

Dimensional Variance

(Development Standards)

Step 1: Application

Pre-Application Meeting. Prior to the intended filing, the applicant must discuss the potential application with Staff for the purpose of becoming familiar with requirements, procedures, deadlines, and hearings. The legal descriptions for the petition may be reviewed at this time.

Making Application. The applicant must make an appointment with Staff to file by calling (317) 881-8698. A complete application with all required attachments must be submitted by the date shown on the Application Schedule. If the application is not complete, it will be returned to the applicant with the deficiencies identified. Applications submitted or completed after the posted submittal deadline will be placed on the application cycle for the next regular meeting.

Items Required for a Complete Application:

- ☐ **Application Fee.** Make checks payable to the "City of Greenwood".
 - Single Family Residential Use: \$150 for the first variance (includes \$10 technology fee), plus \$50 for each additional variance, plus \$16 for each On-Site Notification Sign (one per street frontage). A change in a previously approved variance is \$100 (includes \$10 technology fee) plus On-Site Notification Signage.
 - All Other Uses: \$250 for the first variance (includes \$10 technology fee), plus \$150 for each additional variance, plus \$16 for each On-Site Notification Sign (one per street frontage). A change in a previously approved variance is \$200 (includes \$10 technology fee) plus On-Site Notification Signage.
- ☐ **Application Form.** All items must be fully completed and either typewritten or printed in ink. The application must be signed by the applicant(s) and notarized.
- ☐ **Attachment A:** Detailed Statement of Reasons.
- ☐ **Attachment B:** Notice of Public Hearing for Newspaper – staff will fill in blanks for you.
- ☐ **Attachment C:** Notice of Public Hearing for Property Owners – staff will fill in blanks for you.
- ☐ **Attachment D:** Affidavit and Consent of Property Owner. (Submit only if the owner is different from the applicant.)
- ☐ **Legal Description.** A legal description of the subject property is required.
- ☐ **Vicinity Map.** 8 ½"x11" in size showing where the property is located in Greenwood, making sure major streets are labeled. Scale should be approximately 1:1,000.
- ☐ **Site Plan.** 11" x 17" or smaller in size showing the dimensional property lines, existing structures, proposed structures (if applicable), and adjacent streets.
- ☐ **Preliminary Construction Plans/Specifications.** 11" x 17" or smaller in size showing proposed construction on the site. For a variance of the sign code, include dimensioned elevations of the proposed sign.
- ☐ **Aerial Map and List of Adjacent Property Owners (8 ½" x 11").** Submit a photographic Aerial Map of the subject parcel showing all properties within 300 feet and a list of all surrounding property owners whose property is within two parcels or 300 feet of any portion of the subject land in this petition (whichever is greater). Map and list will become part of the file and will not be returned. The map and names can be obtained from the Johnson County GIS Department in the Courthouse Annex at 86 West Court Street in Franklin (317) 346-4398 or from <http://beacon.schneidercorp.com/>.

Step 2: Notifying the Public

State Law and Greenwood's Rules of Procedure require you to notify the public of the hearing in three different ways: by newspaper, by posting a sign on the subject property, and by notifying property owners that surround the subject property.

Notification by Newspaper

1. Attachment B: Notice of Public Hearing for Newspaper. At the application meeting, Staff will complete the attachment.
2. Publish the completed attachment one time in of the newspaper listed below **at least 15 days** prior to the Hearing. Failure to meet the publishing deadlines will result in a continuance of the hearing for your petition and may cause you to re-advertise. Obtain a "Proof-of-Publication" affidavit from the newspaper for the advertisement. These affidavits must be filed in the Planning Office at least three days prior to the hearing (see Application Schedule on page 3).
 - a. **The Daily Journal.** Published daily. Information must be submitted by 10:00am at least two days prior to the date you want your ad to be published. They are located at 30 S Water St., Second Floor, Ste A, PO Box 699, Franklin, Indiana, 46131. Phone (317) 736-7101.

On-Site Notification

The On-Site Notification Sign(s) must be posted on-site 15 days prior to the hearing. Post the sign so that it is visible from the street. If the sign should become damaged/removed, replacement signs may be purchased at the Planning Office or a waiver may be requested from the Board at the time of the hearing (contact Staff for information).

Surrounding Property Owner Notification

1. Attachment C: Notice of Public Hearing for Surrounding Property Owners. At the application meeting, Staff will complete the attachment.
2. The Petitioner must notify all surrounding property owners within 300 feet or two properties in depth of the subject property, whichever is greater. If the petitioner owns adjacent parcels, then go 300 feet and two properties beyond those parcels. Notification can be done either by mail or in person.
 - a. **By Mail.** Notification by first class U.S. Mail should be done by either Certificate of Mailing or Certified Mail.

Certificate of Mailing provides evidence that mail has been presented to the post office for mailing. Use Form 2 for listing those notified (copy enclosed). Proof of Mailing will be Form 2 that has been stamped by the Post Office.

Certified Mail or "green cards" provide the sender with a mailing receipt and proof of delivery. Visit the Post Office for special cards and stickers for addressing letters sent by Certified Mail. Proof of Mailing is a combination of the "green cards" that have been sent back to you and your Certified Mail Receipt for letters that were not claimed.

All letters must be postmarked at least 15 days prior to the hearing. Proof of mailing must be submitted to the Planning Office at least three days prior to the hearing. Mail the following information to each person notified by mail:

 - ☐ A copy of the approved Attachment C
 - ☐ Attachment A
 - ☐ A copy of the Site Plan/Concept Plan
 - b. **In Person.** Have each property owner sign Form 1: Signatures of Adjacent Property Owners to verify that they were notified in person. Form 1 must be submitted to the Planning Office at least three days prior to the hearing. Hand-deliver the following to each surrounding property owner at least 15 days prior to the hearing:
 - ☐ A copy of the approved Attachment C
 - ☐ Attachment A
 - ☐ A copy of the Site Plan/Concept Plan
3. **SUBMIT TO CITY 3 DAYS PRIOR TO HEARING:**
 - ☐ Proof of Publication Affidavit from newspaper
 - ☐ Certificate of Mailing receipt from post office
 - ☐ Form 3: Affidavit of Notification – signed and notarized
 - ☐ Property Owners Signature Sheet (Form 1) – if applicable

Step 3: Staff Report, Public Hearing and Application Schedule

Staff Report

After an examination of information in the public record and findings from additional research, Staff shall publish a Staff Report that provides an analysis of the petition request. Such report shall be published along with the agenda approximately five days prior to the hearing.

Public Hearing

The Board shall follow its adopted Rules of Procedure for the hearing, a copy of which is available at the Planning Office. Public hearings of the Board of Zoning Appeals are generally held on the second and fourth Monday of each month in the Common Council Chambers at the Greenwood City Center, 300 S Madison Avenue, Greenwood, Indiana, 46142.

When your request comes up on the agenda, you must present your request to the Board. You may represent yourself or have a consultant or attorney represent you. You may use any evidence that will assist you in the presentation. If the members need additional information, they will ask questions regarding your request.

Upon conclusion of its public hearing, the Board will vote on your petition. The Board may include commitments as part of its decision.

Application Schedule

The following table depicts the deadlines for petitions before the Board of Zoning Appeals. Deviations from this schedule are not permitted without approval from the Board.

2020 Greenwood Board of Zoning Appeals

6:00pm in the City Council Chambers of the Greenwood City Center

Hearing Date	Application Submittal	Public Notice	Agendas Distributed	Submit Proof of Public Notice
January 13	December 13, 2019	December 29, 2019	January 8	January 10
January 27	December 27, 2019	January 12	January 22	January 24
February 10	January 10	January 26	February 5	February 7
February 24	January 24	February 9	February 19	February 21
March 23	February 21	March 8	March 18	March 20
April 13	March 8	March 29	April 8	April 10
April 27	March 22	April 12	April 22	April 17
May 11	April 13	April 26	May 6	May 8
May 27** Wed.	April 27	May 12	May 20	May 22
June 8	May 18	May 24	June 3	June 5
June 22	May 22	June 7	June 17	June 19
July 13	June 12	June 28	July 8	July 10
July 27	June 26	July 12	July 22	July 24
August 10	July 10	July 26	August 5	August 7
August 24	July 24	August 9	August 19	August 21
September 28	August 28	September 13	September 23	September 25
October 12	September 11	September 29	October 7	October 9
October 26	September 25	October 11	October 21	October 23
November 9	October 9	October 25	November 4	November 6
November 23	October 23	November 8	November 18	November 20
December 14	November 13	November 29	December 9	December 11

Step 4: Petition Information (Completed by Staff at the Time of Application)

The Docket Number for this petition is _____. Please use this number for referencing the request and when submitting additional information in the future.

This petition will be heard by the Board on _____. The meeting starts at 6:00pm in the Common Council Chambers of the Greenwood City Center, 300 S Madison Avenue, Greenwood, Indiana 46142.

Public Notification is required, _____ is the latest date to

- Publish legal notice in the newspaper
- Post On-Site Notification Sign
- Postmark letters of notice to surrounding property owners by mail

The Staff Report and Agenda for this petition will be published on approximately _____.

Public Notification is required, _____ is the latest date to submit:

- Proof-of-Publication from the newspaper
- Form 1: List of Signatures of Adjacent Property Owners Notified in Person (if applicable)
- Form 2: List of Adjacent Property Owners Notified by Accountable Mail (if applicable) and Proof of Mailing
- Form 3: Affidavit of Notification

What Happens Next?

Once the BZA has approved the petition, the applicant may apply for building permits, sign permits, establish the use, etc.

CITY OF GREENWOOD
DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES
PLANNING DIVISION
300 S Madison Avenue, 2nd Floor, Greenwood, IN 46142
Phone: (317) 881-8698 * Fax: (317) 887-5616
E-Mail: planning@greenwood.in.gov
Website: www.greenwood.in.gov



City of Greenwood Board of Zoning Appeals

For Office Use Only			
Docket #			
Filing Date		Fee	
BZA Date		PN Date	

Variance Petition

Dimensional/Development Standards

1. Petitioner

Name _____

Street Address _____

City, State, Zip _____

Primary Contact Person regarding this petition _____

Phone _____ Fax _____ E-Mail _____

2. Property Owner

Name _____

Street Address _____

City, State, Zip _____

Phone _____ Fax _____ E-Mail _____

Applicant is (circle one): _____ Sole owner _____ Joint Owner _____ Tenant _____ Agent _____ Other (specify) _____

3. Type of Petition

☐ Dimensional (Development Standards) Variance

4. Premises Affected

Address, Subdivision & Lot Number, or location from major streets

Present Zoning	Subject Acreage	Present Use of Premises			

Use of Adjacent Properties North: South: East: West:

5. Notarization

The above information and attached exhibits, to my knowledge and belief, are true and correct.

Signature of Applicant _____

Notary Public's Name (printed) _____ Signature of Notary _____

My Commission Expires _____ State _____ County _____

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

The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because

The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property because

The structure is/is not regulated under Indiana Code 8-21-10-3 (The Board of Zoning Appeals must have received a copy of the Determination of No Hazard to Air Navigation issued by the Federal Aviation Administration or approval issued by the Indiana Department of Transportation and the Greenwood Board of Aviation Commissioners must be delivered notice in accordance with Indiana Code 8-21-10-3 not less than sixty days before the proposal is considered if the proposed improvement is regulated under Indiana Code 8-21-10-3)



City of Greenwood Plan Commission and Board of Zoning Appeals

Attachment B: Notice of Public Hearing for Newspapers

Notice of Public Hearing under Executive Orders due to COVID-19

In accordance with Governor Holcomb's Executive Orders 20-04 and 20-09 in response to the coronavirus disease 2019 pandemic and the limitation on public gatherings, the public hearing for this petition, Docket #_____, will be conducted by the (BZA/Plan Commission) electronically by WebEx meeting platform. To join by computer, tablet or smartphone, go to www.webex.com and click "Join Meeting", then enter Meeting number (access Code) _____, and Meeting Password_____. To join by telephone: Call 1-408-418-9388; when connected, enter the Meeting Number above and press #; when asked for participant ID, press #. Members of the public wishing to observe the meeting or participate in the hearing may do so by using the link provided above, which is also on the City of Greenwood website event calendar entry for the meeting. Public attendees will initially be muted and will have video disabled, but will be unmuted for public comment concerning the petition according to procedures announced by the presiding officer. In the event of an excessive number of participants or unforeseen technical or practical issues, the meeting may be terminated and restarted. The hearing may be continued from time to time as may be found necessary.

All legal notices MUST be reviewed by Staff BEFORE it is published in the newspapers.

ATTACH: Legal Description

Notice is hereby given that I have, as the owner (or with the owner's consent) of the property commonly described as the address of _____, Greenwood, Indiana, and legally described by the attached legal description, filed a petition before the *(check the applicable body)*

- ☐ Plan Commission of the City of Greenwood, ☐ Board of Zoning Appeals for the City of Greenwood,

which petition requests: *(check the applicable request and provide necessary information)*

- ☐ **Annexation and Zone Map Change** of the said property from the current zoning district of _____ to the proposed district of _____ for the purpose of _____.
- ☐ **Zone Map Change** of the said property from the current zoning district of _____ to the proposed district of _____ for the purpose of _____.
- ☐ **Change Commitments for the property.**
- ☐ **Residential Site Development Plan** for a Mobile Home Park.
- ☐ **Primary Subdivision** of the said property for a development with _____ lots, to be known as _____.
- ☐ **Plat Vacation** of _____ subdivision with _____ lots.
- ☐ **Use Variance** for the said property in order to allow a _____ use, which is generally not permitted in the _____ zoning district.

In accordance with the American with Disabilities Act, the City of Greenwood is required to provide reasonable accommodations to persons with disabilities wishing to attend public meetings. Accommodations are available upon request to persons with disabilities who require alternately formatted materials, auxiliary aids, or reasonable modifications to policies and procedures to ensure effective communication and access to the public meetings. If you require accommodation to attend the meeting, please contact Daniel Johnston, Public Access ADA Coordinator, at 300 S. Madison Avenue, Greenwood, Indiana 46142, Tel: (317) 887-5000, Fax: (317) 887-5616, or contact Telecommunications Relay Services (TRS) at 711 to relay your request to Mr. Johnston. Please allow at least two business days to arrange for accommodations.

- ☐ **Dimensional Variance** for the said property in order to _____

- ☐ **Special Exception** for the said property to allow property that is zoned _____ to be used for
_____.

**This petition, Docket # _____, will come for hearing at _____ p.m. on _____
via WebEx electronic platform as set forth above.**

A copy of the petition is available for inspection on the City of Greenwood Department of Community Development Services website at _____ (insert link address). Written objections filed with the Planning Director before the hearing will be considered and oral comments concerning the petition will be heard. Written objections may be filed electronically at _____ (insert email address) or mailed to: Dale Davis, Planning Director, City of Greenwood Department of Community Development Services, 300 S. Madison Avenue, Greenwood, Indiana 46142.

APPLICANTS PRINTED NAME

In accordance with the American with Disabilities Act, the City of Greenwood is required to provide reasonable accommodations to persons with disabilities wishing to attend public meetings. Accommodations are available upon request to persons with disabilities who require alternately formatted materials, auxiliary aids, or reasonable modifications to policies and procedures to ensure effective communication and access to the public meetings. If you require accommodation to attend the meeting, please contact Daniel Johnston, Public Access ADA Coordinator, at 300 S. Madison Avenue, Greenwood, Indiana 46142, Tel: (317) 887-5000, Fax: (317) 887-5616, or contact Telecommunications Relay Services (TRS) at 711 to relay your request to Mr. Johnston. Please allow at least two business days to arrange for accommodations.



City of Greenwood Plan Commission and Board of Zoning Appeals

Attachment C: Notice of Public Hearing for Property Owners

Notice of Public Hearing under Executive Orders due to COVID-19

In accordance with Governor Holcomb's Executive Orders 20-04 and 20-09 in response to the coronavirus disease 2019 pandemic and the limitation on public gatherings, the public hearing for this petition, Docket # _____, will be conducted by the (BZA/Plan Commission) electronically by WebEx meeting platform. To join by computer, tablet or smartphone, go to www.webex.com and click "Join Meeting", then enter Meeting number (access Code) _____, and Meeting Password _____. To join by telephone: Call 1-408-418-9388; when connected, enter the Meeting Number above and press #; when asked for participant ID, press #. Members of the public wishing to observe the meeting or participate in the hearing may do so by using the link provided above, which is also on the City of Greenwood website event calendar entry for the meeting. Public attendees will initially be muted and will have video disabled, but will be unmuted for public comment concerning the petition according to procedures announced by the presiding officer. In the event of an excessive number of participants or unforeseen technical or practical issues, the meeting may be terminated and restarted. The hearing may be continued from time to time as may be found necessary.

All legal notices MUST be reviewed by Staff BEFORE it is published in the newspapers.

ATTACH: 1) Legal Description, 2) Site/Concept Plan, 3) Attachment A (if applicable)

Notice is hereby given that I have, as the owner (or with the owner's consent) of the property commonly described as the address of _____, Greenwood, Indiana, and legally described by the attached legal description, have filed a petition before the *(check the applicable body)*

- ☐ Plan Commission of the City of Greenwood, ☐ Board of Zoning Appeals for the City of Greenwood,

which petition requests: *(check the applicable request and provide necessary information)*

- ☐ **Annexation and Zone Map Change** of the said property from the current zoning district of _____ to the proposed district of _____ for the purpose of _____.
- ☐ **Zone Map Change** of the said property from the current zoning district of _____ to the proposed district of _____ for the purpose of _____.
- ☐ **Change Commitments for the property.**
- ☐ **Residential Site Development Plan** for a Mobile Home Park.
- ☐ **Primary Subdivision** of the said property for a development with _____ lots, to be known as _____.
- ☐ **Plat Vacation** of _____ subdivision with _____ lots.
- ☐ **Use Variance** for the said property in order to allow a _____ use, which is generally not permitted in the _____ zoning district.
- ☐ **Dimensional Variance** for the said property in order to _____.

☐ **Special Exception** for the said property to allow property that is zoned _____ to be used for _____.

This petition, Docket # _____, will come for hearing at _____ p.m. on _____ via WebEx electronic platform as set forth above.

A copy of the petition is available for inspection on the City of Greenwood Department of Community Development Services website at _____ (insert link address). Written objections filed with the Planning Director before the hearing will be considered and oral comments concerning the petition will be heard. Written objections may be filed electronically at _____ (insert email address) or mailed to: Dale Davis, Planning Director, City of Greenwood Department of Community Development Services, 300 S. Madison Avenue, Greenwood, Indiana 46142.

APPLICANTS PRINTED NAME

In accordance with the American with Disabilities Act, the City of Greenwood is required to provide reasonable accommodations to persons with disabilities wishing to attend public meetings. Accommodations are available upon request to persons with disabilities who require alternately formatted materials, auxiliary aids, or reasonable modifications to policies and procedures to ensure effective communication and access to the public meetings. If you require accommodation to attend the meeting, please contact Daniel Johnston, Public Access ADA Coordinator, at 300 S. Madison Avenue, Greenwood, Indiana 46142, Tel: (317) 887-5000, Fax: (317) 887-5616, or contact Telecommunications Relay Services (TRS) at 711 to relay your request to Mr. Johnston. Please allow at least two business days to arrange for accommodations.



City of Greenwood Plan Commission and Board of Zoning Appeals

Attachment D: Affidavit & Consent of Owner

Project _____ Docket _____

Complete and submit if applicant is different from property owner.

I (we) _____
NAME(S)

After being first duly sworn, depose and say:

1. That I/we are the owner(s) of the real estate located at _____
(ADDRESS)
2. That I/we have read and examined the Application, and are familiar with its contents.
3. That I/we have no objection to, and consent to such request as set forth in the application.
4. That such request being made by the applicant (____ is) (____ is not) a condition to the sale or lease of the above referenced property.

(AFFIANT)

STATE OF INDIANA)
) SS:
COUNTY OF _____)

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

, Notary Public

My Commission expires: _____

County of Residence: _____



City of Greenwood Plan Commission and Board of Zoning Appeals

Form 1: Signatures of Adjacent Property Owners Notified in Person

Project _____ Docket _____

*Complete and submit ONLY if surrounding property owners are notified in person.
Make additional copies if necessary.*

ATTACH: 1) Legal Description, 2) Site/Concept Plan, 3) Attachment A (if applicable), 4) Public Hearing Brochure

By affixing my signature hereon, I (the adjacent property owner) hereby acknowledge that:

1. _____ or his representative has served me written notice that he has filed an application for _____ for the property located at _____, Greenwood, Indiana. Such written notice includes: Notice of Public Hearing, a copy of the Site Plan, and a brochure entitled "You've Been Notified of a Public Hearing";
2. Said applicant or his representative has explained to me the nature of the petition and the improvements, if applicable, that he proposes to make;
3. **I AM THE OWNER OF THE PROPERTY** indicated by the address following my signature;
4. The applicant or his representative also notified me in writing that there will be a public hearing conducted by the BZA/Plan Commission regarding said application at the Greenwood City Building at _____ pm on the date of _____;
5. That by affixing my signature hereon, I acknowledge **ONLY** that I have received written notice. In no way am I indicating that I approve nor disapprove the granting of said petition; and
6. I have received a copy of the following: 1) Legal Description, 2) Site/Concept Plan, 3) Attachment A (if applicable), and 4) the Public Hearing Brochure.

	NAME	ADDRESS	DATE
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			



City of Greenwood Plan Commission and Board of Zoning Appeals

Form 2: Adjacent Property Owners Notified by Mail

If property owners are to be notified by mail, either complete this form or provide a list with the same information. Make additional copies if necessary.

Name and Address of Sender		Type of Mail ☐ Certified Mail ☐ Certificate of Mailing ONLY		
Line	Name & Address	Postage	Fee	Remarks
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office	POSTMASTER, PER (Name of receiving employee)	

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.
POSTMARK AND DATE OF RECEIPT



City of Greenwood Plan Commission and Board of Zoning Appeals

Form 3: Affidavit of Notification

Project _____ Docket _____

Submit this Form three (3) days prior to the hearing along with Proof of Publication and Proof of Mailing

I (we) _____

After being first duly sworn, depose and say:

1. That I have notified in person or by First Class U.S. Mail all owners of property located within a 300 foot radius of my property located at _____.
2. That the said property owners were informed by me of the filing of the petition and of the nature of said application, as directed in the application pack "Notifying the Public", which is part of the Rules of Procedure of the Board of Zoning Appeals/Plan Commission.
3. That the said property owners were notified that the BZA/Plan Commission will hold a public hearing regarding this application on the date of _____, at _____ p.m.
4. That the names and addresses of said property owners so notified are listed on a separate paper which is a part of this Affidavit.
5. That the required On-Site Notification Sign has been displayed on the subject property for 15 continuous days prior to the published hearing date.

And further the Affiant sayeth not.

(AFFIANT)

STATE OF INDIANA)
) SS:
COUNTY OF _____)

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

, Notary Public

My Commission expires: _____

County of Residence: _____