City of Greenwood Board of Zoning Appeals Application Kit

Use Variance

Step 1: Application

Pre-Application Meeting. At least one week prior to the intended filing of the petition, the applicant must discuss the potential application with Staff for the purpose of becoming familiar with requirements, procedures, deadlines, and hearings.

Making Application. The applicant must make an appointment with Staff in order to file an application by calling (317) 881-8698. A complete Application and all required attachments are to be submitted by the date shown on the Application Schedule (see page 3). At this time, Staff will review the application to determine whether the application is complete. 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.

Submittal Requirements. *(*One 8 ½" x 11" original of each is required unless otherwise specified)

- ❑ **Application Fee**. Make checks payable to the "City of Greenwood".
  - Resulting Single Family Residential Use: $150 plus $16 for each On-Site Notification Sign (one per street frontage).
  - All Other Uses: $350 for plus $16 for each On-Site Notification Sign (one per street frontage)

- ❑ **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 Newspapers

- ❑ **Attachment C:** Notice of Public Hearing for Surrounding Property Owners.

- ❑ **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 existing structures, proposed structures (if applicable), streets, land uses, etc., of the proposed development. If this plan is in color, submit 15 copies.

- ❑ **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.
  PLEASANT TOWNSHIP: If the property is in Pleasant Township, the map and names can be obtained from the Pleasant Township Assessor's Office at 70 N Railroad Street in Whiteland (317) 535-8360.
  WHITE RIVER TOWNSHIP: If the subject property is in White River Township, the map and names can be obtained from the Johnson County Mapping Department in the Courthouse Annex at 86 West Court Street in Franklin (317) 736-3068.

**Note that applicable Forms 1, 2, and 3 are required submittals at a later date, as described on page 2.*

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. Signing and submitting an Affidavit of Notification verifies this notification.

Notification by Newspaper

1. Complete Attachment B: Notice of Public Hearing for Newspapers. At the application meeting, Staff will review and approve the completed attachment.

2. Publish the approved attachment one time in BOTH of the two newspapers listed below at least 15 days prior to the Hearing (see Application Schedule on page 3). Failure to meet the publishing deadlines will result in delay in hearing your petition and may cause you to re-advertise. Be certain to obtain a "Proof-of-Publication" affidavit from the newspaper for both of your advertisements. These affidavits must be filed with your application in the Planning Office at least three days prior to the hearing (see Application Schedule on page 3).
   a. ***The Southside Challenger.*** Published weekly on Wednesdays. Information must be submitted by 12:00 pm (noon) on Mondays. Their preferred method of receiving information is by email at news@indychallenger.com. They are located at 173 East Broadway Street, Suite 211 (Fincorp Building), Greenwood, IN 46142. Phone: (317) 888-3376; Fax: (317) 888-3377.
   b. ***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 2575 S Morton Street, PO Box 699, Franklin, Indiana, 46131. Phone (317) 736-7101.

On-Site Notification

The On-Site Notification Sign(s) must be posted on-site for 15 continuous days prior to the hearing (see Application Schedule on page 3). Post sign(s) so that it is visible from the street(s). If the sign should become damaged/removed, replacement signs may be purchased at the Planning Office or an "On-Site Notification Waiver" may be requested from the Board/Commission at the time of the hearing (contact Staff for information).

Surrounding Property Owner Notification

1. Complete Attachment C: Notice of Public Hearing for Surrounding Property Owners. At the application meeting, Staff will review and approve the completed 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 ($0.95/letter) 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 ($2.40/letter), or "green cards" provides 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 (see Application Schedule on page 3). Proof of mailing must be submitted to the Planning Office at least three days prior to the hearing (see Application Schedule on page 3). Mail the following information to each person notified by mail:

      - ❑ A copy of the approved Attachment C
      - ❑ Attachment A (if part of this kit)
      - ❑ A copy of the Site Plan/Concept Plan that is 8 ½"x11" to 11"x17" in size
      - ❑ A copy of the brochure "You've Been Notified of a Public Hearing"

   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 (see Application Schedule on page 3). 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 (if part of this kit)
      - ❑ A copy of the Site Plan/Concept Plan that is 8 ½"x11" to 11"x17" in size
      - ❑ A copy of the brochure "You've Been Notified of a Public Hearing"

Step 3: Staff Report, Public Hearing, and Application Schedule

Staff Report

After a thorough examination of information in the public record and findings from additional research, Staff shall publish the Staff Report that provides an analysis of each item. Such report shall be published along with the agenda approximately five days prior to the hearing (see Application Schedule below).

Public Hearing

The Board shall follow their 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 forth Monday of each month in the Common Council Chambers at the Greenwood City Building, 2 North Madison Avenue, Greenwood, Indiana, 46142.

When your request comes up on the agenda, you are asked to present your request to the Board. You may represent yourself or have a consultant or attorney to represent you. You may use any maps or graphics 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. See page 4 of this application packet for "What Happens Next".

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.

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2007 Greenwood Board of Zoning Appeals

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

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

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

The Docket# for this petition is _____. Please use this number for referencing the request and when submitting additional information/plans 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 Building, 2 North Madison Avenue, Greenwood, Indiana 46142.

Public Notification is required, _____ is the latest date to

- Publish legal notice in the two newspapers (see page 2)
- Post On-Site Notification Sign (see page 2)
- Postmark letters of notice to surrounding property owners notified by mail (see page 2)

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 newspapers (see page 2)
- Form 1: List of Signatures of Adjacent Property Owners Notified in Person (if applicable) (see page 2)
- Form 2: List of Adjacent Property Owners Notified by Accountable Mail (if applicable) and Proof of Mailing (see page 2)
- Form 3: Affidavit of Notification (see page 2)

What Happens Next?

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

2007 City of Greenwood Plan Commission

Use Variance

For Office Use Only			
Docket #			
Filing Date		Fee	
Hearing Date			
Public Notice Date		Staff	

1. Applicant Info

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. Premises Affected

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

Total Acreage Zoning Current Use

Proposed Use of Subject Property

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

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

4. 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 _____, _____

City of Greenwood Board of Zoning Appeals – Use Variance

Attachment A: Detailed Statement of Reasons

Project _____ Docket _____

Petition Information

What is the purpose of this request?

_____

_____

_____

_____

_____

_____

_____

Standards for Evaluation

The BZA's decision shall be based upon how each of the following statutory requirements is justified in the request.

Attach a separate sheet that thoroughly itemizes and addresses each of the following Criteria:

1) **The approval will not be injurious to the public health, safety, morals, and general welfare of the community because…***(Consider whether granting the variance will hurt or potentially cause harm to the city—why or why not and what harm could occur?)*

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 because…***(Consider whether neighboring property will suffer any major negative impacts. What impacts can the neighbors realistically expect?)*

3) **The need for the variance arises from some condition peculiar to the property involved. Describe…***(Consider whether there is some unique problem with the site that makes it unable to meet the ordinance standards. What is it?)*

4) **The strict application of the terms of the Zoning Ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the variance is sought because…***(Consider what it would be like if the site were developed under the terms of the zoning ordinance. What would the difficulties be?)*

5) **The approval does not interfere substantially with the Comprehensive Plan because…***(The Comprehensive Plan designates this property for the land use of _____. Consider the current land use and the surrounding land uses. How does the proposed use fit in? Consider the traffic conflicts, site access, hours of operation, etc.)*

City of Greenwood Plan Commission and Board of Zoning Appeals

Attachment B: Notice of Public Hearing for Newspapers

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, 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 _____pm in the Common Council

Chambers at the Greenwood City Building, 2 North Madison Avenue, Greenwood, Indiana, on _____.

In accordance with the Americans With Disabilities Act, if anyone wishes to attend the public hearing on the above referenced matter and is in need of reasonable accommodation in order to hear, present evidence, or participate in the proceedings at the public hearing on this matter, please contact the Planning Department so accommodation can be made. The petition and file on this matter is available for examination during regular working hours. The Planning Department can be reached at 225 South Emerson Avenue, Suite C, Greenwood, Indiana, 46143, Phone: (317) 881-8698, Fax: (317) 887-5616, TDD Phone: (317) 887-5869, E-mail: Planning@greenwood.in.gov.

_____

APPLICANTS PRINTED NAME

City of Greenwood Plan Commission and Board of Zoning Appeals

Attachment C: Notice of Public Hearing for Property Owners

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), 4) Public Hearing Brochure

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,

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_____

APPLICANTS PRINTED NAME

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 <u>OWNER</u> 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

Page _____ of _____

City of Greenwood Plan Commission and Board of Zoning Appeals

Form 3: Affidavit of Notification

Submit this Form three days prior to the hearing along with Proof of Publication *(see Page 2, Notification by Newspaper)* ***and Proof of Mailing*** *(see page 2, Surrounding Property Owner Notification)*

I (we) _____
NAME(S)

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 _____, Greenwood, Indiana;

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 packet "Notifying the Public", which is part of the Rules of Procedure of the Plan Commission and described;

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 _____ pm;

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; and

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: _____