



DOCKET #: _____
To be assigned by planning department.
This spaced for office use

**Town of Clarksville, Indiana
Board of Zoning Appeals
Application for a Variance of Use**

Name of Applicant: _____

Applicants Address: _____

Email address: _____

Telephone Number: _____ Fax number: _____

Date of Application: _____ Zoning Classification: _____

Address or location of the property subject to this application:

Date of record and subdivision name if applicable: _____

Describe the variance: _____

Please provide the following:

1. Attach the legal description of the property
2. Attach a development plan depicting all information required for Article 4 – Regulations Applying to All Districts, Division 170 – Development Plan [page 170-1] of the zoning ordinance and information the applicant believes necessary for Technical Review Committee review and decision by the Board of Zoning Appeals, include as appropriate: parcel dimensions, locations of streets, driveway, location and number of parking spaces, fire hydrant locations, sewer and water lines, and other appropriate information.
3. You should also include any additional evidence which you would like the Technical Review Committee and BZA to consider that you believe indicates support for a conclusion that all standards and conditions of Article 5 – Administration, Division – 225 Variances and Special Exception Use Permit [page 225-1] from development standards of the Zoning Ordinance have been met by the applicant.
4. The following are requirements contained in Article 5 – Administration, Division – 225 Variances and Special Exception Use Permit [page 225-1] of the Zoning Ordinance that the BZA is required to consider at the public hearing. You may address the answers here, at the BZA meeting, or attach additional sheets to this application if needed.
 - a) The approval of the variance will not be injurious to the public health, safety, morals, and general welfare of the community;

- b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;

c) The need for the variance arises from some conditions *peculiar to the property* involved, such condition not being found in common with other properties in the vicinity that are in the same zoning district and *such condition not having been created by the applicant for the variance; and such condition will result in practical difficulties;*

d) The strict application of the terms of the Zoning Ordinance will constitute an unnecessary economic hardship if applied to the property for which the variance is sought;

e) The variance shall be minimum necessary to permit the proposed development such that the substantial intent and purpose of the zoning ordinance and Clarksville's comprehensive plan shall be preserved.

Please note that Article 5 – Administration, Division – 225 Variances and Special Exception Use Permit [page 225-1] **allows the Board of Zoning Appeals to add reasonable condition to the granting of a variance so as to accomplish the purpose of** Article 5 – Administration, Division – 225 Variances and Special Exception Use Permit [page 225-1]

Recorded covenants or restrictions cannot but varied or changed by the BZA

**A FEE OF \$110.00 SHALL ACCOMPANY THIS APPLICATION [INCLUDES SIGN FEE OF \$10.00].
CHECKS SHALL BE MADE OUT TO THE TOWN OF CLARKSVILLE**

The above information and attachments and exhibits, to my knowledge and belief are true and correct.

Applicants signature

Date

Printed applicants name

State of Indiana)
)
County of Clark)

Subscribed and sworn to before me this _____ day of _____, 200____

Notary Public Resident of Clark County, Indiana

My commission expires: _____

Affidavit of Notice of Public Hearing Town of Clarksville, Indiana

I [we] _____ certify that notice of public hearing to consider docket # _____ pertaining to the _____ was sent by certified first class mail the last known address, as determined by records of the Clark County Auditors, to each of the following persons.

Owners Name	Address

Attach additional sheets if needed

And that such notice were mailed on the ____ day of _____, 20__ being at least 10 days prior to the scheduled public hearing and that timely proof of such first certified first class mailing[s] are attached hereto.

Applicant, Attorney, or Authorized Signature

Date

Printed name.

(State of Indiana)

(County of Clark)

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

Notary Public Resident of Clark County, Indiana

My commission expires: _____

Instruction Sheet for Variance from the Zoning Ordinance

1. A pre-filing conference is encouraged for all Board of Zoning Appeals [BZA] petitions. Call 288-7155 X 369 or 335 to set an appointment to discuss a petition prior to filing for a hearing before the BZA.
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 petition. The applicant shall provide an originally signed and dated document outlining the property owner's permission in representing their interest at the time of filing any petition.
4. All responses provided on the application, checklist, and other required and submitted materials shall be legible.
5. Staff will mail all information submitted with the application to the members of the BZA seven days prior to the meeting date. Besides the copies required by the Checklist; the applicant must submit one set in an 8 ½" X 11" or 11" X 17" format in order to be reproduced for the BZA packets.
6. If the petitioner wishes to submit color pictures or graphics, the petitioners shall provide 12 color copies 14 days prior to the hearing date in an 8 ½" X 11" or 11" X 17" format.
7. The applicant must attend and explain the petition and how it meets the requirements of the zoning ordinance at the public hearing when the BZA considers the petition. Meetings are held the fourth Wednesday of each month at 7:00 p.m. at the Clarksville Municipal Administrative Center in the 1st floor conference room, unless otherwise noted. Entry is by the Veterans Parkway side door.
8. Please print your name and address on the sign-in sheet provided at the small table in front of the BZA conference table prior to the meeting.
9. In no event shall petitioners contact or attempt to communicate with members of the BZA in regard to this application and/or hearing prior to the BZA meeting.
10. If you have questions regarding these instructions, please contact the Planning Department at [812] 288-7155 X 369 or 335.
11. The following table lists the Technical Review Committee meeting dates.

Technical Review Committee Meeting Dates
Then every 2nd & last Wednesday of Month

Procedural Steps

The following steps must be completed prior to any petition receiving a hearing before the Board of Zoning Appeals [BZA]. It is the sole responsibility of the petitioner to satisfy the procedural process as herein set forth.

Pre-filing Conference

A pre-filing conference is not required, but is recommended. At the conference the applicant, checklist, instructions, and procedures can be discussed as well as other pertinent questions. Appointments can be made by calling 288-7155 X 335 or 369. 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.clarksvilleplanningandzoning.com and at the Planning Department, 2000 Broadway, Rm. 234, Clarksville, Indiana 47129.
2. All instructions outlined on the application instruction form must be followed.

Filing

1. Filing deadlines are the first Tuesday of the month that the docket will be heard by the BZA.
2. Applications must be complete. Incomplete applications will not be reviewed or placed on the BZA agenda.
3. Docket numbers will be assigned and all filing fees paid at the time of filing.

Public Notice

1. All public hearing before the BZA require that legal notice and notice to adjoining property owners be provided at least 10 days prior to the BZA hearing.
2. The applicant is responsible for mailing notice to all adjoining property owners and posting the site at least 10 days prior to the BZA hearing with signs available at the Planning Department.
3. Signs must be posted along the frontage of the property and be easily seen, but 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 Clark County, Indiana at least 10 days prior to the BZA hearing. The Jeffersonville Evening News is the newspaper of general circulation in Clark County. The applicant should be aware and plan accordingly for newspaper publication because the newspaper has deadlines for submittal of notices.

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 copy of all documents presented at the public hearing.

3. **Meetings are held the fourth Wednesday of each month at 7:00 p.m. at the Clarksville Municipal Administrative Center in the 1st floor conference room, unless otherwise noted. Entry is by the Veterans Parkway side door.**
4. Please print your name and address on the sign-in sheet provided at the small table in front of the BZA conference table prior to the 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

Certified Mail

1. All adjoining property owners must be served notice of the public hearing via certified mail
2. Return certified mail receipts shall be delivered to the Planning Office no later than 4:00 p.m. on the Friday prior to the public hearing. In the event the petitioner receives back any of the certified letters as undeliverable items, such unopened envelopes shall be submitted with the receipts to the Planning Department in lieu of the delivery receipt.
3. Adjoining property owners may be obtained at the Clark County Auditors office. If there are less than five adjoining property owners, a fifth Clarksville property owner must be notified.

Clark County Auditor
Clark County Office Building
501 East Court Avenue
Jeffersonville, Indiana, 47130

Posting Property

1. All appeals require public notice; the petitioner shall post a sign, which is available at the Planning Department, on the frontage street.
2. Signs must be easily seen, but shall not obscure vision clearance at any corner or driveway

Newspaper Publication

1. Legal notice must be published in a daily newspaper of general circulation, the Jeffersonville Evening News, in Clark County at least 10 days prior to the date of the public hearing. 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.
2. The publisher's affidavit and return receipts [green cards] shall be submitted to the Planning Department no later than the Friday prior to the public hearing by 4:00 p.m.

Sample Legal Notice

Complete and publish the following legal notice in a daily newspaper of general circulation in Clark County at least 10 days prior to the date of the public hearing. 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.

Public Notice Town of Clarksville, Indiana Board of Zoning Appeals

The Board of Zoning Appeals will meet on _____ day of _____, 20____ at 7:00 p.m. at the Clarksville at the Clarksville Municipal Administrative Center in the 1st floor conference room, 2000 Broadway, Clarksville, Indiana 47129 for the purpose of holding a public hearing and acting on the following:

Requested Action: The applicant is requesting a _____ to

At the following commonly known address:

The docket is available for public review at the Planning Department, 2000 Broadway, Rm. 234, Clarksville, Indiana 47129 between the hours 8:30 a.m. to 4:30 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.

Clarksville Board of Zoning Appeals

Affidavit of Notice of Public Hearing
Town of Clarksville, Indiana

I [we] _____ certify that notice of public hearing to consider docket # _____ pertaining to the _____ was sent by certified first class mail the last known address, as determined by records of the Clark County Auditors, to each of the following persons.

Owners Name	Address

Attach additional sheets if needed

And that such notice were mailed on the _____ day of _____, 20__ being at least 10 days prior to the scheduled public hearing and that timely proof of such first certified first class mailing[s] are attached hereto.

 Applicant, Attorney, or Authorized Signature

 Date

 Printed name.

State of Indiana)
)
 County of Clark)

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

 Notary Public Resident of Clark County, Indiana

My commission expires: _____