



CITY OF HUNTINGTON

Community Development
& Redevelopment

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**USE VARIANCE
APPLICATION**

Docket No: BZ-____ - ____ Receipt: _____
Hearing Date: _____ Filed: _____

1. APPLICANT

Name: _____
Address: _____
Phone: _____ Fax: _____

2. PROPERTY OWNER

Name: _____
Address: _____
Phone: _____ Fax: _____

3. PROPERTY

Address: _____
Subdivision: _____ Section: _____ Lot: _____
Current Use: _____ Zoning: _____

4. REQUEST

Code: City of Huntington Indiana Zoning Code

To Permit the Use of the Property as a: _____

5. FINDINGS OF FACT

In order for this request to be approved, it must satisfy all applicable statutory/code criteria. It is the responsibility of the applicant to provide the necessary information and answers in support of this request. As the applicant, I submit the following evidence to the Board of Zoning Appeals in support of this request (attach additional pages if necessary):

#1. The approval WILL NOT be injurious to the public health, safety, morals, and general welfare of the community because:

#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 because:

#3. The need for the variance ARISES from some condition peculiar to the property involved because:

#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 because:

#5. The approval DOES NOT interfere substantially with the Comprehensive Plan because:

I understand that this request can only be granted upon the Board determining that all applicable criteria has been satisfied. I understand that it is my responsibility to provide the information and evidence necessary in support of this request. I have read and understand all application, submission, code and statutory information and requirements. The above information and any submitted evidence, to my knowledge, are true and accurate.

Applicant Signature

Printed Name

Date

Owner Signature

Printed Name

Date

FINAL DECISION

Date: _____

Approved

Approved with Conditions

Denied

USE VARIANCE INFORMATION

What is a Variance?

Modification of the strict terms of the relevant regulations of the Zoning 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 practical difficulties.

Application Requirements

1. Application must contain the signature of all individuals listed on the deed for the property, including any contract buyer, if applicable.
2. A copy of the deed, available in the County Recorder's Office, must be submitted with the application.
3. A site plan of the property showing the location of all existing and proposed buildings, parking and open space, landscaping, refuse and service areas, utilities, signs, and other necessary information must be submitted.

General Information

The applicant is encouraged to review IC 36-7-4-900 series regarding Board of Zoning Appeals; the Zoning Code, the Rules of Procedure adopted by the Board of Zoning Appeals and the following:

1. The Board of Zoning Appeals shall approve or deny Variances of Use from the list of permitted uses in the Zoning Code.
2. All actions of the Board of Zoning Appeals are governed by IC 36-7-4-900 and the Zoning Code.
3. The Rules of Procedure of the Board of Zoning Appeals govern the actions of the Board, including how notice is provided to interested parties, how the public hearing is conducted and when commitments are permitted.
4. The Board of Zoning Appeals shall review the variance request to determine that all required findings of fact have been satisfied.
5. The Board of Zoning Appeals may impose reasonable conditions as a part of any approval.
6. The Board of Zoning Appeals may permit or require the owner of a parcel of property to make a written commitment concerning the use or development of that parcel. (See: IC 36-7-4-1015 and the Rules of Procedure concerning commitments.)
7. 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 Board of Zoning Appeals 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.
8. If the petitioner or the authorized agent for the petitioner fails to appear at the hearing to present and represent the application, the Board of Zoning Appeals may continue or withdraw the application.
9. In accordance with IC-36-7-4-1016, a final decision of the Board of Zoning Appeals is subject to judicial review if filed within thirty (30) days of the Board of Zoning Appeals decision.