

# Hamilton County Board of Zoning Appeals

## VARIANCE / USE

Completed application and all supporting documentation is to be submitted no less than 30 business days prior to the date of the hearing.

Supporting documentation includes:

Please provide an electronic (PDF) copy of all documents.

One (1) copy of recorded deed for property with a full legal description of the property. 18 copies of the Site Plan showing outline of property and all existing features and buildings along with proposed changes to property requiring the Variance. Please fold to 8 1/2 by 11 for mailing.

18 copies (for land use variance or special use.) plans, drawings, sketches, photos, elevations that will help explain the variance. Please fold to 8 1/2 by 11 for mailing.

18 copies (for land use variance or special use.) of the Petitioner's Findings which is a list of reasons why the Board should approve the variance. Please fold to 8 1/2 by 11 for mailing.

One (1) CERTIFIED list of adjacent and abutting property owners two properties deep or 600 feet whichever is less. Certified list is to be obtained from the Hamilton County Auditor Tax Map Office; [www.hamiltoncounty.in.gov/369/Adjoiner-Property-Notifications](http://www.hamiltoncounty.in.gov/369/Adjoiner-Property-Notifications). Must be no more than 30 days old; subject property shall include ALL contiguous and bi-contiguous property (including across the road, easements, bodies of water, etc.) owned by the current property owner.

In addition, if your property abuts another county, you will need to obtain a CERTIFIED list of the adjacent and abutting property owners two properties deep or 600 feet whichever is less from that county's Auditors office. List must be no more than 30 days old at time of submission. Subject property shall include ALL contiguous and bi-contiguous property (including across the road, easements, bodies of water, etc.) owned by the current property owner.

It may take five to seven days to obtain these lists.

Sign and date the Legal Notice page. (we will create the legal notice for you)

BZA and Plan Commission projects will be processed in the date stamped order they are received. You will be contacted by phone or email when it is time to come in and pick up and pay for your variance or if additional information is required.

- Once contacted you will need to bring in payment, if check, it will be made out to the Hamilton County Plan Commission for the cost of the application.
- You will be given a copy of the Legal Notice to be published in The Times Newspaper and in the Hamilton North Reporter. When your paperwork has been picked up, staff will email the legal notice to the newspapers. You will be billed by them
- The Times goes to: [legals@thetimes24-7.com](mailto:legals@thetimes24-7.com)

Reporter goes to: [stu.clampitt@gmail.com](mailto:stu.clampitt@gmail.com)

- You are required to mail by certified, return-receipt mail a copy of the Legal Notice to each person identified on the property adjoiner list no less than 10 days prior to the date of the hearing but not including the day of the hearing. Please be sure to address the certified receipt and the return receipt card exactly as shown on the property adjoiner list. ((( Incorrectly addressing these items may cause a month's delay while you re-notice everyone.))) Take the certified, return-receipt mail in to the post office for them to stamp your green and white certified receipt.
- Staff will post a Notice of Public Hearing sign on the property seeking the Subdivision. This sign will be posted no less than 10 days prior to the date of the hearing but not including the day of the hearing. The day of the plan commission hearing you may remove the sign and bring it with you to the meeting, or staff may return to pick it up at a later date.
- Three days prior to the board meeting you are required to submit to the plan commission office the green and white certified receipts, the green return-receipt cards from the adjacent property owners, and the proof-of-publication from the newspaper office certifying when the notice was published in the paper.
- Owner(s)' of the property, or their attorney or a representative with written power of attorney, SHALL be present at the board meeting public hearing concerning the Variance or Special Use petition. Please call the board office should an emergency arise.

If you have any questions contact the Hamilton County Plan Commission/Boards of Zoning Appeals' office, C.J. Taylor, Director, at [cj.taylor@hamiltoncounty.in.gov](mailto:cj.taylor@hamiltoncounty.in.gov).  
One Hamilton County Square, Suite 306, Noblesville, IN 46060 or call (317) 776-8490.

### *Information to be included on the site plan*

- Scale of the site plan.
- North arrow.
- Address which includes showing the road location.
- Show any easements on the property. (drainage, utility, or gas lines.)
- Show entire parcel property dimensions in feet, area, and size of business.
- Show floodplain, if any, water courses, and/or wetlands.
- Driveways - existing, proposed, type of surface.
- Location of current septic system (tank and finger system) and well.
- Location of commercial septic system if required by the health department.
- Building dimensions and size of each existing and proposed structure, and use of each building.
- Dimensions of any outdoor storage areas and proposed screening.
- Dimensions and type of surface areas for proposed employee or customer parking, number of spaces, and company vehicle/trailer storage.
- Type of curbing - if using gravel and no curbs you will need to request a requirement variance as well as the Land Use Variance for the commercial use.
- Types of and locations of landscaping and lighting.
- Location of any existing or proposed signage.
- Location of any existing or proposed fuel tank storage, size of tanks, and types of fuel.

# VARIANCE APPLICATION

Hamilton County Board of Zoning Appeals

FOR OFFICE USE ONLY

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**Township**

- Adams
- Noblesville
- Wayne
- White River

Parcel No. \_\_\_\_\_  
Docket No. \_\_\_\_\_  
Reviewed Date \_\_\_\_\_  
By: \_\_\_\_\_  
Hearing Date: \_\_\_\_\_  
Decision Date: \_\_\_\_\_  
Article: \_\_\_\_\_  
Zoning: \_\_\_\_\_

**Type of Action Circle One**

- Land Use Variance
- Development Standards Variance
- Special Exception Use

Section \_\_\_\_\_ T \_\_\_\_\_ R \_\_\_\_\_  
Property Size: \_\_\_\_\_

Project Address: \_\_\_\_\_

Property Owner's Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Cell/Mobile: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Cell/Mobile: \_\_\_\_\_

Email address: \_\_\_\_\_

Variance Request: \_\_\_\_\_

\_\_\_\_\_

Reason for Variance: \_\_\_\_\_

\_\_\_\_\_

Conditions offered: \_\_\_\_\_

\_\_\_\_\_

**Must Have Attached**

- Site Location Map
- Certified List of Affected  
Property Owners
- Signed Legal Notice
- Site Plan, Photos, Drawings  
Elevations, Statements,  
Letters of Support, other
- Petitioner Findings

**Signature of:**

Owner(s): \_\_\_\_\_  
Contact Person: \_\_\_\_\_  
Attorney: \_\_\_\_\_  
Date: \_\_\_\_\_

## **PETITIONER'S FINDINGS**

State reasons why you feel your request should be approved by the Board.

Provide 10 or 18 copies.

## Petitioner's Presentation to Board Members

1. Please go to the podium and use the microphone in front of the Board members when your docket number is called.
2. Speak clearly and loudly without shouting.
3. State your name and current address for the record.
4. Explain in detail the variance you are requesting to the Board members.
5. Explain why you are requesting the variance.
  1. Explain why the approval of your variance will not be injurious to the public health, safety, morals, and general welfare of the community.
  2. Explain that if the variance is approved that the property adjacent to the property where the variance is to be located will not be affected in a substantially adverse manner.
  3. The need for the variance arises from some condition peculiar to the property involved.
  4. The strict application of the terms of the zoning ordinance would constitute an unnecessary hardship\* if applied to the property for which the variance is sought.
  5. Explain why the approval does not interfere substantially with the county comprehensive plan.

*\*Unnecessary Hardship. The land in question cannot reasonably be put to a conforming use. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence; that the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood; that the requested use variance, if granted, will not alter the essential character of the neighborhood; and that the alleged hardship has not been self-created.*