

TOWN OF NEW WHITELAND

INSTRUCTIONS, FORMS, AND APPLICATION STANDARDS FOR A VARIANCE OF USE

APPLICATION STANDARDS FOR A VARIANCE:

A variance from the terms of this ordinance will not be considered by the Board of Zoning Appeals unless and until a written application for a variance, on forms prescribed by the Board, is submitted to the Zoning Administrator and the Board of Zoning Appeals, which shall include:

- a. Name, address, and phone number of applicant.
- b. Any application filed by any person other than the legal owner of the real estate involved shall be accompanied by a written statement of such legal owner consenting to the filing of such application.
- c. Legal description of property;
- d. Description of nature of variance requested;

THE FOLLOWING INSTRUCTIONS AND REQUIREMENTS MUST BE STRICTLY ADHERED TO:

1. **SITE PLAN/MORTGAGE SURVEY.** The applicant shall file with the application a plan of the affected real estate showing the location of all buildings, parking and loading areas, traffic access and traffic circulation, open space, landscaping, and service areas, utilities, signs, and such other information as the Board may require. The plan shall be drawn to scale and shall show the dimensions of the property, buildings, and/or structures, setbacks from streets and property lines, as well as any other pertinent features.
2. **NOTICE TO ADJOINING PROPERTY OWNERS OF THE PUBLIC HEARING 15 DAYS PRIOR TO THE HEARING.** The applicant, at least 15 days prior to the Public Hearing, shall send to adjoining property owners, within 250' or two properties (whichever is greater), a notice of the public hearing, on a form prescribed by the Board. At least three (3) days prior to the public hearing, the applicant shall file with the Board, at 540 Tracy Road, Suite A, an affidavit, in the form prescribed by the Board, certifying that a notice was mailed to all property owners entitled to notice, either 1) by certified mail, return receipt requested, along with all returned receipts and unclaimed notices or 2) by first class along with a certificate of mailing provided by the postal service.

3. **PUBLISHED NOTICE OF THE PUBLIC HEARING AT LEAST 15 DAYS PRIOR TO THE PUBLIC HEARING.** The applicant shall publish in the Daily Journal newspaper, at least 15 days prior to the Public Hearing, a notice of the public hearing, on a form prescribed by the Board. At least three (3) days prior to the public hearing, the applicant shall file with the Board a proof of publication provided by the Daily Journal.

ALL COSTS OF REQUIRED NOTICES SHALL BE BORNE BY THE APPLICANT.

4. **CONSENT OF OWNER.** Any application filed by any person other than the legal owner of the real estate involved in the application shall be accompanied by a notarized written statement of the legal owner consenting to the filing of the application.

5. **AT THE PUBLIC HEARING YOU WILL BE REQUIRED TO INTRODUCE EVIDENCE IN WRITING AND GIVE AN ORAL PRESENTATION TO ADDRESS THE FOLLOWING FINDINGS OF FACT:**

- a. the approval will not be injurious to the public health, safety, morals, and general welfare of the community;
- b. the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
- c. the need for the variance arises from some condition peculiar to the property involved;
- d. 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; and
- e. the approval does not interfere substantially with the New Whiteland Comprehensive Plan.

THESE FINDINGS OF FACT, IN THE FORM PRESCIBED BY THE BOARD, MUST BE COMPLETED AND FILED WITH AND AS A PART OF THE APPLICATION.

TOWN OF NEW WHITELAND, INDIANA

APPLICATION FOR A VARIANCE OF USE

VARIANCE CASE NUMBER: _____

Applicant's Name:

Applicant's Address:

Phone

Property Owner's Name (if different than applicant)

Property Owner's Address: (if different than applicant)

Phone

Address of Subject Property: _____

Legal Description of Property: Lot # _____ Section _____

Current Zoning of Property: _____

Purpose of Variance requested: _____

_____.

List Specific Chapter and Section of New Whiteland Zoning Ordinance affected by this application:

Applicant's Signature

Date: _____

**NEW WHITELAND BOARD OF ZONING APPEALS
VARIANCE OF USE FINDINGS OF FACT:**

The New Whiteland Board of Zoning Appeals shall consider these Findings of Fact to decide whether a variance should be granted or denied. Please respond, specifically, to each of the Findings of Fact listed below. **This completed form, with your responses to the Findings of the Fact, must be filed along with your Application for Variance.** Your presentation on your Application for Variance should refer to and include your responses to these Findings of Fact.

1. The variance will not be injurious to the public health, safety, morals, and general welfare of the Town because: _____

2. The variance will not adversely affect the use or value of adjacent properties because: _____

3. The need for a variance arises from some condition peculiar to the property, which is: _____

4. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property because: _____

5. The approval will not interfere substantially with the New Whiteland Comprehensive Plan, because: _____
_____.

DECISION

Upon action taken by the New Whiteland Board of Zoning Appeals on _____, 20__ this Application for Variance is **GRANTED/DENIED** and the above stated Findings of Fact are adopted subject to any exceptions or conditions stated in the minutes or as otherwise required by the Board of Zoning Appeals.

**LEGAL NOTICE OF PUBLIC HEARING
BY THE NEW WHITELAND BOARD OF ZONING APPEALS**

Notice is hereby given that the undersigned has filed an application with the New Whiteland Board of Zoning Appeals requesting a variance of use relating to the property at _____, in New Whiteland, to allow _____.

A Public Hearing on the variance application will be held by the Board of Zoning Appeals in the New Whiteland Town Hall, at 540 Tracy Road, Suite C, New Whiteland, Indiana, on _____, 20____ at 6:30 p.m. This notice is sent to you as an owner of property located near the property which is the subject of the variance application. All interested persons will be given the opportunity, at the public hearing, to be heard in reference to the matters set out in the application for variance.

The application may be reviewed at the New Whiteland Town Hall, 540 Tracy Road, New Whiteland, during regular business hours. Written comments regarding the application may be delivered to Town Hall anytime prior to the public hearing and will be considered by the Board.

Applicant

NOTE: THIS COMPLETED NOTICE MUST BE SENT TO SURROUNDING PROPERTY OWNERS AND PUBLISHED IN THE DAILY JOURNAL NEWSPAPER AT LEAST FIFTEEN (15) DAYS PRIOR TO THE PUBLIC HEARING.

I _____ do hereby certify that notice of the Public Hearing by the New Whiteland Board of Zoning Appeals to consider variance # _____, relating to property at _____ was mailed to the last known address of each of the following persons.

Address:

[illegible]

Applicant