



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

Instructions

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. 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 one (1) year of approval or the variance will become null and void. The 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.

Procedural Steps

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 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

Public Notice, Newspaper Publication and Posting of Public Notice Sign

1. All public hearings 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 of all documents presented at the public hearing.
3. Applicant shall attend the BZA Meeting in which application is docketed.
4. If the variance requested involves the sale of the subject property, the potential purchaser is required to attend the BZA meeting.

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 – 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 letters 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

Checklist

- 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 site 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.
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- 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 the _____ 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

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

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: _____

**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, providing 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 Seal, 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 Seal, this this _____ day of _____, 20____

My Commission Expires:

Notary Public

Resident _____ County, Indiana

Printed Name