

WARRICK COUNTY AREA BOARD OF ZONING APPEALS

VARIANCE – INSTRUCTIONS

A.) One (1) original and seven (7) copies of petition must be submitted.

B.) Attached to and as part of the petition, submit the following:

Maps (7 copies) drawn to a suitable scale, on sheet 8 ½ x 14 inches, with the following information:

1.) Premises in question, with existing and proposed buildings and illustrating clearly the points in question and existing conditions on nearby lots. (One lot each side, two lots each side, lot or lots across street that best illustrate the point.) Plus property owners names and addresses.

2.) Block diagram with street numbers or names and lot numbers, showing lot in question and character of improvements on all lots in block (one or both sides of street, the four corners of intersection or as requested.)

C.) Maps (7 copies of floor plan, vertical section, and front elevation of buildings with all necessary dimensions. (These maps required only when applicable to application.)

FACTORS CONSIDERED IN RELATION TO VARIANCE REQUESTS

- 1.) That a Variance is a means of relief which is available only when some peculiar circumstance as to SIZE OR SHAPE of the parcel of land (and sometime its LOCATION is such that the literal application of the provisions of the Ordinance would impair the owner's rights to some reasonable use of the property. A Variance shall not be granted unless, in the first place, there are such peculiar circumstances.
- 2.) That the circumstances which cause the HARDSHIP must be peculiar to the property in question, or to such a small number of properties that they clearly constitute marked exceptions to the property in the neighborhood. If the circumstances cited as a basis for applying for the Variance are common to the property in the neighborhood the Variance shall not be granted.
- 3.) That after establishing the peculiar circumstance applying to the property in question, it is next necessary to show that the Variance is required in order to preserve a substantial property right of the petitioner. It is of no moment whatever that the denial of the Variance might deny to the property owner some opportunity to use his property in a more profitable way or to sell it at a greater profit than is possible under the terms or the Ordinance. The owner is entitled only to a reasonable use of his property.
- 4.) That any alleged hardship is not self-created by any person having an interest in the property nor is the result of mere disregard for or ignorance of the provisions of the Comprehensive Zoning Ordinance.
- 5.) That the Regulations to which the Variance is sought shall be modified as little as possible so that the substantial intent and purpose of the regulations shall be preserved. The granting of the Variance should be made subject to such conditions as will constitute to this end.
- 6.) That the Variance will not result in substantial detriment to adjacent property nor the surrounding neighborhood, and will not be materially detrimental to the public welfare.
- 7.) That the County Area Board of Zoning Appeals SHALL CAREFULLY DISTINGUISH BETWEEN A LAND USE PERMIT AND A VARIANCE. A LAND USE PERMIT shall be subject to the provisions requiring a zoning amendment by Ordinance.

Meetings are the 4th Monday night of each month at 6:00 P.M. Application must be filed at least 4 weeks prior to any meeting and accompanied by filing fee of \$200.00. Names and addresses of abutting property owners must be obtained by looking up the official owner of record at the **Auditor's office** (The Auditor's Office has the most current property owner information. **DO NOT LOOK UP OVER THE**

INTERNET). For clarification, abutting property is defined as *Record title owners whose property is contiguous to the subject property, including any property that would touch at any point the subject property, ignoring all rights of way, including all rights of way owned in fee, easements and alleys, including property owned by a governmental body for the primary purpose of a road way. However, record title owners of property separated from the subject property by a freeway or expressway are not considered “abutting property owners”.* By ordinance, these notices **MUST** be postmarked no less than twenty one (21) days before the Board of Zoning Appeals meeting at which the application will be heard. Please bring any irregularities or problems to the attention of APC staff prior to mailing said notice(s).

NOTICE: THIS APPLICATION MUST BE TYPEWRITTEN OR PRINTED AND ACCOMPANIED BY THE NECESSARY INFORMATION (SEE OTHER SIDE), AND FILED WITH THE WARRICK COUNTY AREA BOARD OF ZONING APPEALS.

**WARRICK COUNTY AREA
BOARD OF ZONING APPEALS**
COURT HOUSE
BOONVILLE, INDIANA

DOCKET NO. BZA-V- -

RECEIPT NO. _____

**VERIFIED APPLICATION FOR VARIATION FROM THE
REQUIREMENTS OF THE ZONING ORDINANCE**

STATE OF INDIANA, COUNTY OF WARRICK SS:

APPLICANT UPON HIS OATH DOES SAY:

Owner: _____ Address: _____

Email Address: _____ Phone: _____

Applicant: _____ Address: _____

Email Address: _____ Phone: _____

PREMISES AFFECTED: PROPERTY LOCATED ON THE _____ SIDE OF
_____ APPROXIMATELY _____ FEET/MILES _____ OF THE
INTERSECTION FORMED BY _____ AND
_____. _____ TOWNSHIP.
LOT NO. _____ IN _____ SUBDIVISION. (IF APPLICABLE)

(THE LEGAL DESCRIPTION OF PROPERTY MAY BE ATTACHED.)

EXISTING CONDITIONS

Nature and size of improvement on lots: _____

Nature, size and location of accessory buildings: _____

Yard Spaces: Front: _____ Rear: _____ Side: _____

Occupancy: Number of families (if any part is in use for dwelling) _____

Number of persons employed (if any part is industrial or commercial) _____

Year of erection of existing buildings: _____

TO THE CHAIRMAN, BOARD OF ZONING APPEALS: Application is hereby made for variation from the requirements of Article _____ Section _____ of the Subdivision Control Ordinance / Comprehensive Zoning Ordinance under the Discretionary power vested in your board to permit:

Construction
Reconstruction of _____
Alteration _____
Conversion _____
Maintenance _____
Addition _____
Location _____
Type of building-use/activity in accordance with the plans filed.

By: _____ For: _____

STATEMENT OF VARIANCE APPLIED FOR
WITH PRINCIPLE ON WHICH APPLICATION IS BASED

Applicant requests a variance from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, IN to allow an Improvement Location Permit to be issued for:

Applicant statement: (Note-If more space is needed for this statement attach additional sheet to this application.)

ATTACHED hereto and made a part of this application, I submit the following (items checked in margin):

1.) FLOOR PLAN, VERTICAL SECTION, AND FRONT ELEVATION of building with all necessary dimensions.
2.) PLOT PLAN (7 COPIES) and BLOCK DIAGRAM, each drawn to engineer's scale on sheet 8 ½ inches by 14 inches, with dimensions and points of compass, and with other information as follows:

- a. Plot plan showing premises in question, with existing and proposed buildings and illustrating clearly the points in question and existing conditions on nearby lots. (One lot each side, two lots each side, lot or lots across street that best illustrate the point.)
- b. Block diagram with street numbers and lot numbers, showing lot in question and character of improvements on all lots in block (one or both sides of street, the four corners of intersection or as requested.)

I hereby depose and say that all the above statements and the statements contained in the papers submitted herewith are true.

Sworn to before me, this _____
day of _____

Notary

My Commission expires: _____

Applicants sign here

Owners sign here

NATURE OF APPEAL
(Sec. 78, Chap. 138. Acts 1957)

This appeal is taken from the order, requirement, decision or determination of:

- a.) Refusal of County Area Plan Commission to issue Improvement Location Permit.
- b.) Article _____ Section _____ of the Warrick County Zoning Ordinance.
- c.) Special exception under Article V of the Warrick County Zoning Ordinance of Warrick County, Indiana.
- d.) Hardship Variance from Article _____ of the Warrick County Zoning Ordinance of Warrick County, Indiana.

Application has been advise that this petition cannot be granted under the provisions of the Warrick County Zoning Ordinance but demands that such appeal to find.

Executive Director

NOTICE

Public Hearings on cases are held at regular meetings of the Board on the Fourth (4th) Monday of each month at 6:00 P.M. in the Commissioners Meeting Room, Third Floor, Courthouse, Boonville, Indiana. If variation is granted the order of the Board of Zoning Appeals is void unless all permits necessary for the prosecution of the work are taken out. Until this is done any other communication will be treated merely as notice of an intention to appeal or make application and will not be docketed. Appeals and applications will receive a Docket Number when all the data required by this form has been filed, and will then be placed on the agenda for hearing at the next regular meeting. Application must be advertised in local newspaper 10 days prior to date of Public Hearing. The ordinance and rules require that all matters which the Board may be asked to determine be first submitted to the Executive Director in the regular way for ruling. Until then the Board has no jurisdiction.

*****NOTICE OF PUBLIC HEARING*****

DATE: _____

DOCKET NO: _____

APPLICANT: _____ OWNER: _____

ADDRESS: _____ ADDRESS: _____

RE: Nature of Case _____

Dear: Adjacent property owner:

This letter will serve notice to you of scheduled hearing/s of a petition for BZA-V-_____ - _____, which has been filed with the Warrick County Area Board of Zoning Appeals.

PREMISES AFFECTED: Property located on the _____ side of _____ approximately _____ feet-miles _____ of the intersection formed by _____ and _____ Twp., Lot No. _____ in _____ Subdivision (if applicable).

BOARD OF ZONING APPEALS hearing to be held in the Commissioners Meeting Room, Third Floor, Courthouse, Boonville, Indiana. Hearing to be held at 6:00pm on Monday, _____.

Sincerely,

Applicant and/or Owner

If you have any questions, please contact the Warrick County Area Plan Office at (812) 897-6190. Written objections to the proposals that are filed in the office of the Warrick County Area Plan Commission before the hearing will be considered. They may be mailed to the Warrick County Area Plan Commission, Historic Courthouse – Room 201, Boonville, Indiana, 47601, or emailed to apc@warrickcounty.gov.

NOTICE TO ADJOINING PROPERTY OWNERS AFFIDAVIT

STATE OF INDIANA)
) SS
COUNTY OF WARRICK)

DATE: _____

DOCKET NO: _____

I, _____, hereby affirm under the penalties of perjury that I have mailed letters containing required information about this _____ petition at (address) _____, to the following property owners on (date) _____. I hereby certify that to the best of my knowledge, the following (or attached) is a complete and accurate list of all abutting property owners whose properties touch at any point the owner's property, included in whole or in part in the petition for _____ stated above. I obtained said list by looking up the Real Property Maintenance Report of the abutting property owners on the records in the office of the Auditor and their most recent mailing addresses as listed on records in the office of the Auditor of Warrick County on (Date) _____.

Letters were sent to:

NAME: _____ ADDRESS: _____

NAME: _____ ADDRESS: _____

NAME: _____ ADDRESS: _____

NAME: _____ ADDRESS: _____

NAME: _____ ADDRESS: _____

NAME: _____ ADDRESS: _____

NAME: _____ ADDRESS: _____

NAME: _____ ADDRESS: _____

NAME: _____ ADDRESS: _____

The letters were sent CERTIFIED MAIL, RETURN RECEIPT SERVICE. The green receipts are attached.

Affiant's signature (Petitioner's, Attorney, or Representative)

Subscribed and sworn to before me, a Notary Public in and for said County and State this _____ Day of _____, 20____.

(Notary Public)

My Commission Expires: _____

Residence of Notary: _____ County, Indiana.

NOTE: THIS AFFIDAVIT MUST BE FILED IN THE OFFICE OF THE AREA PLAN COMMISSION BY NOON OF THE THURSDAY BEFORE THE BOARD OF ZONING APPEALS MEETING.

NOTICE: THIS APPLICATION MUST BE TYPEWRITTEN OR PRINTED AND ACCOMPANIED BY THE NECESSARY INFORMATION (SEE OTHER SIDE), AND FILED WITH THE WARRICK COUNTY AREA BOARD OF ZONING APPEALS.

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BOONVILLE, INDIANA

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**VERIFIED APPLICATION FOR VARIATION FROM THE
REQUIREMENTS OF THE ZONING ORDINANCE**

STATE OF INDIANA, COUNTY OF WARRICK SS:

APPLICANT UPON HIS OATH DOES SAY:

Owner: John & Mary Doe Address: 111 Telephone Road Phone: 555-5555
Chandler, IN 47610

Applicant: Mary Doe Address: 111 Telephone Road Phone: 555-5555
Chandler, IN 47601

PREMISES AFFECTED: PROPERTY LOCATED ON THE N SIDE OF Telephone Road
APPROXIMATELY 300 FEET/MILES N OF THE
INTERSECTION FORMED BY Telephone Road AND
Sharon Road Ohio TOWNSHIP.
LOT NO. NA IN NA SUBDIVISION. (IF
APPLICABLE)

(THE LEGAL DESCRIPTION OF PROPERTY MAY BE ATTACHED.)

Complete legal description of property to be typed in here or can make a copy of recorded deed and attach.

EXISTING CONDITIONS

Nature and size of improvement on lots: SEE ATTACHED PLOT PLAN

Nature, size and location of accessory buildings: SEE ATTACHED PLOT PLAN

SEE ATTACHED PLOT PLAN

Yard Spaces: Front: _____ Rear: _____ Side: _____

Occupancy: Number of families (if any part is in use for dwelling) No. of occupants if applicable

Number of persons employed (if any part is industrial or commercial) Give Number if applicable

Year of erection of existing buildings: Give year construction for existing buildings

TO THE CHAIRMAN, BOARD OF ZONING APPEALS: Application is hereby made for variation from the requirements of Article _____ Section _____ of the Subdivision Control Ordinance / Comprehensive Zoning Ordinance under the Discretionary power vested in your board to permit:

Construction
Reconstruction
Alteration
Conversion
Maintenance
Addition
Location

Office Staff will fill this part out
of _____

Type of building-use/activity in accordance with the plans filed.

By: Who is doing construction

For: Who the construction is for

E
X
A
M
P
L
E

A

STATEMENT OF VARIANCE APPLIED FOR
WITH PRINCIPLE ON WHICH APPLICATION IS BASED

Printed or typed here is the reason for requesting the Variance.

An example is:

Applicant requests a Variance from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, Indiana, to allow-----the construction of a single family dwelling not meeting minimum front yard requirements of 25'. Applicant is proposing front yard of 18', thus requesting a 7 foot relaxation from the regular requirements.

(Note-If more space is needed for this statement attach additional sheet to this application.)

ATTACHED hereto and made a part of this application, I submit the following (items checked in margin):

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- 2.) PLOT PLAN (7 COPIES) and BLOCK DIAGRAM, each drawn to engineer's scale on sheet 8 1/2 inches by 14 inches, with dimensions and points of compass, and with other information as follows:
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I hereby depose and say that all the above statements and the statements contained in the papers submitted herewith are true.

SIGNATURES OF ALL APPLICANTS AND OWNERS MUST BE NOTARIZED

Sworn to before me, this _____

day of _____

Notary

Applicants sign here

My Commission expires: _____

Owners sign here

NATURE OF APPEAL

(Sec. 78, Chap. 138. Acts 1957)

This appeal is taken from the order, requirement, decision or determination of:

- e.) Refusal of County Area Plan Commission to issue Improvement Location Permit.
- f.) Article _____ Section _____ of the Warrick County Zoning Ordinance.
- g.) Special exception under Article V of the Warrick County Zoning Ordinance of Warrick County, Indiana.
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