
THE HENDRICKS COUNTY QUALITY GROWTH STRATEGY

BZA
VARIANCE PROCEDURE





Hendricks County BZA

VARIANCE PROCEDURE

Fee: _____ Case Number: _____
 Date Received: _____ Reviewed By: _____
 Date of BZA Hearing: _____ Date of Legal Publication: _____
 Decision of BZA: _____ Approval _____ Denial _____ With Conditions _____

**APPLICATION
 BOARD OF ZONING APPEALS
 HENDRICKS COUNTY, INDIANA**

Applicant(s): _____ Telephone: _____

Address: _____
 Email: _____

Owner(s) _____ Telephone: _____

Address: _____
 Email: _____

Agent: _____ Telephone: _____

Address: _____
 Email: _____

REAL ESTATE EFFECTED: Section _____ Township _____ Range _____
 Township _____ Parcel Key Number(s): _____
 Alternate Parcel Numbers: _____

Location of Subject Property to Nearest County Road Intersection:

Address of Subject Property: _____
 Town Of: _____ Lot _____ Block _____ Addition _____
 Subdivision: _____ Lot _____ Section _____
 Lot Size: _____ Current Zoning District: _____
 Sewer _____ Water _____

(CHECK APPROPRIATE BOX(S))

Variance From The Development Standards _____ Special Exception/ Mobile Home _____

Appeals _____ Special Exception _____

Special Exception/ Home Occupation _____

Applicable Ordinance Section Number(s): _____

Requested Action from The Board of Zoning Appeals:

Please see "Variance, Special Exception or Appeals Procedure" for the list of supportive materials which must accompany this petition.



Hendricks County BZA

VARIANCE PROCEDURE

I (We) hereby authorize and grant to the employees of the Hendricks County Planning and Building Department, other Hendricks County Officials and employees, members of the Board of Zoning Appeals and members of the Plan Commission the right to come onto the above described property for the purpose of inspecting and evaluating the premises regarding this application. I (We) further release said Board members, Commission members, and County employees and officials from any and all liability during said inspection and related matters.

The undersigned, sworn upon his oath, says that the above information and attached exhibits, to my knowledge, are true and correct:

Signature of Applicant(s): _____

Date: _____

State of Indiana

SS:

County of _____
Subscribed and sworn to before me this _____ day of _____, 20____

My Commission expires: _____

NOTARY PUBLIC

AFFIDAVIT AND CONSENT OF PROPERTY OWNER(S), IF DIFFERENT THAN THE APPLICANT

I (We) _____ after being first duly sworn, depose and say:

1. That I (We) are the owner(s) of the above described real estate;
2. That I (We) have read and examined the Application for Special Exception, Variance or Appeals of the Hendricks County Zoning Ordinance, and are familiar with its contents; and
3. That I (We) have no objections to, and consent to such request as set forth in the application;

Signature of Property Owner(s) _____

State of Indiana

SS:

County of _____
Subscribed and sworn to before me this _____ day of _____, 20____

My Commission expires: _____

NOTARY PUBLIC

Hendricks County Planning and Building Department
355 South Washington #212
Danville, Indiana 46122 (317) 745-9254

Revised December 9th, 2008

SAMPLE ILLUSTRATION OF WRITTEN NOTIFICATION
AND
AFFIDAVIT OF NOTIFICATION PROCEDURE

The sample illustration of written notification on the following page is designed to help the applicant notify the adjacent property owners for a public hearing as required by Indiana Code 36-7-4-706 and the Hendricks County Subdivision Control Ordinance and Zoning Ordinance.

The applicant must follow steps 1 through 7 to ensure that proper written notification is given to adjacent property owners.

1. Notify all adjacent property owners within six hundred sixty (660) feet of the applicant's property lines or two (2) ownerships deep, whichever comes first. For purposes of giving notice the land described in the application shall be deemed to include any adjoining or adjacent land owned by the applicant. Any land separated from land described in the application by streets, alleys, easements, channel waters, or any other natural or artificial barrier, shall be deemed to be adjoining or adjacent to that described in the application. If the applicant's property abuts or includes a county line, the applicant shall follow the above rule of notification into that county;
2. Letters of written notification must be sent by certified mail, with return receipts (green cards), or registered or first class mail (with a USPS certificate of mailing for each letter) to the legal property owner. The mailing address of the legal property owners shall be obtained from the Hendricks County Auditor's Office, Deeds and Plats. For notification into an adjacent county, the applicant shall contact the appropriate county office to secure names and addresses of property owners;
3. The applicant must submit an Affidavit of Written Notification on the form available at the Planning and Building Department;
4. The affidavit must be completed in ink or typed;
5. The affidavit must be notarized;
6. The names and addresses of the property owners who were sent notices must be attached to the affidavit;
7. The affidavit of notice and the return receipts (green cards) must be filed with the Planning and Building Department on or before the Friday preceding the scheduled Public Hearing.
Date: _____;



AFFIDAVIT OF NOTICE OF PUBLIC HEARING
BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA
FOR VARIANCE/SPECIAL EXCEPTION

STATE OF INDIANA)

) SS:

COUNTY OF HENDRICKS)

I/We _____ do hereby certify that notice of public hearing by the Board of Zoning Appeals of the County of Hendricks to consider Case No. _____ being the application of _____

Was registered and mailed to the last known address of the following persons:

ATTACH A LIST OF THE SURROUNDING PROPERTY OWNERS
NOTIFIED BY NAME AND ADDRESS

AND THAT SAID NOTICES WERE SERVED BY CERTIFIED MAIL (WITH RETURN RECEIPTS) OR REGISTERED OR FIRST CLASS MAIL (WITH A USPS CERTIFICATE OF MAILING FOR EACH LETTER) on or before the ____ day of _____ 20____, being at least TEN (10) days prior to _____ 20____, the date of the Public Hearing in the Hendricks County Government Center, 355 South Washington Street #212, Danville, Indiana at 7:30 P.M.

Signature of Applicant

State of Indiana

SS:

County of _____

Subscribed and sworn to before me this _____ day of _____, 20____

My Commission expires: _____

NOTARY PUBLIC

Variances

A variance is defined as “ a modification of the strict terms of the relevant regulations where the modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not as a result of action on the part of the applicant, a literal enforcement of the regulations would result in an unnecessary and undue hardship.” Hendricks County Zoning Ordinance. The Board of Zoning Appeals conducts a public hearing to review and approve a variance.

Frequently Asked Questions About Variances

Q. Who is required to receive a certified mail notice of the public hearing?

A. The notice is to be sent to all adjacent property owners within 660 feet or two (2) property owners deep, whichever comes first. The property owners' names are shown on the tax records in the County Auditor's Office. These notices must be mailed at least ten (10) days before the public hearing. A white notification sign will also be posted on the property stating the information about the public hearing.

Q. Is there any other type of notification?

A. Yes, Legal notices are published in the Hendricks County Flyer and the Hendricks County Republican newspapers. These notices must appear at least ten (10) days before the public hearing. A white notification sign will also be posted on the property stating the information about the public hearing.

Q. What is the purpose of the public hearing?

A. The public hearing gives affected property owners and interested citizens the opportunity to ask questions about the requested variance. The Board will hear the concerns of these citizens before the decision is made whether to approve or deny the variance.

Q. Does a variance change the zoning of the property?

A. No. A variance is the procedure by which someone seeks a waiver or modification of zoning regulations such as lot width, side yard setbacks or building height. These regulations govern how buildings and other site improvements are placed on a lot. A zoning change, or rezoning, is a much different procedure. The public hearing for a rezoning is held by the Plan Commission. The Plan Commission makes a recommendation to the Board of County Commissioners, who then make the final decision on the rezoning application. A different set of land uses are permitted when a rezoning is approved.

Q. Is there anything that the Board of Zoning Appeals does not consider in deciding a variance?

A. The Board does not consider issues that are not regulated by the Zoning Ordinance. Some site development and land use issues are regulated by the Subdivision Control Ordinance or other local, state or federal regulations. The Board does not grant relief from regulations other than the development standards of the County's Zoning Ordinance.

Q. Does a variance all different land uses to occur on the property than are otherwise permitted?

A. No. This type of variance is known as a Use Variance. The Hendricks County Board of Zoning Appeals cannot grant a Use Variance because the County operates under the state enabling law for Area Plan Commissions. The Hendricks County Board of Zoning Appeals cannot grant use variances because of this state law.

Q. What Procedure allows different land uses to occur?

A. Since a Use Variance is not permitted in Hendricks County, only a rezoning would allow the property to be used in a different manner than the current zoning districts permit. A rezoning requires an application and public hearing before the Hendricks County Area Plan Commission. The Plan Commission makes an advisory recommendation to the Board of County Commissioners. The final decision to approve or deny the rezoning is made by the County Commissioners.

Q. What is the difference between a Special Exception Use and a Variance?

A. Another responsibility of the Board of Zoning Appeals is to review and approve Special Exception Uses. Certain land uses are not permitted as a use of right, but instead are subject to the approval of the Board of Zoning Appeals. "It is recognized that an increasing number of new kinds of uses are appearing daily and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation and public facilities that each specific use must be considered individually." Hendricks County Zoning Ordinance.

THIS INFORMATION IS A BRIEF SUMMARY OF THE ZONING ORDINANCE. IT IS NOT INTENDED TO ANSWER ALL QUESTIONS ABOUT A PROPOSED REZONING APPLICATION. INTERESTED PERSON SHOULD CONTACT THE PLANNING & BUILDING DEPARTMENT OFFICE BY TELEPHONE, 745-9254, OR VISIT THE OFFICE ON THE GROUND FLOOR OF THE HENDRICKS COUNTY GOVERNMENT CENTER, 355 SOUTH WASHINGTON STREET, DANVILLE, IN. OFFICE HOURS ARE 8:00 AM TO 4:00 PM, MONDAY THROUGH FRIDAY.

**2017
MEETING SCHEDULE
HENDRICKS COUNTY BOARD OF ZONING APPEALS**

Application Deadline	Site Visit & Sign Deadline	Written & Public Notice Deadline	Staff Notebook Deadline	BZA Hearing
December 16, 16'	January 5, 17'	January 6, 17'	January 9, 17'	January 17, 17' **
January 20	February 9	February 10	February 13	February 21 **
February 17	March 9	March 10	March 13	March 20
March 17	April 6	April 7	April 10	April 17
April 21	May 4	May 5	May 8	May 15
May 19	June 8	June 9	June 12	June 19
June 16	July 6	July 7	July 10	July 17
July 21	August 10	August 11	August 14	August 21
August 18	September 7	September 8	September 11	September 18
September 15	October 5	October 6	October 9	October 16
October 20	November 9	November 10	November 13	November 20
November 17	December 7	December 8	December 11	December 18
December 15, 17'	January 4, 18'	January 5, 18'	January 8, 18'	January 16, 18' **

** Not the regularly scheduled day of the week.

Application Deadline: Date by which a BZA application must be filed to be heard the next month. An application must be complete at the time of filing.

Site Visit: The date staff will visit the project site. A notice of the hearing will be posted on the site.

Public Notice Deadline: Date by which the legally required public notices must be submitted. This is done by staff.

Written Notice Deadline: Date by which the applicant must have mailed notice to nearby property owners.

BZA Hearing: Date of the BZA hearing.

Meeting Location and Time		
BZA Hearing	Meeting Rooms 4 & 5	7:30 p.m.
Unless otherwise posted, all meetings are held at the Hendricks County Government Center, 355 S Washington St, Danville, IN 46122		

For more information contact Nick Hufford @ 317-745-9255 or nhufford@co.hendricks.in.us