

SHELBY COUNTY BOARD OF ZONING APPEALS

APPLICATION PACKAGE

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. Statement of Intent (for variances of use and special exceptions only)
4. Findings of Fact sheet with completed responses. **ONLY COMPLETE THE FINDINGS OF FACT SHEET APPLICABLE TO REQUEST TYPE** (development standards, use, or special exception)
5. Affidavit and consent of property owner (only if applicant is NOT property owner)
6. Site Plan showing at minimum:
 - a. Existing building(s) and development
 - b. Proposed building(s) and development
 - c. Distance between buildings and property lines

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 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.

VARIANCE/SPECIAL EXCEPTION APPLICATION

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

1. Applicant/Owner Information :

Applicant

Name: _____

Address: _____

Phone Number: _____

Email Address: _____

Owner (if different than Applicant)

Name: _____

Address: _____

Phone Number: _____

Email Address: _____

2. Property Information:

Property Address: _____ Zoning: _____

Existing Land Use (residential/commercial/etc.): _____

5. Type of Request(s):

- ☐ Variance of Development Standards ☐ Variance of Use
☐ Special Exception

5. Description of Request:

6. Attachments:

- ☐ Filing Fee
☐ Findings of Fact sheet with completed responses
☐ Affidavit & Consent of Property Owner (only if applicant is NOT property owner)
☐ Statement of Intent (variance of use / special exception only)
☐ Site Plan showing at minimum:
 - Existing building(s) and development
 - Proposed building(s) and development
 - Distance between buildings and property lines

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 _____

STATEMENT OF INTENT (*ONLY REQUIRED FOR VARAINCE OF USE & SPECIAL EXCEPTION*)

Please answer the following questions (when applicable) pertaining to your request. If approved, the use would be limited to the information provided and expansion of the use would require new approval from the Board. The Board may also approve the use conditional on one or more amendments to the statement of intent.

1. Summary of Proposed Use and/or Business Activity: _____

2. Days & Hours of Operation: _____
3. Maximum Number of Customers per Day/Week/Month: _____

4. Type and Frequency of Deliveries: _____
5. Description of any Outdoor Storage: _____

6. Description, Size, and Placement of any Signage: _____

7. Description of Waste Disposal: _____

8. Existing and/or Proposed Building and Site Improvements Pertaining to Proposed Use (ex. parking lot, landscaping, commercial upgrades to building, etc.): _____

DEVELOPMENT STANDARDS VARIANCE

FINDINGS OF FACT

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. The approval will not be injurious to the public health, safety, and general welfare of the community.

Describe how the proposed structure/land use does not harm public health and safety. This may include how the structure/land use complies with State/County codes, does not cause a traffic hazard, does not cause pollution, etc.

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.

Describe how the proposed structure/land use does not harm the neighbors. This may include the appearance of the structure/land use, noise impacts, odor impacts, traffic impacts, distance of the structure from the property lines, etc.

3. The strict application of the terms of the Shelby County Zoning Ordinance will result in a practical difficulty in the use of the property.

Describe how approval of the variance will allow for reasonable development of the property. This may include similar development on neighboring properties, a physical condition of the property which makes the proposed building/land use desirable, the historical use of the property, a physical condition of the property which prevents the building/land use without approval of a variance, etc.

USE VARIANCE

FINDINGS OF FACT

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. You may attach an additional sheet with answers if necessary.

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

Describe how the proposed structure/land use does not harm public health and safety. This may include how the structure/land use complies with State/County codes, does not cause a traffic hazard, does not cause pollution, etc.

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.

Describe how the proposed structure/land use does not harm the neighbors. This may include the appearance of the structure/land use, noise impacts, odor impacts, traffic impacts, distance of the structure from the property lines, etc.

3. The need for the variance arises from some condition peculiar to the property involved.

Describe how a condition(s) particular to the property support grant of the variance. This may include a physical condition of the property which limits land uses permitted in the zoning district, the location of the property in relation to similar land uses and access roads and infrastructure, etc.

4. The strict application of the terms of the Shelby County Zoning Ordinance will constitute an unnecessary hardship as they are applied to the property for which the variance is sought.

Describe how denial of the variance would pose an unnecessary hardship to the applicant. Unnecessary hardships do NOT include restriction on economic gain or self-imposed hardships. Unnecessary hardships may include inability to use the property in a manner similar to other properties in the neighborhood, a condition of the property or neighborhood which makes the proposed use desirable, etc.

5. The approval does not interfere substantially with the Comprehensive Plan.

Describe how the proposed structure/land use is appropriate for the future land use recommended for the property by the Comprehensive Plan. If you do not know the future land use recommendation, ask the Planning Director.

SPECIAL EXCEPTION

FINDINGS OF FACT

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. You may attach an additional sheet with answers if necessary.

1. The proposed special exception is consistent with the purpose of the zoning district and the Shelby County Comprehensive Plan.

Describe how the proposed structure/land use is appropriate for the zoning district and future land use recommended for the property by the Comprehensive Plan. If you do not know the future land use recommendation, ask the Planning Director.

2. The proposed special exception will not be injurious to the public health, safety, and general welfare of the community.

Describe how the proposed structure/land use does not harm public health and safety. This may include how the structure/land use complies with State/County codes, does not cause a traffic hazard, does not cause pollution, etc.

3. The proposed special exception is in harmony with all adjacent land uses; and

4. The proposed special exception will not alter the character of the district.

Describe how the proposed structure/land use is similar to the use of other properties in the neighborhood. This may include neighboring structures/land uses similar in appearance to the proposed land use, neighboring structures/land uses that have the same impact (noise, odor, traffic, etc.) on the neighborhood as the proposed land use, etc.

5. The proposed special exception will not substantially impact property value in an adverse manner.

Describe how the proposed structure/land use does not harm the neighbors. This may include the appearance of the structure/land use, noise impacts, odor impacts, traffic impacts, distance of the structure from the property lines, etc.
