

**Planning & Building Services Department**

300 E Pike St | Crawfordsville, IN 47933

crawfordsville.in.gov | 765-364-5152

USE VARIANCE APPLICATION**OFFICE USE ONLY**

DOCKET # _____ FILED DATE: _____

FILING FEE: \$ _____

APPLICANT INFORMATION

Applicant Name: _____ Phone: _____

Business Name: _____ Email: _____

Address: _____

Property Owner's Name: _____ Phone: _____

Business Name: _____ Email: _____

Address: _____

Representative's Name: _____ Phone: _____

Business Name: _____ Email: _____

Address: _____

PROPERTY AND PROJECT INFORMATION

Project to be known as: _____

Address or Property Location: _____

Acreage: _____ (Attach Legal Description) Existing Land Use: _____

County Parcel ID #(s): _____

Zoning District: _____

I certify that I own or control the property involved in this application, and that the information in this application is true and correct.

Signature of Applicant/Representative_____
Print Name_____
Date

USE VARIANCE APPLICATION INSTRUCTIONS

For comprehensive information on **Use Variances**, please refer to **Chapter 8 of the Unified Development Ordinance**.

- A. **Description.** A use variance allows the establishment of a use that is otherwise prohibited in the zoning district due to special circumstances applicable to the property. Use variances should rarely be used. The proper method to address uses on a property is the rezoning process (**8.2 Rezones**).
- B. **Application.** The applicant files:
1. A use variance application,
 2. Property owner consent if the applicant is someone other than the property owner,
 3. The applicable filing fee,
 4. A site plan drawn to scale showing the layout of the property and all features relevant to the request,
 5. A statement of intent describing the details of the variance being requested and stating how the request is consistent with the decision criteria. The statement should include any written commitments being made by the applicant, and
 6. A copy of the most current property deed.
- C. **Review.** The Administrator reviews a filed application for completeness. Applications determined complete are docketed for a hearing by the BZA.
- D. **Public Notice.** Notification for the scheduled public hearing regarding the use variance request must be completed consistent with the schedule of meeting and filing dates and the BZA's Rules of Procedure.
- E. **Public Hearing.** At a public hearing scheduled consistent with the schedule of meeting and filing dates, the BZA reviews the use variance application and required supporting information. The applicant and/or applicant's representative must be present at the public hearing to present the complete application and address the decision criteria. The presentation of reports and testimony and all other aspects of the public hearing must be consistent with the BZA's Rules of Procedure.
- F. **Review Criteria.** A use variance may be approved upon determining:
1. The use will not be injurious to the public health, safety, morals, and general welfare of the community.
 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.
 3. The need for the variance arises from some condition particular to the property involved.
 4. The strict application of the terms of the Ordinance will constitute an unnecessary hardship if applied to the property.
 5. The use does not interfere substantially with the Comprehensive Plan.
- G. **Possible Action.** The BZA may approve, approve with conditions, deny, or continue the application according to **IC 36-7-4-918.4**.
- H. **Conditions of Approval.** Reasonable conditions may be imposed on the approval of a use variance to protect the public health, safety, and general welfare, ensure adequate public services can be provided, enhance compatibility with adjacent conforming land uses or activities, and protect natural resources.
- I. **Commitments.** The BZA may require the property owner to make written commitments concerning the use or development of the property (**8.23 Written Commitments**).

- J. **Resubmittal of a Use Variance Application.** The BZA will not consider an application that is substantially similar to a use variance application denied within the prior 12 months. The Administrator determines if the new information constitutes a substantive change.
- K. **Effect of Approval.** Approval of a use variance does not authorize the development, construction, alteration, or moving of any building or structure. The approval authorizes the filing and processing of applications for permits or approvals required, such as approval of a site plan, improvement location permit, building permit, and certificate of occupancy.
- L. **Acknowledgement of Variance.** Approval of a use variance may be recorded in an acknowledgement of variance instrument prepared by the Administrator. The instrument specifies the use variance granted and any commitments made or conditions imposed in granting of the variance. The applicant must record the instrument in the Office of the County Recorder within 14 days of the variance approval. The applicant must return a copy of the recorded instrument to the Department within 14 days of recording. New applications for approvals or permits for the property will not be processed until a copy of the recorded instrument is provided to the Department.
- M. **Compliance and Violations.** A permit will not be issued unless it complies with an approved use variance, conditions of approval, and commitments. Violations of an approved use variance, conditions of approval, and commitments are subject to enforcement procedures.



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PROPERTY OWNER AFFIDAVIT

IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath says they are the owners of the property involved in this application and that they hereby acknowledge and consent to the foregoing Application.

Property Owner (Signature)

Property Owner (Printed Name)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the above party, who having been duly sworn acknowledged the execution of the foregoing instrument.

Witness my hand and Notarial Seal this _____ day of _____, 20_____.

State of _____, County of _____, SS:

Notary Public Signature

Notary Public (Printed Name)

EXAMPLE PUBLIC NOTICE (BOARD OF ZONING APPEALS)

NOTICE IS HEREBY GIVEN THAT the Crawfordsville Board of Zoning Appeals will hold a public hearing on **Time of BZA Meeting**, at **Location of BZA Meeting**, to consider petition(s) **[insert docket #]**, filed by **[insert representative's name (if applicable)]** on behalf of **[insert applicant's or property owner's name]**. The request pertains to real estate comprising approximately **[insert #]** acres and generally located at **[insert address or intersection location]**, Crawfordsville, Indiana.

The request is for approval of a **[insert application type (e.g., Variance of Use, Variance of Development Standards, Special Exception)]** to allow **[insert project description]**.

Specific details regarding this request, including the application, file, and property legal description, may be obtained from the Planning & Building Services Department, or by calling 765-364-5152.

Written suggestions or objections relative to the request may be filed with the Planning & Building Services Department, at or before the public hearing. Interested persons desiring to present their views upon the request, either in writing or verbally, will be given the opportunity to be heard at the above mentioned time and place. Such hearing may be continued from time to time as may be found necessary.

Please review the agenda for this meeting on the City's website (www.crawfordsville.in.gov) immediately prior to the scheduled meeting time to confirm that this item has not been continued to the following meeting or that the meeting has not been cancelled.

APPLICANT:

[Enter contact information]

REPRESENTATIVE:

[Enter contact information]

City of Crawfordsville

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765-364-5152

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AFFIDAVIT OF NOTICE OF PUBLIC HEARING

Docket #: _____ Public Hearing Date: _____

Applicant's Name: _____

Representative's Name: _____ Company: _____

Project to be Known As: _____

Application Type: ☐ Standard Zoning District ☐ Planned Unit Development District ☐ Text Amendment
 ☐ Primary Plat ☐ Secondary Plat ☐ Site Plan ☐ Board of Zoning Appeals

PUBLIC NOTICE AFFIDAVIT

IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath does hereby certify that notice of public hearing to consider above petition was sent by certified, registered or first class mail to the last known address of each of the following persons, as attached hereto as **Exhibit A**, they being all persons to whom notice was required to be sent by the Plan Commission or Board of Zoning Appeals' Rules of Procedure (as applicable), and that said notices were postmarked on the _____ day of _____, 20____, being at least ten (10) days prior the scheduled public hearing.

I (We) further certify that the notice required to be posted on the subject property described in the above petition was posted on the subject property in accordance with the Plan Commission's or Board of Zoning Appeals' Rules of Procedures (as applicable) on the _____ day of _____, 20____, being at least ten (10) days prior the scheduled public hearing.

Applicant/Representative (Signature)

Applicant/Representative (Printed Name)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the above party, who having been duly sworn acknowledged the execution of the foregoing instrument.

Witness my hand and Notarial Seal this _____ day of _____, 20_____.

State of _____, County of _____, SS:

Notary Public Signature

Notary Public (Printed Name)