

SELLERSBURG BOARD OF ZONING APPEALS  
RULES OF PROCEDURES  
SELLERSBURG, INDIANA

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GENERAL RULES

COMPOSITION OF MEMBERSHIP

- A. The composition of Sellersburg Board of Zoning Appeals (“Board”) shall be in accordance with Indiana Code 36-7-4-902 and all acts amendatory thereto or supplementary thereof, which at the time of adoption of these rules is as follows:
  - 1. Three (3) citizen members appointed by the executive of the municipality, of whom one (1) member must be a member of the Plan Commission and two (2) must not be members of the Plan Commission.
  - 2. One (1) citizen appointed by the fiscal body of the municipality who must not be a member of the Plan Commission.
  - 3. One (1) member appointed by the Plan Commission from the Plan Commission’s membership who must be a citizen member of the Plan Commission other than the member appointed under subdivision 1 above.

COMPOSITION OF MEMBERSHIP, RESTRICTIONS

- A. In accordance with IC 36-7-4-905, none of the members of a board of zoning appeals may hold:
  - 1. An elected office (as defined in IC 3-5-2-17); or
  - 2. Any other appointed office, except as permitted by IC 36-7-4 902, in municipal, county, or state government.
- B. A member of the board of zoning appeals must meet one (1) of the following requirements:
  - 1. The member must be a resident of the jurisdictional area of the board.
  - 2. The member must be a resident of the county and also an owner of real property located in whole or in part in the Town of Sellersburg.
- C. However, at least a majority of the total number of citizen members appointed to the board of zoning appeals must be residents of the Town of Sellersburg. The board shall determine whether a member meets all applicable residency requirements for appointment.

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TERMS OF APPOINTMENT

- A. In accordance with IC 36-7-4-906, when an initial term of office expires, each new appointment is for a term of four (4) years.
- B. Upon establishment of the Board of Zoning Appeals, members shall initially be appointed for the following terms:
  - 1. One (1) for a term of one (1) year.
  - 2. One (1) for a term of two (2) years.
  - 3. One (1) for a term of three (3) years.
  - 4. Two (2) for a term of four (4) years.
- C. Under the schedule above, each term expires on the first Monday of January of the first, second, third, or fourth year, respectively after the year of the member's appointment.
- D. A member of a board of zoning appeals serves until the member's successor is appointed and qualified. A member is eligible for reappointment.

REMOVAL

- A. As set out in IC 36-7-4-906, the appointing authority may remove a member from the Board for cause. The appointing authority must
  - 1. Mail notice of removal, including written reason(s) for removal
  - 2. Notice shall be delivered to the members residence address either by United State Postal Service or in Person, with signed receipt
- B. A member who is removed may, within thirty (30) days after receiving notice of the removal, appeal the removal to the circuit or superior court of the county.

MEMBERS; ALTERNATES; VACANCIES

- A. In accordance with IC 36-7-4-907, if a vacancy occurs, the appointing authority shall appoint a member for the unexpired term of the vacating members.
- B. An alternate member may be appointed by the appropriate body to serve in lieu of its appointed regular member who is disqualified from, or otherwise unavailable to participate in, a hearing or decision.

ATTENDANCE

As provided by IC 36-7-4-907, any regular member who misses three (3) or more consecutive regular meetings of the Board may be treated as if the member has resigned. It will be at the discretion of the appointing body to appoint a replacement member.

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OFFICERS OF THE BOARD

- A. The Chairman and Vice-Chairman shall be elected from the members at the first meeting held each year.
- B. The Chairman, subject to these rules, shall decide all points of procedure unless otherwise directed by a majority of the members of the Board.
- C. The Vice-Chairman shall serve in the absence of the Chairman.
- D. A temporary Chairman shall be elected if both the Chairman and Vice-Chairman are absent.
- E. The Board may appoint a secretary and such employees as are necessary for the discharge of the duties.

CONFLICT OF INTEREST

- A. In accordance with IC 36-7-4-909, a member is disqualified, and may not participate in a hearing or decision of the board concerning matters if the member:
  - 1. Is biased or prejudiced or otherwise unable to be impartial; or
  - 2. Has a direct or indirect financial interest in the outcome of the hearing or the decision.
- B. Any member may determine they have a conflict of interest that could cause the member to be biased, partial, or unrepresentative of the community interest.
- C. Such additional conflicts of interest may include but is not limited for example of:
  - 1. an association to the petitioner or their agent or attorney,
  - 2. proximity of the member's property to the subject property.
- D. Any member having a conflict of interest shall announce at the beginning of the meeting the petition in which they have a conflict of interest and shall again prior to the introduction to the petition announce again the conflict of interest.
- E. The member with the conflict of shall not
  - 1. participate in any discussion;
  - 2. comment;
  - 3. make a motion; or
  - 4. vote
- F. In determining if a conflict of interest creates a lack of quorum, which would require an alternate member to attend and participate during the presentation of the petition. It is the members responsibility to notify the *Planning Director* of the conflict of interested upon receipt of the meeting agenda.

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STAFF OF THE BOARD OF ZONING APPEALS

DUTIES OF THE PLANNING DIRECTOR

- A. The Planning Director, subject to the provision of the Zoning Ordinance, these rules and the direction of the Board and its Chairman, shall:
1. conduct all correspondence of the Board;
  2. shall review all applications to determine completeness;
  3. shall keep the docket and minutes of the Board's proceedings;
  4. shall compile all required records;
  5. shall maintain the files of the Board; and,
  6. generally, supervise all work of the Board.

DUTIES OF THE SECRETARY

- A. The Secretary, subject to the provisions of the Zoning Ordinance, these rules, and the direction of the Board and its Chairman, shall:
1. attend all meetings and hearing of the Board;
  2. prepare minutes
  3. correspondence as directed by the Chairman

FILING OF APPLICATION

FEES

- A. All application shall be accompanied by the appropriate fee as established by ordinance.
- B. Fees shall be paid to the Town of Sellersburg Clerk-Treasurer.

APPLICATION(S)

- A. The Board's various application shall be available from the Sellersburg Planning and Zoning Department (Department) or on the Town of Sellersburg Official (Town) web site.
- B. Completed application shall be submitted to the Department, including all required submittal information, outlines in the application instructions
- C. Prior to placement on the Board's Docket, a pre-filing meeting is required to determine completeness, review application(s), and submittal information.
- D. Upon completion of the pre-filing meeting and it has been determined the application(s) and submittal information are complete, the application(s) shall be docketed for the next regular meeting corresponding to the published meeting and filing deadline schedule.
- E. If an application or supporting documentation is modified/amended after the application(s) has been placed on the docket for a specific meeting date, said modified/amended document(s) shall be submitted to the Department no later than one (1) week prior to the scheduled meeting date.

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- F. If said modified/amended documentation are not submitted one (1) week prior, the docketed application(s) scheduled meeting date, the application(s) shall be docketed to the next scheduled meeting date.
- G. Failure or refusal to submit the required/requested information or data shall delay the application(s) placement on the Board Docket and may be ground for denial of the application(s) before the Board
- H. Any communication purporting to be a request for variance, shall be regarded as a mere notice or intention to seek relief or to proceed and shall be of no force or effect until an application(s) has been submitted on the required application(s).

DOCKET AND CALENDAR

- A. Each application filed shall be docketed and placed upon the calendar of the Board.
- B. Docket numbers shall begin anew on January 1 of each year and shall generally be hyphenated with the number of the year and month in which the application is filed, initials indicating the type of petition filed, followed by a sequential number.

Developmental Standards Variance	2019-01-DSV-01
Use Variance	2019-01-UV-01
Special Exception	2019-01-SE-01
Contingent Use	2019-01-CU-01
Administrative Appeal	2019-01-AA-01
Board of Zoning Appeals Resolution	219-01BZA

- C. Applications shall be heard in the order in which they were submitted, except for good cause shown an application may be advanced in hearing order by Board Chairman.
- D. If Board action on a submitted application(s) cannot be achieved on the published docketed meeting date, the Board may continue said application until the next regular or special meeting.

NOTICE

- A. No notice other than that provided for in these rules, or State statute shall be required to be given to interested parties for hearings conducted by the Board.
- B. As set out in IC 36-7-4-920 the applicant applying for variance (use or developmental standards), special use, contingent use shall assume the cost of public notice (legal advertisement) and due notice to interested parties (abutting property owner).

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PUBLICATION OF LEGAL NOTICE

- A. For every application to be heard by the Board, notice shall be given by the applicant in a newspaper published in and of general circulation in Clark County, Indiana, in the form prescribed by the Board.
- B. The applicant shall cause the notice to be published on the date as set out in the adopted and published meeting and filing deadline schedule.
- C. Proof of publication must be made by an affidavit of the publisher, attached to a copy of the notice taken from the newspaper in which the legal notice was published, and filed with the Planning and Zoning Department a minimum of seven (7) days before the scheduled meeting of the Board.
- D. The affidavit shall specify the City, the date of publication, and the paper in which the notice was published.
- E. The published public hearing notice shall state, at a minimum:
  1. Docket number and general substance of the petition;
  2. General location by address or other identifiable geographic characteristic of the subject property;
  3. Name of the applicant;
  4. Date, time, and address of the location of the hearing;
  5. Application and file may be examined in the Planning and Zoning Department's office;
  6. Legal description of the property is on file in the Planning and Zoning Department's office.;
  7. Written objections to the proposal may be filed with the Planning and Zoning Department prior to the schedule meeting date;
  8. Oral comments concerning the proposal will be heard at said schedule meeting date;
  9. Scheduled meeting of the Board, on said application may be continued from time to time as may be found necessary.

DUE NOTICE TO INTERESTED PARTIES (ABUTTING PROPERTY OWNERS)

- A. Owner of record shall be those shown on the record of the Auditor of Clark County.
- B. The applicant shall notify legal land owners within one-hundred (100) feet of the affected property; or two (2) property owner depth, whichever is greater, whether separated by street(s), alley, easement, or any other public way.
- C. Legal due notice shall be made by First (1<sup>st</sup>) Class certified mailing list mailed no later than the dated outline on the Board's adopted Meeting and Deadline Schedule.
- D. The due notice to legal land owners shall include at a minimum the same items as the published notice, outlined above.

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POSTING OF PUBLIC HEARING SIGN

- A. The applicant shall post a notice of the public hearing sign on-site at least ten (10) days before the scheduled meeting date said hearing. The hearing sign shall remain on-site until final action on the application has been taken by the Board.
- B. The sign shall be placed on the subject property, within five (5) feet of the public right-of-way line of the public street with the most traffic adjacent to the property. The sign text shall be visible from the public street.
- C. Additional public hearings may be required to be posed for property having a street frontage greater than three-hundred (300) feet. The notice shall remain on-site until final action on the petition has been taken.
- D. The non-refundable fee for Public Hearing Sign shall be the same cost the Town paid to produce each sign.

MEETINGS

All meetings shall be open to the public, except as otherwise permitted by law.

REGULAR MEETING

- A. Regular meetings shall be held as specified in the published calendar approved by the Board at the December meeting of each year.
- B. Meetings will be called to order at the discretion of the President at 6:00 p.m. at the Sellersburg Town Hall, 319 E Utica Street, Sellersburg, Indiana 47172.
- C. Regular meetings may be cancelled due to a lack of any agenda items.

SPECIAL MEETING

- A. Special meetings shall be held upon call of the Chairman, or by written request of two (2) members to the *Planning Director* or as determined at a regular meeting.
- B. If the Special Meeting is set at a regular meeting the Board shall set the date and time.
- C. If the meeting is called by the Chairman or two (2) members of the Board, the *Planning Director* shall set the date and time of the meeting and provide written notice fixing the date and time of the special meeting. The written notice shall be provided to the Board at least five (5) days in advance of the special meeting.
- D. Special Meetings will be called to order at the discretion of the President at time and date specified in the written notice at the Sellersburg Town Hall, 319 E Utica Street, Sellersburg, Indiana 47172.
- E. Only matters pertaining to the call of the special meeting shall be considered, except by unanimous approval of all of the members of the Board.

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QUORUM

A majority of the members of the entire Board constitutes a quorum. No action shall be official, however, unless approved by at least three (3) members of the Board.

ORDER OF REGULAR MEETING

- A. The order of business at all regular meetings of the Board shall be as follows:
  - 1. Roll Call
  - 2. Approval of the minutes of the previous meeting
  - 3. Old business
  - 4. New business
  - 5. Communications
  - 6. Reports from Planning and Zoning Department
  - 7. Report from Legal Counsel
  - 8. Report from Consultant, if applicable
- B. The Chairman may alter the order of business as necessary to conduct an orderly proceeding.

MINUTES AND RECORDS

- A. The Board shall keep minutes of its proceedings and record the vote on all actions taken.
- B. In accordance with IC 36-7-4-915 all minutes and records shall be filed in the Planning and Zoning Department and are public records.
- C. The Board shall make written finding of facts.

HEARING AND EXHIBITS

HEARING

- A. The Board shall hold a public hearing on applications submitted on the date, time and location specified in the notice.
- B. Hearings shall be open to the public, and all Board decisions regarding any application shall be made in an open public meeting.
- C. The applicant or other interested persons may appear in person, by agent, or by attorney.
- D. In the absence of any personal appearance on behalf of the applicant, the application will be continued to the next regularly meeting for the first occurrence. For subsequent “no-shows”, the application may be disposed of in the manner determined by the Board.
- E. During the interested persons’ presentation, the interested person addresses the Board, not the applicant. Interested persons’ questions are to be addressed to the Board Chairman. The Board Chairman during Applicant’s rebuttal will restate the question(s) for the applicant to address.

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- F. The Board or the Planning and Zoning Staff are not obligated to answer any question raised but may do so to make clarifications or otherwise encourage well informed and orderly consideration of the application.
- G. All persons who testify before the Board on any application shall do so only after being placed under oath by the Board's Chairman.
  - 1. The oath to be administered shall be as follows:

"Do you affirm that the evidence you shall give to the board in this action shall be the truth, the whole truth, and nothing but the truth, so help you God?"
- H. Board meeting order of presentation of an application and testimony shall be as follows:
  - 1. Call of the docketed application by docket number; to open the public hearing;
  - 2. Presentation by staff;
  - 3. Applicant's initial presentation (maximum 15 minutes)
  - 4. Open Public Comment
  - 5. Presentation by interested persons', surrounding owners, etc. (maximum 20 minutes):
  - 6. Individual speakers. Each individual speaker is allotted two (2) minutes.
  - 7. Speakers representing groups. Each group speaker is allotted five (5) minutes.
  - 8. Applicant's rebuttal (maximum 5 minutes).
  - 9. Close public Comment.
  - 10. Board deliberation and action.
- I. A speaker may request additional time for good cause shown.
- J. The Board may ask questions of any presenter or speaker at any time. If asked during the timed presentations, the question and response will not count against the speaker's allotted time.
- K. Persons appearing before the Board shall abide by these rules, and present relevant information regarding the application before the Board. Presenters or audience member who become disorderly or demonstrate contemptuous behavior may be grounds for removal from the meeting.
- L. If the presentation or testimony is irrelevant, repetitive, or become offensive or personal accusations made, the Chairman may stop any further presentation and/or testimony.

EXHIBITS

- A. All exhibits presented at the meeting, whether submitted by the applicant or interested person, shall be given an exhibit number. Parties presenting exhibits at the meeting shall provide at a minimum ten (10) copies.
- B. All exhibits, whether submitted by a petitioner or other speaker, shall become the property of the Board and shall remain and become a part of the docket in which the exhibits were submitted.

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ACTION AND DISPOSITION

CONTINUANCE

- A. The Board may continue deliberation of an application, generally to the next scheduled regular meeting, but it may be continued to a meeting further in the future or to a special meeting.
- B. Continuances that exceed two (2) months shall be re-noticed by the petitioner. This does not apply to cases continued from meeting to meeting.

VARIANCE

- A. The final disposition of a use or development standard variance application or appeal of administrative action shall be in the form of a motion, setting forth the findings of facts and determinations of the Board, together with any modification, condition, specification, or limitation which it makes.
- B. The Board may impose reasonable conditions as a part of an approval.
- C. Written Finding Fact shall be acted upon at the next regularly schedule meeting.
- D. A petition for judicial review under IC 36-7-4-1600 et. seq. cannot be filed until final adoption of the Board's Written Finding of Fact.

SPECIAL EXCEPTION; OTHER APPLICATIONS

- A. The final disposition of applications for approval of special exception use applications, or other applications that the Board is authorized to act upon, shall be in accordance with the requirements set forth in the Zoning Ordinance of the Town of Sellersburg, Indiana.
- B. The Board may impose reasonable conditions as a part of an approval.
- C. Written Finding Fact shall be acted upon at the next regularly scheduled meeting.
- D. A petition for judicial review under IC 36-7-4-1600 et. seq. cannot be filed until final adoption of the Board's Written Finding of Fact.

ADMINISTRATIVE APPEAL

- A. The final disposition of an administrative appeal before the Board shall be in the form of an order either reversing or modifying the requirement, order, decision or determination appealed from and granting the appeal, or affirming the order and deny the appeal
- B. The Board may dismiss an appeal for lack of prosecution or lack of jurisdiction. When an applicant has failed to appear at the scheduled public meeting, the case may be dismissed for lack of prosecution.

VOTE

All decisions of the Board, on matters heard in the public hearing shall be by recorded vote. The vote of each member shall be a matter of permanent record.

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JUDICIAL REVIEW

- A. Indiana Code 36-7-4-1600 et seq. provides a thirty (30) day opportunity for persons to file a petition for judicial review after a Board decision.
- B. If such petition is filed, any work being done pursuant to the decision must cease until the petition for review is processed. Therefore, any work done pursuant to the Board's decision within that 30-day appeals period is at the sole liability of the petitioner/applicant.

REHEARING

- A. No rehearing of any decision by the Board shall be heard except on motion by a member of the Board to reconsider the vote, which motion is seconded and duly passed.
- B. Such rehearing shall be held within thirty (30) days after such a motion is made, seconded and duly passed.
- C. No motion for a rehearing shall be entertained except upon written request for rehearing, and then not unless new evidence is submitted which could not reasonably have been presented at the original hearing.
- D. If rehearing is granted, the case shall be docketed as a new application, and new notices shall be issued in accordance with the notice provisions of these rules.

APPEALS

- A. An appeal from any order, requirement, decision or determination made by the Executive Director, or other official in the enforcement of the Zoning Ordinance, will be reviewed by the Board.
- B. The appeal shall be submitted on the form prescribed by the Board and shall specify the grounds thereof in such a manner that the Board may be fully informed of the facts and elements involved and clear statement of the reasons why the appellant deems the appeal to be justified.
- C. The Planning and Zoning Department Staff, or other official shall, upon request of the Board, submit to the Board the complete record including any documents, plans or drawings, leading to the decision being appealed.
- D. Upon receipt of the Appeal Application, the Planning Director shall set a date, time and place for a hearing thereon, and shall notify the appellant of such date, time and place.
- E. Any communication purporting to be an appeal shall be regarded as a mere notice or intention to seek relief and shall be of no force or effect until the Administrative Appeals is made in the form required.

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DOCKET AND MINUTES

- A. Minutes, Docket and any records shall be filed in the Planning and Zoning Department and shall be a public record.
- B. The docket and the minutes may be combined in one hard copy file for the convenience of public review.

DOCKET

- A. The Planning and Zoning Department shall maintain a docket, in which shall be entered:
  - 1. Docket number of the application;
  - 2. name of the applicant;
  - 3. short description by street number, road or otherwise, of the premises;
  - 4. nature of the application; and
  - 5. final disposition of the Board.
- B. All continuances, postponements, dates of sending notices, and other steps taken, and acts done shall be noted on the docket.

MINUTES

- A. The Planning and Zoning Department shall maintain a record of the minutes.
- B. The minutes shall record the decision of the Board relating to each application together with the vote of each member of the Board present, those absent being so marked.
- C. Minutes shall include other actions or proceedings of the Board including a record of the transactions at hearing and shall record all votes on all action taken by the Board.
- D. The Planning and Zoning Department shall provide draft copy of monthly minutes to each Board member.
- E. Minutes are not official minutes of the Board until said minutes voted upon by the Board and the vote recorded.

RECORDING OF MEETINGS

- A. Regularly scheduled meetings of the Board may be recorded. If recorded, the audio or video tapes or digital files of each meeting shall be retained for five (5) years from the date of the meeting and shall be a public record.

RULES OF PROCEDURES; AMENDMENTS

PRIOR RULES

Any rules which may have been previously passed, setting forth the procedures and duties of the Board of Zoning Appeals, are hereby repealed.

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AMENDMENTS

Amendments to these Rules of Procedure may be made by the Board of Zoning Appeals at any regular or special meeting upon the affirmative vote of a majority of the members of the Board.

The suspension of any rule of procedure may be ordered at any meeting by unanimous vote of those present.

ADOPTION

These Rules of Procedure of the Board of Zoning Appeals are hereby approved by the affirmative vote of the majority of the members of said Board at a meeting of the Board held on the \_\_\_\_ day of \_\_\_\_\_, 2019.

SELLERSBURG BOARD OF ZONING APPEALS  
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APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2019

\_\_\_\_\_  
Vincent Thacker, Chairman

ATTEST:  
\_\_\_\_\_



TOWN OF SELLERSBURG, INDIANA  
DEPARTMENT OF PLANNING AND ZONING  
316 E. UTICA STREET  
SELLERSBURG, INDIADNA 47172  
PHONE: (812) 246-3821

DEVELOPMENTAL STANDARDS VARIANCE  
INFORMATION PACKET  
AND  
DEVELOPMENTAL STANDARDS VARIANCE  
APPLICATION

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## *Instruction*

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For the staff of the Town of Sellersburg to process your request in a timely manner to the Board of Zoning Appeals, we ask that you adhere to the following requirements. Failure to follow the requirements may delay your hearing date.

The application and supporting materials must be submitted before the appropriate meeting deadline. No exceptions will be made.

Upon submittal and payment of the application fee, the staff or its agents will review the application to verify that all required items in the checklist have been included. All items on the checklist must be submitted with the application or the request will not be assigned a docket number. If any item from the checklist is not submitted with the application this is considered an incomplete application, and the submitted items will be promptly mailed back to the applicant.

If the application is deemed complete by the staff or its agents, the request will be assigned a docket number and will be placed on the appropriate agenda, and the applicant will be notified of the meeting date and time.

1. A pre-filing conference is required for all Board of Zoning Appeals [BZA] petitions. Call 812-246-3821 to schedule an appointment to discuss the proposed application.
2. An application and checklist items must be completed by the applicant.
3. If the applicant is not the property owner, the applicant shall demonstrate consent of the property owner in order to file a variance application. The applicant shall provide an originally signed, dated and notarized Affidavit and Consent of Property Owner document outlining the property owner's permission in representing their interest at the time of the submission of the filing of Developmental Standards Variance Application.
4. All responses provided on the application, checklist, and other required and submitted materials shall be legible.
5. If the petitioner wishes to submit color pictures or graphics, the petitioners shall provide ten (10) color copies 14 days prior to the hearing date in an 8 ½" X 11" or 11" X 17" format.
6. The applicant shall attend the BZA Meeting in which the application is docketed.
7. The applicant shall explain how the application meets the requirements of the zoning ordinance at the public hearing when the BZA considers the application.
8. BZA Meetings begins at 6:00 p.m. at Sellersburg Town Hall, Council Chambers, 316 E. Utica Street, Sellersburg, Indiana 47172.
9. In no event shall applicant and/or owner of property considered in the variance application contact or attempt to communicate with members of the BZA in regard to this application and/or hearing prior to the BZA meeting.

10. An Improvement Location Permit shall be issued within six (6) month of approval.  
Improvement Location Permit shall include any conditions of approval.
11. If you have questions regarding these instructions, please contact the Planning and Zoning Department at [812] 246-3821.

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### *Procedural Steps*

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Town of Sellersburg, Indiana has established a procedure for the consideration of any request to the Board of Zoning Appeals (BZA). Requests are reviewed by the Board of Zoning Appeals which make the final determination and may originate from either property owner or potential owners (Subject to the consent of current owners). In reviewing all applications, the BZA shall consider the following:

- i. The recommendation of staff or its agents;
- ii. The current conditions and character of structures in each district;
- iii. The most desirable use for which the land in each district is adapted;
- iv. The conservation of property values; and
- v. Responsible grown and development.

The following steps must be completed prior to any application receiving a hearing before the Board of Zoning Appeals [BZA]. It is the sole responsibility of the applicant to satisfy the procedural process as herein set forth.

#### *Pre-filing Conference*

Schedule pre-filing conference by calling 812-246-3821. Failure to comply with these procedural steps will delay the hearing process.

#### *Application*

1. The applicant must obtain and complete an application and checklist items. Application materials and checklist are available at [www.sellersburg.org](http://www.sellersburg.org) or at the Town of Sellersburg Planning and Zoning Department at 316 E Utica Street, Sellersburg Indiana, 47172
2. All instructions outlined on the application instruction shall be followed.

#### *Filing*

1. Applications must be complete. Incomplete applications will not be reviewed or placed on the BZA agenda.
2. Complete applications will be assigned a Docket number(s).
3. Pay application filing fee.

### *Public Notice, Newspaper Publication and Posting of Public Notice Sign*

1. All public hearing before the BZA require that legal notice and notice to adjoining property owners be provided as set out in the BZA published Meeting and Deadline Schedule, corresponding to the docketed BZA meeting date.
2. The applicant is responsible for mailing notice to all adjoining property owners and posting the hearing notice sign at the subject property as set out in the BZA published Meeting and Deadline Schedule, corresponding to the docketed BZA meeting date. Sign(s) to be posted on subject property are available from the Planning and Zoning Department.
3. Sign(s) shall remain on subject property until final action of the BZA. Sign(s) shall be within five (5) feet of the public right-of-way and sign text shall be visible from the public street. Sign(s) shall not obscure vision clearances at driveways or corners.
4. The applicant is responsible for publishing the legal notice of the public hearing in a general circulation newspaper in Sellersburg, Indiana as set out in the BZA published Meeting and Deadline Schedule corresponding to the docketed BZA meeting date. The applicant should be aware and plan accordingly for newspaper publication because the newspaper has deadlines for submittal of notices.
5. The newspaper's publisher's affidavit shall be submitted to the Planning and Zoning Department no later than the Friday prior to the public hearing by 4:00 p.m.

### *Public Hearing*

1. A public hearing is required for consideration of all petitions to the BZA
2. The applicant must provide each member of the BZA, the BZA attorney, recording secretary, and two copies for staff copy of all documents presented at the public hearing.
3. Attend the BZA Meeting in which application is docketed.

### *Notice Requirements*

The applicant is responsible for giving appropriate notice of his/her petition by:

1. Certified mailing of notice to adjoining land owners
2. Posting a notice sign on the property
3. Legal advertisement in the newspaper

### *Certificate of Mailing – Notice of Public Hearing*

1. All adjoining property owners shall be served notice of the public hearing. Notice of public hearing to property owner shall be made by Certificate of Mailing – Form, PS Form 3665, certified by the United States Post Office.
2. Return certified mailing list to the Planning and Zoning Department no later than 4:00 p.m. on the Monday prior to the public hearing. In the event the applicant receives back any of the

notification letter as undeliverable, such unopened envelopes shall be submitted to the Planning and Zoning Department.

3. Adjoining property owners may be obtained at the Clark County Auditor's office.  
Clark County Auditor, Clark County Office Building, 501 East Court Avenue, Jeffersonville,  
Indiana, 47130

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## *Checklist*

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- Completed Application.
  - Proof of ownership; including legal description of property (Recorded Deed).
  - Written authorization from property owner (Affidavit and Consent of Property Owner).
  - Rendered elevation indicating height of building.
  - Site plan drawn to scale. If size plan is larger than 8 ½” x 11” or 11” x 17” applicant shall submit a minimum of ten (10) copies of site plan. [Site plans to include the applicable information: lots size, property lines, street(s), alley(s), easement(s), all improvement (buildings), proposed improvements, dimension from improvements to property lines/streets/alley/easement, if applicable landscaping, parking, signs, driveways, entrance/exit.]
  - Floor plan drawn to scale, if applicable.
  - Completed copy Certificate of Mailing – PS Form 3665
  - Draft Finding of Fact responding – IC 36-7-4-918.5. (Finding of Fact information inserted as part of application form).
  - Completed copy of Public Notice
  - Additional information as required by staff or its agent of the BZA.
- 
- Publisher’s Affidavit submitted to Planning and Zoning Department seven (7) days prior to docketed meeting date.

*Sample Legal Notice*

Complete and publish the following legal notice in a daily newspaper of general circulation in Sellersburg, Indiana as set out the published BZA Meeting and Deadline Schedule. The applicant should be aware that the newspaper has deadlines for submittal of public notices. It is the sole responsibility of the applicant to meet these deadlines.

The Public Notice for publishing in daily newspaper, is the same Public Notice mailed to surrounding property owners

**Public Notice  
Town of Sellersburg, Indiana  
Board of Zoning Appeals**

The Sellersburg Board of Zoning Appeals will hold a public hearing on \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at 6:00 p.m. at the Sellersburg Town Hall, Council Chamber, 316 E Utica Pike, Sellersburg, Indiana 47172 and acting on the following:

Requested Action: The applicant is requesting a Development Standards Variance to

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At the following commonly, known address:

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The Developmental Standards Variance application is available for public review at the Planning and Zoning Department, 316 E Utica Pike, Sellersburg, Indiana 47172 between the hours 9:00 a.m. to 4:00 p.m.

Interested persons desiring to present comments either in writing or verbally will be given the opportunity to be heard at the aforementioned time and place.

Sellersburg Board of Zoning Appeals

**Town of Sellersburg, Indiana  
Board of Zoning Appeals  
Application for a Variance of Development Standards**

**Applicant Information**

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
Street Number/P.O. Box Number Street

City State Zip

Email address: \_\_\_\_\_ Phone Number: \_\_\_\_\_

**Owner Information (“owner is not a tenant or contract buyer”)**

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
Street Number/P.O. Box Number Street

City State Zip

Email address: \_\_\_\_\_ Phone Number: \_\_\_\_\_

**Property Information:**

Address or location of the property subject to this application:

\_\_\_\_\_  
Street Numbers Closest Cross Street

Lot Size: \_\_\_\_\_

Current Use of Property: \_\_\_\_\_

Describe the variance requested: \_\_\_\_\_

**Check Developmental Standards Variance Requested:**

- |   |   |   |  |
|---|---|---|--|
| <input type="checkbox"/> Building Setback | <input type="checkbox"/> Building Height  | <input type="checkbox"/> Lot Coverage   | <input type="checkbox"/> Lot Width         |
| <input type="checkbox"/> Lot Area         | <input type="checkbox"/> Sight Visibility | <input type="checkbox"/> Entrance/Drive | <input type="checkbox"/> Landscaping       |
| <input type="checkbox"/> Parking          | <input type="checkbox"/> Loading Area     | <input type="checkbox"/> Sign           | <input type="checkbox"/> Exterior Lighting |

Other: \_\_\_\_\_

**DEVELOPMENT STANDARDS VARIANCE CRITERIA  
FINDING OF FACTS**

The following criteria must be met for the BZA to approve any variance request. The BZA may place reasonable conditions on any variance it may approve. Respond to each item listed below, proving information as to how the requested variance affects each item. Responses are to be clear and legible.

(1) The approval of a variance 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 strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property: \_\_\_\_\_

\_\_\_\_\_

**Applicant's Signature**

The information included in and with this application is completely true and correct to the best of my knowledge and belief.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Applicant Name

State of Indiana        )  
                                  )SS  
County of \_\_\_\_\_)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared \_\_\_\_\_, and acknowledge the execution of the foregoing *Application before the Board of Zoning Appeals for the Town of Sellersburg, Indiana* as their free and voluntary act and deed for the uses and purposes set forth therein.

Witness my hand and Notarial Seals, this this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

My Commission Expires:

\_\_\_\_\_  
Notary Public

Resident \_\_\_\_\_ County, Indiana  
\_\_\_\_\_  
Printed Name

---

**Office Use:**

Date Completed Application Received: \_\_\_\_/\_\_\_\_/\_\_\_\_

Petition Application Fee of \$\_\_\_\_\_ Received: \_\_\_\_/\_\_\_\_/\_\_\_\_

Docket Number: \_\_\_\_\_

Current Zoning Classification: \_\_\_\_\_

Zoning Ordinance Section applicable to variance application: \_\_\_\_\_

BZA Public Hearing Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Adjacent Property Owners Notified via Certificate of Mailing: \_\_\_\_/\_\_\_\_/\_\_\_\_

Legal Ad Published: \_\_\_\_/\_\_\_\_/\_\_\_\_

Verified Posting of Hearing Sign: \_\_\_\_/\_\_\_\_/\_\_\_\_

Public Notice Posted at Town Hall \_\_\_\_/\_\_\_\_/\_\_\_\_

**AFFIDAVIT AND CONSENT OF PROPERTY OWNER**  
**Application to the Sellersburg Board of Zoning Appeals**

I, \_\_\_\_\_, AFTER BEING DULY SWORN, DEPOSE  
AND STATE THE FOLLOWING:

1. That I am the owner of real estate located at: \_\_\_\_\_  
\_\_\_\_\_
2. That I have no objection to, and consent to the request(s) described in the application  
made to the Sellersburg Board of Zoning Appeals.

\_\_\_\_\_  
Owner's Name (Printed)

\_\_\_\_\_  
Owner's Signature

State of Indiana        )  
                                  )SS  
County of \_\_\_\_\_)

Before me, the undersigned, a Notary Public in and for said County and State, personally  
appeared \_\_\_\_\_, and acknowledge the execution of the  
foregoing *Affidavit and Consent* as their free and voluntary act and deed for the uses and  
purposes set forth therein.

Witness my hand and Notarial Seals, this this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

My Commission Expires:

\_\_\_\_\_  
Notary Public

Resident \_\_\_\_\_ County, Indiana

\_\_\_\_\_  
Printed Name

## Instructions for Certificate of Mailing — Firm

This service provides evidence that the mailer has presented individual items to the Postal Service™ for mailing, and is available for the following products:

- Domestic services: First-Class Mail®, First-Class Package Service®, Priority Mail®, Media Mail®, Library Mail, Bound Printed Matter, Merchandise Return Service, Parcel Return Service, and USPS Retail Ground™.
- International services: First-Class Mail International® (unregistered items), First-Class Package International Service® (unregistered items), Free Matter for the Blind, and Airmail M-bags®.

The following instructions are for the preparation and use of PS Form 3665, *Certificate of Mailing – Firm* (including USPS-approved facsimiles):

1. Complete and print all forms in ink or ball point pen.
2. Enter the name and address of the sender at the top of the form.
3. Enter a complete return address on each article.
4. Ensure the articles are properly packaged.
5. In the appropriate column, enter the applicable postage and fees.
6. Insert a firm-specific identifier or account number if desired. (This number is for the sender's use only, and the Postal Service will not use it for identification.)
7. When describing and listing three or more individual pieces but not presenting the pieces in the order shown on the sheet, consecutively number each entry line on the sheet and number each piece to show both the corresponding sheet and line number.
8. Enter the total number of articles in the proper space at the top of the form.
9. Obliterate all unused portions of the "Address" column by drawing a diagonal line through the unused portion on the form.
10. When the number of articles presented exceeds the allotted space on the form, use multiple sheets, and in the provided blank spaces in the lower left of the form, number them consecutively to show sheet number and total number of sheets (such as "Page 1 of 4," "Page 2 of 4," etc.).

11. Present PS Form 3665 and the mailing as follows:

- When the mailing has fewer than 50 mailpieces *and* less than 50 pounds, present the form and mailing at a retail Post Office™ location.
- When the mailing has at least 50 mailpieces *or* at least 50 pounds, present the form and mailing at a business mail entry unit (BMEU) or USPS-authorized detached mail unit (DMU).

**Privately Printed Forms:** The Postal Service allows mailers to use USPS-approved privately printed or computer-generated firm sheets that are nearly identical in design elements and color to the USPS-provided PS Form 3665. See DMM 503 for details on the approval process.

The mailer must retain the original written approval granted by the Postal Service as evidence that the privately printed facsimile of PS Form 3665 has been approved by the Postal Service. The Postal Service does not retain records on the facsimile approvals. A mailer using privately prepared forms must periodically verify them against the USPS-provided version and, if necessary, make routine updates and obtain approval of the updated facsimile form.

A mailer using an approved privately printed form and wanting the form sheets postmarked by the Postal Service must present the forms with the articles to be mailed at a Post Office facility. The forms become the mailer's only receipt (the Postal service does not retain a copy).



# Certificate of Mailing — Firm

Name and Address of Sender	TOTAL NO. of Pieces Listed by Sender	TOTAL NO. of Pieces Received at Post Office™	Affix Stamp Here <i>Postmark with Date of Receipt.</i>					
			USPS® Tracking Number Firm-specific Identifier	Address (Name, Street, City, State, and ZIP Code™)	Postage	Fee	Special Handling	Parcel Airlift
			1.					
2.								
3.								
4.								
5.								
6.								



TOWN OF SELLERSBURG, INDIANA  
DEPARTMENT OF PLANNING AND ZONING  
316 E. UTICA STREET  
SELLERSBURG, INDIADNA 47172  
PHONE: (812) 246-3821

USE VARIANCE INFORMATION PACKET  
AND  
USE VARIANCE APPLICATION

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## *Instruction*

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For the staff of the Town of Sellersburg to process your request in a timely manner to the Board of Zoning Appeals, we ask that you adhere to the following requirements. Failure to follow the requirements may delay your hearing date.

The application and supporting materials must be submitted before the appropriate meeting deadline. No exceptions will be made.

Upon submittal and payment of the application fee, the staff or its agents will review the application to verify that all required items in the checklist have been included. All items on the checklist must be submitted with the application or the request will not be assigned a docket number. If any item from the checklist is not submitted with the application this is considered an incomplete application, and the submitted items will be promptly mailed back to the applicant.

If the application is deemed complete by the staff or its agents, the request will be assigned a docket number and will be placed on the appropriate agenda, and the applicant will be notified of the meeting date and time.

1. A pre-filing conference is required for all Board of Zoning Appeals [BZA] petitions. Call 812-246-3821 to schedule an appointment to discuss the proposed application.
2. An application and checklist items must be completed by the applicant.
3. If the applicant is not the property owner, the applicant shall demonstrate consent of the property owner in order to file a variance application. The applicant shall provide an originally signed, dated and notarized Affidavit and Consent of Property Owner document outlining the property owner's permission in representing their interest at the time of the submission of the filing of Use Variance Application.
4. All responses provided on the application, checklist, and other required and submitted materials shall be legible.
5. If the petitioner wishes to submit color pictures or graphics, the petitioners shall provide ten (10) color copies 14 days prior to the hearing date in an 8 ½" X 11" or 11" X 17" format.
6. The applicant shall attend the BZA Meeting in which the application is docketed.
7. The applicant shall explain how the application meets the requirements of the zoning ordinance at the public hearing when the BZA considers the application.
8. BZA Meetings begins at 6:00 p.m. at Sellersburg Town Hall, Council Chambers, 316 E. Utica Street, Sellersburg, Indiana 47172.
9. In no event shall applicant and/or owner of property considered in the variance application contact or attempt to communicate with members of the BZA in regard to this application and/or hearing prior to the BZA meeting.

10. An Improvement Location Permit shall be issued within six (6) month of approval.  
Improvement Location Permit shall include any conditions of approval.
11. If you have questions regarding these instructions, please contact the Planning and Zoning Department at [812] 246-3821.

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## *Procedural Steps*

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Town of Sellersburg, Indiana has established a procedure for the consideration of any request to the Board of Zoning Appeals (BZA). Requests are reviewed by the Board of Zoning Appeals which make the final determination and may originate from either property owner or potential owners (Subject to the consent of current owners). In reviewing all applications, the BZA shall consider the following:

- i. The recommendation of staff or its agents;
- ii. The current conditions and character of structures in each district;
- iii. The most desirable use for which the land in each district is adapted;
- iv. The conservation of property values; and
- v. Responsible grown and development.

The following steps must be completed prior to any application receiving a hearing before the Board of Zoning Appeals [BZA]. It is the sole responsibility of the applicant to satisfy the procedural process as herein set forth.

### *Pre-filing Conference*

Schedule pre-filing conference by calling 812-246-3821. Failure to comply with these procedural steps will delay the hearing process.

### *Application*

1. The applicant must obtain and complete an application and checklist items. Application materials and checklist are available at [www.sellersburg.org](http://www.sellersburg.org) or at the Town of Sellersburg Planning and Zoning Department at 316 E Utica Street, Sellersburg Indiana, 47172
2. All instructions outlined on the application instruction shall be followed.

### *Filing*

1. Applications must be complete. Incomplete applications will not be reviewed or placed on the BZA agenda.
2. Complete applications will be assigned a Docket number(s).
3. Pay application filing fee.

### *Public Notice, Newspaper Publication and Posting of Public Notice Sign*

1. All public hearing before the BZA require that legal notice and notice to adjoining property owners be provided as set out in the BZA published Meeting and Deadline Schedule, corresponding to the docketed BZA meeting date.
2. The applicant is responsible for mailing notice to all adjoining property owners and posting the hearing notice sign at the subject property as set out in the BZA published Meeting and Deadline Schedule, corresponding to the docketed BZA meeting date. Sign(s) to be posted on subject property are available from the Planning and Zoning Department.
3. Sign(s) shall remain on subject property until final action of the BZA. Sign(s) shall be within five (5) feet of the public right-of-way and sign text shall be visible from the public street. Sign(s) shall not obscure vision clearances at driveways or corners.
4. The applicant is responsible for publishing the legal notice of the public hearing in a general circulation newspaper in Sellersburg, Indiana as set out in the BZA published Meeting and Deadline Schedule corresponding to the docketed BZA meeting date. The applicant should be aware and plan accordingly for newspaper publication because the newspaper has deadlines for submittal of notices.
5. The newspaper's publisher's affidavit shall be submitted to the Planning and Zoning Department no later than the Friday prior to the public hearing by 4:00 p.m.

### *Public Hearing*

1. A public hearing is required for consideration of all petitions to the BZA
2. The applicant must provide each member of the BZA, the BZA attorney, recording secretary, and two copies for staff copy of all documents presented at the public hearing.
3. Attend the BZA Meeting in which application is docketed.

### *Notice Requirements*

The applicant is responsible for giving appropriate notice of his/her petition by:

1. Certified mailing of notice to adjoining land owners
2. Posting a notice sign on the property
3. Legal advertisement in the newspaper

### *Certificate of Mailing – Notice of Public Hearing*

1. All adjoining property owners shall be served notice of the public hearing. Notice of public hearing to property owner shall be made by Certificate of Mailing – Form, PS Form 3665, certified by the United States Post Office.
2. Return certified mailing list to the Planning and Zoning Department no later than 4:00 p.m. on the Monday prior to the public hearing. In the event the applicant receives back any of the

notification letter as undeliverable, such unopened envelopes shall be submitted to the Planning and Zoning Department.

3. Adjoining property owners may be obtained at the Clark County Auditor's office.  
Clark County Auditor, Clark County Office Building, 501 East Court Avenue, Jeffersonville, Indiana, 47130

DRAFT

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## *Checklist*

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- Completed Application.
  - Proof of ownership; including legal description of property (Recorded Deed).
  - Written authorization from property owner (Affidavit and Consent of Property Owner).
  - Rendered elevation indicating height of building.
  - Site plan drawn to scale. If size plan is larger than 8 ½” x 11” applicant shall submit a minimum of ten (10) copies of site plan. [Site plans to include the applicable information: lots size, property lines, street(s), alley(s), easement(s), all improvement (buildings), proposed improvements, dimension from improvements to property lines/streets/alley/easement, if applicable landscaping, parking, signs, driveways, entrance/exit, ]
  - Floor plan drawn to scale, if applicable.
  - Completed copy Certificate of Mailing – PS Form 3665
  - Draft Finding of Fact responding – IC 36-7-4-918.4. (Finding of Fact information inserted as part of application form).
  - Completed copy of Public Notice
  - Additional information as required by staff or its agent of the BZA.
- 
- Publisher’s affidavit submitted to Planning and Zoning Department seven (7) days prior to docketed meeting date.

*Sample Legal Notice*

Complete and publish the following legal notice in a daily newspaper of general circulation in Sellersburg, Indiana as set out in the published BZA Meeting and Deadline Schedule. The applicant should be aware that the newspaper has deadlines for submittal of public notices. It is the sole responsibility of the applicant to meet these deadlines.

The Public Notice for publishing in daily newspaper, is the same Public Notice mailed to surrounding property owners,

**Public Notice  
Town of Sellersburg, Indiana  
Board of Zoning Appeals**

The Sellersburg Board of Zoning Appeals will hold a public hearing on \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at 6:00 p.m. at the Sellersburg Town Hall, Council Chamber, 316 E Utica Pike, Sellersburg, Indiana 47172 and acting on the following:

Requested Action: The applicant is requesting a Use Variance to

---

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At the following commonly, known address:

---

The Use Variance application is available for public review at the Planning and Zoning Department, 316 E Utica Pike, Sellersburg, Indiana 47172 between the hours 9:00 a.m. to 4:00 p.m.

Interested persons desiring to present comments either in writing or verbally will be given the opportunity to be heard at the aforementioned time and place.

Sellersburg Board of Zoning Appeals

**Town of Sellersburg, Indiana  
Board of Zoning Appeals  
Application for a Variance of Use**

**Applicant Information**

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Street Number/P.O. Box Number

Street Name

City

State

Zip

Email address: \_\_\_\_\_ Phone Number: \_\_\_\_\_

**Owner Information (“owner is not a tenant or contract buyer”)**

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Street Number/P.O. Box Number

Street Name

City

State

Zip

Email address: \_\_\_\_\_ Phone Number: \_\_\_\_\_

**Property Information:**

Address or location of the property subject to this application:

Street Numbers

Street Name

Closest Cross Street

Lot Size: \_\_\_\_\_

Current Use of Property: \_\_\_\_\_

Proposed Use of Property: \_\_\_\_\_

Describe the variance requested: \_\_\_\_\_

\_\_\_\_\_

**USE VARIANCE CRITERIA  
FINDING OF FACTS**

The following criteria must be met for the BZA to approve any variance request. The BZA may place reasonable conditions on any variance it may approve. Respond to each item listed below, proving information as to how the requested variance affects each item. Responses are to be clear and legible.

(1) The approval of a variance 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 peculiar to the property involved: \_\_\_\_\_

\_\_\_\_\_

(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: \_\_\_\_\_

\_\_\_\_\_

(5) The approval does not interfere substantially with the comprehensive plan adopted by the Town of Sellersburg: \_\_\_\_\_

\_\_\_\_\_

**Applicant's Signature**

The information included in and with this application is completely true and correct to the best of my knowledge and belief.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Applicant Name

State of Indiana )  
 )SS  
County of \_\_\_\_\_)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared \_\_\_\_\_, and acknowledge the execution of the foregoing *Application before the Board of Zoning Appeals for the Town of Sellersburg, Indiana* as their free and voluntary act and deed for the uses and purposes set forth therein.

Witness my hand and Notarial Seals, this this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

My Commission Expires:

\_\_\_\_\_  
Notary Public

Resident \_\_\_\_\_ County, Indiana \_\_\_\_\_  
Printed Name

---

**Office Use:**

Date Completed Application Received: \_\_\_\_/\_\_\_\_/\_\_\_\_

Petition Application Fee of \$\_\_\_\_\_ Received: \_\_\_\_/\_\_\_\_/\_\_\_\_

Docket Number: \_\_\_\_\_

Current Zoning Classification: \_\_\_\_\_

Zoning Ordinance Section applicable to variance application: \_\_\_\_\_

BZA Public Hearing Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Adjacent Property Owners Notified via Certificate of Mailing: \_\_\_\_/\_\_\_\_/\_\_\_\_

Legal Ad Published: \_\_\_\_/\_\_\_\_/\_\_\_\_

Verified Posting of Hearing Sign: \_\_\_\_/\_\_\_\_/\_\_\_\_

Public Notice Posted at Town Hall \_\_\_\_/\_\_\_\_/\_\_\_\_

**AFFIDAVIT AND CONSENT OF PROPERTY OWNER**  
**Application to the Sellersburg Board of Zoning Appeals**

I, \_\_\_\_\_, AFTER BEING DULY SWORN, DEPOSE  
AND STATE THE FOLLOWING:

1. That I am the owner of real estate located at: \_\_\_\_\_  
\_\_\_\_\_

2. That I have no objection to, and consent to the request(s) described in the application  
made to the Sellersburg Board of Zoning Appeals.

\_\_\_\_\_  
Owner's Name (Printed)

\_\_\_\_\_  
Owner's Signature

State of Indiana     )  
                              )SS  
County of \_\_\_\_\_)

Before me, the undersigned, a Notary Public in and for said County and State, personally  
appeared \_\_\_\_\_, and acknowledge the execution of the  
foregoing *Affidavit and Consent* as their free and voluntary act and deed for the uses and  
purposes set forth therein.

Witness my hand and Notarial Seals, this this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

My Commission Expires:

\_\_\_\_\_  
Notary Public

Resident \_\_\_\_\_ County, Indiana

\_\_\_\_\_  
Printed Name

## Instructions for Certificate of Mailing — Firm

This service provides evidence that the mailer has presented individual items to the Postal Service™ for mailing, and is available for the following products:

- Domestic services: First-Class Mail®, First-Class Package Service®, Priority Mail®, Media Mail®, Library Mail, Bound Printed Matter, Merchandise Return Service, Parcel Return Service, and USPS Retail Ground™.
- International services: First-Class Mail International® (unregistered items), First-Class Package International Service® (unregistered items), Free Matter for the Blind, and Airmail M-bags®.

The following instructions are for the preparation and use of PS Form 3665, *Certificate of Mailing – Firm* (including USPS-approved facsimiles):

1. Complete and print all forms in ink or ball point pen.
2. Enter the name and address of the sender at the top of the form.
3. Enter a complete return address on each article.
4. Ensure the articles are properly packaged.
5. In the appropriate column, enter the applicable postage and fees.
6. Insert a firm-specific identifier or account number if desired. (This number is for the sender's use only, and the Postal Service will not use it for identification.)
7. When describing and listing three or more individual pieces but not presenting the pieces in the order shown on the sheet, consecutively number each entry line on the sheet and number each piece to show both the corresponding sheet and line number.
8. Enter the total number of articles in the proper space at the top of the form.
9. Obliterate all unused portions of the "Address" column by drawing a diagonal line through the unused portion on the form.
10. When the number of articles presented exceeds the allotted space on the form, use multiple sheets, and in the provided blank spaces in the lower left of the form, number them consecutively to show sheet number and total number of sheets (such as "Page 1 of 4," "Page 2 of 4," etc.).

11. Present PS Form 3665 and the mailing as follows:

- When the mailing has fewer than 50 mailpieces and less than 50 pounds, present the form and mailing at a retail Post Office™ location.
- When the mailing has at least 50 mailpieces or at least 50 pounds, present the form and mailing at a business mail entry unit (BMEU) or USPS-authorized detached mail unit (DMU).

**Privately Printed Forms:** The Postal Service allows mailers to use USPS-approved privately printed or computer-generated firm sheets that are nearly identical in design elements and color to the USPS-provided PS Form 3665. See DMM 503 for details on the approval process.

The mailer must retain the original written approval granted by the Postal Service as evidence that the privately printed facsimile of PS Form 3665 has been approved by the Postal Service. The Postal Service does not retain records on the facsimile approvals. A mailer using privately prepared forms must periodically verify them against the USPS-provided version and, if necessary, make routine updates and obtain approval of the updated facsimile form.

A mailer using an approved privately printed form and wanting the form sheets postmarked by the Postal Service must present the forms with the articles to be mailed at a Post Office facility. The forms become the mailer's only receipt (the Postal service does not retain a copy).



# Certificate of Mailing — Firm

Name and Address of Sender	TOTAL NO. of Pieces Listed by Sender	TOTAL NO. of Pieces Received at Post Office™	Affix Stamp Here <i>Postmark with Date of Receipt.</i>					
			USPS® Tracking Number Firm-specific Identifier	Address (Name, Street, City, State, and ZIP Code™)	Postage	Fee	Special Handling	Parcel Airlift
			1.					
2.								
3.								
4.								
5.								
6.								

Postmaster, per (name of receiving employee)