

## 2021 Board of Zoning Appeals Filing Dates

<u>Last Day to File Petition</u>		<u>Hearing Date</u>		<u>Last Day to File Legal Notice</u>	
December	15	January	19	January	9
January	13	February	16	February	6
February	10	March	16	March	6
March	17	April	20	April	10
April	14	May	18	May	8
May	12	June	15	June	5
June	16	July	20	July	10
July	14	August	17	August	7
August	18	September	21	September	11
September	15	October	19	October	9
October	13	November	16	November	6
November	17	December	21	December	11
December	15	January	18	January	8

All meetings are held at the  
Lawrence Government Center  
in the George E. Keller  
Public Assembly Room  
at 6:00 pm

# Board of Zoning Appeals

## Filing Fees

### **Variance of Use for a:**

Dwelling Use	\$150.00 (plus \$10.00 for each Variance of Development Standards requested)
Commercial/Industrial Use	\$500.00 (plus \$50.00 for each Variance of Development Standards requested)
All Other Uses	\$400.00 (plus \$50.00 for each Variance of Development Standards requested)

### **Variance of Development Standards of the:**

Dwelling District Zoning Ordinance	\$150.00 (plus \$10.00 for each add'l Variance of Development Standards requested)
Sign Regulations	\$300.00 (plus \$50.00 for each add'l Variance of Development Standards requested)
Commercial, Industrial and All Other Zoning Ordinances	\$300.00 (plus \$50.00 for each add'l Variance of Development Standards requested)

### **Special Exceptions:**

Commercial/Industrial/Wellfield Protection Zoning Ordinance	\$500.00
Modification to conditions of a Variance Or Special Exception Grant, Development	\$100.00 (for approval petitions for Single and Two-Family Residential Development) \$250.00 (for approval petitions for all other types of Development)

**Special Exceptions:**

Waiver of the one year waiting period before refilling after an adverse decision and all other requests. \$100.00

Administrator's Approval:  
(see note below)

Specific Review \$50.00  
General Review \$250.00

## FILING CHECKLIST FOR VARIANCE PETITION

*Please read carefully*

Your Variance Packet must be filed with the Board Secretary, Renea Rafala, located at: Lawrence Government Center, 9001 E 59<sup>th</sup> St., Ste 205, Lawrence, IN 46216. Fees for the initial packet must be paid in order to receive a docket number. Any additional fees must be paid prior to the initial hearing. The petitioner must provide the Secretary with one (1) original and one (1) copy of the entire packet of all documents. The initial packet must be filed thirty-five (35) days prior to the hearing date.

### **Your initial packet must include the following:**

- a. Petition
- b. Findings of Fact
- c. Zoning Base Map (obtained thru Metro Planning & Zoning Dept) with subject property prominently marked
- d. Consent Form (if applicable)
- e. Set of Structural plans, including floor plans and elevations. (if applicable)
- f. Site Plan (with landscaping, if applicable)
- g. Plot Plan

- Must be drawn to a scale of 1"=30', 1"=20', 1"=10'. Indicate scale on plans.

Plot Plan must include:

- The North arrow
- Address of the site
- All dimensions of the entire site
- Names, centerline and right-of-way widths of all street, alleys and easements (including: drainage easements, utility easements, etc)
- Location and horizontal dimensions of all structures, existing and proposed. Proposed structures indicated by cross-hatching. e.g. ////
- Use of each structure by labeling. (such as: residence, garage, existing shed, etc)
- Structures to be removed indicated by broken lines. e.g. - - - -
- Distance from front, rear and each side of property line to all structures. (This distance is measured from the point where the structure is nearest the property line.)
- Location of proposed or existing driveway and its width at the right-of-way (property) line. (Also show connection to street and alley.)
- Measurement of curb radius and/or taper.
- Locations, dimensions and use of any other paved areas.
- The name of legal ditches or streams on or adjacent to the site.
- Location, type (i.e. ground, pole, projected, wall or other) and dimensions of all signs. Include separate, elevation of proposed sign structures complete with all dimensions and drawn to scale.
- Location, size and type of all existing and proposed trees and landscaping.

### **Your Legal Notice packet must contain:**

The following documents will need to be submitted to the Board Secretary no less than ten (10) days prior to the hearing and you must provide one (1) original of the documents listed below:

- a. Legal Notice
- b. Affidavit of Legal Notice of Public Hearing
- c. The Legal Notice of Public Hearing must be mailed to neighboring property owners (available from Board Secretary) and a list of neighborhood organizations that is enclosed in this packet.
- d. A copy of the Legal Notice of Public Hearing must also be posted on the property of which the Variance is being applied for.
  - If Multi-Family use is requested, the Petitioner will need to provide a Multiple Dwelling Project Analysis.
  - The docket number must be filled in on all document pages submitted
  - Make check payable to "City of Lawrence" in the amount applicable
  - Payment must be received prior to a case number being issued and put on the Agenda
  - If all paperwork is not in order and all copies have not been made, your paperwork will be returned to you. This may cause a delay in docketing your petition, so please make sure all paperwork is correct.

LAWRENCE BOARD OF ZONING APPEALS  
OF MARION COUNTY, INDIANA

PETITION FOR VARIANCE

DOCKET NO.: \_\_\_\_\_

ADDRESS OF  
PREMISES AFFECTED:

[Empty box for address of premises affected]

NAME OF PETITIONER(S): \_\_\_\_\_

PHONE: \_\_\_\_\_

FAX: \_\_\_\_\_

PETITIONER(S) ADDRESS:

STREET ADDRESS

CITY

STATE

ZIP

AGENT \_\_\_\_\_

PHONE: \_\_\_\_\_

FAX: \_\_\_\_\_

AGENT'S ADDRESS:

STREET ADDRESS

CITY

STATE

ZIP

NAME OF OWNER(S) \_\_\_\_\_

PHONE: \_\_\_\_\_

IF DIFFERENT FROM PETITIONER(S):

FAX: \_\_\_\_\_

OWNER(S) ADDRESS:

STREET ADDRESS

CITY

STATE

ZIP

IS/ARE THE PETITIONER/PETITIONERS THE OWNER/OWNERS OF ONE HUNDRED PERCENT (100%) OF THE AREA INVOLVED IN THE  
PETITION: YES  NO

LEGAL DESCRIPTION (CHECK ONE):

COMPLETE METES & BOUNDS LEGAL DESCRIPTION ATTACHED.

PLATTED SITE WITHIN A RECORDED SUBDIVISION, COPY OF PLAT MAP ATTACHED.

LOT NUMBER(S) \_\_\_\_\_ SECTION #: \_\_\_\_\_

SUBDIVISION. RECORDED IN PLAT BOOK \_\_\_\_\_, PAGE(S) \_\_\_\_\_ IN THE MARION COUNTY RECORDER'S OFFICE, OR  
RECORDED AS INSTRUMENT NUMBER \_\_\_\_\_ IN THE MARION COUNTY RECORDER'S OFFICE.

IS THIS PROPERTY THE SUBJECT OF ANY CODE ENFORCEMENT ACTION?  YES  NO

WAS THIS PROPERTY THE SUBJECT OF ANY PREVIOUS PETITION(S)? YES  NO

IF YES, LIST THE ORIGINAL DOCKET NUMBER(S) \_\_\_\_\_

CURRENT ZONING \_\_\_\_\_ TOWNSHIP \_\_\_\_\_ ACREAGE \_\_\_\_\_

EXISTING USE OF THE SUBJECT PREMISES  
\_\_\_\_\_

THE VARIANCE REQUEST IS FOR A VARIANCE OF:

USE \_\_\_\_\_ DEVELOPMENT STANDARDS  USE AND DEVELOPMENT STANDARDS

PROVIDE A DETAILED DESCRIPTION OF THE PROPOSED USE; STATE THE SPECIFIC ORDINANCE(S), STANDARD(S), AND/OR  
REGULATION(S) SOUGHT TO BE MODIFIED. ATTACH ADDITIONAL PAGES, IF NECESSARY.

THE ABOVE INFORMATION, TO MY KNOWLEDGE AND BELIEF, IS TRUE AND CORRECT.  
\_\_\_\_\_

\_\_\_\_\_  
SIGNATURE(S) OF PETITIONER(S) OR AGENT

\_\_\_\_\_  
SIGNATURE(S) OF OWNER(S) IF DIFFERENT THAN PETITIONER

STATE OF INDIANA, COUNTY OF MARION, SS:

SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_

NOTARY PUBLIC \_\_\_\_\_ PRINTED NAME \_\_\_\_\_

MY COMMISSION EXPIRES \_\_\_\_\_ COUNTY OF RESIDENCE \_\_\_\_\_

DOCKET NO.: \_\_\_\_\_

LAWRENCE BOARD OF ZONING APPEALS  
OF MARION COUNTY, INDIANA

CONSENT FORM

The undersigned, \_\_\_\_\_, being the owner(s) of the property commonly known as \_\_\_\_\_, hereby authorize(s) \_\_\_\_\_ to file land development petitions necessary for the aforementioned address.

This consent shall:

remain in effect until revoked by a written statement filed with the Lawrence Board of Zoning Appeals.

OR

remain in effect until \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Owner Property Owner Property

Date: \_\_\_\_\_ Date: \_\_\_\_\_

STATE OF INDIANA )  
 ) SS:  
COUNTY OF \_\_\_\_\_ )

Before me, a Notary Public in and for said County and State, appeared the Property Owner(s) herein, who acknowledged the execution of the foregoing as his/her/their voluntary act and deed for the uses and purposes expressed therein.

Witness my hand and notarial seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My commission expires:

\_\_\_\_\_  
County of Residence:  
\_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC  
\_\_\_\_\_  
Printed Name

## Preparing Your Findings of Fact

It is important to prepare your Findings of Fact properly. If your petition is granted, the Findings of Fact are adopted by the Metropolitan Development Commission or Board of Zoning Appeals as the basis for granting the petition. If the petition grant were judicially reviewed by a court of law, these findings would be the primary evidence in the court's review. Therefore, the following suggestions are offered to assist you in your preparation:

- Read each statement carefully before completing the finding. What you write after the word "because" in each of the findings must support the statement that introduces the finding.
- Be sure that you understand the statements in the Findings of Fact. For example, if you do not know what the comprehensive plan recommendation is, do not try to complete the finding regarding the comprehensive plan until you learn what it is.
- Do not use personal matters as reasons for findings. The findings must relate to the property, not to a person.
- Check your spelling.
- Use correct grammar. When in doubt, please get assistance.
- Do not use pronouns (I, he, she, we or the possessives my, his, her, our) to describe yourself or the petitioner, i.e., the person or entity seeking the variance. Simply repeat the word "petitioner" or "petitioner's".
- You may want to consider obtaining professional assistance if you are uncertain about how to proceed.

LAWRENCE BOARD OF ZONING APPEALS  
OF MARION COUNTY, INDIANA

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

1.The grant will not be injurious to the public health, safety, morals and general welfare of the community because:

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2.The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

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3.The need for the variance arises from some condition peculiar to the property involved and the condition is not due to the general condition of the neighborhood because:

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4.The strict application of the terms of the zoning ordinance constitutes an unusual or unnecessary hardship if applied to the property for which the variance is sought because:

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5.The grant does not interfere substantially with the comprehensive plan because:

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DECISION

It is therefore the decision of this body that this variance petition is granted, subject to any conditions stated in the minutes (which conditions are incorporated herein by reference and made a part of this decision)

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Chairperson -

\_\_\_\_\_  
Board Member -

\_\_\_\_\_  
Vice Chairperson -

\_\_\_\_\_  
Board Member -

\_\_\_\_\_  
Board Member -

\_\_\_\_\_  
Board Member -



LAWRENCE BOARD OF ZONING APPEALS  
OF MARION COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS AND GENERAL WELFARE OF THE COMMUNITY BECAUSE

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

2. THE USE OR VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE

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

3. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE WILL RESULT IN PRACTICAL DIFFICULTIES IN THE USE OF THE PROPERTY BECAUSE

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

**DECISION**

IT IS THEREFORE THE DECISION OF THIS BODY THAT THIS VARIANCE PETITION IS GRANTED, SUBJECT TO ANY CONDITIONS STATED IN THE MINUTES (WHICH CONDITIONS ARE INCORPORATED HEREIN BY REFERENCE AND MADE A PART OF THIS DECISION).

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Chairperson -

\_\_\_\_\_  
Board Member -

\_\_\_\_\_  
Vice Chairperson -

\_\_\_\_\_  
Board Member -

\_\_\_\_\_  
Board Member -

\_\_\_\_\_  
Board Member -

LAWRENCE BOARD OF ZONING APPEALS  
OF MARION COUNTY, INDIANA

PETITION FOR VARIANCE OF USE AND  
PETITION FOR VARIANCE OF USE AND DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS AND GENERAL WELFARE OF THE COMMUNITY BECAUSE \_\_\_\_\_

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

2. THE USE OR VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE \_\_\_\_\_

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

3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED AND THE CONDITION IS NOT DUE TO THE GENERAL CONDITION OF THE NEIGHBORHOOD BECAUSE

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

4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL OR UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE

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

5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE

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

DECISION

IT IS THEREFORE THE DECISION OF THIS BODY THAT THIS VARIANCE PETITION IS GRANTED, SUBJECT TO ANY CONDITIONS STATED IN THE MINUTES (WHICH CONDITIONS ARE INCORPORATED HEREIN BY REFERENCE AND MADE A PART OF THIS DECISION).

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Chairperson –

\_\_\_\_\_  
Board Member –

\_\_\_\_\_  
Vice Chairperson –

\_\_\_\_\_  
Board Member –

\_\_\_\_\_  
Board Member –

\_\_\_\_\_  
Board Member –

**PROCEDURES FOR FILLING OUT THE  
LEGAL NOTICE OF PUBLIC HEARING  
AND THE  
AFFIDAVIT OF PUBLIC HEARING**

As a petitioner seeking a variance, you must notify other interested parties and property owners. Your responsibilities and the procedures you must follow are set out in the Rules of Procedure of the Lawrence Board of Zoning Appeals. The procedures for notice are summarized below:

1. *The Petitioner* must prepare the LEGAL NOTICE OF PUBLIC HEARING for mailing. The notice must be sent by registered, certified or first-class mail at least ten (10) days before the date of hearing. The notice must be mailed to the owners of all adjacent parcels of land surrounding the subject property to a depth of two (2) property ownerships, but not exceeding 660 feet from the subject property. You can obtain all information on ownership of surrounding property from the Board of Zoning Appeals Secretary, 9001 E 59<sup>th</sup> St, Suite 205, (317-545-5566).
2. The LEGAL NOTICE OF PUBLIC HEARING must also be sent to appropriate neighborhood organizations. This information can be obtained from the Board of Zoning Appeals Secretary, 9001 E 59<sup>th</sup> St, Suite 205, (317-545-5566).
3. The LEGAL NOTICE OF PUBLIC HEARING must also be sent to all members of the Lawrence Common Council as well as the At-Large members of the Lawrence Common Council. This information can be obtained from the Board of Zoning Appeals Secretary, 9001 E 59<sup>th</sup> St, Suite 205, (317-545-5566).
4. A copy of the LEGAL NOTICE OF PUBLIC HEARING must be posted in a conspicuous place on the subject property at least ten (10) days before the hearing and remain there until final hearing of the petition.
5. The AFFIDAVIT OF NOTICE OF PUBLIC HEARING must be notarized and then filed in the office of the Lawrence Board of Zoning Appeals along with a copy of the LEGAL NOTICE OF PUBLIC HEARING within three (3) business days after mailing of the notices. These documents may be filed in person or mailed to the Lawrence Board of Zoning Appeals, Attn.: Board Secretary, 9001 E. 59<sup>TH</sup> Street, Suite 205, Lawrence, Indiana 46216. The affidavit must include the names and addresses of all property owners, neighborhood organizations and Lawrence City Councilors to whom the notice was sent.

**NOTE: IF YOU FAIL TO FOLLOW THESE DIRECTIONS,  
THE SCHEDULED HEARING MAY BE POSTPONED.**

**LEGAL NOTICE OF PUBLIC HEARING**

**LAWRENCE BOARD OF ZONING APPEALS  
OF MARION COUNTY, INDIANA**

Notice is hereby given that the undersigned has filed a petition with the Lawrence Board of Zoning Appeals of Marion County, Indiana, requesting the following:

\_\_\_\_\_  
Docket Number

\_\_\_\_\_  
Address of subject property

REQUEST:

LEGAL DESCRIPTION:

This petition and all exhibits and plans filed therewith may be examined in the Board's office at the Lawrence Government Center, 9001 East 59<sup>th</sup> Street, Ste #205, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday. Written objections to the petition may be filed with the Secretary to the Lawrence Board of Zoning Appeals before the hearing at the above address and such objections will be considered.

Contacting members of the Lawrence Board of Zoning Appeals regarding a pending petition is prohibited.

A public hearing will be held at the Lawrence Government Center, 9001 E. 59<sup>th</sup> Street on Tuesday, \_\_\_\_\_, at 6:00 p.m. All interested persons will be given an opportunity to be heard in reference to the matters set out in said petition. The hearing may be continued from time to time as may be found necessary. This notice is sent to you as an owner of property adjacent to the property included in said petition, pursuant to the applicable Rules of Procedure.

PETITIONER

DEVELOPER  
(if different from Petitioner)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name Printed

\_\_\_\_\_  
Name Printed

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City State Zip

\_\_\_\_\_  
City State Zip

**AFFIDAVIT OF NOTICE OF PUBLIC HEARING**

**LAWRENCE BOARD OF ZONING APPEALS  
OF MARION COUNTY, INDIANA**

I/We \_\_\_\_\_ do hereby certify that the Legal Notice of Public Hearing to consider Docket No. \_\_\_\_\_ was sent by certified, registered or first-class mail to the last known address of each of the following persons, they being all persons to whom notice was required to be sent by the rules, regulations and order of the Lawrence Board of Zoning Appeals of Marion County, Indiana:

OWNER'S NAME

ADDRESS

(list attached)

Said notices were mailed by certified, registered or first-class mail on the \_\_\_\_\_, being at least ten (10) days prior to the scheduled public hearing, and that receipts for said certified or registered mailings are attached hereto.

I/We further certify that the notice required by said rules, regulations and order to be posted in a conspicuous place on the property described in Petitioner's petition was posted on the property on the \_\_\_\_\_, being at least ten (10) days prior to the scheduled hearing.

\_\_\_\_\_  
Petitioner, Attorney or Authorized Agent

STATE OF INDIANA    )  
                                  ) SS:  
COUNTY OF MARION )

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

My commission expires: \_\_\_\_\_

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

County of residence:

\_\_\_\_\_  
Printed Name

# **NOTICE**

## **City of Lawrence Board of Zoning Appeals**

**Date of Hearing:**

**Location of Hearing:  
Lawrence Gov't Center  
9001 E 59<sup>th</sup> St  
Assembly Room  
Time: 6:00 pm**

**Petition Number:**

**Petitioner:  
Petition Address:**

**Request for Petition:**