

**FAYETTE COUNTY AREA BOARD OF ZONING APPEALS
 VARIANCE FROM DEVELOPMENT STANDARDS
 PETITION APPLICATION**

Applicant Information

Name of property owner:	Address:	Phone:
Name of tenant (if applicable):	Address:	Phone:
Name of applicant (if applicable):	Address:	Phone:

Property Information

Project address:	Legal Description:		
Parcel Number:	Size of property:	Zoning district:	
Township name:	Section number:	Township number:	Range number:

Petition Information

Describe the variance from the development standards requested:

Describe the reason for the variance from the development standards:

Explain how does the variance request meet the following criteria:

1. The approval 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; and

3. The strict application of the terms of the zoning code will result in practical difficulties in the use of the property.

4. There are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to the other property or class of use in the same vicinity and district;

<p>5. Such variances are necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and district but which is denied to the property in question;</p>
<p>6. That the granting of such variance will not alter the land use characteristics of the vicinity and district, or increase the congestion in the streets.</p>
<p>Is the variance in violation of any deed restrictions and restrictive covenants?</p>

Documentation

The following information must be submitted with the application in order for the application to be processed.

Required documentation	APC Staff Check-off
1. Site plan: must show the location of existing buildings, proposed construction, septic field (if used), easements, setback lines, distance from new construction to existing buildings and property lines, location of drives and parking areas including distance to property line, and any screening between parking areas and adjacent residential properties.	
2. Sign plans: showing the location of use included in the petition on property and distance to property lines.	
3. Plat map showing all neighboring properties and the name of the owners of the abutting properties (includes the property owners on the other side of any road, or alley).	
4. A list of the name and mailing address of the owners of all abutting properties.	
4. Copy of deed restrictions and restrictive covenants. *** The Fayette County Board of Zoning Appeals will not approve any project that is violation of any restrictive covenants or deed restrictions governing the use of the property.***	
5. Proof of ownership, tenancy, or purchase of property contingent on BZA approving petition.	

Miscellaneous Provisions

1. The petitioner is responsible for providing an accurate site plan.
2. The petitioner is responsible for providing a copy of plat maps which is available at the Fayette County Surveyor’s office.
3. The petitioner is responsible for providing an up-to-date list of abutting property owners. Property owner addresses are available from the Fayette County Assessor’s office or from the Fayette County Assessor’s website at: <http://fayette.in.wthgis.com/>
4. If for any reason the petitioner wants to table the petition request for one month that request must be made prior to the meeting at which the petition will be heard. The request to table must be made in writing and must tell the BZA why the request to table is being made.
5. Failure to appear at the public hearing without a request to table being made will result in the petition being rejected. This will require that he petitioner repeat the entire process including all fees, public notice requirements and certified mailings.
6. In order to have the BZA approve the petition the petitioner must demonstrate all of the following criteria:
 - a. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
 - b. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
 - c. The strict application of the terms of the zoning code will result in practical difficulties in the use of the property.
 - d. There are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to the other property or class of use in the same vicinity and district;
 - e. Such variances are necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and district but which is denied to the property in question;
 - f. That the granting of such variance will not alter the land use characteristics of the vicinity and district, or increase the congestion in the streets.
7. Upon approval of a variance from the development standards the petitioner is required to apply for and receive all required permits before construction is commenced.

8. Eight sets of all required documentation must be submitted with the application failure to do so will result in the Area Plan Commission staff rejecting the application for incompleteness.
9. The petitioner is responsible for all costs and the publication of the Public Notice with the Connersville News-Examiner and the mailing of certified letters to the owners of abutting property.

Name of Property Owner

Print

Signature

Date

Name of Applicant

Print

Signature

Date

APC Staff

Print

Signature

Date