

**Board of Zoning Appeals
APPLICATION FOR PUBLIC HEARING**

DATE FILED: _____

Docket # _____

Petition:

____ Special Exception \$500 – BZA

**Authorization of a proposed land use in a given zoning district, but only upon showing that certain conditions can be met.*

____ Variance from Development Standards \$175 residential/\$500 commercial – BZA

**Modifications of required setbacks, building heights, parking requirements, landscaping or other physical standards.*

____ Use Variance \$175 residential/\$500 commercial – BZA

** Land use that is not permitted in the district where the property is located.*

____ Appeal Process \$500 – BZA

-Special called meetings: \$225 residential/\$500 commercial

**Meetings outside the regularly scheduled odd month meetings*

Documentation Timeline Process

All Petitions shall be filed in accordance with the Pulaski County Unified Development Ordinance Section 2.3

Your hearing is scheduled for ____/____/____ at ____:____ p.m. EST to be held in the Pulaski County Courthouse located at 112 E. Main St., Winamac, IN

- Hearing filing fee to be paid prior to processing payable to:
Pulaski County Building Department
- Complete:
 - o Application
 - o Finding of Facts
 - o Application Requirements (diagrams, photos, business plan, etc.)
- Mail Legal notices to all legal landowners within proper distance (based on specific petition) of any boundary of subject property by USPS Certificate of Mailing or Certified mailing (Special Exception) no sooner than ____/____/____ but no later than ____/____/____.
- Affidavit of proof of mailing notarized and returned to building department with proof of mailings no later than ____/____/____.
- Payment to The Pulaski County Journal newspaper for legal notice publication no sooner than ____/____/____ and no later than ____/____/____.

Thank you for your time and attention!

Karla Redweik

Inspector

APC/BZA Administrator

Office: 574-946-7858 Cell: 574-242-2046 buildinginspector@pulaskicounty.in.gov

Pulaski County Building and Zoning Department
112 E. Main St. Room 212, Winamac, Indiana 46996
574-946-7858 (o), 574-946-4917 (f)

Email: buildinginspector@pulaskicounty.in.gov, zoning@pulaskicounty.in.gov

Web: <http://pulaskionline.org/department/building-department>

**Pulaski County Board of Zoning Appeals
APPLICATION FOR PUBLIC HEARING**

DATE FILED: _____ Docket # _____

Petition: ___ Special Exception –BZA ___ Variance from Development Standards –BZA
 ___ Use Variance –BZA ___ Special Scheduled Session

Petitioner Information

Name(s): _____

Street address: _____

City, State Zip: _____

Telephone: _____ Email: _____

Signature: _____

Petitioner is Sole Owner Joint Owner Tenant Agent Other: _____

Property Owner Information (if different from petitioner)

Name(s): _____

Street address: _____

City, State Zip: _____

Telephone: _____ Email: _____

Signature: _____

Premises Affected

Address: _____

(If no assigned address, then provide location relative to nearest cross streets or county roads.)

Parcel #: _____

(If more than one parcel is included, please provide key parcel number here and additional numbers as an attachment to this application. Please attach complete legal description(s).)

Acreage: _____ Current use: _____

Requested Use Variance: _____

Present Zoning: _____

(For rezoning requests only)

Use of Adjacent properties

North: _____ East: _____ South: _____ West: _____

**Pulaski County Board of Zoning Appeals
APPLICATION FOR PUBLIC HEARING**

Application Requirements

1. With your completed application, please include your non-refundable application fee. Consult the Plan Administrator about the current fee for the request that you are submitting, pursuant to the Pulaski County Development Fee Schedule.

2. On a separate page, please provide a Statement of Intent addressing the following:

- the address, general location, acreage, and parcel number(s) of subject property
- the planned use for the subject property
- the specific development standards from which you are seeking relief (if applicable)
- the questions asked in the findings-of-fact inquiry on the next page(s)
- what benefits, if any, your intended use will provide for the community
- additional information that would assist the BZA in making a decision

3. Submit a to-scale development site plan, defined in Section 8, ‘Definitions’, of the Pulaski County Unified Development Ordinance, including the following information:

- address, general location, acreage, and parcel number(s) of subject property
- name of subdivision in which property exists (if applicable)
- location/key with north arrow
- property dimensions
- existing and proposed buildings, parking areas, and other natural and manmade features
- adjacent streets/roads and alleys
- existing and proposed ingress/egress
- existing building setbacks and separation
- delineation of all requested variant development standards (if applicable)
- existing easements
- *approximate* locations of neighboring uses and structures
- brief description of neighboring uses and structures
- existing and proposed landscaping, lighting, and signage
- map scale
- dated signature of applicant and owner

The scale of the plan should be no smaller than 1" = 200' and no larger than 1" = 50'. Site plans should be large enough for easy readability, but no larger than 24"x36".

4. Aerial photograph/map of the property in question zoomed out far enough to show immediately neighboring properties/uses/structures.

5. Copy of the property deed and, if applicable, any pertinent contracts.

6. Photographs of the property, especially of area(s) slated for development per this request.

7. Provide rough, to-scale elevation sketches of proposed buildings and structures slated for construction as part of the project for which you are making this request.

8. Business plan providing employment, goals, target audience, products & services, etc.

**Pulaski County Board of Zoning Appeals
APPLICATION FOR PUBLIC HEARING**

Statement of Intent Findings-of-Fact Inquiry

Dear Petitioner: The Indiana Code and the Pulaski County Unified Development Ordinance require the Board of Zoning Appeals to consider certain criteria when judging the merits of a rezoning request; require the Board of Zoning Appeals to consider certain criteria when judging the merits of a request for a variance; and permit the Board to consider certain criteria when judging the merits of a request for a special exception. Answer the following as thoroughly as possible in your Statement of Intent to ensure that staff and Commissioners/Board members have all relevant information. Answer only those questions applicable to your type of petition.

Special Exception – BZA

1. Is the proposed special-exception use compatible with the current comprehensive plan for Pulaski County (<https://pulaskionline.org/comprehensive-plan/>) and with the current conditions and character of its vicinity?
2. Would the use intended for the proposed special exception provide for the most desirable use for which the land in this zoning district is adapted? Please explain.
3. Would the proposed special exception likely have a positive, neutral, or negative impact on property values throughout the jurisdiction? Can you provide a basis for your judgment?
4. Does the proposed special exception allow responsible development and growth; or the opposite? Consider the following in answering this and indorse your answer: potential economic impact, availability of adequate public facilities and services (utilities and drainage, roads and traffic, public safety, *etc.*; as necessary), adverse environmental effects, and similar issues.

Variance from Development Standards – BZA

1. Would developing the property pursuant to the proposed amended development standards be injurious to the public health, safety, morals, or general welfare of the community? If not, why/how not?
2. Would the use or value of the area adjacent to the property for which the variance is being requested be affected in a substantially adverse manner by the development of the property pursuant to proposed amended development standards? Can you provide a basis for your judgment?
3. Would the strict application of the terms of the zoning ordinance result in practical difficulties in the use of the property if applied to the property for which the variance is sought? How so? *A practical difficulty cannot have been self-imposed, and the perception of reduction of or restriction on economic gain is not sufficient criteria.*

Pulaski County Board of Zoning Appeals
APPLICATION FOR PUBLIC HEARING

Statement of Intent Findings-of-Fact Inquiry, continued

Use Variance – BZA

1. Would the proposed use variance be injurious to the public health, safety, morals, or general welfare of the community? If not, then why/how not?
2. Would the use or value of the area adjacent to the property for which the variance is being requested be affected in a substantially adverse manner by the variant use? Can you provide a basis for your judgment?
3. Does the need for the variance arise from conditions peculiar to the property involved? Please explain.
4. Would the strict application of the terms of the zoning ordinance constitute an unnecessary hardship if applied to the property for which the variance is sought? How so? *An unnecessary hardship cannot have been self-imposed, and the perception of reduction of or restriction on economic gain is not a sufficient criterion.*
5. Would the variant use interfere substantially with the current comprehensive plan for Pulaski County (<http://gov.pulaskionline.org/comp-plan/>)? Please explain.

* * *

Please be advised that, pursuant to Indiana Code 36-7-4-1015, the Board of Zoning Appeals retain the right to require written commitments, as warranted, as conditions to the adoption of a rezoning proposal and approval of a special exception or variance. Additionally, pursuant to Indiana Code 36-7-4-918.4 and -918.5, the Board retains the right to grant variances only with the acceptance of reasonable conditions imposed as warranted.

A permit should be obtained from the Plan Administrator with expedience after a favorable judgment from the Board. A permit shall expire if authorized work has not commenced within six months of issuance; for an additional fee, an expired special exception may be extended on a monthly basis. A special exception shall expire if the authorized use is not established within 12 months of approval, or if the special-exception use is discontinued for 12 months or longer; in the former, but not the latter, case, for an additional fee, an expired special exception may be extended on a monthly basis.

The petitioner is required to meet all application requirements in a manner deemed to be complete by the Administrator before the petition will be docketed.

Having your petition heard does not guarantee that it will be approved. Decisions of the Board of Zoning Appeals are final insofar as the Board makes adjudications and are not recommendations.

Pursuant to Indiana Code 36-7-4-1016(a), Board decisions regarding variances and special exceptions, administrative appeals, and appeals of commitment modifications or terminations are considered zoning decisions and may be subject to judicial review pursuant to Indiana Code 36-7-4-1600, et seq.

Pulaski County Board of Zoning Appeals
APPLICATION FOR PUBLIC HEARING

Public-Hearing Notification Requirements

Legal Notices

You are required by Indiana Code to publish the legal notice for your public hearing one time, no earlier than 30 days before your scheduled hearing and no later than 10 days prior thereto for use variance and variance from development standards and no sooner than 60 days before your schedule special exception or and no later than 45 days prior to your scheduled hearing date. The form to be provided to the publishing newspaper(s) is included in this packet.

For all petitions, you must publish in the Pulaski County *Journal*.

Proof of publication of the public notice, in the form of a Publisher's Affidavit, must be provided by the newspaper(s) in which you have published your notice. It must specify the general location of the publication of the newspaper, the date/edition of publication, and the name of the newspaper. You must file it with the administrator or administrative secretary prior to the hearing.

Pulaski County Journal & Independent
574-946-6628 (o) 574-946-7471 (f)
114 West Main Street/ P.O. Box 19 Winamac, Indiana 46996
ads@pulaskijournal.com

Publication deadline for the week's paper is 5:00p.m. E.T. on Thursday.

Mailed Notices

Development Variances: Adjacent property owners within 660 feet of any boundary of the subject property shall be notified by sending a copy of the Notice of Hearing by USPS Certificate of Mailing, Form 3665, with a postmark date no earlier than 30 days before the scheduled hearing and no later than 15 days prior.

Use Variance and Special Exceptions including industrial and utility: Adjacent property owners within 2,640 feet shall be notified by sending a copy of the Notice of Hearing by USPS Certified Mailing-Form 3800 (receipt for certified mail), with a postmark date no earlier than 60 days before the scheduled hearing and no later than 45 days prior. Addresses for the adjacent property owners shall be obtained through the Pulaski County property owner records.

A copy of the public notice provided to the newspaper(s) will be sufficient for this form of notification. The administrator can assist you with determining all landowners who must be notified.

You must submit a completed, signed, dated, and notarized affidavit (included in this application) verifying that you have mailed all required notices timely.

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Posted Notice

At least fifteen (15) days before the hearing, you may also be required, at the discretion of the administrator, to post a notice in a visible location on the subject property.

Pulaski County Board of Zoning Appeals
APPLICATION FOR PUBLIC HEARING

AFFIDAVIT

To the Pulaski County Plan Administrator,

I, _____, do affirm under penalty of perjury that I have, at least 15 days, and no more than 30 days, prior to the scheduled public hearing for my petition to the

_____, for a _____

for _____, filed by _____

on the _____ day of _____, 20____,

provided notice by USPS Certification of Mail – Firm, Form 3665, to all legal landowners with properties within 660’ of the subject property of the petition, as determined in consultation with the Administrator. Return address for said notices was listed as Pulaski County Building and Zoning Department, 112 E. Main St. Room 212, Winamac, Indiana 46996.

Further affiant sayeth naught.

Signature

Date

Printed name

STATE OF INDIANA)
) SS:
COUNTY OF PULASKI)

Before me, a Notary Public in and for said County and State, hereby certify that

_____, personally known to me to be the affiant in the foregoing affidavit, personally appeared before me this day and having been by me duly sworn deposes and says that the facts set forth in the above affidavit are true and correct.

Witness my hand and official seal this the _____ day of _____, 20_____.

Signature

County of Residence

Printed Name

Commission Expiration Date

**Pulaski County Board of Zoning Appeals
APPLICATION FOR PUBLIC HEARING**

FINDING OF FACTS FOR

VARIANCE FROM DEVELOPMENT STANDARDS REQUEST

For the
PULASKI COUNTY BOARD OF ZONING APPEALS

Petitioner: _____

Parcel number(s): _____

Parcel location(s): _____

Total acreage: _____

Variance from Development Standards – BZA

Modification of required setbacks, building heights, parking requirements, landscaping or other physical standards.

1. Would developing the property pursuant to the proposed amended development standards be injurious to the public health, safety, morals, or general welfare of the community? If not, then why/how not?

2. Would the use or value of the area adjacent to the property for which the variance is being requested be affected in a substantially adverse manner by the development of the property pursuant to proposed amended development standards? Can you provide a basis for your judgment?

3. Would the strict application of the terms of the zoning ordinance result in practical difficulties in the use of the property if applied to the property for which the variance is sought? How so? *A practical difficulty cannot have been self-imposed, and the perception of reduction of or restriction on economic gain is not a sufficient criterion.*

**Pulaski County Board of Zoning Appeals
APPLICATION FOR PUBLIC HEARING**

FINDING OF FACTS FOR

USE VARIANCE REQUEST

For the

PULASKI COUNTY BOARD OF ZONING APPEALS

Petitioner: _____

Parcel number(s): _____

Parcel location(s): _____

Total acreage: _____

Use Variance – BZA

Land use that is not permitted in the district where the property is located.

1. Would the proposed variant use be injurious to the public health, safety, morals, or general welfare of the community? If not, then why/how not?
2. Would the use or value of the area adjacent to the property for which the variance is being requested be affected in a substantially adverse manner by the variant use? Can you provide a basis for your judgment?
3. Does the need for the variance arises from some condition peculiar to the property involved? Please explain.
4. Would the strict application of the terms of the zoning ordinance constitute an unnecessary hardship if applied to the property for which the variance is sought? How so? *An unnecessary hardship cannot have been self-imposed, and the perception of reduction of or restriction on economic gain is not a sufficient criterion.*
5. Would the variant use interfere substantially with the current comprehensive plan for Pulaski County (<http://gov.pulaskionline.org/comp-plan/>)? Please explain.

**Pulaski County Board of Zoning Appeals
APPLICATION FOR PUBLIC HEARING**

FINDING OF FACTS FOR

SPECIAL EXCEPTION REQUEST

For the
PULASKI COUNTY BOARD OF ZONING APPEALS

Petitioner: _____

Parcel number(s): _____

Parcel location(s): _____

Total acreage: _____

Special Exception – BZA

*Authorization of a proposed land use in a given **zoning** district, but only upon showing that certain conditions can be met.*

1. Is the proposed special-exception use compatible with the current comprehensive plan for Pulaski County (<http://gov.pulaskionline.org/comp-plan/>) and with the current conditions and character of its vicinity?
2. Would the use intended for the proposed special exception provide for the most desirable use for which the land in this zoning district is adapted?
3. Would the proposed special exception likely have a positive, neutral, or negative impact on property values throughout the jurisdiction? Can you provide a basis for your judgment?
4. Does the proposed special exception allow for responsible development and growth, or the opposite? Consider the following in answering this and defending your answer: potential economic impact, availability of adequate public facilities and services (utilities and drainage, roads and traffic, public safety, *et c.* — as necessary), adverse environmental effects, and similar issues.
5. Does the nature of the proposed special exception require the burden of any particular conditions to improve any potential harmful impacts upon neighboring properties, infrastructure, or the community?
6. Are there any written commitments that the applicant should make, pursuant to IC 36-7-4-1015, as a condition to the approval of the special exception request?