



DOCKET #: \_\_\_\_\_  
To be assigned by planning staff. This spaced for office use

**Town of Utica, Indiana  
Board of Zoning Appeals  
Application for a Variance of Use**

Name of Applicant: \_\_\_\_\_

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

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

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

Date of Application: \_\_\_\_\_ Zoning Classification: \_\_\_\_\_

Address or location of the property subject to this application: \_\_\_\_\_ Proposed Use: \_\_\_\_\_

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

Date of record and subdivision name if applicable: \_\_\_\_\_

Describe the proposed use and variance: \_\_\_\_\_

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

Please provide the following:

1. Attach the legal description of the property
2. Attach a site plan depicting all of the site, existing structures and proposed structures, parcel dimensions, locations of streets, driveway, location and number of parking spaces, fire hydrant locations, sewer and water lines, and other appropriate information.
3. You should also include any additional evidence which you would like the BZA to consider that you believe indicates support your requested use of the property.
4. The following are requirements that the BZA is required to consider at the public hearing. You may attach additional sheets to this application if needed.
  - a) Explain why the approval of the variance will not be injurious to the public health, safety, morals, and general welfare of the community;

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- b) Explain why the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;

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- c) Explain how the need for the variance arises from some conditions *peculiar to the property* involved, such condition not being found in common with other properties in the vicinity that are in the same zoning district and *such condition not having been created by the applicant for the variance; and such condition will result in practical difficulties;*

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- d) Explain how the strict application of the terms of the Zoning Ordinance will constitute an unnecessary economic hardship if applied to the property for which the variance is sought;

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- e) Explain how the variance shall be minimum necessary to permit the proposed development such that the substantial intent and purpose of the zoning ordinance and Utica's comprehensive plan shall be preserved.

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***Please note the Board of Zoning Appeals may add reasonable condition to the granting of a variance.***

***Recorded covenants or restrictions cannot but varied or changed by the BZA***

**A FEE OF \$125.00 SHALL ACCOMPANY THIS APPLICATION CHECKS SHALL BE MADE OUT TO THE TOWN OF UTICA**

The above information and attachments and exhibits, to my knowledge and belief are true and correct.

\_\_\_\_\_  
Applicant's signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed applicants name

(State of Indiana)  
(County of Clark)

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

\_\_\_\_\_  
Notary Public Resident of Clark County, Indiana

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

## Affidavit of Notice of Public Hearing Town of Utica, Indiana

I [we] \_\_\_\_\_ certify that notice of public hearing to consider docket # \_\_\_\_\_ pertaining to the \_\_\_\_\_ was sent by certified first class mail the last known address, as determined by records of the Clark County Auditors, to each of the following persons.

| Owners Name | Address |
|-------------|---------|
|             |         |
|             |         |
|             |         |
|             |         |
|             |         |

*Attach additional sheets if needed*

And that such notice was mailed on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ being at least 10 days prior to the scheduled public hearing and that timely proof of such first certified first-class mailing[s] are attached hereto.

\_\_\_\_\_  
Applicant, Attorney, or Authorized Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed name

(State of Indiana)  
(County of Clark)

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

\_\_\_\_\_  
Notary Public Resident of Clark County, Indiana

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

## **Instruction Sheet for Use Variance Petition**

1. A pre-filing conference is encouraged for all Board of Zoning Appeals [BZA] petitions. Call 502 403-8046 to set an appointment to discuss a petition prior to filing for a hearing before the BZA.
2. An application and required procedural items must be completed by the applicant.
3. If the applicant is not the property owner, the applicant shall demonstrate consent of the property owner in order to file a petition. The applicant shall provide an originally signed and dated document outlining the property owner's permission in representing their interest at the time of filing any petition.
4. All responses provided on the application and other required and submitted materials shall be legible.
5. If the petitioner wishes to submit color pictures or graphics, the petitioners shall provide color copies at the hearing in an 8 ½" X 11" or 11" X 17" format.
6. The applicant or designated representative must attend and explain the petition and how it meets the requirements of the zoning ordinance at the public hearing when the BZA considers the petition.
7. In no event shall petitioners contact or attempt to communicate with members of the BZA in regard to this application and/or hearing prior to the BZA meeting.
8. If you have questions regarding these instructions, please contact Sharon Wilson, AICP at 502 403-8046.
9. The application and required documents shall be submitted with a copy emailed to [sharon@uticaindianaplanning.com](mailto:sharon@uticaindianaplanning.com) by the first Tuesday of the month prior to the public hearing. Also, the original and three copies of the application and all required documents shall be deposited in the large drop box on the porch at the side entrance to the town hall. by the first Tuesday of the month prior to the public hearing.
10. BZA public hearings are schedule for the first Tuesday of each month at 6:00 p.m. at 107 4<sup>th</sup> Street in Utica, Indiana

## Sample Legal Notice

Complete and publish the following legal notice in a daily newspaper of general circulation in Clark County at least 10 days prior to the date of the public hearing. The applicant should be aware that the newspaper has deadlines for submittal of public notices. It is the sole responsibility of the applicant to meet these deadlines.

### Public Notice Town of Utica, Indiana Board of Zoning Appeals

The Board of Zoning Appeals will meet on \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at 6:00 p.m. at the Utica Town Hall 107 4<sup>th</sup> Street, Utica, Indiana for the purpose of holding a public hearing and acting on the following:

Requested Action: The applicant is requesting a \_\_\_\_\_ to

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

At the following commonly, known address:

\_\_\_\_\_

The docket is available for public review by appointment, by calling 502 403-8046.

The Public Hearing may need to be continued from time to time as may be found necessary. Said Public Hearing will be open to the public and any objectors will be heard at this meeting.

For special accommodations needed for disabled individuals planning to attend, contact the Utica Clerk-Treasurer at least forty-eight (48) hours prior to the meeting.

Interested persons desiring to present comments either in writing or verbally will be given the opportunity to be heard at the aforementioned time and place.

Utica Board of Zoning Appeal