



# Board of Zoning Appeals Application

Jeffersonville City Hall  
500 Quartermaster Court, Suite 200, Jeffersonville, IN 47130  
(812) 285-6413

*For Office Use Only*

Case #: \_\_\_\_\_  
Hearing Date: \_\_\_\_\_  
Fees: \_\_\_\_\_

Approved    Denied

## 1. Applicant/Property Owner:

### Applicant:

Name: \_\_\_\_\_

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

Phone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

Cell Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

### Owner:

Name: \_\_\_\_\_

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

Phone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

## 2. Applicant's Attorney/Contact Person and Project Engineer (if any):

### Attorney/Contact Person:

Name: \_\_\_\_\_

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

Phone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

### Project Engineer:

Name: \_\_\_\_\_

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

Phone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

## 3. Board of Zoning Appeals Classification: (Please indicate the number of each action requested)

Development Standards Variance: \_\_\_\_\_

Use Variance: \_\_\_\_\_

Special Exception: \_\_\_\_\_

Administrative Appeal: \_\_\_\_\_

## 4. Project Information:

Address of Property: \_\_\_\_\_

Name of Subdivision: \_\_\_\_\_

Existing Use of Property: \_\_\_\_\_ Current Zoning: \_\_\_\_\_

## 5. Applicable Ordinance Section Number(s): (Please indicate ALL applicable Zoning Ordinance Section Numbers for your Petition including Article, Section, and Page Number)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## 6. Attachments:

- a. Authorization from Owner
- b. Letter of Intent
- c. List of Adjoining Properties

- d. Completed Notice of Public Hearing
- e. One copy of proposed plans
- f. Application \$100.00 plus \$5.54 per adjoining letter
- g. Any Additional Information As Required by Director

The undersigned states the above information is true and correct as (s)he is informed and believes.

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

State of Indiana )  
County of Clark ) SS:

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_

Notary Public \_\_\_\_\_ Printed \_\_\_\_\_  
County \_\_\_\_\_ My Commission expires \_\_\_\_\_

**- AFFIDAVIT & CONSENT OF PROPERTY OWNER -  
Application to the Jeffersonville Board of Zoning Appeals**

STATE OF INDIANA )  
COUNTY OF CLARK ) SS:

I, \_\_\_\_\_, AFTER BEING DULY SWORN, DEPOSE AND SAY THE  
(Name of property owner)  
FOLLOWING:

1. That I am the owner of real estate located at \_\_\_\_\_;  
(Address of affected property)
2. That I have read and examined the Application made to the Jeffersonville Board of Zoning Appeals by:  
\_\_\_\_\_ Case #: \_\_\_\_\_;  
(Name of applicant)
3. That I have no objections to, and consent to the request(s) described in the Application made to the Jeffersonville Board of Zoning Appeals.

\_\_\_\_\_  
Owner's Name (Please Print)

\_\_\_\_\_  
Owner's Signature

State of Indiana )  
County of Clark ) SS:

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

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Printed

Residing in \_\_\_\_\_ County My Commission expires \_\_\_\_\_

## Board of Zoning Appeals Petition Procedures

### Determination of Request:

Below is a brief description of each type of Board of Zoning Appeals Petition. Please review each to determine which type of procedure you need.

#### Development Standards Variance

A deviation from the Area, Bulk Height and other applicable regulations of a Zoning District contained in the Jeffersonville Zoning Ordinance which governs the physical development of real estate.

The Board may only approve a variance from development standards upon a determination in writing that (1) the approval will not be injurious to the public health, safety, morals, and general welfare of the community; (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; and (3) the strict application of the terms of this Ordinance will result in a Practical Difficulty. This situation shall not be self-imposed, nor be based on a perceived reduction of or restriction of economic gain.

#### Use Variance

The use of land or the use of a building or structure other than that prescribed by the Jeffersonville Zoning Ordinance.

The Board may only approve a use variance upon a determination in writing that (1) the approval will not be injurious to the public health, safety, morals, and general welfare of the community; (2) the use and value of the adjacent areas to the subject property are not adversely affected; (3) the need for a variance stems from a condition unusual or peculiar to the subject property itself; (4) the strict application of the terms of this Ordinance will result in an unnecessary hardship if they were applied to the subject property; and (5) the approval of the variance does not contradict the goals and objectives of the Comprehensive Plan.

#### Special Exception

The use of land or the use of a building or structure on the land which is allowed in the Zoning District applicable to the land only through the grant of a Special Exception by the Board of Zoning Appeals.

The Board may only approve a use variance upon a determination in writing that (1) the proposal will not be injurious to the public health, safety, morals, and general welfare of the community; (2) the requirements and development standards for the requested use as prescribed by this Ordinance will be met; (3) granting the exception will not subvert the general purposes served by this Ordinance and will not permanently injure other property or uses in the same district and vicinity; and, (4) the proposed use will be consistent with the character of the district therein, the spirit and intent of this Ordinance, and the Jeffersonville Comprehensive Plan.

#### Administrative Appeal

An appeal from any order, requirement, decision, or determination made by the Staff, Planning Director, administrative board, or other body except the Plan Commission.

### Submission of Petition to Board of Zoning Appeals:

1. A complete Board of Zoning Appeals Application is to be submitted by the close of business a minimum of 30 days prior to the initial hearing before the Board of Zoning Appeals.
2. Only complete applications will be docketed for the next Board of Zoning Appeals meeting. If the application is incomplete 30 days prior to the initial hearing before the Board of Zoning Appeals, the request will be docketed for the following Board of Zoning Appeals meeting to allow the applicant time to submit a complete application.
3. The following information is to be submitted with the notarized Petition:
  - A Completed Affidavit and Consent of Property Owner Form
  - A list of Adjoining Parties (defined as owners of properties within 2 properties of the subject lot boundaries within planning jurisdiction)
  - A Letter of Intent-detailing request before the Board of Zoning Appeals
  - A completed Notice of Public Hearing
  - Application Fee \$100.00 plus \$5.54 per adjoining property owner
  - 1 copy of proposed plans
  - Any additional information as required by Planning Director

### Public Hearing Notification:

Notice of Public Hearing for the Board of Zoning Appeals is to be completed as set forth in the Rules of Procedure for the Jeffersonville Board of Zoning Appeals. The procedures related to public hearings notification contained in this Petition Packet are provided for convenience purposes only.

1. *Notice by Publication:* The Applicant shall be responsible for posting a legal advertisement in the Jeffersonville Evening News which contains the information described on the Notice of Public Hearing sheet. The legal advertisement must run once, at least ten (10) days prior to the hearing.
2. *Notice by Mailing:* The Planning Director shall provide Notice of Public Hearing by letter to each Interested Party.
3. *Posted Notice:* The applicant shall permit the Planning Director to place a notice sign on the subject property.

### Petition Review Procedures:

1. Prior to acceptance, the Petition will be reviewed for completeness. Once complete, the Petition will be docketed for the next Board of Zoning Appeals meeting.
2. The petitioner may request continuation of the Public Hearing prior to the Board of Zoning Appeals meeting.
3. The Board of Zoning Appeals at the Public Hearing may approve, deny, or continue the Petition.