

AREA BOARD OF ZONING APPEALS OF TIPPECANOE COUNTY
LAFAYETTE DIVISION

2020 ROSTER

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Indiana law prohibits any contact with Board Members concerning pending cases, except at public hearings.

Please direct written comments, questions, or inquiries to Staff:

City of Lafayette
Office of the City Engineer
20 North 6th Street
Lafayette, Indiana 47901

or call (765) 807-1050 for additional information.

HOW TO FILE FOR A VARIANCE

AREA BOARD OF ZONING APPEALS OF TIPPECANOE COUNTY LAFAYETTE DIVISION

1. The Area Board of Zoning Appeals of Tippecanoe County, Lafayette Division, meets in “Public Hearing” the third Monday of each month, except December, when there is no meeting. Meetings are held at 4:00 PM in the meeting room of the City of Lafayette Board of Public Works and Safety, 20 North 6th Street, Lafayette, Indiana. If you are requesting a variance to the New Unified Zoning Ordinance, you must submit a petition for a hearing in the Office of the City Engineer at least twenty-eight (28) days prior to a regularly scheduled meeting. To figure the exact date, look at next month’s calendar and figure back twenty-eight days.
2. In order to have a complete submission for a variance request, you must provide the following information to the Lafayette Division Staff:
 - a. A signed and notarized petition with legal description;
 - b. A list of all owners of property located adjacent to and directly across the street, alley, or railroad right-of-way from, plus those within one-hundred (100) feet of the property contained in the petition; including names, addresses, and County Auditor’s “key number”;
 - c. A \$100.00 non-refundable processing fee for the first request and \$50.00 for each additional request;
 - d. Two (2) Notices of Public Hearing with legal description;
 - e. Two (2) Release Forms, applies to both the Journal & Courier and the Lafayette Leader;
 - f. A notarized letter of consent from the owner of the property if different than the petitioner; and
 - g. Five (5) copies of a dimensioned site plan showing the property lines, right-of-way lines, easements, existing and/or proposed structures, parking, and adjacent property, including structures, with setbacks from proposed and existing structures.
3. All complete and proper submissions shall be placed on the agenda of the next meeting of the Division.
4. Three (3) actions must then take place:
 - a. The Lafayette Division Staff takes the Notice of Public Hearing to the Journal & Courier and the Lafayette Leader to be published ten (10) days prior to the public hearing.

- b. You must post one (1) sign conspicuously per each street frontage on the property ten (10) days prior to the meeting. Signs are obtainable for a fee at the Area Plan Commission office, 20 North 3rd Street, Lafayette.
 - c. You must send a letter by certified mail (return receipt **is not** required), to all owners of property located adjacent to and directly across the street, alley, or railroad right-of-way from, plus those within one-hundred (100) feet of the property contained in the petition. This certified mailing must be done ten (10) days prior to the public hearing giving the date, time, place, and purpose of the meeting. This letter is enclosed in your packet of forms.
5. Prior to or at the time of the hearing, you must supply to the Lafayette Division Staff:
- a. Proofs of publication (which will be supplied by both newspapers upon receipt of payment);
 - b. An affidavit of sign posting (notarized);
 - c. An affidavit of notice to interested persons (notarized); and
 - d. Receipts from the mailing of certified letters to interested persons (which will be provided by the post office when the letters are mailed).
6. If you have taken each of these steps, as described, the Area Board of Zoning Appeals of Tippecanoe County, Lafayette Division, will conduct a public hearing on your request. You or your representative must attend the public hearing; failure to do so will cause the petition to be automatically dismissed. Prior to the hearing you or your representative may ask for a continuance which the Division may grant at its discretion. You may have two (2) continuances that you have either requested or are necessary because of failure to post signs, notify neighbors, or submit required forms. At the hearing anyone in the audience in support of your request as well as anyone in opposition to your request will be heard.
7. In order to approve a variance the Division has to find that your request meets all of the following criteria:
- a. The Area Plan Commission or its Executive Committee has determined that the variance requested **is not** a use variance;
 - b. The granting of this variance **will not** be injurious to the public health, safety, morals, and general welfare of the community;
 - c. The use and value of the area adjacent to the property included in the variance request **will not** be affected in a substantially adverse manner;
 - d. The terms of the zoning ordinance are being applied to a situation that **is not** common to other properties within the same zoning district;

- e. The strict application of the terms of the zoning ordinance **will** result in an unusual or unnecessary hardship as defined in the zoning ordinance;

and if a hardship **will** result:

- f. The hardship involved **is not** self-imposed or solely based on a perceived reduction of or restriction on economic gain; and
 - g. The variance sought **does** provide only the minimum relief needed to alleviate the hardship.
8. Subsequent to hearing your petition, the Lafayette Division will vote by written ballot and announce the results. A quorum of three (3) votes out of five (5) is needed for the Lafayette Division to either approve or deny a request. If you receive less than three votes, the Division will automatically continue the request to the next meeting.
 9. If your petition is approved or denied you must remove your notification sign(s) from your property within five (5) days. If your petition is continued you are not required to give any further notification other than to ensure that your sign(s) remain posted until the next meeting.

ADDITIONAL RULES OF THE AREA BOARD OF ZONING APPEALS

1. Any evidence or pertinent information must either be submitted to the Division Staff prior to the public hearing or be presented at said hearing. The Area Board of Zoning Appeals of Tippecanoe County, Lafayette Division's by-laws provide that no person shall communicate directly or indirectly with any member of said Division. The consequences of such action can be found in the by-laws.
2. Any written evidence presented to the Division (such as pictures or drawings, letters, or petitions) shall become property of and part of the files of the Division. All submissions, once filed, are public record and available for viewing by any person upon request.
3. At the hearing, a member of the Division shall first make a motion to hear and vote on the petition. Following the second to the motion, the applicant will present his or her request. Any person wishing to speak, either in favor or in opposition, may present their views, and members of the Division may then question either applicant or remonstrator. The applicant may at the conclusion of the remonstrances respond thereto. Upon call for a vote by a member, a vote by written ballot shall be taken and the results announced.
4. Copies of the by-laws are available upon request by any interested person.

AREA BOARD OF ZONING APPEALS OF TIPPECANOE COUNTY
LAFAYETTE DIVISION

2020 CALENDAR

MONTH	HEARING DATE	DEADLINE DATE
JANUARY	JANUARY 21 (Tuesday)	DECEMBER 23, 2018
FEBRUARY	FEBRUARY 18 (Tuesday)	JANUARY 21
MARCH	MARCH 16	FEBRUARY 18
APRIL	APRIL 20	MARCH 23
MAY	MAY 18	APRIL 20
JUNE	JUNE 15	MAY 18
JULY	JULY 20	JUNE 22
AUGUST	AUGUST 17	JULY 20
SEPTEMBER	SEPTEMBER 21	AUGUST 24
OCTOBER	OCTOBER 19	SEPTEMBER 21
NOVEMBER	NOVEMBER 16	OCTOBER 19
DECEMBER	NO MEETING HELD IN DECEMBER	

ALL MEETINGS ARE HELD IN THE MEETING ROOM OF THE BOARD OF PUBLIC WORKS AND SAFETY, CITY OF LAFAYETTE MUNICIPAL BUILDING, 20 NORTH 6TH STREET, LAFAYETTE, INDIANA AT 4:00 PM

PETITION FOR VARIANCE
DEFINITIONS AND GENERAL INSTRUCTIONS

AREA BOARD OF ZONING APPEALS OF TIPPECANOE COUNTY
LAFAYETTE DIVISION

- A. **PETITIONER:** The petitioner is the person or company that is filing for the variance. The address and phone number of the person or company also goes here.
- B. **OWNER:** The owner is the person who holds the deed. If the petitioner is buying the property on contract, the owner is the person you are buying from. If you are renting/leasing or buying on contract we require a notarized letter of authorization from the owner by the filing deadline.
- C. **STREET ADDRESS:** This is the assigned house number of the property involved in the variance request.
- D. **LEGAL DESCRIPTION:** For most residential areas the lot number and subdivision may be used as the legal description. The property deed also contains a more detailed legal description. Un-platted land must have a complete metes and bounds legal description. This can be found on the deed or the abstract.
- E. **ZONING CLASSIFICATION:** This information is available through the City Engineer's Office or the Tippecanoe County Area Plan Commission if you do not know the zoning of the property in question.
- F. **VARIANCE(S) APPLIED FOR:** Here you will explain what you are building and where. Include the size and distance of the structure from the property lines and other structures and right-of-way. (EXAMPLE: a detached 24' x 24' garage 1' from the side property line instead of the required 6'.) Explain exactly what you are doing and what variance is required.
- G. **THE SECOND PAGE OF THE PETITION:** The six open-ended statements found on this page are identical to the Board's ballot which is also called "Report of findings of fact". In order for the Board to vote to approve your request, they must find that:
1. The granting of the variance will not injure the public's health, safety, morals, or general welfare;
 2. Granting the variance will not have a negative effect on neighboring properties' use and value;
 3. Something about the property involved in the request is different than other properties in the area. This uniqueness could be the topography of the land, the lot's shape, the existence of buildings or trees, etc.;
 4. Because of this unique situation described above, obeying the standards of the zoning ordinance would not permit the normal use of the property in question. This

is what Staff calls a “hardship”. The ordinance states that a hardship is “a perceived difficulty with regard to one’s ability to improve land stemming from the application of the development standards of this ordinance...”;

5. The hardship is not something the petitioner himself caused to happen or is based solely on the petitioner’s desire. According to the ordinance, self-imposed situations include:
 - the purchase of land with actual or constructive knowledge that, for reasons other than physical characteristics of the property, the development standards of this ordinance will inhibit the desired improvement;
 - any improvement initiated in violation of the standards of this ordinance; and
 - any result of land division requiring a variance from the development standards of this ordinance in order to render that site buildable.; and
6. The request applied for is the minimum amount of variance needed to resolve the hardship discussed above.

OTHER FILING REQUIREMENTS

- A. 5 COPIES OF A SITE PLAN: We require a plot plan (see Exhibit A). Included on this should be all existing structures and the proposed structures. Show all dimensions and distances from property lines and other structures. Neighboring property which may be affected by your plans should also be shown. All of this should be done as close to scale as possible.
- B. INTERESTED PERSONS LIST: Attach a list of all owners of property within 100 feet of your property in all directions. In measuring to see what property owners to list DO NOT include the width of streets, alleys, or railroad rights-of-way. If property within 100 feet is a rental, you need only list the owner, not the tenant. This information may be obtained from the County Auditor’s Office. When listing them, include the property key number, owner’s name, and address. See Exhibit B.
- C. NOTICE OF PUBLIC HEARING ON VARIANCE: Fill out the day, month, year and time of your hearing. Where it says “for the following real estate, to wit:” fill in the property street address, lot number, and subdivision name or a more detailed legal description. These will then be signed by the Secretary of the Board of Zoning Appeals. We will take these to the newspapers for you; but the bill will be sent to you. We DO NOT know the cost of these ads; they are different for everyone based upon the length of the legal ad. When you pay for the ads, in addition to a receipt, they will give you a notarized piece of paper called the “proof of publication”. You must turn this document from both newspapers in to Staff in order for your case to be heard.
- D. RELEASE FORM: You will find this form in your variance packet; it applies to both the Journal & Courier and the Lafayette Leader. Fill in your name, address, the date, and your signature. (The bills for the publication will be sent to the address you write here.) The

release gives us permission to take the variance to the newspapers, your signature states that you will pay for the legal ads.

- E. **NOTICE TO INTERESTED PERSONS:** This is to be filled out with the date of your hearing, the property's address, and an explanation of what the variance is for. (Per the example given above; detached 24' x 24' garage 1' from the side property line instead of the required 6'.) "For the following real estate, to wit:" street address, lot number and subdivision name, or a more detailed legal description. This form is to be duplicated and mailed by certified mail to the owners of property within 100 feet of your property (as listed previously). Mail these by certified mail, no return receipt required. See Exhibit C for an example of the form used for certified mail. Bring the top portion of these forms to the hearing as proof of mailing.
- F. **SIGN POSTING AFFIDAVIT:** You will be required to post a NOTICE FOR REQUEST OF VARIANCE sign facing each road that your property is adjacent to for a minimum of 10 days before your hearing. These signs must remain in place for the full ten days. You may purchase these signs from the Tippecanoe County Area Plan Commission office. The SIGN POSTING AFFIDAVIT is to be signed and notarized on the day of the hearing. This states that you did post the sign(s) as required.
- G. **AFFIDAVIT OF NOTICE TO INTERESTED PERSONS:** This is done in the same manner as above. Include the list of property owners. At the hearing you will include with this your proof of mailing slips from the post office.

BZA NUMBER: This number will be assigned the day you file the petition.

ITEMS TO BE TURNED IN BY THE HEARING DEADLINE:

- petition
- notarized letter of consent from owner if needed
- list of property owners
- 5 copies of a site plan
- 2 notices of public hearing for a variance
- 2 release forms
- filing fee

ITEMS NEEDED AT THE HEARING:

- signed and notarized affidavit of notice to interested persons
- signed and notarized sign posting affidavit
- proofs of publication from both newspapers
- post office proof of mailing slips (receipts)

You or someone representing you must be present at the hearing to present the petition. Failure to appear will result in the removal of your petition from consideration at that time.

Date Filed _____

Received By _____

BZA No. _____

Area Board of Zoning Appeals of Tippecanoe County
Lafayette Division

City of Lafayette
Office of the City Engineer
20 North 6th Street
Lafayette, Indiana 47901
(765) 807-1050

PETITION FOR VARIANCE

Petitioner _____ Phone _____

Address _____ Zip _____

Owner _____ Phone _____

Address _____ Zip _____

Note: If the Petitioner is not the Owner, a notarized Letter of Consent must be submitted with this petition.

Petitioner hereby applies for a Variance(s) from the provisions of the New Unified Zoning Ordinance, and represents the following facts as true:

Auditor's Key Number of Property: _____

Legal Description: _____

Zoning Classification: _____

Variance(s) Applied for: _____

I (we) believe that:

The granting of this variance will not be injurious to the public health, safety, morals, and general welfare of the community because:

The use and value of the area adjacent to the property included in the variance request will not be affected in a substantially adverse manner because:

The terms of the zoning ordinance are being applied to a situation that is not common to other properties in the same zoning district. My (our) situation is unique because:

The strict application of the terms of the zoning ordinance will result in an unusual and unnecessary hardship as defined in the zoning ordinance because:

The hardship involved is not self-imposed or solely based on a perceived reduction of or restriction on economic gain. Reasons:

The variance sought does provide only the minimum relief needed to alleviate the petitioner's hardship. Reasons:

The information contained within this petition and attached exhibits, to my knowledge and belief, are true and correct.

(Petitioner)

(Petitioner)

(Name Printed)

(Name Printed)

STATE OF INDIANA)
) SS:
COUNTY OF TIPPECANOE)

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

My Commission Expires: _____

(Notary Public)

(Name Printed)

Resident of _____ County.

Area Board of Zoning Appeals of Tippecanoe County
Lafayette Division

City of Lafayette
Office of the City Engineer
20 North 6th Street
Lafayette, Indiana 47901
(765) 807-1050

NOTICE OF PUBLIC HEARING RELEASE FORM

To: Journal & Courier and Lafayette Leader

(Name) Phone _____

(Address)

(Zip)

(Date)

This is to authorize you to publish the attached legal notice delivered to you by the Lafayette City Engineer's Office, the cost of which is the obligation of the above and will be paid by me.

Signature _____
(Petitioner)

Signature _____
(Petitioner)

Area Board of Zoning Appeals of Tippecanoe County
Lafayette Division

City of Lafayette
Office of the City Engineer
20 North 6th Street
Lafayette, Indiana 47901
(765) 807-1050

NOTICE OF PUBLIC HEARING ON A VARIANCE

Notice is hereby given that the Area Board of Zoning Appeals of Tippecanoe County, Lafayette Division, on the _____ day of _____, 20 ____, at 4:00 PM in the Lafayette Municipal Building, 20 North 6th Street, Lafayette, Indiana, will hold a public hearing on a Variance from the New Unified Zoning Ordinance of Tippecanoe County, Indiana.

The property involved in the proposed request is located at:

(Street address or common description of the property)

The proposed variance would permit _____

for the following real estate, to wit: _____

Written suggestions or objections to the provisions of said proposal may be filed with the Secretary of the above named Board or Division at, or before, such meeting and will be heard by the Area Board of Zoning Appeals of Tippecanoe County or division thereof, at the time and place designated. Said hearing may be continued from time to time as may be necessary.

Interested persons desiring to present their views on the proposed variance, either in writing or verbally, will be given the opportunity to be heard at the above time and place.

AREA BOARD OF ZONING APPEALS OF TIPPECANOE COUNTY,
LAFAYETTE DIVISION, INDIANA

BY _____
(Secretary)

DATE _____

Area Board of Zoning Appeals of Tippecanoe County
Lafayette Division

City of Lafayette
Office of the City Engineer
20 North 6th Street
Lafayette, Indiana 47901
(765) 807-1050

NOTICE TO INTERESTED PERSONS

Notice is hereby given that the Area Board of Zoning Appeals of Tippecanoe County, Lafayette Division, on the _____ day of _____, 20 ____, at **4:00 PM in the City of Lafayette Municipal Building, 20 North 6th Street, Lafayette, Indiana**, will hold a public hearing on a Variance from the New Unified Zoning Ordinance of Tippecanoe County, Indiana.

The property involved in the proposed request is within 100 feet of, or across a street from your property and is located at:

(Street address or common description of property)

The proposed variance would permit _____

for the following real estate, to wit: _____

Instead of speaking at the public hearing, written suggestions or objections to the provisions of said proposal may be filed with the Secretary of the Area Board of Zoning Appeals of Tippecanoe County, Lafayette Division at, or before such meeting and will be heard in the place designated.

Interested persons desiring to present their views on the proposed variance, either in writing or verbally, will be given the opportunity to be heard at the above time and place.

Said hearing may be continued from time to time as may be necessary. Please check with the Lafayette City Engineer's Office by calling (765) 807-1050 to find out if a case has been continued.

Petitioner

Petitioner

Area Board of Zoning Appeals of Tippecanoe County
Lafayette Division

City of Lafayette
Office of the City Engineer
20 North 6th Street
Lafayette, Indiana 47901
(765) 807-1050

AFFIDAVIT OF NOTICE TO INTERESTED PERSONS

STATE OF INDIANA)
) SS:
COUNTY OF TIPPECANOE)

I, _____, do hereby certify that notice of public hearing by the Area Board of Zoning Appeals of Tippecanoe County, Lafayette Division, to consider BZA No. _____ being the application of _____ was certified and mailed to the last known address of each of the following persons owning property adjacent to and across the street, alley, or railroad right-of-way from the subject property within 100' from any given point of the boundary of the premises affected.

OWNER:	ADDRESS:
_____	_____
_____	_____
_____	_____

and that said notices were sent by certified mail on or before the _____ day of _____, 20____, being at least ten (10) days prior to the date of the public hearing in Lafayette, Indiana, at 4:00 PM.

(Petitioner or Agent)

STATE OF INDIANA)
) SS:
COUNTY OF TIPPECANOE)

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

My Commission Expires: _____

(Notary Public)

(Name Printed)

Resident of _____ County.

Area Board of Zoning Appeals of Tippecanoe County
Lafayette Division

City of Lafayette
Office of the City Engineer
20 North 6th Street
Lafayette, Indiana 47901
(765) 807-1050

NOTARIZED CONSENT

Dear Commission and/or Board:

Please be advised that as the owner(s) of record (as shown in the Office of the County Auditor) of the land described in the attached legal description, I (we) hereby authorize

Petitioner's printed name

to execute any and all documents necessary for the purpose of variance application.

Owner _____

Name Printed _____

Owner _____

Name Printer _____

STATE OF INDIANA)
) SS:
COUNTY OF TIPPECANOE)

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

My Commission Expires: _____

(Notary Public)

(Name Printed)

Resident of _____ County.

EXHIBIT A - EXAMPLE PLOT PLAN

STREET NAME

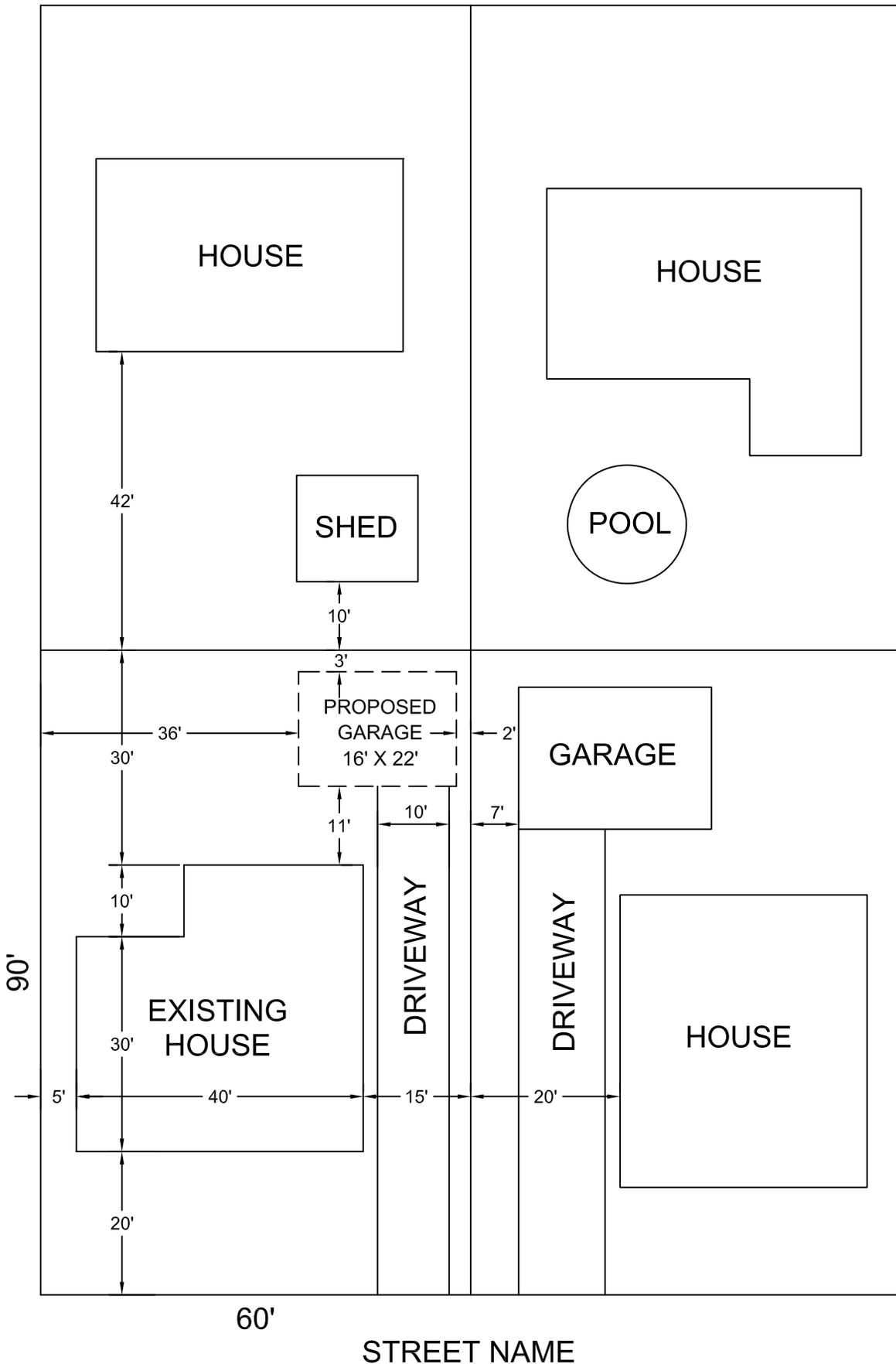


EXHIBIT C

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
 For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage \$	
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	

Postmark Here

Sent To

Street, Apt. No.,
or PO Box No.

City, State, ZIP+4

PS Form 3800, August 2005 See Reverse for Instructions

7008 3230 1000 2272 7190

7008 3230 1000 2272 7190



CERTIFIED MAIL™
 PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
 OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

7008 3230 1000 2272 7190

This portion of the receipt will be your proof of mailing the letters and will be stamped by the post office the day you mail the letters.

This portion of the receipt will be attached to the letter.