

VARIANCE FROM SUBDIVISION CODE INFORMATION

Variance - Modification of the strict terms of the relevant regulations of the Subdivision Code where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this ordinance would result in unnecessary and undue hardship and not just a mere inconvenience.

The applicant is encouraged to review the appropriate Subdivision Code regarding variances; the Rules of Procedure adopted by the Plan Commission, and note the following:

1. The Plan Commission shall approve or deny Variances from the Subdivision Code.
2. All final decisions of the Plan Commission may be reviewed in accordance with IC 36-7-4-1016(1).
3. The Rules of Procedure of the Plan Commission govern the actions of the Commission, including how notice is provided to interested parties, how the public hearing is conducted, and when conditions are permitted.
4. The Plan Commission shall review the variance request to determine that:
 - A. The variance will not be injurious to the public health, safety, and general welfare;
 - B. The use and value of the area adjacent to the property to be subdivided will not be affected in a substantially adverse manner; and
 - C. The need for the variance arises from some condition peculiar to the property involved, and;
 - D. Because of the particular physical surroundings, shape, or topographical conditions of the subject property involved, an undue hardship to the owner would result, as distinguished from a mere inconvenience, if the strict applications of these regulations are enforced.
5. The Plan Commission may impose reasonable conditions as a part of its approval.
6. In the presentation of a case, the burden shall be upon the petitioner to supply all information, including site plans, documentation, evidence and other exhibits necessary for a clear understanding of the petition. The Plan Commission may continue the hearing or deny the petition when, in its judgment the petitioner has not provided sufficient information or evidence to make a determination.
7. If the petitioner, or an authorized agent for the petitioner, fails to appear at the scheduled hearing to represent the application, the Plan Commission may continue or withdraw the application.

APPLICATION FOR VARIANCE FROM SUBDIVISION CODE

Instructions

1. Application must contain the signature of all individuals listed on the deed for the property, and contract buyer.
 2. A copy of the deed must be submitted with the application (available in the County Recorder's Office).
 3. A copy of a survey of the property, if available, shall be submitted and may ultimately be required by the Commission.
 4. Submit a site plan of the property showing all existing and proposed buildings, parking and loading areas, traffic access, utilities, signs, and such other information as the Plan Commission may require to determine if the proposed variance meets the intent and requirements of the Subdivision Code and applicable law.
 5. The required filing fee must be submitted with the application.
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APPLICANT:

NAME: _____

ADDRESS: _____

CITY: _____

PHONE: _____

PROPERTY OWNER: (If different from applicant)

NAME: _____

ADDRESS: _____

CITY: _____

PHONE: _____

LOCATION OF PROPERTY WHERE THE VARIANCE REQUEST APPLIES: (Must be specific)

ADDRESS: _____

TOWNSHIP: (Circle one)

Clear Creek - Dallas - Huntington - Jackson - Jefferson - Lancaster
Polk - Rock Creek - Salamonie - Union - Warren - Wayne

THE PURPOSE OF THIS APPLICATION IS TO PERMIT VARIANCE FROM THE FOLLOWING:

Section #: _____

Specifically to allow: _____

In order for the Variance to be granted, the request must satisfy all of the criteria contained in the Subdivision Code, and other applicable law. As applicant, I submit the following evidence to the Board of Zoning Appeals to support the request:

- 1. The variance will not be injurious to the public health, safety, and general welfare:

- 2. The use and value of the area adjacent to the property to be subdivided 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. Because of the particular physical surroundings, shape, or topographical conditions of the subject property involved, an undue hardship to the owner would result, as distinguished from a mere inconvenience, if the strict applications of these regulations are enforced

As the applicant, I understand that this is a request for a Variance to the terms of the Subdivision Code and that this request can only be granted upon the Commission determining in writing that the required criteria have been satisfied. I further understand that it is my responsibility to provide the information and evidence necessary to show that these criteria have been met.

APPLICANT SIGNATURE

DATE

OWNERS SIGNATURE

DATE

PRINTED NAME

DATE

TO BE COMPLETED BY THE DEPARTMENT

Date Filed: _____ Receipt #: _____ Docket #: _____ Zoning: _____

Classification of Use: _____ Hearing Date: _____ Final PC Decision: _____