

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

Contact: Laura Parker at (765) 342-1060 or [lparker@morgancounty.in.gov](mailto:lparker@morgancounty.in.gov)

Website: <https://morgancounty.in.gov/department/index.php?structureid=12>

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 STANDARDS 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. APPEAL

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

## 2022 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. Changes from the public notice deadline are not permitted.

Application Submittal Deadline (By 3:00 pm)	Public Notice Deadline (15 Days Prior To Hearing)	BZA Hearing Date (6:30 pm, Morgan Co. Admin Building <sup>1</sup> )
Wednesday, December 22, 2021	Sunday, January 9, 2022	<b>Monday, January 24, 2022</b>
Friday, January 28, 2022	Sunday, February 13, 2022	<b>Monday, February 28, 2022</b>
Friday, February 25, 2022	Sunday, March 13, 2022	<b>Monday, March 28, 2022</b>
Friday, March 25, 2022	Sunday, April 10, 2022	<b>Monday, April 25, 2022</b>
Friday, April 22, 2022	Sunday, May 8, 2022	<b>Monday, May 23, 2022</b>
Friday, May 27, 2022	Sunday, June 12, 2022	<b>Monday, June 27, 2022</b>
Friday, June 24, 2022	Sunday, July 10, 2022	<b>Monday, July 25, 2022</b>
Friday, July 22, 2022	Sunday, August 7, 2022	<b>Monday, August 22, 2022</b>
Friday, August 26, 2022	Sunday, September 11, 2022	<b>Monday, September 26, 2022</b>
Friday, September 23, 2022	Sunday, October 9, 2022	<b>Monday, October 24, 2022</b>
Friday, October 28, 2022	Sunday, November 13, 2022	<b>Monday, November 28, 2022</b>
Wednesday, November 23, 2022	Sunday, December 11, 2022	<b>Tuesday, December 27, 2022</b>

<sup>1</sup> – Unless otherwise noticed, BZA Meetings are held at 6:30 p.m. in the Lucille Sadler Room, in the Morgan County Administration 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 typically held in-person, but can be done by phone when necessary. 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) or call 765-342-1060 to set up 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 also emailed 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	Appeal
<b>1.1 Application Fee</b> Make checks payable to “Morgan County Plan Commission” or “MCPC”.	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 & BZA Checklist 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 Legal Description &amp; Deed</b> Submit the legal description (the written words delineating the property and a corresponding drawing with dimensions and bearings) and deed. This can be obtained in the Recorder’s Office.	X	X	X	X	X
<b>1.5 Recorded Restrictions, Covenants &amp; Title Search (If Applicable)</b> Submit any recorded restrictions or covenants and any relevant title searches (if applicable).	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 service 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 sewage disposal and water, include verification of 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 certificate of mailing stamped by the post office. See Step 3 (Page 6) of this application packet for more details.	X	X	X		X

# BZA CHECKLIST 2: FORMS & DRAWINGS

	Special Exception Use	Use Variance	Development Standards Variance	Use Classification	Appeal
<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 specified in 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 is 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 basic layout of the proposed development. For simple developments, this can be hand drawn but should be to scale and dimensioned.	X	X	X		

## STEP 3 NOTIFY THE PUBLIC.

Public notice is only required for a **SPECIAL EXCEPTION USE, USE VARIANCE, DEVELOPMENT STANDARDS, and APPEALS**. Use Classification requests do not need to provide public notice.

State law and the Morgan County BZA Rules of Procedure 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 date of 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 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 notice 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 submit this documentation to the Administrator at least one (1) week prior to the hearing (see Application Schedule on page 2).

### 2. NOTIFICATION TO SURROUNDING PROPERTY OWNERS

The applicant MUST:

1. Send the legal notice 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 and must be obtained by the applicant from the Morgan County Auditor's Office (180 S Main Street, Suite 104, Martinsville, IN 46151). All letters must be postmarked at least fifteen (15) days prior to the hearing (see Application Schedule on page 2).
  - 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 and/or part of another jurisdiction.
  - 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 Offices 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 form) to the Administrator at least one week prior to the hearing (see Application Schedule on page 2).

# BZA FORM 1: APPLICATION

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

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

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

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:
Will the Project Use A Temporary Work Trailer:    Yes    No			

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    Sanitary Sewer provided by: _____	
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): <i>Complete if the applicant is not the property owner</i>	
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 INFORMATION:**

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

**1. Proposed Special Exception Use:** Describe the proposed use of the property (type of use, hours of operation, access, necessary construction, employees, etc.).

### **2. Standards for Evaluation:**

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 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 INFORMATION:

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

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

### 2. Standards for Evaluation:

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 INFORMATION:**

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

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

### **2. Standards for Evaluation:**

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 in the UDO or is not similar to any 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 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. Use to Classify:** 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: APPEAL

***Instructions:*** Only complete this form if submitting an APPEAL of a decision, order, requirement, and/or determination by the Administrator or 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.

## **APPEAL 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. Reasons or Justification for the Appeal:** Describe in detail.