

# MORGAN COUNTY BOARD OF ZONING APPEALS (BZA) APPLICATION PACKET

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Office: 180 S Main Street, Suite 204, Martinsville, IN 46151

## USE THIS PACKET FOR THE FOLLOWING APPLICATIONS:

### 1. SPECIAL EXCEPTION

Approval of a land use listed as “special exception use” in *Chapter 3.b: Zoning and Overlay Districts*.

### 2. USE VARIANCE

Approval of a specific land use that is not permitted in a zoning district in *Chapter 3.b: Zoning and Overlay Districts*.

### 3. DEVELOPMENT STANDARD VARIANCE

Approval to vary from a specific development standard in *Chapter 3 or Chapter 4* of the UDO (such as setbacks, minimum lot size, building height, etc.)

### 4. USE CLASSIFICATION

Request to classify a land use that is not listed in the UDO and is not similar to any use listed in the UDO.

### 5. APPEALS

Appeal of a decision, order, requirement, and/or determination by the Administrator or an administrative board as it relates to the UDO.

## 2024 APPLICATION SCHEDULE

The following table includes the deadlines for petitions before the Morgan County Board of Zoning Appeals (BZA). Deviations from the submittal deadline are not permitted without approval from the Administrator.

Application Submittal Deadline	BZA Hearing Date <sup>1</sup>
Friday, December 22, 2023	<b>Monday, January 22, 2024</b>
Friday, January 26, 2024	<b>Monday, February 26, 2024</b>
Friday, February 23, 2024	<b>Monday, March 25, 2024</b>
Friday, March 22, 2024	<b>Monday, April 22, 2024</b>
Friday, April 26, 2024	<b>Wednesday, May 29, 2024</b>
Friday, May 24, 2024	<b>Monday, June 24, 2024</b>
Friday, June 21, 2024	<b>Monday, July 22, 2024</b>
Friday, July 26, 2024	<b>Monday, August 26, 2024</b>
Friday, August 23, 2024	<b>Monday, September 23, 2024</b>
Friday, September 27, 2024	<b>Monday, October 28, 2024</b>
Friday, October 25, 2024	<b>Monday, November 25, 2024</b>
Wednesday, November 27, 2024	<b>Monday, December 30, 2024</b>
Friday, December 27, 2024	<b>Monday, January 27, 2025</b>

1 – Unless otherwise noticed, BZA Meetings are held at 6:30 p.m. in the Lucille Sadler Room, in the Morgan County Government Building, 180 S Main Street, Martinsville, IN 46151.

# BZA APPLICATION INSTRUCTIONS:

## **STEP 1 ATTEND REQUIRED PRE-APPLICATION CONFERENCE.**

A pre-application conference is required for all Board of Zoning Appeals (BZA) applications and are held as an in-person meeting, but may be on the phone at the Administrator's discretion. This meeting gives the applicant the opportunity to discuss the procedures for approval with the Administrator as well as requirements, submittals, deadlines, and hearings. Contact the Administrator at [lparker@morgancounty.in.gov](mailto:lparker@morgancounty.in.gov) to schedule this meeting.

## **STEP 2 PROVIDE THE REQUIRED ITEMS IN BZA CHECKLIST 1 & BZA CHECKLIST 2.**

**SEE PAGE 4 (BZA CHECKLIST 1: GENERAL ITEMS) & PAGE 5 (BZA CHECKLIST 2: FORMS & DRAWINGS) FOR THE REQUIRED ITEMS FOR EACH TYPE OF APPLICATION.**

A complete application and all required attachments must be submitted by the date shown on the Application Schedule (Page 2 of this packet) to be considered at a specific hearing date. All applications must be submitted on the required application form(s) and digitally to [lparker@morgancounty.in.gov](mailto:lparker@morgancounty.in.gov) as a PDF.

When an application is submitted, the Administrator will review the materials to determine if the application is complete. If the application is not complete, the applicant will be emailed with a list of deficiencies and may resubmit the missing items. A hearing date and petition number will not be assigned until the Administrator determines that the application is complete.

# BZA CHECKLIST 1: GENERAL ITEMS

	Special Exception Use	Use Variance	Development Standards Variance	Use Classification	Appeals
<b>1.1 Application Fee</b> Make checks payable to “MCPC” or “Morgan County Plan Commission”.	X	X	X	X	X
<b>1.2 Electronic Copy All Checklist Items</b> Submit all documents as a PDF ( <a href="mailto:lparker@morgancounty.in.gov">lparker@morgancounty.in.gov</a> ); The PDF <b>MUST</b> include <b>ALL</b> of the items in BZA Checklist 1 & 2 on Pages 4-5.	X	X	X	X	X
<b>1.3 Description of Request</b> A few sentences describing the application, land use, reason for request, and/or proposed development. Include as many details as possible, such as the number of lots, hours of operation, number of employees, previous construction/permits/approvals, and any additional evidence or information that would be considered necessary to support the application.	X	X	X	X	X
<b>1.4 Deed &amp; Legal Description</b> Copy of the deed can be obtained in the Recorder’s Office and often contains the legal description. The legal description is the written words delineating the property and a corresponding drawing with dimensions and bearings.	X	X	X	X	X
<b>1.5 Recorded Restrictions &amp; Covenants (if applicable)</b> Submit any recorded restrictions or covenants that are relevant to this petition.	X	X	X	X	X
<b>1.6 Proof of Sewage Disposal/Water Service (Willingness to Serve)</b> Provide written verification that sewer and water services are available for the site and that the utility is willing to serve the site. If the development is not served by a public utility for sewer and water, include septic approval from the Morgan County Health Department and/or Indiana State Department of Health.	X	X	X	X	X
<b>1.7 Documentation of Public Notice</b> Two forms of public notice are completed by the applicant, and documentation of each must be provided. This includes proof of publication from the newspaper and stamped Certificate of Mailing from the post office. See Step 3 (Page 6) of this application packet for more details. <i>(Completed AFTER petition has been filed.)</i>	X	X	X		X

## BZA CHECKLIST 2: FORMS & DRAWINGS

	Special Exception Use	Use Variance	Development Standards Variance	Use Classification	Appeals
<b>2.1 BZA Form 1: BZA Application Form</b> This form is required for all BZA applications. All items must be fully and legibility completed. The application must be signed by the applicant(s) and all property owners (if different) and notarized. Applications do not have to be notarized if all parties sign before the Administrator.	X	X	X	X	X
<b>2.2 BZA Form 2: Special Exception Use</b> This form is required if the use requested is listed as a special exception in <i>Chapter 3.b: Zoning and Overlay Districts</i> . The BZA's decision will be based upon if each of the required criteria are met. If any criteria are not met, the BZA cannot approve the request.	X				
<b>2.3 BZA Form 3: Use Variance</b> This form is required if the use requested is not listed as a permitted use or special exception use in <i>Chapter 3.b: Zoning and Overlay Districts</i> . The BZA's decision will be based upon if each of the required criteria are met. If any criteria are not met, the BZA cannot approve the request.		X			
<b>2.4 BZA Form 4: Development Standards Variance</b> This form is required if the proposed development will not comply with all of the development standards of Chapter 3 or Chapter 4 of the UDO. The BZA's decision will be based upon if each of the required criteria are met. If any criteria are not met, the BZA cannot approve the request.			X		
<b>2.5 BZA Form 5: Use Classification</b> This form is required to classify a use not listed in the UDO and not similar to any use listed in the UDO.				X	
<b>2.6 BZA Form 6: Appeal</b> This form is required to appeal any administrative decision, review, and/or determination.					X
<b>2.7 Site Plan Drawing</b> Submit a basic site plan showing the general layout of the proposed development. For simple developments, this can be hand-drawn and must provide dimensions.	X	X	X		

## STEP 3 NOTIFY THE PUBLIC.

Public notice is only required for a **SPECIAL EXCEPTION USE**, **USE VARIANCE**, and **DEVELOPMENT STANDARDS**. Use Classifications and Appeals do **NOT** need to provide public notice.

State law and the Morgan County BZA Rules of Procedures require the applicant to complete two (2) different forms of public notice at least fifteen (15) days before the BZA hearing date. Additionally, the BZA staff will place a sign(s) on the subject property and this must remain in place through the public hearing.

The following public notices **MUST** be completed by the APPLICANT:

### 1. NOTIFICATION FOR NEWSPAPER

The applicant **MUST**:

1. Publish the legal notice one time in the newspaper(s) listed below at least fifteen (15) days prior to the Hearing (see Application Schedule on page 2). Public Notice language will be provided by the Administrator and should not be altered. The applicant should be aware that the newspaper has deadlines for submittal of public notices multiple days ahead of publication, and it is the sole responsibility of the applicant to meet these deadlines. Failure to meet the publishing deadlines will delay the hearing of your petition.
  - **Reporter-Times.** 78 N Main Street, Martinsville, IN 46151, (765) 342-3311; MartinsvilleRTlegals@gannett.com
2. Request a "Proof-of-Publication" affidavit from the newspaper for your legal notice and include this documentation to the Administrator at least one (1) week prior to the hearing.

### 2. NOTIFICATION TO SURROUNDING PROPERTY OWNERS

The applicant **MUST**:

1. Send a public notice letter via Certificate of Mailing to every property owner within a radius of 2 properties deep or 660 feet (whichever is less). The list of owner names and addresses is determined by the property owner's last known address as listed in county tax records. This list and the form letter will be provided to the applicant from the Plan Commission Office. All letters must be postmarked at least fifteen (15) days prior to the hearing.
  - All owners within a radius of two (2) properties deep or 660 feet (whichever is less) must be notified. This includes properties that are across a street.
  - Notification must be sent via Certificate of Mailing through the US Postal Service (USPS).
    - i. Certificate of Mailing provides evidence that mail has been presented to the post office for mailing. The Post Office affixes a stamp with the postmarked date of receipt that the letters were mailed on a specified date.
2. Submit proof of mailing (stamped Certificate of Mailing) to the Administrator at least one week prior to the hearing.

# BZA FORM 1: APPLICATION

This application is being submitted for (check all that apply):

- ☐ Special Exception Use ☐ Use Classification  
☐ Use Variance ☐ Appeal  
☐ Development Standards Variance

For Office Use Only	
Petition # _____	Fee _____
Filing Date _____	Hearing Date _____
<input type="checkbox"/> Staff Review	<input type="checkbox"/> TRC Review <input type="checkbox"/> DRB Review
<input type="checkbox"/> Approved	<input type="checkbox"/> Commitments/Conditions <input type="checkbox"/> Denied

## APPLICANT & PROPERTY OWNER INFORMATION

Applicant Full Legal Name:

Applicant Street Address:

Applicant City, State, Zip:

Applicant is (choose one): Corporation LLC Partnership Individual(s) Other (specify)

Property Owner Full Legal Name:

Property Owner Street Address:

Property Owner City, State, Zip:

Property Owner is (choose one): Corporation LLC Partnership Individual(s) Other (specify)

Primary Contact Person

Name:

Phone:

Email:

Surveyor/Engineer

Name:

Phone:

Email:

## PROPERTY INFORMATION

18-digit Parcel Number:

Property Address (if addressed):

County Road Serving Property:

Township:

Subdivision Name (if applicable):

Lot Number(s) (if applicable):

Total Acreage:

Property Located in Floodway or Floodplain: Yes No

Development will be served by: Septic Sewer (specify provider): \_\_\_\_\_ Other \_\_\_\_\_ N/A

Current Zoning of Subject Property:

Current Use of Subject Property:

## APPLICANT SIGNATURE:

I (we), \_\_\_\_\_, attest that the above information and attached exhibits/forms, to my knowledge and belief, are true and correct.

Signature of Applicant:

Date:

Notary Public's Name (printed) & Signature:

State/County of Residence:

My Commission Expires:

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

## SIGNATURE / CONSENT OF PROPERTY OWNER(S): *Complete if the applicant is not the property owner*

I (we), \_\_\_\_\_, after being first duly sworn, depose and say that I/we are the owner(s) of the real estate located the above address; that I/we have read and examined the Application and are familiar with its contents; that I/we have no objection to and consent to such request as set forth in the application; and that such request being made by the applicant (\_\_\_\_ is) (\_\_\_\_ is not) a condition to the sale or lease of the above referenced property.

Signature of Property Owner(s):

Date:

Notary Public's Name (printed) & Signature:

State/County of Residence:

My Commission Expires:

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

# BZA FORM 2: SPECIAL EXCEPTION USE

***Instructions:*** Only complete this form for a SPECIAL EXCEPTION USE application that is requesting a land use listed as a Special Exception in Chapter 3.b: Zoning and Overlay Districts.

- The BZA's decision will be based upon if each of the required criteria are met. If any criteria are not met, the BZA cannot approve the request. Please provide justification for each to aid in their decision.

## **SPECIAL EXCEPTION USE REQUEST INFORMATION:**

Provide the following information for the requested Special Exception Use. Attach additional pages if necessary.

**1. Description of Request:** Describe the proposed use of the property (type of use, hours of operation, access, necessary construction, employees, etc.).

### **2. Findings of Fact:**

2.1 The establishment, maintenance, or operation of the Special Exception will not be detrimental to or endanger the public health, safety, morals, or general welfare.

☐ True ☐ False Explanation/Justification:

2.2 The Special Exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

☐ True ☐ False Explanation/Justification:

2.3 The establishment of the Special Exception will not impede or substantially alter the normal and orderly development and improvement of surrounding property for uses permitted in the district.

☐ True ☐ False Explanation/Justification:

2.4 Adequate utilities, access road, drainage, and other necessary facilities have been or are being provided.

☐ True ☐ False Explanation/Justification:

2.5 Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion on the public roadways.

☐ True ☐ False Explanation/Justification:

2.6 The Special Exception will be located in a district where such use is permitted and all other requirements set forth in this UDO that are applicable to such use will be met.

☐ True ☐ False Explanation/Justification:



# BZA FORM 3: USE VARIANCE

***Instructions:*** Only complete this form for a USE VARIANCE application that is requesting a land use that is not listed in either the Permitted Uses or Special Exception Uses in Chapter 3.b: Zoning and Overlay Districts.

- The BZA's decision will be based upon if each of the required criteria are met. If any criteria are not met, the BZA cannot approve the request. Please provide justification for each to aid in their decision.

## USE VARIANCE REQUEST INFORMATION:

Provide the following information for the requested Use Variance. Attach additional pages if necessary.

**1. Description of Request:** Describe the proposed use of the property (type of use, hours of operation, access, necessary construction, employees, etc.).

## 2. Findings of Fact:

2.1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

☐ True ☐ False

Explanation/Justification:

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

☐ True ☐ False

Explanation/Justification:

2.3 The need for the variance arises from some condition peculiar to the property involved.

☐ True ☐ False

Explanation/Justification:

2.4 The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought.

☐ True ☐ False

Explanation/Justification:

2.5 The approval does not interfere substantially with the Comprehensive Plan.

☐ True ☐ False

Explanation/Justification:

# BZA FORM 4: DEVELOPMENT STANDARDS VARIANCE

***Instructions:*** Only complete this form for a ***DEVELOPMENT STANDARDS VARIANCE*** application that is requesting to vary from a specific development standard in Chapter 3 or Chapter 4 of the UDO (such as setbacks, minimum lot size, building height, etc.).

- *The BZA's decision will be based upon if each of the required criteria are met. If any criteria are not met, the BZA cannot approve the request. Please provide justification for each to aid in their decision.*

## **DEVELOPMENT STANDARDS VARIANCE REQUEST INFORMATION:**

Provide the following information for the requested Development Standards Variance. Attach additional pages if necessary.

**1. Description of Request:** Describe the proposed use of the property (type of use, hours of operation, access, necessary construction, employees, etc.).

## **2. Findings of Fact:**

2.1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

☐ True ☐ False

Explanation/Justification:

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

☐ True ☐ False

Explanation/Justification:

2.3 The strict application of the terms of the ordinance will result in practical difficulties in the use of the property.

☐ True ☐ False

Explanation/Justification:

# BZA FORM 5: USE CLASSIFICATION

***Instructions:*** Only complete this form for a USE CLASSIFICATION application where the proposed or desired use is not listed within or similar to a use listed in the UDO.

- This does not include uses that are defined by the UDO but not included as a Permitted Use and/or Special Exception Use (if so, see Use Variance and/or Special Exception Use forms).

## USE CLASSIFICATION REQUEST INFORMATION:

Provide the following information for the land use that is not listed in the UDO and is not similar to any use listed in the UDO. Attach additional pages if necessary.

**1. Description of Request:** Describe the proposed use (type of use, hours of operation, access, necessary construction, employees, etc.).

### 2. Criteria for Classifying Land Uses:

- 2.1 Intensity. What is the intensity and nature of the use as determined by the amount and type of activity that would occur on the parcel?
- 2.2 Character. What are the physical characteristics, structures, scale, operational hours, and other features of the use?
- 2.3 Accessory Potential. Is the desired use similar to a listed accessory use or is it incidental to, necessary, and compatible with a permitted primary use?
- 2.4 Intent. Is the desired use similar to and/or compatible with the purpose of an existing zoning district and consistent with the Comprehensive Plan?

# BZA FORM 6: APPEALS

***Instructions:*** Only complete this form if submitting an APPEAL of a decision, order, requirement, and/or determination by the Administrator or an administrative board as it relates to the enforcement of the UDO.

- ***NOTE:*** This does not include an appeal of a Development Plan decision (see Chapter 7.C.5: Development Plan).
- See Chapter 7.C.6: Appeals for procedural information.

## **APPEALS INFORMATION:**

Provide the following information regarding the appeal. Attach additional pages if necessary.

**1. Decision, Order, Requirement, and/or Determination Being Appealed:** Describe in detail.

**2. Interpretation of the Appeal by the Administrator or Administrative Board:** Describe in detail.

**2. Reason or Justification for the Appeal:** Describe in detail.