C. Ripley County Area Planning Commission **Application for Variance**
P.O. Box 151
Versailles, IN 47042

This Application for Variance Package consists of three parts: 1) the application form, 2) a set of instructions, and 3) an example site plan. This form needs to be completed by printing clearly or by typing. It should be completed in English only.

I. Application Form
A. Personal Information:
1. Name _____
2. Address _____
_____
3. Phone Numbers:
Home _____
Business _____
Cell _____
B. Property Information:
4. Location of property:
Section _____ Twp. _____N. Rng. _____E
Township _____
5. Tax Parcel Number _____
6. Proof of Ownership by recorded deed:
_____
7. Acres involved _____
8. Current Zone of Property _____
9. Is a survey available for this property? _____
Located at the Recorder's office in _____
C. Variance Information
10. Type of variance_____
11. Section of zone code requiring variance _____
12. Variance from: _____
to: _____
D. Checklist for required information:
13. Site Plan _____
14. List of interested parties with address _____
15. Two (2) aerial photographs _____
16. Proof of publication (newspaper) _____
17. Proof of notification by certified mail _____

The following criteria must be answered before the Board of Zoning Appeals will hear the application.

C. Criteria for granting Variance:

1. How will the approval of this variance not be injurious to the public health, safety, morals, and general welfare of the community?

   _____
   _____
   _____

2. How will the use and value of the area adjacent to the property included in the variance not be affected in a substantially adverse manner?

   _____
   _____
   _____

3. Will the strict application of the terms of the zoning code result in practical difficulties in the use of the property?

   _____
   _____
   _____

4. Are there exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to the other property or class of use in the same vicinity and district?

   _____
   _____
   _____

5. Is such variance necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and district but which is denied to the property in question?

   _____
   _____
   _____

6. Will the granting of such variance not alter the land use characteristics of the vicinity and district, or increase the congestion in the streets?

   _____
   _____
   _____

As applicant, I understand that this application is being submitted in accordance with the Ripley County Area zone code, and that I am responsible for the accuracy and completeness of the application. I acknowledge and understand that the property may be subject to easements, rights-of-way and restrictive covenants that may limit certain types of improvements. I understand that incomplete or inaccurate information may result in delay or denial of the request.

_____ _____

Applicant Date

Check List

This checklist is to ensure that you have all the information needed to file for an application for the Area Plan Commission or the Board of Zoning Appeals.

- _____ Application form completed in full.
- _____ Green Cards are to be sent to all interested parties at least Ten (10) days prior to the meeting.
- _____ Public notice is to be published at least Ten (10) days prior to the meeting.
- _____ Green Cards, and or the receipts for the certified mailings are to be presented to the Executive Director prior to the meeting.
- _____ Proof of publication is to be presented to the Executive Director prior to the meeting.
- _____ Application fee is to be paid at the time of application.

_____ _____

Applicant Date

II INSTRUCTIONS

A. Personal Information

1. Name: Anyone can apply for a variance. It does not have to be the owner of the property.
2. Address: The current mailing address of the applicant.

B. Variance Information

3. The Executive Director shall help distinguish the type of variance needed to be requested.
4. The Executive Director can help locate the ordinance determining a need for a variance.
5. The Executive Director can help determine the extent of the variance.
6. The number of acres that are currently owned or are described in the legal description found on your current deed.

C. Criteria for granting Variance

The definition of a Variance is: A modification of the specific requirements of the Code (Ripley County Area Zoning Codes) granted by the Board in accordance with the terms of this Code for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and district.

Variances are adjustments to the code. The petitioner needs to prove that there are conditions or reasons that the applicant cannot adhere to the code or laws set forth by the County Commissioners. The Ripley County Zoning Ordinances cannot fit every situation so adjustments are allowed, but only if there is something unique or unusual about the property in question. Financial gain or just for convenience are not good reasons for an adjustment to the code.

The answers to these questions are the criteria upon which the Board of Zoning Appeals must base their decisions. Below each question is slightly re-written to help the applicant understand the nature of the question. Along with the answer, try to state the reasoning behind the answers. The answers that the applicant gives at the hearing will be considered the "finding of facts" and will be the testimony of the applicant. Consider each question carefully.

1. The variance cannot hurt or be dangerous to anyone or their property.

2. A variance cannot affect the neighbor's property or their use of it in any negative way.

3. The situation or condition is such, that it does not make sense to obey the ordinance. It is not practical.

4. There is a condition or situation for the petitioner's property that is different from the neighbor's property that keeps the petitioner from being allowed to use his/her property in the same manner as his/her neighbor.

5. A variance is the only way that the petitioner can be allowed to use his property in the same manner as his/her neighbor's.

6. The granting of this variance will not change the look or feel of the community. No one will notice the difference.

D. Attached Information Provided Check List:

7 A site plan should be included with Application for Improvement Location Permit.

8. Interested Parties are (according to the Rules of Procedure):
    a. All owners of the property within the area included in the Petition who are not the Petitioners.
    b. For unincorporated areas: All property owners whose land touch the petitioner's property lines, even if connected by only a single point.
    c. For incorporated areas: all land owners of adjoining parcels to a depth of one (1) ownership surrounding the perimeter of the petitioner's property lines.

Interested parties and their addresses may be obtained from the Assessor's Office.

9. Two copies of an aerial view.

10. A description of the property in question should be found on the Applicant's deed or survey. The Surveyor's Office may help the applicant determine which description to use, if there are multiple descriptions on the deed.

11. A fee of $250 is charged for a variance hearing (Ripley County Area Planning & Zoning Book, Section 80:44). This must be paid at the time of application or the petition will not be placed on the agenda. This fee is not refundable.

12. The Executive Director will give the applicant a form letter to be published.
    a. The applicant is responsible for giving a copy of the completed letter to at least one local newspaper (The Osgood Journal, The Versailles Republican, or The Herald Tribune) for publication. This notice must be published at least ten (10) days prior to the date of the public hearing.
    b. Proof of such publication will be given to the applicant by the newspaper office. The applicant is responsible for giving this proof to the Executive Director at least five (5) days prior to the public hearing.

13. Copies of the same completed form letter described in #12 shall be sent to every interested party as listed according to #8.
    a. The applicant is responsible for sending these notices by "Certified Mail" at least ten (10) days prior to the public hearing.
    b. Proof of such mailing (the "white cards") shall be given to the Executive Director at least five (5) days prior to the public hearing.

c. All “green cards” from such mailing are to be given to the Executive Director prior to the meeting night.

* Proof of mailings and publication will not be accepted the night of the hearing.*

E. Meeting Information

1. All variances will be heard by the Ripley County Board of Zoning Appeals Their meetings are held the first Tuesday of every month.
2. The Deadline for filing for a petition for variance is no later than 3:00 P.M. on a date, which is at least 15 business days prior to the initial hearing before the Board of Zoning Appeals Meeting at which the Petition is to be considered.
3. No petitioner is to contact any member of the Board of Zoning Appeals in advance of a public hearing with the intent to influence the member’s action on such petition. If there are any questions regarding the proposed variance, please contact the Executive Director.
4. It is the responsibility of the petitioner to “state his case” and convince the Board of Zoning Appeals that the variance is necessary and should be granted. Any other type of relevant information should be brought to the meeting. Be ready to answer all questions, especially as they relate to the criteria contained in the questions asked in Letter C above. Be prepared.