

# Variance of Development Standards Application

Town of Avon, Indiana

Board of Zoning Appeals



## APPLICATION PROCEDURES

### DEFINITION

A Variance of Development Standards is a modification of the strict terms of the relevant regulations where the modification will not be contrary to the public interest and, where owing to conditions peculiar to the property and not a result of the action of the applicant, a literal enforcement of the Unified Development Ordinance would result in practical difficulty in the use of the property.

### APPLICATION

*All preliminary consultations and in-person application submittals are by appointment only. Please reach out to Planning department staff prior to application submittal. **Preliminary consultations must occur at least two weeks prior to the filing deadline.** Complete applications, supporting documents, and payment may be mailed prior to the application deadline. Failure to provide a complete submittal will result in the scheduling of your petition to the following BZA meeting date.*

The application will not be considered complete until all information is received. All applications and supplemental material must be submitted by close of business on the deadline and must be completed on town forms. All applications will be reviewed for completeness and accuracy prior to acceptance.

1. A **notarized application** filed at least twenty-nine (29) days before the date of the Board of Zoning Appeals public hearing;
2. A **legal description** of the property;
3. A **site plan** drawn to scale showing all existing and proposed improvements;
4. A completed **Findings of Fact** for a Variance of Development Standards form;
5. A **Letter of Intent** which includes proof supporting the Findings-of-Fact;
6. If the applicant is not the owner, a signed and notarized **Letter Granting Authority to an Agent**;
7. A **sample letter** for the written notification requirements;
8. A **list of adjacent property owners** within six hundred sixty (660) feet but no more than two (2) property owners in depth;

### FEES

The following fees apply to a Variance of Development Standards review:

1. **Application Fee** by check made payable to the Town of Avon.
2. **Legal Advertisement Fee** by check made payable to the Town of Avon.

\*Fees are nonrefundable and are due at time of application. See *Fee Schedule* for more details.\*

### PUBLIC NOTIFICATION

**1. NEWSPAPER NOTIFICATION:** Town Staff will submit legal notices for publication at least ten (10) days prior to the date of the Board of Zoning Appeals public hearing.

**2. WRITTEN NOTIFICATION:** The applicant must mail first class letters to all interested parties at least ten (10) days prior to the date of the Board of Zoning appeals public hearing. Interested parties are defined as all persons with a legal interest in the property and all owners of real property within six hundred and sixty (660) feet or a depth of two (2) ownerships, whichever is less, of the applicant's property. An adjacent property owner must not include properties of common ownership relative to the subject parcel and notice must be provided in accordance with the standards above beyond common ownership parcels. The applicant may follow the sample written notification letter. The provided Affidavit of Notice to Interested Parties must be signed and notarized attesting to the mailings and submitted to the Town with a copy of a sample mailing seven (7) days prior to the public hearing. (See attached sample letter and affidavit form.)

**3. POSTING OF PROPERTY:** Town Staff will post a public hearing sign at the subject property at least ten (10) days prior to the date of the Board of Zoning Appeals public hearing. Applicants should advise the property owner/manager and/or tenants not to remove or obscure the sign and to notify staff if it is removed or damaged prior to the hearing.

### BOARD OF ZONING APPEALS MEETING

The Board of Zoning Appeals meetings are held at 6:30 p.m. on the third Tuesday of every month in the Avon Town Hall, located at 6570 East U.S. Highway 36, Avon, Indiana 46123, unless indicated otherwise.

# Variance of Development Standards Application

Town of Avon, Indiana

Board of Zoning Appeals



## APPLICATION CHECKLIST

|                   |                                    |                                                                                                                                                                                                                                                                                                                                                                              |              |         |                 |                      |                  |                               |                 |                   |                   |                                    |
|-------------------|------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|---------|-----------------|----------------------|------------------|-------------------------------|-----------------|-------------------|-------------------|------------------------------------|
| 1.                |                                    | One (1) completed <b>checklist</b> signed and dated. (Attach completed copy of this form.)<br>Mark all items N/A (Not Applicable) which don't apply to your project.                                                                                                                                                                                                         |              |         |                 |                      |                  |                               |                 |                   |                   |                                    |
| 2.                |                                    | One (1) completed <b>application</b> form: typewritten, signed by the owner or an authorized agent of the subject property, notarized and filed at least twenty-nine (29) days before the date of the Board of Zoning Appeals meeting. If application is incomplete, the petition will not be docketed. Be sure to include:                                                  |              |         |                 |                      |                  |                               |                 |                   |                   |                                    |
|                   |                                    | <table border="1"> <tr> <td>Project Name</td> <td>Acreage</td> </tr> <tr> <td>Project Address</td> <td>Nearest Intersection</td> </tr> <tr> <td>Parcel Number(s)</td> <td>Current Zoning Classification</td> </tr> <tr> <td>Existing Zoning</td> <td>Existing Land Use</td> </tr> <tr> <td>Proposed Land Use</td> <td>Previous Planning/Zoning Approvals</td> </tr> </table> | Project Name | Acreage | Project Address | Nearest Intersection | Parcel Number(s) | Current Zoning Classification | Existing Zoning | Existing Land Use | Proposed Land Use | Previous Planning/Zoning Approvals |
| Project Name      | Acreage                            |                                                                                                                                                                                                                                                                                                                                                                              |              |         |                 |                      |                  |                               |                 |                   |                   |                                    |
| Project Address   | Nearest Intersection               |                                                                                                                                                                                                                                                                                                                                                                              |              |         |                 |                      |                  |                               |                 |                   |                   |                                    |
| Parcel Number(s)  | Current Zoning Classification      |                                                                                                                                                                                                                                                                                                                                                                              |              |         |                 |                      |                  |                               |                 |                   |                   |                                    |
| Existing Zoning   | Existing Land Use                  |                                                                                                                                                                                                                                                                                                                                                                              |              |         |                 |                      |                  |                               |                 |                   |                   |                                    |
| Proposed Land Use | Previous Planning/Zoning Approvals |                                                                                                                                                                                                                                                                                                                                                                              |              |         |                 |                      |                  |                               |                 |                   |                   |                                    |
| 3.                |                                    | If the applicant is not the owner, one (1) signed and notarized copy of the <b>Letter Granting Authority</b> to an Agent.                                                                                                                                                                                                                                                    |              |         |                 |                      |                  |                               |                 |                   |                   |                                    |
| 4.                |                                    | One (1) completed <b>Contact Information</b> form.                                                                                                                                                                                                                                                                                                                           |              |         |                 |                      |                  |                               |                 |                   |                   |                                    |
| 5.                |                                    | One (1) copy of the <b>legal description</b> of property.                                                                                                                                                                                                                                                                                                                    |              |         |                 |                      |                  |                               |                 |                   |                   |                                    |
| 6.                |                                    | One (1) copy of the <b>Letter of Intent</b> . This should include a brief description of the project and facts supporting the request.                                                                                                                                                                                                                                       |              |         |                 |                      |                  |                               |                 |                   |                   |                                    |
| 7.                |                                    | A completed <b>Findings of Fact for a Variance of Development Standards</b> form.                                                                                                                                                                                                                                                                                            |              |         |                 |                      |                  |                               |                 |                   |                   |                                    |
| 8.                |                                    | One (1) paper copy of a <b>site plan</b> , prepared to scale showing existing lot lines, existing and proposed improvements, and setbacks from lot lines, as well as all easements, any adjacent public and private rights-of-way and all streets across and adjacent to the subject property.                                                                               |              |         |                 |                      |                  |                               |                 |                   |                   |                                    |
| 9.                |                                    | One (1) completed sample <b>Public Notification Letter</b> to be sent to adjacent property owners.                                                                                                                                                                                                                                                                           |              |         |                 |                      |                  |                               |                 |                   |                   |                                    |
| 10.               |                                    | A list of <b>adjacent property owners</b> .                                                                                                                                                                                                                                                                                                                                  |              |         |                 |                      |                  |                               |                 |                   |                   |                                    |
| 11.               |                                    | One (1) electronic <b>copy of all plans and application documents submitted on a thumb drive</b> .                                                                                                                                                                                                                                                                           |              |         |                 |                      |                  |                               |                 |                   |                   |                                    |
| 12.               |                                    | Nonrefundable <b>application fee</b> . (Check must be made payable to the "TOWN OF AVON").                                                                                                                                                                                                                                                                                   |              |         |                 |                      |                  |                               |                 |                   |                   |                                    |
| 13.               |                                    | Nonrefundable <b>legal advertisement fee</b> . (Check must be made payable to the "TOWN OF AVON").                                                                                                                                                                                                                                                                           |              |         |                 |                      |                  |                               |                 |                   |                   |                                    |

\*Fees are nonrefundable. See *Fee Schedule* for more details.\*

# Variance of Development Standards Application

Town of Avon, Indiana

Board of Zoning Appeals



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  |                                                                 |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----------------------------------------------------------------|--|
| <b>Project Name:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |  |                                                                 |  |
| <b>Applicant(s):</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |  | <b>Address:</b>                                                 |  |
| <b>Telephone:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  | <b>Email:</b>                                                   |  |
| <b>Owner(s):</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  | <b>Address:</b>                                                 |  |
| <b>Telephone:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  | <b>Email:</b>                                                   |  |
| <b>Attorney:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  | <b>Address:</b>                                                 |  |
| <b>Telephone:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  | <b>Email:</b>                                                   |  |
| <b>Surveyor/Engineer:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |  | <b>Address:</b>                                                 |  |
| <b>Telephone:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  | <b>Email:</b>                                                   |  |
| <b>Property Location</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  |                                                                 |  |
| <b>Street Address:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  | <b>Nearest Intersection:</b>                                    |  |
| <b>Parcel ID:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  | <b>Acreage:</b>                                                 |  |
| <b>Existing Zoning:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  | <b>Existing Land Use:</b>                                       |  |
| <b>Requested Action by Board of Zoning Appeals:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  | <b>Applicable Ordinance Standard Section:</b>                   |  |
| <p><i>The undersigned, having been duly sworn on oath states the above information is true and correct as (s)he is informed and believes.</i></p> <p><i>I (We) also understand that the application fee does not include the fees associated with design review and/or construction management review. Fees for design review and/or construction management review are the direct responsibility of the applicant payable directly to the engineering firm(s) specified by the Town at rates set out by various agreements and/or ordinances of the town, for services, inspection, reports, and the like required by the Town.</i></p> |  |                                                                 |  |
| <hr/> <b>Date</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  | <hr/> <b>Printed Name &amp; Title / Company (if applicable)</b> |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  | <hr/> <b>Signature of Owner(s) or Agent</b>                     |  |
| }                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  |                                                                 |  |
| <b>STATE OF</b> _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  |                                                                 |  |
| }                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  |                                                                 |  |
| <b>COUNTY OF</b> _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |                                                                 |  |
| }                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  |                                                                 |  |
| <b>SS:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |  |                                                                 |  |
| Subscribed and sworn to before me this _____ day of _____, 20_____.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |                                                                 |  |
| <hr/> <b>Notary Public Signature</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |  | <hr/> <b>Notary Public: Printed Name</b>                        |  |
| My Commission Expires: _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  | Residing in: _____ County                                       |  |

# Variance of Development Standards Application

Town of Avon, Indiana

Board of Zoning Appeals



## FINDINGS OF FACT

Project Name:

Requested Variance of  
Development Standards:

*The petitioner seeking a Variance of Development Standards before the Avon Board of Zoning Appeals must complete the following five (5) statements and provide any documentation that may support the findings.*

**1. The approval would not be injurious to the public health, safety, morals, and general welfare of the community because:**

---

---

---

---

---

**2. The use and value of the area adjacent to the property included in the variance would not be affected in a substantially adverse manner because:**

---

---

---

---

---

**3. The strict application of the terms of the Ordinance would result in practical difficulties in the use of the property because:**

---

---

---

---

---

**4. The variance requested is the minimum necessary because:**

---

---

---

---

---

**5. The need for the variance was not caused by the owner, previous or present because:**

---

---

---

---

---

### **Person Completing This Form:**

Printed  
Name:

Signature:

Title:

Telephone  
:

# Variance of Development Standards Application

## Town of Avon, Indiana

### Board of Zoning Appeals



| CONTACT INFORMATION                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <p><i>The person indicated below will receive all correspondence between the Plan Commission Staff and the applicant. It shall be the responsibility of the contact person to provide copies of information to other interested parties.</i></p> <p><i>Indicate the Contact Person to be notified to request additional information, schedule meetings, receive Board of Zoning Appeals Staff Letters and Recommendations, and to receive the Board of Zoning Appeals' Findings-of-Fact.</i></p> |  |
| Please type or print legibly.                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  |
| Business Name:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |
| Contact Person:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |
| Address:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  |
| Phone Number:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  |
| Email:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  |

# Variance of Development Standards Application

*Town of Avon, Indiana*

Board of Zoning Appeals



## LETTER GRANTING AUTHORITY TO AN AGENT

I (We) do hereby grant authority to \_\_\_\_\_  
**Name of Agent**  
to seek a Variance of Development Standards approval from the Town of Avon Board of Zoning  
for or the property located at \_\_\_\_\_  
**Property Address or Parcel ID number(s)**  
I (We) am (are) the owner(s) of the real estate included the proposed Variance of Development  
Standards.

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Printed Name & Title / Company (if applicable)**

\_\_\_\_\_  
**Signature of Owner(s)**

STATE OF \_\_\_\_\_ }

COUNTY OF \_\_\_\_\_ }

SS:

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
**Notary Public Signature**

\_\_\_\_\_  
**Notary Public: Printed Name**

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

Residing in: \_\_\_\_\_ County

# Variance of Development Standards Application

*Town of Avon, Indiana*

Board of Zoning Appeals



## SAMPLE NOTIFICATION LETTER

Date **(Date Letters Mailed)**

Name

Address **(Mailing Address of Adjacent Property Owner)**

City, State, and Zip Code

Dear **(Name of Adjacent Property Owner):**

Please be advised that the undersigned property owner or agent for the property owner has made application to the Avon Board of Zoning Appeals for a Variance of Development Standards to be known as **(Case Number, Case Name and a brief description of the Project)** located at **(insert address if known, or parcel number)**, in the Town of Avon, Indiana, located near **(Give the Location of the Project in Relationship to the Nearest Street Intersection)**.

A copy of this application, legal description, and all plans pertaining to this proposed Variance of Development Standards are on file and available for examination prior to the public hearing in the office of the Planning Department at the Avon Town Hall located at 6570 East U.S. Highway 36, Avon, Indiana, 46123, between the hours of 8:00 AM-11:30 AM and 12:30-4:00 PM, Monday through Friday. Written objections to a proposal may be filed with the Planning Staff up to and including the date of the public hearing at the Avon Town Hall at the above address and such objections will be considered.

The Avon Board of Zoning Appeals will hold a public hearing on this proposed Variance of Development Standards in the Avon Town Hall located at 6570 East U.S. Highway 36, Avon, Indiana, 46123 on **(Date of the Public Hearing)** at 6:30 PM.

Very truly yours,

**(Name and Signature of Applicant or Agent for the Applicant)**

**AFFIDAVIT OF NOTICE TO INTERESTED PARTIES  
VARIANCE OF  
DEVELOPMENT STANDARDS  
AVON BOARD OF ZONING APPEALS  
TOWN OF AVON, INDIANA**



**Affidavit to be submitted one week prior to the scheduled public hearing.**

I, \_\_\_\_\_ do hereby certify that notice to interested parties of the date, time,  
(Name of Person Mailing Letters)

and place of the public hearing for the application of:

\_\_\_\_\_  
(Case Number & Case Name)

Requesting: \_\_\_\_\_  
(State Variance Request and Cite Section(s) of the Unified Development Ordinance)

Located at: \_\_\_\_\_  
(Street Address and Give the Location in Relationship to the Nearest Intersection)

was mailed to the last known address of each of the following interested persons owning property affected by this petition as defined in the Avon Unified Development Ordinance (attach additional sheets, if necessary):

OWNER

ADDRESS

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

And, that said notices were sent by certified, registered, or first-class mail on or before the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, being at least ten (10) days prior to the date of the public hearing.

\_\_\_\_\_  
(Signature of Applicant or Agent)

STATE OF INDIANA       )  
                                      ) SS:  
COUNTY OF HENDRICKS   )

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public: Signature

\_\_\_\_\_  
Notary Public: Printed Name

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

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