



**Town of Zionsville
Petition to the Board of Zoning Appeals**

**Application Packet
and
General Instructions**

Office Use Only

Petition No.: _____

Hearing Date: _____

Recommendation: _____

Town of Zionsville

Petition to the Board of Zoning Appeals

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: _____

Address: _____

Phone: _____

E-Mail: _____

Owner (If different from Petitioner):

Name: _____

Address: _____

Phone: _____

E-Mail: _____

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

Attorney / Contact Person:

Name: _____

Address: _____

Phone: _____

E-Mail: _____

Project Engineer / Architect:

Name: _____

Address: _____

Phone: _____

E-Mail: _____

4. DETAILED DESCRIPTION OF REQUEST (Check all requests that apply and describe request(s)

and reasons for request / Indicate all applicable Zoning Ordinance Section Numbers / Attach additional pages if necessary):

Variance of Development Standards Special Exception

Variance of Use Appeal Modification

5. ATTACHMENTS:

- Owner's Authorization (if Petitioner is not the Owner)
- Proof of Ownership (copy of Deed)
- Draft of Proposed Findings of Fact
- Application Fee
- Legal description of property
- Site Plan & Exhibits
- Draft of Proposed Legal Notice
- Statement of Commitments (if proposed)

The undersigned, having been duly sworn on oath states the above information is true and correct as (s)he is informed and believes.

Signature of Owner or Attorney for Owner: _____

Printed Name: _____

Date: _____

State of _____)

County of _____) SS:

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

_____/_____
Notary Public Signature Notary Public Printed

My commission expires: _____

My county of residence: _____ County.

My Commission No.: _____

PETITION TO BOARD OF ZONING APPEALS

FILING PROCEDURES AND REQUIREMENTS:

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. Refer to “Board of Zoning Appeals Dates and Deadlines” to identify specific filing deadline.
2. **Only complete Petitions will be placed on the agenda 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. **Two (2) hard copies and an electronic copy**, in the form of a forwardable link, of the following information must be submitted for Staff review:
 - Notarized Application/Petition Form
 - Legal description of property:
 - Metes and bounds description (must include a perimeter survey, drawn to scale)
– or –
 - Recorded subdivision legal description (must include lot number, section number, subdivision name, either the plat book number of 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
 - Proposed Findings of Fact (one for each Variance request)
 - Draft of proposed Legal Notice
 - Statement of Commitments (if proposed)
 - Application Fee: \$_____ (Make checks payable to the *Town of Zionsville*)

PUBLIC HEARING NOTIFICATION: LEGAL NOTICE

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 Petitioner is responsible for contacting the local newspaper to identify the filing and publication deadlines for the Legal Notice.
3. Notice by Mailing: The Petitioner is to mail the approved Notice of Public Hearing to all Interested Parties at least ten (10) days prior to the Public Hearing (does not include the date of the hearing). Interested Parties are generally all property owners of adjacent parcels (including across a street and/or diagonally from the subject site) to a depth of one (1) ownership surrounding the perimeter of the subject site. Any property owner within the subject site identified in the Petition who is not included as a Petitioner shall also be mailed the Legal Notice. Please review the Rules of Procedure of the Board of Zoning Appeals to ensure proper notification is given. The names and mailing addresses of Interested Parties should be obtained from the Boone County Auditor's Office.

The Zoning Ordinance and Rules of Procedure for the Board of Zoning Appeals state this mailing is to be via Certified Mail with return receipt requested. The Board of Zoning Appeals is allowing First Class mailing as an option to Certified Mail. At the public hearing, the presiding officer will confirm which method of mailing was used. If First Class mailing, a Waiver of the Rules of Procedure for this method will be requested and granted.

4. Notice by Sign Posting: A Notice sign, in a form approved by the *Secretary*, shall be posted in a conspicuous place on the subject property, outside of any public right-of-way, by the *Petitioner* at least ten (10) days prior to the date of the public hearing.
5. Affidavit of Notice: At least three (3) days prior to the Public Hearing, an Affidavit of Notice of Public Hearing must be completed and submitted to the Secretary of the Board of Zoning Appeals. 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 the public hearing or receipt by the Petitioner. If First Class mailing has been utilized, copies of the envelopes should be provided with the Affidavit of Notice.

BOARD OF ZONING APPEALS: 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. The Petitioner must post a Notice sign (provided by the Community and Economic Development Department) on-site of the petition in a conspicuous location at least ten (10) days prior to the date of the public hearing.
3. After review of the resubmitted materials and drawings, a Staff Report will be generated. The Staff Report shall be made available to the Petitioner and all remonstrators of record, if any. The Staff Report, Petition, and all supporting materials will be provided to the Board of Zoning Appeals members.
4. At least three (3) days prior to the Public Hearing, an Affidavit of Notice of Public Hearing must be completed and submitted to the Secretary of the Board of Zoning Appeals. 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 the public hearing or receipt by the Petitioner. If First Class mailing has been utilized, copies of the envelopes should be provided with the Affidavit of Notice.
5. The Board of Zoning Appeals typically meets the first Wednesday of every month at 6:30 p.m. in the Zionsville Town Hall located at 1100 West Oak Street, Zionsville, Indiana. If the first Wednesday 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 Thursday following the first Wednesday 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.

OWNER'S AUTHORIZATION

The undersigned, _____,
being the owner or an authorized representative of the owner of the property commonly known as _____,
hereby authorize(s) _____
to file a Petition for a (Zone Map Change / Development Plan Approval / Variance /
Special Exception / Subdivision Plat Approval / Other) for the aforementioned property.

(Printed Company name)

(Owner signature)

By: _____
(Authorized Representative Signature)

- or -

(Printed Owner name)

(Printed name)

(2nd Owner signature – if applicable)

(Title)

(Printed 2nd Owner name)

State of _____)

County of _____) **SS:**

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

Notary Public Signature / _____
Notary Public Printed

My commission expires _____

My county of residence is _____ County.

My Commission No. is _____

**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 Wednesday, _____, 20____, at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana 46077 to consider the following Petition:

Petition # _____, filed for _____,
requests **Board of Zoning Appeals Approval** for a (mark all that apply):

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

to provide for or permit:

The property involved is commonly known as: _____
and is legally described as:

(INSERT OR ATTACH LEGAL DESCRIPTION OF PROPERTY)

A copy of the Petition for Board of Zoning Appeal Approval, and all plans 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 this Petition will be heard at the Public Hearing. The Public Hearing may be continued from time to time as may be found necessary.

Further, and as allowed by the laws of the State of Indiana, members of the public will be afforded the opportunity to attend the Board of Zoning Appeals Public Meetings via a form(s) of electronic communication IF indicated in the Agenda (as amended from time to time) associated with the Board of Zoning Appeals Meeting.

Upon request, the Town of Zionsville will provide auxiliary aids and services. Please provide advance notification to the Technology Department, assistance@zionsville-in.gov or 317-873-1577, to ensure the proper accommodations are made prior to the meeting.

Chairman: Steve Mundy

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 INTERESTED PARTIES OF THE PUBLIC HEARING TO BE HELD BY THE TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS, to consider:

Petition # _____, filed for _____

Requesting a _____

For property located at _____

was sent to the last known address of each of the following entities at the following addresses:

OWNERS

ADDRESS

See attached List of Adjoiners

And that said Legal Notices were sent by (select one of the following):

First Class Mail or Certified Mail

on or before the _____ day of _____, 20____, being at least ten (10) days prior to the date of the Public Hearing (Copies of "First Class Mail" envelopes or original Certified Mail white slips attached);

And that a Legal Notice sign was posted in a conspicuous place on the property described in the Petition on or before the _____ day of _____, 20____, being at least ten (10) days prior to the date of the Public Hearing;

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).

Affiant Signature

Affiant Printed Name

**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 OF USE 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 OF DEVELOPMENT STANDARDS 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____.
