



Town of Zionsville
Petition to the Board of Zoning Appeals
Application Packet and General Instructions

Town of Zionsville

Petition to the Board of Zoning Appeals

Docket # _____

1. SITE INFORMATION:

Address of Property: _____
Existing Use of Property: _____
Proposed Use of Property: _____
Current Zoning: _____ Area in acres: _____

2. PETITIONER/PROPERTY OWNER:

Petitioner Name: _____
Owner Name (if different from Petitioner): _____
Petitioner Address: _____ Owner Address: _____
Petitioner Phone Number: _____ Owner Phone Number: _____
Petitioner E-Mail Address: _____ Owner E-Mail Address: _____

3. PETITIONER'S ATTORNEY/CONTACT PERSON AND PROJECT ENGINEER (IF ANY):

Attorney/Contact Person:

Name: _____
Address: _____
Phone Number: _____
E-Mail Address: _____

Project Engineer:

Name: _____
Address: _____
Phone Number: _____
E-Mail Address: _____

4. DETAILED DESCRIPTION OF REQUEST (Check all requests that apply) (Describe request and reasons for request / Indicate all applicable Zoning Ordinance Section Numbers / Attach additional pages if necessary):

- Appeal Variance of Development Standards Variance of Use Special Exception Modification

5. ATTACHMENTS:

- | | |
|---|---|
| <input type="checkbox"/> Legal description of property | <input type="checkbox"/> Proof of Ownership (copy of Warranty Deed) |
| <input type="checkbox"/> Owner's Authorization (if Petitioner is not the Owner) | <input type="checkbox"/> Site Plan & Exhibits |
| <input type="checkbox"/> Statement of Commitments (if proposed) | <input type="checkbox"/> Draft of Proposed Legal Notice |
| <input type="checkbox"/> Application Fee | <input type="checkbox"/> Draft of Proposed Findings of Fact |

PETITION TO BOARD OF ZONING APPEALS PROCEDURES AND REQUIREMENTS:

SUBMISSION OF PETITION TO BOARD OF ZONING APPEALS:

1. A complete Petition to the Board of Zoning Appeals must be submitted by **3:00 p.m.** a minimum of 30 days prior to the initial hearing before the Board of Zoning Appeals.
2. Only complete Petitions will be docketed for the next Board of Zoning Appeals meeting. If a Petition is incomplete 30 days prior to the initial hearing before the Board of Zoning Appeals, the Petition will not be docketed until the Petitioner submits a complete Petition.
3. The following information must be submitted with the notarized Petition:
 - Legal description of property (Metes and bounds description must include perimeter survey, drawn to scale / Recorded subdivision legal description must include lot number, section number, subdivision name, either the plat book number with page number or the recorded instrument number and a copy of the plat map.)
 - Proof of Ownership (copy of Deed)
 - Owner's Authorization (if Petitioner is not the Owner)
 - Site Plan & Exhibits
 - Draft of proposed Legal Notice
 - Statement of Commitments (if proposed)
 - Proposed Findings of Fact
 - Application Fee: \$ _____ (Make checks payable to the Town of Zionsville)

PUBLIC HEARING NOTIFICATION:

Notice of Public Hearing before the Board of Zoning Appeals is to be completed as set forth in the Zoning Ordinance and Rules of Procedure for the Board of Zoning Appeals. The procedures relating to notification of public hearings that are contained in this Packet are provided for convenience purposes only.

1. Approval of Notice: The Petitioner shall submit a proposed Notice of Public Hearing with its Petition for review and approval by the Secretary of the Board of Zoning Appeals.
2. Notice by Publication: Petitioner shall submit the approved Notice of Public Hearing in a newspaper of general circulation to be published at least 10 days prior to the Public Hearing. **The Petitioner shall bear the cost of publishing the Legal Notice.** The Secretary of the Board of Zoning Appeals will provide the Petitioner with the filing and publication deadlines for the Legal Notice.
3. Notice by Mailing: The Petitioner is to send the approved Notice of Public Hearing to each Interested Party via certified mail-return receipt requested at least ten (10) days prior to the Board's Public Hearing. Generally, all owners of adjoining parcels to a depth of one (1) ownership surrounding the perimeter of the area included in the Petition are to be notified. Please review the Zoning Ordinance and Rules of Procedure of the Board of Zoning Appeals to ensure that proper notification is given. The names and addresses of Interested Parties should be obtained from the Boone County Auditor's Office.

4. Affidavit of Notice: At least three (3) days prior to the Public Hearing, the Affidavit of Notice of Public Hearing is to be completed and submitted to the Secretary of the Board. Copies of all "Receipt for Certified Mail" (white slips) shall be filed with the Affidavit of Notice of Public Hearing. The originals of the "Domestic Return Receipts" (green cards) shall be filed with the Secretary upon the later of (I) the public hearing or (II) receipt by the Petitioner.

PETITION REVIEW PROCEDURES:

1. Prior to acceptance, the Petition will be reviewed for completeness.
2. Once complete, the Petition will be docketed for the next Board of Zoning Appeals meeting. The Petitioner shall be responsible for delivering the Legal Notice (after it has been approved) to a newspaper of circulation for publication and sending the Legal Notice to all Interested Parties by certified mail, return receipt requested, at least ten (10) days prior to the date of the public hearing.
3. The Petition and all supporting documentation will be forwarded to the Board of Zoning Appeals members.
4. The Secretary, members of the Board of Zoning Appeals, staff or advisors to the Board of Zoning Appeals may submit a written report, stating any facts concerning the physical characteristics of the area involved in the Petition, together with a recital of surrounding land use and public facilities available to service the area, or other pertinent facts. A copy of such statement shall be made available to the Petitioner and all remonstrators of record, if any.
5. The Board of Zoning Appeals meets the second Tuesday of every month at 6:30 p.m. in the Zionsville Town Hall located at 1100 West Oak Street, Zionsville, Indiana. If the second Tuesday is a holiday, or if it is impossible to conduct the meeting at that time or place, the regular monthly meeting shall be scheduled for the first Wednesday following the second Tuesday of the month.
6. The Petitioner or remonstrators may request continuation of the Public Hearing at or one week prior to the Board of Zoning Appeals meeting.
7. The Petitioner, Petitioner's attorney, or someone authorized by the Petitioner must be present at the Public Hearing to make a presentation of the Petition to the Board of Zoning Appeals.
8. The Board of Zoning Appeals at the Public Hearing may approve, deny or continue the Public Hearing on the Petition.

**NOTICE OF PUBLIC HEARING
BY THE TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS**

Notice is hereby given of a Public Hearing to be held by the Town of Zionsville Board of Zoning Appeals on Tuesday, _____, at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana
(DATE OF PUBLIC HEARING)

46077 to consider the following Petition:

_____, _____ requests a
(PETITION NUMBER) (NAME OF PETITIONER)

_____ to provide for or permit:
(USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION)

(INSERT DESCRIPTION OF PROJECT)

The property involved is more commonly known as: _____,
and is legally described as: _____ (COMMON ADDRESS)

(INSERT LEGAL DESCRIPTION OF PROPERTY)

A copy of the Petition for _____, and all plans
(USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION)
pertaining thereto are on file and may be examined prior to the Public Hearing from 8:00 a.m. to 4:00 p.m. Monday through Friday, except for Holidays, in the Planning & Economic Development Department in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana, 46077. Written comments in support of or in opposition of the Petition that are filed with the Secretary of the Town of Zionsville Board of Zoning Appeals prior to the Public Hearing will be considered. The Public Hearing is open to the public.

Oral comments to the Petition for _____
(USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION)
will be heard at the Public Hearing. The Public Hearing may be continued from time to time as may be found necessary.

Upon request, the Town of Zionsville will provide auxiliary aids and services. Please provide advance notification to Joe Rust, Technology Director 317-873-1577, to ensure the proper accommodations are made prior to the meeting.

Chairman: John Wolff

Secretary: Wayne DeLong

Publish: _____

**AFFIDAVIT OF NOTICE OF PUBLIC HEARING
OF THE TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS**

STATE OF _____)
COUNTY OF _____) SS:

I, _____, DO HEREBY CERTIFY THAT LEGAL NOTICE TO
(NAME OF PERSON MAILING LETTERS)
INTERESTED PARTIES OF THE PUBLIC HEARING TO BE HELD BY THE TOWN OF ZIONSVILLE
BOARD OF ZONING APPEALS, to consider the Petition of: _____
(NAME OF PERSON ON PETITION)

Requesting: _____
(USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION)

For property located at: _____

Was sent by CERTIFIED MAIL, RETURN RECEIPT REQUESTED to the last known address of each of the following entities at the following addresses:

<u>OWNERS</u>	<u>ADDRESS</u>
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See attached List of Adjoiners

And that said Legal Notices were sent by Certified Mail, Return Receipt Requested on or before the _____ day of _____, 201____, being at least ten (10) days prior to the date of the Public Hearing (Copies of "Receipt for Certified Mail" [white slips] attached).

And that said Legal Notice was published in a newspaper of general circulation at least ten (10) days prior to the date of Public Hearing (Proof of Publication attached).

Name of person mailing letters

Signature

State of _____)

County of _____) SS:

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

Notary Public Signature

Notary Public Printed

My Commission No: _____

My Commission Expires: _____

My County of Residence is _____ County

**TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS
BOONE COUNTY, INDIANA**

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

1. The grant (**will / will not**) be injurious to the public health, safety, morals, and general welfare of the community because:

2. The use or value of the area adjacent to the property included in the variance (**will / will not**) be affected in a substantially adverse manner because:

3. The need for the variance arises from some condition peculiar to the property involved and the condition (**is / is not**) due to the general conditions of the neighborhood because:

4. The strict application of the terms of the zoning ordinance (**does / does not**) constitute an unusual and unnecessary hardship if applied to the property for which the variance is sought because:

5. The grant (**does / does not**) interfere substantially with the Comprehensive Plan because:

DECISION

It is therefore the decision of this body that this VARIANCE petition is APPROVED/DENIED.

Adopted this _____ day of _____, 20____.

**TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS
BOONE COUNTY, INDIANA**

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant (**will / will not**) be injurious to the public health, safety, morals, and general welfare of the community because:

2. The use or value of the area adjacent to the property included in the variance (**will / will not**) be affected in a substantially adverse manner because:

3. Strict application of the terms of the zoning ordinance (**will / will not**) result in unnecessary hardships in the use of the property because:

DECISION

It is therefore the decision of this body that this VARIANCE petition is APPROVED/DENIED.

Adopted this _____ day of _____, 20____.

**TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS
BOONE COUNTY, INDIANA**

PETITION FOR SPECIAL EXCEPTION

FINDINGS OF FACT

1. The proposed use (**will / will not**) be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;

2. The proposed use (**will / will not**) injure or adversely affect the adjacent area or property values therein;
and

3. The proposed use (**will / will not**) will be consistent with the character of the District, land uses authorized therein and the Town of Zionsville Comprehensive Plan.

DECISION

It is therefore the decision of this body that this SPECIAL EXCEPTION petition is APPROVED/DENIED.

Adopted this _____ day of _____, 20____.

