



## 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 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 10-30 days 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 create a list of the names and mailing addresses of all property owners within 300 feet of the subject property (if in a subdivision) or 150 feet of the subject property (if not in a subdivision). Owner names and addresses shall be identical to those on file with the Madison County Recorder, or as shown on county tax records. This list may be obtained from the Madison County Auditor.
      - (b) Mailing Legal Notices
        - (i) The applicant shall mail the prepared notification letter, via certified mail with return receipt, to all affected property owners at least 10 days before the public hearing.
        - (ii) The applicant is responsible for payment of certified mailing fees.

(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 prior to the scheduled public hearing, along with receipts of mailing and any undeliverable letters (such letters should remain unopened).

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  
2021 Meeting Schedule  
7 p.m. at Town Hall**

<b>MEETING DATES</b>	<b>FILING DEADLINES</b>
January 19, 2021	December 21, 2020
February 16, 2021	January 19, 2021
March 16, 2021	February 16, 2021
April 20, 2021	March 22, 2021
May 18, 2021	April 19, 2021
June 15, 2021	May 17, 2021
July 20, 2021	June 21, 2021
August 17, 2021	July 19, 2021
September 21, 2021	August 22, 2021
October 19, 2021	September 20, 2021
November 16, 2021	October 18, 2021
December 21, 2021	November 22, 2021



## 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*

