

# CITY OF SHELBYVILLE



## DEVELOPMENT STANDARD VARIANCE

## APPLICATION PACKET

Shelbyville Planning & Building Department  
Board of Zoning Appeals  
44 W. Washington Street  
Shelbyville, IN 46176  
317-392-5102  
[www.cityofshelbyvillein.com](http://www.cityofshelbyvillein.com)

### **Quick Check List**

- ☐ Completed Application (notarized) – 7 copies
- ☐ Completed Finding of Facts sheet – 7 copies
- ☐ Site plans and other supporting materials – 7 copies & one (1) digital copy
- ☐ Letter of Intent – 7 copies
- ☐ Notarized Affidavit & Consent of Property Owner (if the petitioner doesn't own the property)
- ☐ Property Deed with Legal Description of land for the file
- ☐ Filing Fee – check made payable to the City of Shelbyville
- ☐ Completed Post Office Form 3877
- ☐ Attend Meeting

DEADLINE DATE: \_\_\_\_\_ MEETING DATE: \_\_\_\_\_

## DEVELOPMENT STANDARD VARIANCE

### What is a Development Standard Variance and why do you need to apply for one?

A Development Standard Variance is a deviation from the development standards outlined in the Shelbyville Zoning Ordinance. These are standards typically found in Article 2 and 5 of the Unified Development Ordinance. If you cannot meet these standards for your development/project, you must apply for a variance and receive approval from the Board of Zoning Appeals before you can move on with your project. This would apply to things such as (but not limited to) new buildings/structures, additions, accessory structures, parking lots, and driveways.

If you need a special exception, use variance, or sign variance for the same project or property, those must be filed as separate petitions.

### ORIGINATION OF PROPOSALS

Origination of a Development Standard Variance can be initiated by the owner, their agent, or any person having legal or equitable interest in the property.

### REZONING DECISION CRITERIA

In reviewing the rezoning application, the Plan Commission, and Common Council shall pay reasonable regard to the following:

1. **Impact to Adjacent Area:** The use and value of the area adjacent to the property included in the Standard Development Variance will not be affected in a substantially adverse manner;
2. **Practical Difficulty:** The strict terms of the ordinance will result in practical difficulties in the use of the property. This difficulty shall not be self-imposed, nor based on a perceived reduction of, or restriction on, economic gain; and
3. **General Welfare:** Use may not be injurious to the public health, safety, moral, and general welfare.

### GENERAL PROCEDURE

The general procedure for a Standard Development Variance is as follows:

**Application:** The applicant submits a variance application, required supplemental materials, and application fees to the Zoning Administrator and pays the fee as indicated by the Planning and Building fee schedule available on the City of Shelbyville website or in the Plan Commission office. **\*\*Please make checks payable to the City of Shelbyville**

1. **Public Notice:** Public notice for the board hearing must be provided as directed by Chapter 9.13 of the Unified Development Ordinance.
2. **Board of Zoning Appeals Hearing:** The Board will review the application in a public hearing and make a recommendation on the application: approve, approve with conditions, or deny.
3. **Re-submission:** If application is denied, applicant can re-file in one (1) year, unless s/he files an intent to re-submit with the Zoning Administrator within 60 days after denial.

### DURATION AND EXPIRATION

An approved Development Standard Variance shall run with the land until the property conforms to the UDO. If approved use has not been established within three (3) years from approval, the approval shall be null and void.

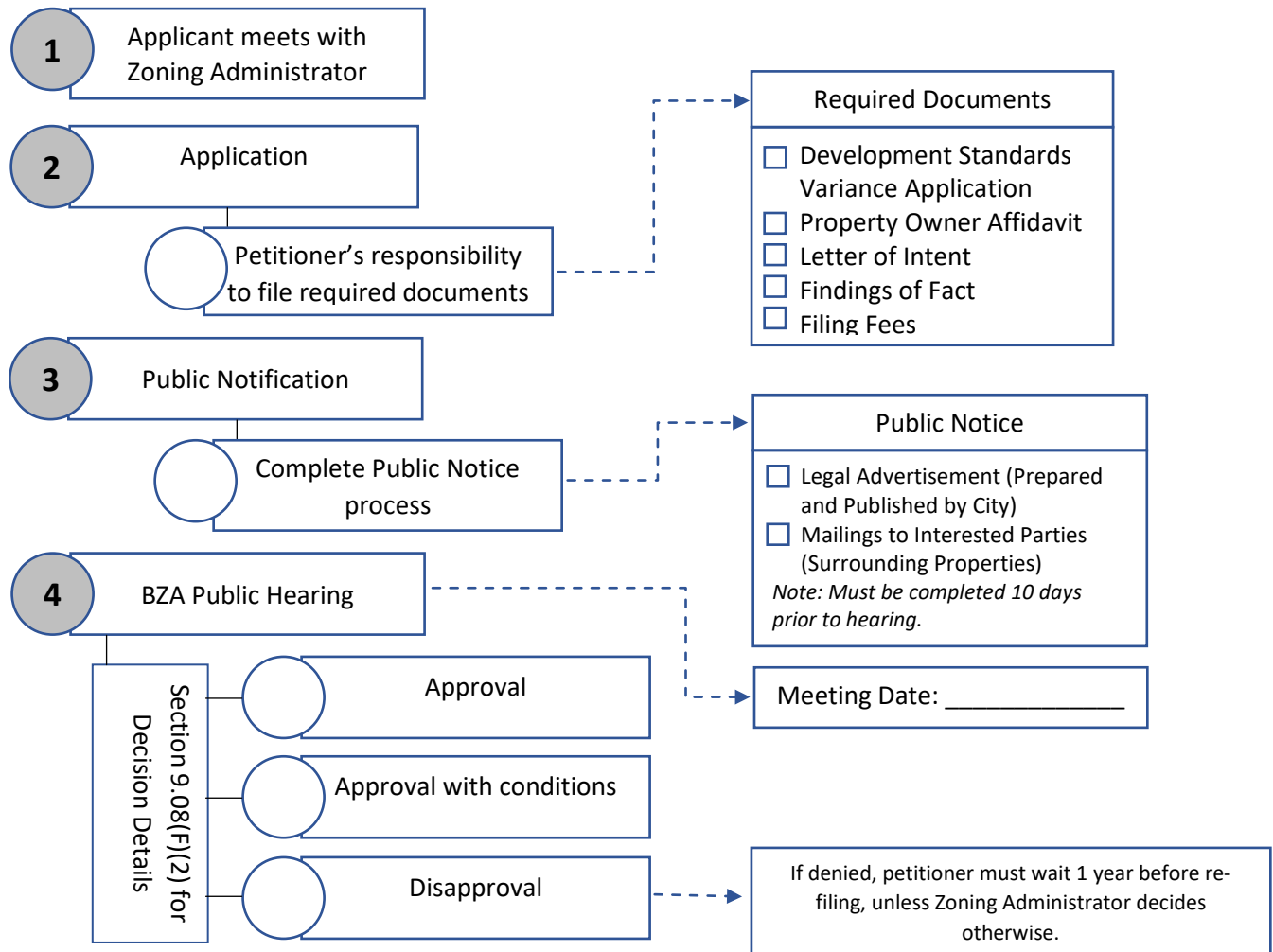
### PUBLIC HEARING NOTIFICATION

The City of Shelbyville is responsible for placing the Notice of Public Hearing in the local newspaper. The legal advertisement must run at least 10 days prior to the hearing (not including the date of the hearing). The applicant is responsible for:

1. Notice to Interested Parties: The applicant is responsible for preparing and distributing written notice of the petition (including the same information found in the Legal Notice) to all property owners within a defined radius of the subject property. Names and addresses of those property owners will be provided by the Plan Commission staff. The notices must be sent at least once, at least 10 days prior to the hearing. Notice may be distributed through either a certificate of mailing (requiring USPS Form #665), certified mail, or hand delivery (requiring signatures on form provided by Plan Commission Office).
2. Notification Certification: A copy of the materials provided to each property owner, the completed mailing and/or delivery forms, and a signed and notarized Affidavit of Notice certifying the correctness of the mailing list shall be provided to the Plan Commission Director by the petitioner a minimum of 2 business days prior to the date of the public hearing.

## 9.08 Development Standards Variance

### Process Outline



NOTE: If a Building Permit, Improvement Location Permit, or the approved improvement has not been commenced within 3 years from the date the Variance was granted, the approval shall be null and void



## DEVELOPMENT STANDARDS VARIANCE APPLICATION

Shelbyville Planning & Building Department  
44 West Washington Street  
Shelbyville, IN 46176  
P: 317.392.5102

### For Office Use Only:

Case #: BZA \_\_\_\_\_ - \_\_\_\_\_

Hearing Date: \_\_\_\_\_

Fees Paid: \$ \_\_\_\_\_

Final Decision:

Approved

Denied

### 1.

#### Applicant

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

Email: \_\_\_\_\_

#### Property Owners Information (if different than Applicant)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

Email: \_\_\_\_\_

### 2.

#### Applicant's Attorney/Representative

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

Email: \_\_\_\_\_

#### Project Engineer

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

Email: \_\_\_\_\_

### 3. Project Information:

General Location of Property (and address is applicable): \_\_\_\_\_

Current Zoning Classification: \_\_\_\_\_ Existing Use: \_\_\_\_\_

Number of Requested Variances: \_\_\_\_\_ Proposed Use: \_\_\_\_\_

Section(s) of the Ordinance Requesting Variance(s) from; including Article, Section, Subsection, and Page Number: \_\_\_\_\_

### 4. Attachments

☐ Affidavit and Consent of Property Owner (if applicable)

☐ Vicinity Map

☐ Proof of Ownership (copy of deed, recent property card)

☐ Findings of Fact

☐ Letter of Intent

☐ Application Fee

☐ Supporting Documents and Exhibits (Optional)

The undersigned states the above information is true and correct as s/he is informed and believes.

Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

State of \_\_\_\_\_)

County of \_\_\_\_\_) SS:

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Printed

Residing in \_\_\_\_\_ County.

My Commission Expires: \_\_\_\_\_

**AFFIDAVIT & CONSENT OF PROPERTY OWNER  
APPLICATION TO THE SHELBYVILLE BOARD OF ZONING APPEALS**

State of Indiana       )  
County of Shelby     ) SS:

I, \_\_\_\_\_, AFTER BEING DULY SWORN, DEPOSE AND SAY  
(Name of property owner)

THE FOLLOWING:

1. That I am the owner of real estate located at \_\_\_\_\_;  
(Address of affected property)
2. That I have read and examined the Application made to the Shelbyville Board of Zoning Appeals by: \_\_\_\_\_  
(Name of applicant)
3. That I have no objections to and consent to the request(s) described in the Application made to the Shelbyville Board of Zoning Appeals.

\_\_\_\_\_  
Owner's Name (Please print)

\_\_\_\_\_  
Owner's Signature

State of Indiana       )  
County of Shelby     ) SS:

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Printed

Residing in \_\_\_\_\_ County.

My Commission Expires: \_\_\_\_\_

[illegible]



## DEVELOPMENT STANDARDS VARIANCE

### FINDINGS OF FACT

Petitioner's Name: \_\_\_\_\_  
Location: \_\_\_\_\_  
Variance for: \_\_\_\_\_

The Shelbyville Board of Zoning Appeals must determine that the following criteria have been met in order to approve an application for a Development Standard Variance. Using the lines provided, please explain how your request meets each of these criteria.

1. **General Welfare:** Explain why granting the request for a development standard variance will not be harmful to the public health, safety and general welfare of the City of Shelbyville.

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2. **Adjacent Property:** Explain why the development standard variance request will not affect the use and the value of adjacent properties.

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3. **Practical Difficulty:** Please state the difficulties that will be faced if the project is not granted the requested development standard variance.

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*Note: For petitions with multiple requested variances, please submit one completed "Findings of Fact" for each requested variance.*