

# BZA APPLICATION PACKET

## SCOTTSBURG BOARD OF ZONING APPEALS (BZA)

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### USE THIS APPLICATION FOR THE FOLLOWING:

#### APPEAL OF ADMINISTRATIVE DECISION

##### WHEN DOES THIS APPLY?

- Appealing an administrative decision, order, requirement, and/or determination by the Administrator or an administrative board as it relates to the UDO
- Note this does not include appeals of Plan Commission and/or BZA decisions

#### DEVELOPMENT STANDARDS VARIANCE

##### WHEN DOES THIS APPLY?

- Requesting to vary from (or not follow/comply with) a specific development standard in Chapter 2: Zoning Districts, Chapter 3: Standards for Specific Uses, or Chapter 4: Site Development Standards of the UDO (e.g., setbacks, minimum lot size, building height)

#### SPECIAL EXCEPTION

##### WHEN DOES THIS APPLY?

- Requesting to approve a land use listed as “Special Exception Uses” in Chapter 2: Zoning Districts in the UDO

#### USE VARIANCE

##### WHEN DOES THIS APPLY?

- Requesting to approve a specific land use that is not permitted in a zoning district outlined in Chapter 2: Zoning Districts of the UDO as either a permitted use or special exception use

#### USE CLASSIFICATION

##### WHEN DOES THIS APPLY?

- Requesting to classify a land use that is not listed in the UDO and that the Administrator determines not sufficiently similar to a listed land use included in the UDO

# BZA APPLICATION INSTRUCTIONS

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## STEP 1

### PRE-APPLICATION CONFERENCE

#### STEP 1: Schedule A Meeting with the Administrator.

A pre-application meeting is required for all Board of Zoning Appeals (BZA) applications. These can be held in-person, by phone, by email, or by video conferencing at the discretion of the Administrator. This meeting gives the applicant the opportunity to discuss the procedures for application with the Administrator, as well as requirements, submittals, deadlines, and hearings. Contact the Administrator at (812) 722-1157 or by email at [cboley@scottsburg.in.gov](mailto:cboley@scottsburg.in.gov).

## STEP 2

### PROVIDE REQUIRED ITEMS IN BZA CHECKLIST

#### STEP 2: Provide Required Application Documents and Forms included on Pages 4 and 5 of this packet by the Deadline.

Identify your application type on the tables on pages 4 and 5 of this packet, and provide all of the Required Documents and Required Forms that have a checkmark for your application type. Digital copies of all documents are required. Hard copies of any applicable drawings are required and identified in these tables.

A complete application and all required forms and attachments, including non-refundable application fee, must be submitted in the required format by 3:00 pm at least 30 calendar days prior to the regularly scheduled BZA meeting date. For example, if the regularly scheduled meeting date is scheduled for February 14th, a complete application must be submitted by 3:00 pm on January 16th for the application to be placed on the February 14th meeting agenda.

When an application is submitted, the Administrator will review the materials to determine if the application is complete. If the application is not complete, the applicant will be provided with a list of deficiencies and may resubmit the missing items. *A hearing date and petition number will not be assigned until the Administrator determines that the application is complete.*

## NOTIFY THE PUBLIC

### STEP 3: Send notice to adjoining property owners.



























Public notice is only required for DEVELOPMENT STANDARDS VARIANCES, SPECIAL EXCEPTION USES, and USE VARIANCES. Appeals and Use Classifications do NOT need to provide public notice.

The Scottsburg Board of Zoning Appeals staff will publish a legal notice, at the expense of the applicant, in The Crothersville Times at least 10 calendar days prior the public hearing. The applicant does not need to place this legal notice in the newspaper.









The APPLICANT MUST SEND NOTICE TO ALL PROPERTY OWNERS WITHIN 250 FEET at least 10 calendar days prior to the hearing. The applicant MUST:

1. Mail a copy of the legal notice that is provided by the Administrator to the owner(s) of all parcels within 250 feet of any property line of the subject property. If any adjoining parcels are owned by the applicant or have the same owner as a parcel(s) included in the application, the parcel(s) within 250 feet of those parcel(s) shall also be mailed the notice. All notices must be mailed with either Certified Mail Return Receipt Requested or Certificate of Mailing through USPS. At the Administrator's discretion, the Administrator can help with this process if requested.
  - The list of property owner names and addresses are determined by the property owner's last known address as listed in county tax records. These records can be obtained at the Scott County Auditor's Office (1 E. McClain Ave, Scottsburg, IN 47170).
  - All letters must be postmarked at least 10 calendar days prior to the public hearing date.
2. Submit proof of mailing (Green Cards or Stamped Certified Mail Receipt from USPS) at least 5 calendar days prior to the BZA meeting date. Failure to submit the documentation on time may delay the hearing of your petition.

# REQUIRED DOCUMENTS

|  | APPEAL OF<br>ADMIN<br>DECISION  | DEVELOPMENT<br>STANDARDS<br>VARIANCE   | SPECIAL<br>EXCEPTION  | USE VARIANCE  | USE<br>CLASSIFICATION   |
|--|---|--|---|---|---|
| <b>1: Application Fee</b><br><ul style="list-style-type: none"> <li>• See the Fee Schedule</li> <li>• Make checks payable to the City of Scottsburg</li> </ul>   |  |    |    |    |  |
| <b>2: Description of Request</b><br><ul style="list-style-type: none"> <li>• Short description of the request, land use, reason for request, and/or the proposed development</li> <li>• Include as many details as possible and any information that would be considered necessary to support the application</li> </ul> |  |    |    |    |  |
| <b>3: Legal Description and Warranty Deed</b><br>These can be found at the Scott County Recorder's office  |  |    |    |    |  |
| <b>4: Recorded Restrictions and Covenants (if applicable)</b><br>Any recorded restrictions or covenants  |  |    |    |    |  |
| <b>5: Intent to Serve Letters</b><br>Letter or email from the water and sewer provider (or county health department/ISDH if on septic/well) confirming capacity and willingness to serve the proposed development (or feasibility if on septic)  |   |  |  |  |   |
| <b>5: Site Plan Drawings</b><br>Basic site plan or development plan drawings showing the basic layout of the proposed development. For simple requests, this can be hand drawn but should be to scale and dimensioned.   |   |  |  |  |   |
| <b>6: Approval from Scottsburg Historic Review Board (SHRB) – ONLY DHD &amp; MAO DISTRICTS</b><br>Approval letter or Certificate of Appropriateness from the SHRB if within the DHD or MAO Districts   |   |  |  |  |   |

# REQUIRED FORMS

|  | APPEAL OF<br>ADMIN<br>DECISION  | DEVELOPMENT<br>STANDARDS<br>VARIANCE   | SPECIAL<br>EXCEPTION  | USE VARIANCE  | USE<br>CLASSIFICATION   |
|--|---|--|---|---|---|
| <b>BZA Form 1: Application &amp; Consent</b> <ul style="list-style-type: none"> <li>All items must be fully and legibly completed</li> <li>Application must be signed by the applicant(s)</li> <li>All property owners must sign the consent form</li> <li>All signatures must be notarized</li> <li>If the applicant or property owner is a business, entity must be registered with the Secretary of State and forms must be signed by a person authorized to legally bind the entity</li> </ul> |  |    |    |    |    |
| <b>BZA Form 2: Proof of Public Notices</b> <ul style="list-style-type: none"> <li>Proof of mailings to adjoining property owners</li> <li>Affidavit signed by applicant (must be notarized)</li> </ul>   |   |    |    |    |   |
| <b>BZA Form 3: Appeals Request Information</b><br>Explanation of the administrative decision that is being appealed  |  |  |   |   |   |
| <b>BZA Form 4: Development Standards Variance Evaluation Criteria</b><br>Justification by the applicant to explain how the variance request meets the required standards of evaluation   |   |  |   |   |   |
| <b>BZA Form 5: Special Exception Evaluation Criteria</b><br>Justification by the applicant to explain how the special exception request meets the required standards of evaluation   |   |  |  |   |   |
| <b>BZA Form 6: Use Variance Evaluation Criteria</b><br>Justification by the applicant to explain how the variance request meets the required standards of evaluation   |   |  |   |  |   |
| <b>BZA Form 7: Use Classification Information</b><br>Information regarding the land use that is being requested to be classified   |   |  |   |   |  |

# BZA FORM 1: APPLICATION & CONSENT

PAGE 1 OF 2

*If additional space is needed, please attach separate sheets to this application*

## APPLICATION TYPE (check all that apply)

- |  |   |
|--|---|
| <input type="checkbox"/> Appeal of Administrative Decision | <input type="checkbox"/> Use Variance       |
| <input type="checkbox"/> Development Standards Variance    | <input type="checkbox"/> Use Classification |
| <input type="checkbox"/> Special Exception Use             |   |

## APPLICANT & PROPERTY OWNER INFORMATION

|   | APPLICANT | PROPERTY OWNER(S) |
|---|-----------|-------------------|
| Full Legal Name                                       |           |                   |
| Mailing Address<br>(street, city, state, zip code)    |           |                   |
| Primary Contact Person<br>(name, phone, email)        |           |                   |
| Is the applicant and/or property owner(s) a business? |           |                   |

## PROPERTY INFORMATION

|                              |  |
|------------------------------|--|
| 18-Digit Parcel ID Number    |  |
| Property Address             |  |
| Total Acreage                |  |
| Current Zoning & Current Use |  |
| Proposed Use (if applicable) |  |

## FOR OFFICIAL USE ONLY

|                  |  |
|------------------|--|
| Petition Number: | BZA Staff Reviewer Name:   |
| Fee:             | TAC / SHRB Review:   |
| Filing Date:     | BZA Hearing Date:  |
| Final Decision:  | <input type="checkbox"/> Approved <input type="checkbox"/> Approved with Commitments or Conditions <input type="checkbox"/> Denied |

# BZA FORM 1: APPLICATION & CONSENT

PAGE 2 OF 2

*If additional space is needed, please attach separate sheets to this application*

## APPLICANT SIGNATURE

I, \_\_\_\_\_, affirm, under the penalties of perjury, that the information supplied and exhibits are true and correct.

|                     |  |
|---------------------|--|
| Applicant Signature |  |
| Date                |  |

## NOTARIZATION

|                                   |  |
|-----------------------------------|--|
| Notary Public's Name (printed)    |  |
| Notary Public's Signature / Stamp |  |

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

## CONSENT OF PROPERTY OWNER(S)

I/we, \_\_\_\_\_, affirm, under the penalties of perjury, that I/ we are the owner(s) of the real estate located at the address/parcel number included on Form 1 of this application; that I/we have read and examined the application (including all information supplied and exhibits) and are familiar with its contents; that I/we have no objection to and consent to such request as set forth in the application.

|           | PROPERTY OWNER 1 | PROPERTY OWNER 2 |
|-----------|------------------|------------------|
| Name      |                  |                  |
| Signature |                  |                  |
| Date      |                  |                  |

## NOTARIZATION

|                                   |  |
|-----------------------------------|--|
| Notary Public's Name (printed)    |  |
| Notary Public's Signature / Stamp |  |

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

# BZA FORM 2: PROOF OF PUBLIC NOTICE

*Note: This form is only required for Development Standards Variances, Special Exception Uses, and Use Variances. Do not complete this form if you are requesting an Administrative Appeal or Use Classification.*

## APPLICANT VERIFICATION OF PUBLIC NOTICE

Proof of Public Notice has been completed as required and provided to the BZA and/or Administrator

I, \_\_\_\_\_, affirm, under the penalties of perjury, that the information supplied are true and correct, and adequate public notice has been completed in conformance of the minimum standards required by the Scottsburg Board of Zoning Appeals.

|                     |  |
|---------------------|--|
| Applicant Signature |  |
| Date                |  |

### NOTARIZATION

|                                   |  |
|-----------------------------------|--|
| Notary Public's Name (printed)    |  |
| Notary Public's Signature / Stamp |  |

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_



# BZA FORM 3: APPEALS

*Note: This form is only required for appeals of an administrative decision. Do not complete this form if you are not requesting an appeal.*

*When an appeal has been filed, all proceedings, operation, and work on the premises concerned must stop, unless the official from whom the appeal was taken shall certify to the BZA that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings or work shall not be stayed except by a restraining order, which may be granted by a circuit or superior court of the county in which the premises affected are situated, on notice to the office or board from whom the appeal is taken and the owner of the premises affected, and on due cause shown.*

## APPEAL REQUEST INFORMATION

**Citation/Decision/Requirement Being Appealed:**

*(List the specific administrative decision, order, etc. that is being appealed. Include the ordinance section and the administrative decision that was made)*

**Applicant's Reason / Justification for the Appeal:**

*(Include justification or reasoning for why the administrative decision is incorrect, inaccurate, not applicable, etc.)*

# BZA FORM 4: DEVELOPMENT STANDARDS VARIANCE

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*Note: Submit this form to the Administrator to explain the Development Standards Variance request. The BZA's decision shall be based upon how each of the following standards of evaluation and the BZA must find that all standards have been satisfied in order to approve the variance.*

## STANDARDS OF EVALUATION

**Standard 1:**

The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

**Standard 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.

**Standard 3:**

The strict application of the terms of the ordinance will result in a practical difficulty in the use of the property. This practical difficulty cannot be based upon a personal financial hardship, personal inconvenience, or be self-created.

# BZA FORM 5: SPECIAL EXCEPTION USE

*Note: Submit this form to the Administrator to explain the Special Exception Use request. The BZA's decision shall be based upon how each of the following standards of evaluation and the BZA must find that all standards have been satisfied in order to approve the variance.*

## STANDARDS OF EVALUATION

**Standard 1:**

The establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, morals, or general welfare.

**Standard 2:**

The special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

**Standard 3:**

The establishment of the special exception will not impede or substantially alter the normal and orderly development and improvement of surrounding property for uses permitted in the district.

**Standard 4:**

Adequate utilities, access road, drainage, and other necessary facilities have been or are being provided;

**Standard 5:**

Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion on the public roadways; and

**Standard 6:**

The special exception will be located in a district where such use is permitted, and all other requirements set forth in this UDO that are applicable to such use will be met.

# BZA FORM 6: USE VARIANCE

*Note: Submit this form to the Administrator to explain the Use Variance request. The BZA's decision shall be based upon how each of the following standards of evaluation and the BZA must find that all standards have been satisfied in order to approve the variance.*

## STANDARDS OF EVALUATION

**Standard 1:**

The approval will not be injurious to the public health, safety, morals, and general welfare of the community;

**Standard 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.

**Standard 3:**

The need for the variance arises from some condition particular to the property involved.

**Standard 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.

**Standard 5:**

The approval does not interfere substantially with the Comprehensive Plan.

# BZA FORM 7: USE CLASSIFICATION

Note: This form is only required for a request to classify a use.

## USE CLASSIFICATION INFORMATION

**Name of Land Use to be Classified:**

**Description of Land Use to be Classified:**

*(List details regarding the land use, intensity, character, accessory uses, intent, and other information to better understand the use)*