

## **PETITION FOR USE VARIANCE PROCEDURAL GUIDELINE**

### **A. PRE-APPLICATION MEETING**

1. Pre-application meeting with the Administrator required. May be held in person, virtually (video conference), or by phone to discuss the procedures for approval with the Administrator.

### **B. SUBMIT PETITION PACKAGE:**

1. Package must be submitted by filing deadline.
2. Must be submitted with complete **BZA Petition Process Checklist** (found below).
3. Fees: \$500 + \$50 for each additional request

### **C. LEGAL NOTICE:**

1. Legal notice must run one time in *The Republican* at least ten (10) days prior to the BZA meeting. Legal notices always run on Thursdays. Deadline to submit legal notices to the newspaper is the Friday before the notice is to run the following week.
2. Request two **Publisher's Affidavit** from newspaper and provide one affidavit to the Town Planner.

### **D. LETTERS TO PROPERTY OWNERS:**

1. A letter must be mailed to adjacent property owners via **Certificate of Mailing** informing them of petition. (Sample letter found below.)  
*Must be sent to all property owners within a radius of 660 feet OR two (2) properties deep, whichever is less.*
2. One copy of letter must also be mailed to the Town of Danville via **Certificate of Mailing**.
3. Letters must be received at least ten (10) days before BZA meeting. Petitioner is advised to mail the letters on the same day the legal notice is submitted to the newspaper.
4. Provide **Certificate of Mailing** to the Town Planner.

### **E. ATTEND BZA MEETING:**

1. Meeting date will be specified and will take place at Danville Town Hall.

Danville Town Hall  
49 N. Wayne Street  
Danville, IN 46122  
745-4180 Ext. 1101



## BOARD OF ZONING APPEALS PETITION CHECKLIST

This checklist is to help you organize and complete your application. It is also to assist BZA in reviewing your submission.

### COMPLETED CHECKLIST MUST BE SUBMITTED WITH APPLICATION.

- ☐ Pre-application meeting scheduled
- ☐ Petition Package Submitted with the following:
  - Signed Petition For Use Variance
  - Legal description of property
  - Plot plan showing location of property and proposed development
  - Completed Findings of Fact
  - Fee payment
  - Aerial Location Map\*
  - Letter of Intent\*\*

\* To accurately locate the subject property, an aerial photograph showing the property (clearly delineated) and the immediate surroundings must be submitted. This can be obtained from Google Maps, Bing, or the County's Beacon online geographic information system.

\*\* The Letter of Intent must state why applicant believes approval of the petition is necessary and should address the following: (1) who is seeking the variance or special exception, (2) the nature of the variance or special exception, (3) why the variance or special exception is needed, and (4) how the request conforms to the legal standards for granting variances or special exceptions.

- ☐ Draft and submit Legal Notice to newspaper.
  - Failure to do so results in a canceled hearing.
- ☐ Draft and send Notification Letter to adjacent property owners and Town of Danville.
  - Failure to do so results in a canceled hearing.

### OTHER THINGS TO NOTE:

- ☐ Be prepared for follow-up communication with staff. Please be prepared to respond in a timely manner to queries from staff as application is reviewed and prepared for hearing.
- ☐ Attendance by applicant or applicant's representative is required at public hearing in order to explain the petition for variance or special exception.

- The applicant will receive a copy of the approved findings of fact. In some cases, conditions of approval are included in the findings which restrict the applicant's use of the property or require the applicant to do certain things. *It is important that the applicant carefully read the findings of fact and conditions of approval (if any) as they tell the applicant precisely what was approved and what he or she is committing to doing.* If there are conditions or approval to be recorded, then the property owner will sign a commitment recording form authorizing the Planning & Building Department to record the conditions.
  
- Conditions of approval are commitment that the applicant is bound by, so understanding how to comply with them is very important. Staff is available to answer any questions the applicant may have concerning compliance with conditions of approval. It is important to note that the failure to meet all conditions of approval constitutes a violation of the Town of Danville Unified Development Ordinance and may result in fines, legal actions, and the revocation of the approval.



Date of Hearing: \_\_\_\_\_ App No. \_\_\_\_\_ Fee: \_\_\_\_\_  
BZA Action: \_\_\_\_\_ Received by: \_\_\_\_\_

## APPLICATION FOR APPROVAL (Check all that apply)

☐ Appeal ☐ Special Exception ☐ Use Variance ☐ Development Standard Variance

*\* Please fill out the form in its entirety*

Applicant (s) \_\_\_\_\_

Address (s) \_\_\_\_\_

Phone (s) \_\_\_\_\_ Email (s) \_\_\_\_\_

Owners (s) \_\_\_\_\_

Address (s) \_\_\_\_\_

Phone (s) \_\_\_\_\_ Email (s) \_\_\_\_\_

Owners' Representative (Subdivider, if any) and /or Registered Engineer or Land Surveyor: \_\_\_\_\_

Address (s) \_\_\_\_\_

Phone (s) \_\_\_\_\_ Email (s) \_\_\_\_\_

Address of Subject Property: \_\_\_\_\_

Area (in acres): \_\_\_\_\_ Number of Lots: \_\_\_\_\_

Parcel ID#: \_\_\_\_\_ Current Zoning District: \_\_\_\_\_

Requested Action From The Danville BZA: \_\_\_\_\_

The undersigned certifies that the above information is true and correct to the best of his (her) knowledge.

\_\_\_\_\_  
Signature of Owner/Applicant (s)

\_\_\_\_\_  
Title of Applicant (s)

## FINDINGS OF FACT USE VARIANCE

**Address** \_\_\_\_\_

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

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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 because:

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3. The need for the variance arises from some condition peculiar to the property involved because:

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4. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought because:

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5. The approval does not interfere substantially with the Town's comprehensive plan because:

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## **SAMPLE LEGAL NOTICE FOR PUBLICATION**

Notice is hereby given that the Danville Board of Zoning Appeals will meet in the Council Chambers of the Danville Town Hall, 49 N. Wayne Street, Danville, Indiana at 6:00 PM on \_\_\_\_\_ to consider petition of \_\_\_\_\_ for a variance to allow \_\_\_\_\_ located at \_\_\_\_\_ Danville, Indiana.

The petition may be examined at the Danville Town Hall, 49 N. Wayne Street, Danville, Indiana 46122, between the hours of 8:00 AM and 4:00 PM, Monday through Friday. Written comments to a proposal may be filed with the Board of Zoning Appeals within ten (10) days at the above address and such comments will be considered.

At the above stated time and place you may appear and be heard.

**THE DANVILLE BOARD OF ZONING APPEALS**

## **SAMPLE LETTER FOR ADJACENT PROPERTY OWNERS**

*Must be sent to all property owners within a radius of 660 feet OR two properties deep, whichever is less.*

[Date]

Dear Property Owner:

Please be advised that \_\_\_\_\_ has petitioned the Danville Board of Zoning Appeals for a variance to allow \_\_\_\_\_ located at \_\_\_\_\_, Danville, Indiana.

The petition may be examined at the Board of Zoning Appeals Office located at the Danville Town Hall, 49 N. Wayne Street, Danville, Indiana, 46122, between the hours of 8:00 AM and 4:00 PM, Monday through Friday. Written comments regarding a petition may be filed with the Secretary of the Board of Zoning Appeals within ten (10) days at the above address and such comments will be considered.

A public hearing shall be held by the Danville Board of Zoning Appeals at 6:00 PM on \_\_\_\_\_ in the Town Hall located at 49 N. Wayne Street, Danville, Indiana, at which time this petition shall be considered.

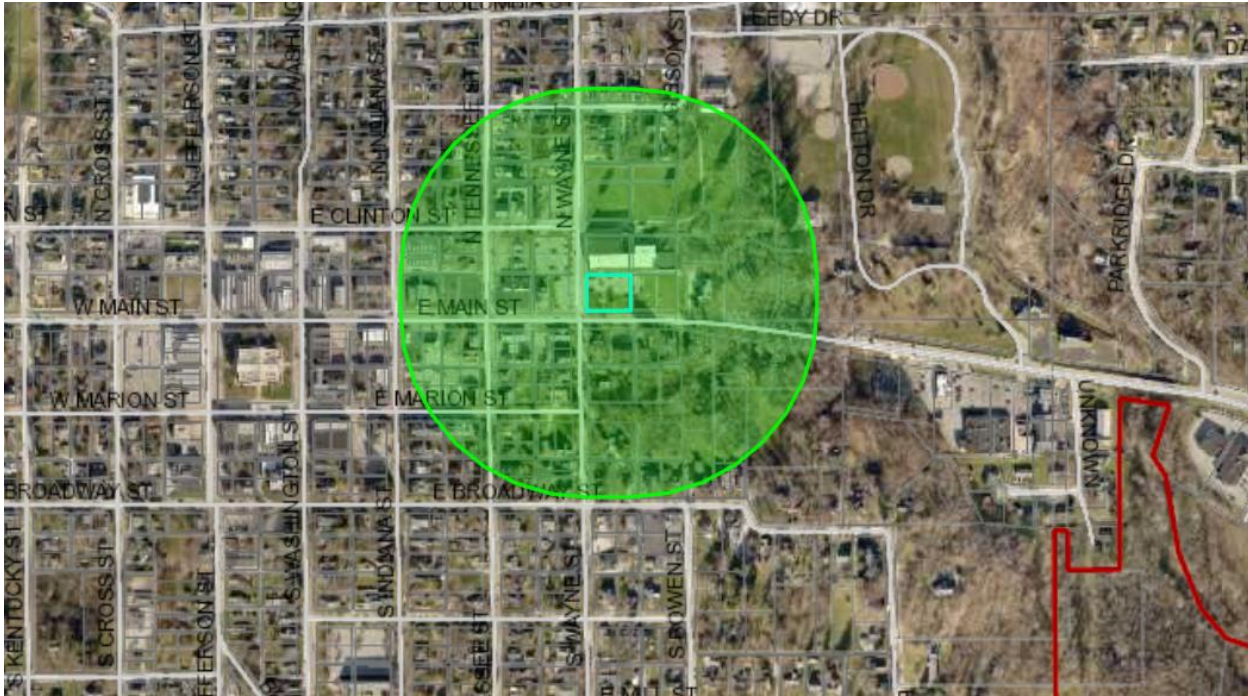
Sincerely,

*Petitioner's Name*

*Address*

*Phone*

## SAMPLE AREA MAP



All owners of land to a depth of six hundred and sixty (660) feet or to a depth of two (2) ownerships of the property subject to this application, must be noticed.



Subject Property



660' Buffer around subject property/properties that may be notified

### Creating Area Map for Notices

1. Go to: <https://beacon.schneidercorp.com>
2. Select "Indiana", then "Town of Danville" and the search property page will appear.
3. Search property as follows:
  - a. Searching by Name (Last First): Smith John
  - b. Searching by Address: 123 E Main St or 123 E County Road 75 S
  - c. Searching by state parcel: 32-11-03-123-0001-123
4. Select "Map" tab at the top of report page (Parcel should be highlighted)
5. Above picture should appear a row of tools
6. Select "Spatial selection tool" from tool bar
7. Select "Parcels" from dropdown menu
8. Replace "100" with "660", then click "Buffer"
9. Map will re-adjust and select all parcels within the set parameters
10. Print the map by selecting "Print" from the tool bar
11. Select "Results" tab at top of page
12. At bottom of results page, download Excel (.xlsx) sheet
13. Submit a copy of this report and map at the time of application submittal