

Use Variance

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".
 - Resulting Single Family Residential Use: \$300 (includes \$10 technology fee) plus \$16 for each On-Site Notification Sign (one per street frontage).
 - All Other Uses: \$700 (includes \$10 technology fee) 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 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 existing structures, proposed structures (if applicable), streets, land uses, etc., of the proposed development.
- 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 the newspaper listed below **at least 15 days** prior to the Hearing. Failure to meet the publishing deadline 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. This affidavit 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

Refer to the current Greenwood Board of Zoning Appeals schedule posted on the Planning webpage. Deviations from this schedule are not permitted without approval from the Board.

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 6:00 pm 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

Use Variance

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

Use 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 _____, _____



Greenwood Board of Zoning Appeals

Attachment A: Detailed Statement of Reasons for a Use Variance

Project _____

Docket _____

Petition Information – Complete separate Attachment A for each variance requested

What is the purpose of this request?

Statutory Criteria

The approval will not be injurious to the public health, safety, morals, and general welfare of the community because

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 need for the variance arises from some condition peculiar to the property involved, because

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

The approval does not interfere substantially with the Comprehensive Plan, because

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, 300 South Madison Avenue, Greenwood, Indiana, on _____.

A copy of the petition is on file in the Office of the Department of Community Development Services, 300 S. Madison Avenue, Greenwood, Indiana, and is available for inspection before the hearing during business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday. Written objections filed with the Planning Director before the hearing will be considered and oral comments concerning the petition will be heard. The hearing may be continued from time to time as may be found necessary.

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.

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)

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)*

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APPLICANTS PRINTED NAME



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			

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 <input type="checkbox"/> Certified Mail <input type="checkbox"/> 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 (<i>Name of receiving employee</i>)

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

