on their own behalf or be represented by counsel or an agent.
- C) The public hearing procedure is as follows:
 - 1) The Chairman gives a restatement of the case as an introduction to the item.
 - 2) The Staff presents evidence and offers a recommendation.
 - 3) The Board members examine the Staff.
 - 4) The Applicant presents evidence and any necessary witnesses.
 - 5) The Board members examine the Applicant and any witnesses.
 - 6) The Chairman asks for any Objectors to present evidence.
 - 7) The Board members examine the Objectors.
 - 8) The Applicant is given a rebuttal period.
 - 9) The Board discusses information that has been presented and asks any additional questions.
 - 10) Board votes on the agenda item.

IV) After the Public Hearing

- A) Findings of Fact
 - 1) A follow up Findings of Fact detailing the result of the public hearing shall be sent to the Applicant after the public hearing.
 - 2) This document should be retained by the applicant for his/her records.
 - 3) The Findings of Fact document may include further instructions on additional tasks that must be completed by the applicant. Any instructions included in this document should be strictly followed.

**Board of Zoning Appeals
2019 Meeting Schedule
7 p.m. at Town Hall**

| MEETING DATES | FILING DEADLINES |
|--------------------------|-------------------------|
| January 15, 2019 | December 17, 2018 |
| February 19, 2019 | January 22, 2019 |
| March 19, 2019 | February 19, 2019 |
| April 16, 2019 | March 18, 2019 |
| May 21, 2019 | April 22, 2019 |
| June 18, 2019 | May 20, 2019 |
| July 16, 2019 | June 17, 2019 |
| August 20, 2019 | July 22, 2019 |
| September 17, 2019 | August 19, 2019 |
| October 15, 2019 | September 16, 2019 |
| November 19, 2019 | October 21, 2019 |
| December 17, 2019 | November 18, 2019 |



Application for a Variance of Use

The undersigned requests a Variance of Use as specified below. Should this variance be approved, such approval shall only authorize the particular use described in this application and as further limited by reasonable conditions imposed upon such approval by the Board of Zoning Appeals.

Property Address

Zoning

Description of Request

Name of Applicant

Applicant Email Address

Applicant Phone Number

Applicant Address

City/Town

State

Zip code

Name of Business Owner (if applicable)

Business Owner Email Address

Business Owner Phone Number

Business Owner Address

City/Town

State

Zip code

Name of Property Owner

Property Owner Email Address

Property Owner Phone Number

Property Owner Address

City/Town

State

Zip code

The Pendleton Board of Zoning Appeals (BZA) is authorized to approve or deny variances from the terms of the Pendleton Unified Development Ordinance. The BZA may impose reasonable conditions as part of its approval. A Variance of Use may be approved only upon a determination in writing that the following five (5) statements are true (see Indiana Code 36-7-4-918.4).

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community. Explain why this statement is true in this case:

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 by the approval of this variance request. Explain why this statement is true in this case:

3. The need for the variance arises from some condition peculiar to the property involved. Explain why this statement is true in this case:

4. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought. Explain why this statement is true in this case:

5. The approval does not interfere substantially with the Town of Pendleton Comprehensive Plan. Explain why this statement is true in this case:

The above information, to my knowledge and belief, is true and correct.

Signature of Applicant

Signature of Property Owner

State of Indiana, County of Madison

Subscribed and sworn to before me this _____ day of _____, 20__.

My Commission expires:

Notary's Signature

A resident in the County of:

Type or Print Name

Planning Department Use Only

Petition Number

Check Number

Receipt Number

Date Filed

Meeting Date



Petitioner's Affidavit of Notice of Public Hearing

STATE OF INDIANA)
COUNTY OF MADISON)

I, _____, being first duly sworn upon oath according to law, deposes and says that after a diligent search of the records of Madison County, Indiana, a list was compiled of the names and addresses of all property owners of the real estate within a distance of 150 feet of the perimeter of the land for which a Variance is sought; that said legal owners of the land are the persons set forth on the transfer book in the office of the Auditor of Madison County, that a notice of public hearing was sent to all of said property owners by certified mail, that receipts for said certified mail and list of legal owners are listed below and made a part hereof.

Owner's Names

Addresses

| Owner's Names | Addresses |
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Dated this _____ day of _____, 20__.

Signature of Petitioner or Authorized Representative

Type or Print Name

SUBSCRIBED AND SWORN TO ME THIS _____ DAY OF _____, 20__.

MY COMMISSION EXPIRES:

NOTARY'S SIGNATURE

A RESIDENT IN THE COUNTY OF:

TYPE OR PRINT NAME