

CARROLL COUNTY AREA PLAN COMMISSION

VARIANCE and SPECIAL EXCEPTION USE APPLICATION PROCEDURE

The Carroll County Board of Zoning Appeals meets on the 4th Tuesday of each month at 8:30 pm, unless otherwise scheduled due to holidays, special circumstances, etc. All meetings are open to the public, held in the Commissioners' Room on the Second Floor of the Carroll County Government Building, 101 W. Main Street, Delphi, IN and begin precisely at 8:30 pm. The north door will open at 8:00 p.m. The following is the procedure to follow to apply for a Variance or Special Exception Use. Some circumstances may require additional information.

APPLICANT'S RESPONSIBILITIES:

1. Obtain a dimensional survey (at the applicant's expense) of the subject property, prepared by a registered land surveyor, showing the property lines, distances from property lines to all lot improvements and any improvements on an abutting property within 50' of any property line, easements, parking, wells, septic systems, existing and proposed structures with dimensions.
2. Submit a copy of all written commitments/conditions that pertain to the subject property (if applicable).
3. Provide a copy of your Property Record Card (Assessor's Office, 1st floor).
4. Provide a copy of your Deed or Contract (Recorder's Office, 2nd floor) showing ownership and legal description of the property. A small fee will be charged by the Recorder's Office for this copy.
5. Burden of Proof. It is the applicant's responsibility to demonstrate (as stated in Article 7 of the Carroll County Zoning Ordinance) why the strict application of the terms of this ordinance would involve practical difficulties as applied to the property for which the variance is sought. It is highly recommended this justification be supplied in writing, at the time of application. Not required for a special exception use application.
6. Applications must be filed with the Area Plan Department by the established cutoff date (see attached). A filing fee, as stated in the official Fee Schedule, must accompany the application.
7. Post a "***Request for Variance***" sign (provided by the Area Plan Office) on the property, where it can easily be seen and read from the road, a minimum of 10 full days prior to the date of the hearing and continually until the date of the hearing. A "***Sign Posting Affidavit***" (provided by Area Plan) verifying the posting date, is required.
8. The Applicant or a representative should be present at the hearing to answer any questions and/or consider any changes the board may have regarding the request. The board may hear the request whether or not a representative is present. If the request is denied, re-application is not allowed for a period of one year. If no representative will be present, contact the Area Plan office to request a continuance.

BZA HEARINGS

Filing Dates

01/15/16
02/12/16
03/11/16
04/15/16
05/13/15
06/17/16
07/15/16
08/12/16
09/16/16
10/14/16
11/11/16

Meeting Dates

01/26/16
02/23/16
03/22/16
04/26/16
05/24/16
06/28/16
07/26/16
08/23/16
09/27/16
10/25/16
11/22/16

PLEASE OBSERVE THE FOLLOWING GUIDELINES, FOR THE SAKE OF TIME AND FAIRNESS TO ALL:

1. Step to the podium and state your name for the record before you speak
2. Limit your remarks to ten (10) minutes or less or you must request and received approval from the Board for more time.
3. Do not repeat arguments that have been brought up by others.
4. Remember that all visual aids used to support your arguments will remain the property of the Board.
5. Cell phones must be turned off while the meeting is in session. Please step out of the room before using your cell phone.

Points the Board Must Consider Regarding a Variance Request

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 development standard variance will not be affected in a substantially adverse manner.

3. The strict application of the terms of the Carroll County Zoning Ordinance would result in practical difficulties in the use of the property, provided that the situation is not self-imposed or that the need for the development standard variance is not based on a perceived reduction of, or restriction on, economic gain.

4. The granting of a variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property owners in the same vicinity and district, but which is denied to the property in question.

5. The granting of a variance would be a minimal departure from the strict application of the provisions of the Carroll County Zoning Ordinance. In other words, the variance will be the minimum necessary to permit a reasonable use of the land and building.

6. The variance being sought does not essentially alter the character of the surrounding area.

Sign Posting

It is the responsibility of the applicant or applicant's representative to properly post the Variance notification sign as follows:

1. Sign must be posted on the subject property so that it can be clearly seen and read from the primary road front.
2. Sign must be posted a minimum of ten (10) full days prior to the scheduled hearing date. *The hearing date is not included in the 10 day minimum.* Post sign no later than midnight on: _____
3. Sign must remain continuously posted until the time of the hearing.
4. Sign must be removed and properly disposed of within three (3) days following the initial hearing date and time. Sign is composed of recyclable plastic.

Signature: _____ Date: _____

(Applicant or Representative)

The information submitted, including this document and all exhibits, to my knowledge and belief, are true and correct. By signing below I give Area Plan the right to access the site for the purpose of taking photos to aid the board in their decision making process. Said photos will become a part of the permanent public file for this request.

As stipulated in Indiana State Statute IC 36-7-4-920 (g): A person may not communicate with any member of the board before the hearing with intent to influence the member's action on a matter pending before the board.

By initialing below I signify that I have read and understood the following statements:
The Carroll County, Indiana Zoning & Subdivision Control Ordinances and the By-Laws of the Area Board of Zoning Appeals shall be automatically incorporated by reference and become part of the evidence at my hearing. Unless a member of the Board objects, the findings of each member casting a vote for the majority decision of the Board will be the collective finding of the Board in support of the decision of the Board.

Applicant's Initials: _____