



Use Variance Application and Information Packet.

Step 1: Pre-Filing Meeting

Prior to completing the Use Variance Application, please contact the City of Rushville Planning and Zoning Office and schedule a meeting with Staff for the purposes of becoming familiar with the requirements, procedures, deadlines, and hearings. Failure to schedule the meeting may delay when the Use Variance Application may be submitted. Contact the City of Rushville Planning and Zoning Office by calling (765) 932-3735 or emailing compliance@cityofrushville.in.gov to schedule the meeting.

It is the responsibility of the Applicant to plan accordingly to comply with all deadline requirements.

Required Pre-Filing/Submittal Meeting:

The required pre-filing/submittal meeting is held prior to submitting the Use Variance Application.

Use Variance Applications are filed with the City of Rushville Planning and Zoning Office at the Rushville City Center, 330 N. Main Street, Suite 200, Rushville, IN 46173.

Step 2: Application.

Application Submittal Deadline.

The filing date deadlines are provided in this packet.

The complete Use Variance Application and all Attachments are to be submitted by is 2:00 p.m. on the specific dates the Applicant has selected.

Please call (765) 932-3735 or email compliance@cityofrushville.in.gov to schedule an appointment to submit the Use Variance Application and all required attachments.

Application Fee:

Credit card payment cannot be accepted at this time.

The preferred method of payment is by check payable to the City of Rushville.
Filing Fee - \$100.00

Filing Application:

In order to file the Use Variance Application, the Applicant must complete Step 1 Pre-Filing Meeting.

One (1) Use Variance Application required to be submitted.

A **complete Application and all required Attachments** are to be submitted at the scheduled appointment with the Planning and Zoning Office Staff (Staff), but **not later than the** date indicated in the Meeting Deadline Schedule inserted within this Packet.

All spaces on the Use Variance Application must be fully completed. Use Variance Applications may be completed by one (1) of the following methods:

1. Complete and print the on-line fillable Application
2. Print Application and complete by typewritten
3. Print Application and complete by legible written ink.

Applications which are **NOT** legible will be returned to the Applicant as an incomplete Application.

The Planning and Zoning Office Staff will review the Application and Attachments for completeness. If the Application and Attachments are complete and correct, the Application will be placed on the Board of Zoning Appeals Agenda and a Docket Number assigned.

Incomplete Application:

Incomplete Applications and Attachments will be returned to the Applicant with the deficiencies identified. Incomplete Applications will **NOT** be assigned to the Board of Zoning Appeals Agenda or assigned a Docket Number.

If the Applicant submits a corrected Application and Attachments to the Rushville Planning and Zoning Office within **two (2) business days** of notification of incomplete Application and/or Attachment, the Application and/or Attachment will be reviewed for completeness. If the Application and/or Attachments are deemed complete, the Application will be placed on the Board of Zoning Appeals Agenda and assigned a Docket Number.

If the corrected Application and Attachments are **not received within the required two (2) business days**, the Application and/or Attachment, if complete, will be placed on the Board of Zoning Appeals, next regularly scheduled meeting date, as provided in the attached Published Meeting Date Calendar.

Step 3: Submittal Requirements:

The following documents are required to be submitted when the Use Variance Application is submitted to be considered a complete Application.

Submittal Documents are to be 8 ½” x 11” unless a different size is specified.

Commercial property: Electronic submission of Use Variance Application and required submittal documents shall be submitted by Portable Document Format (PDF), Compact Disc (CD) or Flash Drive (thumb drive).

Residential property: Residential property owners, who are filling the Use Variance Application without assistance from an attorney, or other third (3rd) party person may submit a paper Use Variance Application and paper attachments.

- ☐ Variance Application.
- ☐ Copy of Recorded Deed(s).
- ☐ Narrative – Describe the nature of the need for the variance and include the following information that may be applicable to the variance request: drainage, hours of operation, anticipated traffic generation, anticipated impact on neighboring properties, etc.
- ☐ Findings of Fact – Findings of Fact is a part of this Use Variance Application. Indiana Law (statute) requires the Applicant to provide written Findings of Fact, which the Board of Zoning Appeals is required to consider to approve or deny any Variance Application.
- ☐ Vicinity Map – Show where the property is located, labeling major streets. Scale should be approximately 1-inch:1,000-feet.
- ☐ Aerial Map – Show all properties within 100 feet of the subject property. Maps can be obtained from Google Earth or other similar aerial mapping programs.
- ☐ Site Plan – Site plan paper size no larger than 11” x 17”. The site plan is to indicate the existing and proposed structures, streets, right-of-way, land uses, etc. A sample site plan is provided in the packet. Please do **NOT** use the sample provided as the Site Plan for the subject property for the Use Variance Application.
- ☐ Affidavit & Consent of Property Owner. If the person/company applying for the Use Variance is NOT the Deed Owner of the property, the Owner must complete the Affidavit and Consent of Property Owner.
- ☐ Proof of Good Standing – Business entity in part or entirety, owns the affected property(ies), proof of goodstanding with the State in which the Business was formed is required. Business must be registered to do business in Indiana.

To obtain Proof of Good Standing. The Secretary of State maintains a searchable website of businesses registered to do business in the State of Indiana. The

website is found at:- <https://inbiz.in.gov/BOS/PublicSearch/Search>

NOTE: The State of Indiana from time to time updates their internet web pages and the inserted web address may change. If the above web address fails to work, please visit the Secretary of State main web page at <https://www.in.gov/sos/>

- ☐ Recorded Commitments – If applicable, provide copies of recorded commitments from any previously granted Variances for said real estate.
- ☐ Conditions – If applicable, provide copy(ies) of Condition(s) from any previously granted Variance(s).

Step 4: Notifying the Public of the Public Hearing:

Indiana State Law (IC 36-7-4) and Rushville Board of Zoning Appeals Rules of Procedure requires that surrounding property owners, known as, Interested Party and the General Public be notified of the Public Hearing for the requested Use Variance.

Surrounding property owners, known as Interested Party, is defined as:

An Interested Party is the legal (deeded) land owner whose property is located within one hundred (100) feet or two (2) property owner depth, whichever is greater of the property in the Application before the Board, whether properties are separated by street(s), alley, easement, or any other public right-of-way.

Newspaper Notification:

The Planning and Zoning Office will forward the Public Hearing Meeting Notice Legal Advertisement to the newspaper.

Notification of Surrounding Property Owners (Interested Party):

Surrounding property owners, known as Interested Party, is defined as:

An Interested Party is the legal (deeded) land owner whose property is located within one hundred (100) feet or two (2) property owner depth, whichever is greater of the property in the Application before the Board, whether properties are separated by street(s), alley, easement, or any other public right-of-way.

1. The Applicant is required to provide the legal owners name and legal mailing address, which may not be the addresses of the surrounding property to the Planning and Zoning Office with the completed Use Variance Application.
2. All property owners, [Interested Party] (not a renter or lessee) within 100 feet or two (2) property owners' depth, whichever is greater. The following separations are not boundary for determining Property Owners (Interested Person) within 100-feet or two (2) property owners' depth:
 - a. street(s),
 - b. alley,
 - c. county road, or,
 - d. any other public way,
 - e. railroad tracks,
 - f. creeks,
 - g. rivers,
 - h. ponds, or,
 - i. other natural elements.

3. A list of Property Owners (Interested Person) may be obtained from Rush County GIS and the last known mail address for the property owner can be obtained/verified at the Rush County Treasurer's Office.
4. The List of Surrounding Property Owners (Interested Party) shall be provided to the Rushville Planning and Zoning Office on the Certificate of Mailing Form (USPS Form PS3665-2017), which is included in this packet with the completed Use Variance Application.

Posting of Public Hearing Meeting Yard Sign.

Applicants are required to post the Yard Sign(s) obtained from the Planning and Zoning Office in the front yard of the property listed in the Use Variance Application.

1. Applicant will receive the Yard Sign(s) at the time of filing of the Use Variance Application.
 - a. A deposit of \$50.00 for each Yard Sign is required when filing the Use Variance Application.
 - b. Deposit will be refunded if the Yard Sign(s) are returned in a good usable condition within seven (7) days of final action of the Board of Zoning Appeals.
 - c. If Yard Sign(s) are not returned in a usable condition, the Applicant forfeits the deposit for each sign.
2. Yard Signs are to be posted on-site for ten (10) days prior to the scheduled meeting date and are to remain on-site until final action of the Board of Zoning Appeals.
3. Sign shall be placed within five (5) feet of the public right-of-way line.
4. If property fronts on more than one (1) street, signage is required for all streets.
5. Sign text shall be visible from the street.
6. Sign shall not block or obscure vision clearance at driveways, street or alley corners.

Step 5: Meeting and Deadline Schedule:

The Meeting and Deadline Schedule, provided in this Packet, provides the required deadlines for each Board of Zoning Appeals Meeting.

The approved Meeting and Deadline Schedule may only be altered by the Board of Zoning Appeals in accordance with the Board of Zoning Appeals Rules of Procedures.

Board of Zoning Appeals Meetings are held the third (3rd) Wednesday of each month at 7:00 p.m., at Rushville City Center, 330 N Main Street, Suite 200, Rushville, IN 46173. Scheduled Meetings may be cancelled for lack of Agenda items.

Applicants are required to attend the meeting or be represented by a legally authorized representative. If a legally authorized representative is present without the Applicant, the legal representative will need to submit documentation that the Applicant has retained the legal representative.

2024 Rushville Advisory Plan Commission and Board of Zoning Appeals		
Schedule of Meetings and Deadlines		
Deadline for Applications	Deadline Legal Ad & Notices	2024 Meeting Date
12/18/2023	1/5/2024	1/17/2024
1/22/2024	2/9/2024	2/21/2024
2/19/2024	3/8/2024	3/20/2024
3/18/2024	4/5/2024	4/17/2024
4/15/2024	5/3/2024	5/15/2024
5/20/2024	6/7/2024	6/19/2024
6/17/2024	7/5/2024	7/17/2024
7/22/2024	8/9/2024	8/21/2024
8/19/2024	9/6/2024	9/18/2024
9/16/2024	10/4/2024	10/16/2024
10/21/2024	11/8/2024	11/20/2024
11/18/2024	12/6/2024	12/18/2024

NOTICE:

The Rushville Planning and Zoning Staff will provide assistance, Staff is not permitted to complete the Use Variance Application but can provide general guidance.

The responsibility of completing all requirements is the sole responsibility of the Applicant or Owner under local ordinance and Indiana law.

Staff provided guidance is not legal advice.

Unless specifically provided under local ordinance or state law, the Advisory Plan Commission, Board of Zoning Appeals, and/or Rushville City Council make all final determinations, as applicable.



USE VARIANCE APPLICATION

Applicant Information:

Name: _____

Mailing Address: _____

Numbers (P. O. Box)

Street

City

State

Zip Code

Phone: _____ E-Mail: _____

Primary Contact (if not Applicant): _____

Applicant is: ☐ Sole Owner ☐ Joint Owner ☐ Tenant ☐ Other (specify): _____

Property Owner Information:

Name: _____

Mailing Address: _____

Numbers (P. O. Box)

Street

City

State

Zip Code

Phone: _____ E-Mail: _____

Primary Contact (if not Applicant): _____

Owner is: ☐ Sole Owner ☐ Joint Owner ☐ Tenant ☐ Other (specify): _____

Property Information:

Address, if one assigned: _____

Numbers

Street

Subdivision Name & Lot Number(s): _____

Tax Parcel Identification Number(s): _____

Current Zoning: _____ Current Use of Property: _____

Total Square Footage: _____ or Total Acres: _____

Property located in a Flood Zone: ☐ Yes ☐ No - If Yes, provide copy of Flood Map from DNR Division of Water or FEMA FIRM Maps.

For Office Use ONLY

Docket #: _____

Variance Information and Finding of Fact

Use Variance

In accordance with Indiana Law (Statute) (IC 36-7-4-918.4) The Board of Zoning Appeals is authorized to grant or deny a Use Variance from the Zoning Ordinance. The Board of Zoning Appeals may impose reasonable conditions upon a determination.

Zoning Ordinance Section of Requested Variance:

I (we) respectfully request consideration by the Board of Zoning Appeals to deviate from the requirements established in the following Article and Section of the Rushville Zoning Ordinance. (Staff may assist):

Article & Section (include any Subsection or Items numbers): _____

Describe in Detail the Use Variance Requested and the Reason for the Use Variance Requested (thoroughly explain reason for requesting the Use Variance):

Finding of Fact:

In accordance with Indiana Law (Statute) IC 36-7-4-918.4, the Board of Zoning Appeals has authority to grant or deny a Use Variance based upon the Applicant's written response to the Finding of Fact contained in this Application.

Before writing/responding to **Findings of Fact**, please consider these questions in relation to the specific Use Variance requested and the subject property.

- *How will approval of this Use Variance protect the public interest? In particular, how would the approval impact sensitive public resources and/or adjacent properties?*
- *Is the proposed Use the highest and best Use for the property?*
- *Will the change of Use of the property increase or decrease surrounding property values?*
- *How will enforcement of the Zoning Ordinance unreasonably hinder the use of the property?*
- *Why should the requirements in the Zoning Ordinance not apply to the property?*

- Consider how the proposed Use may affect the dynamics of the neighborhood.
- What other options are available? Why were these options not chosen?
- How is granting this variance consistent with the spirit and intent of the Zoning Ordinance? In particular, how will it meet the purpose of the zoning district(s) in which the property is located?

Practical Difficulty:

For purposes of a request for a Use Variance, means a significant development limitation that:

1. arises from conditions on the property that do not generally exist in the area (i.e., the property conditions create a relatively unique development problem);
2. precludes the development or use of the property in a manner, or to an extent, enjoyed by other conforming properties in the area.
3. cannot be reasonably addressed through the redesign or relocation of the development/building/structure (existing or proposed).

Finding of Fact – Use Variance:

The space provided below is for the Applicant's Written Response to the Finding of Fact. If needed, it is acceptable to add an additional "page" to provide written responses to the Finding of Fact.

1. The approval of the Use Variance **will** ☐ / **will not** ☐ be injurious to the public health, safety, morals, and general welfare of the community (Please Explain).

2. The use and value of the area (property) adjacent to the property included in the Use Variance **will** ☐ / **will not** ☐ be affected in a substantially adverse manner. (Please Explain)

3. The need for the Use Variance arises from some condition peculiar to the property involved. (Please Explain.)

4. The strict application of the terms (requirements) of the Zoning Ordinance **will** ☐ / **will not** ☐ constitute an unnecessary hardship if applied to the property for which the Use Variance is sought. (Please Explain).

5. The approval of the Use Variance **does** ☐ / **does not** ☐ interfere substantially with the comprehensive plan adopted by the Rushville Plan Commission and the City of Rushville Council. (Please Explain)

Applicant Certification:

If the Applicant's or Owner's name(s) that appear on this Application did not fully complete the Use Variance Application, the person who completed the Application shall also sign the Applicant Certification.

I hereby certify that the above information and accompanying documents are true and accurate to the best of my knowledge. I understand that any misrepresentation of the submitted data may invalidate any approval of this document.

I further understand that the completed Application must be filed, and fees paid upon the filing of this Application and accompanying documentation.

Signature: _____ Date: _____

Printed Name: _____

Signature: _____ Date: _____

Printed Name: _____

State of Indiana

County of _____

I, a Notary Public, hereby certify that _____
whose name is signed to the foregoing instrument or conveyance, and who is known to me,
acknowledged before on this day that, being informed of the contents of the conveyance,
he/she/they executed the same voluntarily on the day of the same bears dates.

Given under my hand this _____ day of _____, 2022.

, Notary Public

My Commission Expires: _____

Corporation Acknowledgment

State of Indiana

County of _____

I, _____, a _____ in and for said County, in said State, hereby certify that
_____ whose name as _____ of _____, a corporation as forgoing
_____, and who is known to me, acknowledged before me on this day that being
informed of the contents of said _____, he as such officer, and with full authority,
executed the same voluntarily for and as the act of said corporation, acting in its capacity as
_____ as aforesaid.

Given under my hand this _____ day of _____, 2022.

, Notary Public

My Commission Expires: _____

Affidavit and Consent of Property Owner:

This is to certify that the undersigned is/are the owner(s) of the real estate described in said Application and hereby acknowledge(s) and agree(s) _____ is duly authorized to present said Application before the City of Rushville, Indiana Board of Zoning Appeals.

I/We have read and examined the Use Variance Application and are familiar with its contents.

I/We have no objection to, and consent to the request as set forth in the Use Variance Application.

The Use Variance requested being made by the Applicant is ☐/ is not ☐ a condition to the sale or lease of said real estate described in said application.

I swear or affirm under penalties for perjury that the above representations are true and correct.

Signature: _____ Date: _____

Printed Name: _____

Signature: _____ Date: _____

Printed Name: _____

State of Indiana
County of _____

I, a Notary Public, hereby certify that _____ whose name is signed to the foregoing instrument or conveyance, and who is known to me, acknowledged before on this day that, being informed of the contents of the conveyance, he/she/they executed the same voluntarily on the day of the same bears dates.

Given under my hand this _____ day of _____, 2022.

_____, Notary Public

My Commission Expires: _____

Corporation Acknowledgment

State of Indiana

County of _____

I, _____, a _____ in and for said County, in said State, hereby certify that _____ whose name as _____ of _____, a corporation as forgoing _____, and who is known to me, acknowledged before me on this day that being informed of the contents of said _____, he as such officer, and with full authority, executed the same voluntarily for and as the act of said corporation, acting in its capacity as _____ as aforesaid.

Given under my hand this _____ day of _____, 2022.

_____, Notary Public

My Commission Expires: _____

Surrounding Property Owner Notification by Mail –

A Copy of the Official U. S. Post Office PS Form 3665 has been inserted in this Kit.

OR

The Applicant may obtain an Official U.S. Post Office PF Form from the U.S. Post Office Official Web Site

Or

The Applicant may use this form. Make additional copies of this form, if necessary.

[illegible]

APPLICANT'S GUIDE:

HOW TO DRAW A PLOT PLAN OR SITE PLAN



PLANNING AND ZONING OFFICE

This handout has been prepared to assist Owners/Applicants in preparing plot plan or site plan. This guide provides the information that must appear on the plot plan or site plan. This explanation gives an example of what a good plot plan/site plan looks like. The Applicant's Guide is designed to provide a step-by-step process of "how to" draw a plot plan/site plan. Helpful hints and guidelines are provided to aid an Applicant in the preparation.

What is a Plot Plan?

A "plot plan" or also known as a "site plan", is an accurate drawing or map of your property that shows the size and configuration of your property and the size and precise location of most man-made features (e.g. buildings, driveways, utility lines, walls, and fences) on the property. Plot plan/site plan show what currently exists on the property and what the desired physical changes are, that will change the physical appearance of the land and man-made features.

When do you need to draw a Plot Plan?

Plot plans are required to accompany most applications that change how the property will be used or that are needed in order to construct a man-made feature (e.g. building, driveway, etc.) on the property. For example, plot plans are required when you apply for: Building Permits to build an addition; to construct a new structure/building, such as a garage or storage shed, also known as an accessory structure; or remodeling. New or replacement walls or fences.

A variance for a Zoning Ordinance requirement, may require a plot plan. Not all variance applications require a complete plot plans. Please call the Planning and Zoning Office, for verification.

A plot plan is also very helpful to have when there are questions about building additions, garage, storage sheet on the property.

It will help City personnel to see the specific and unique conditions of the property. City personnel can then provide specific information, rather than general information. The information received will be much more reliable because it will be based on a more complete understanding of the particular situation. This is particularly important when it involves Zoning Ordinance and Building Code requirements.

What does a Plot Plan show?

A plot plan must contain the following information:

1. Name and address of the owner of the property;
2. Address of the property (if different from the owner's address);
3. Property lines and property dimensions;
4. Location, sizes and shape of man-made structures currently on the property;
5. Location, size and shape of any man-made proposed construction;
6. The location and dimensions of all parking areas/driveways (existing and proposed);
7. Identification of adjacent streets (by name), alleys or other adjacent public property;
8. Any easements that cross the property or other pertinent legal features;
9. Dimensions showing how far current and proposed man-made structures are setback from property lines (front, side and rear);
10. Identify exactly what work or construction is to take place on the property, including changes that are proposed to the physical features of the site or existing structures;
11. Provide a compass, indicating the direction of North.

How to prepare a Plot Plan

It may be easier to draw the Plot Plan on graph paper.

Step 1: Determine where the property lines are located and provide the length of the property line.

Note: If property line location is not known, a survey by an Indiana Licensed Land Surveyor may be required to determine location and length of property lines.

Step 2: Once the location of property lines has been determined, draw the property lines, including their length on the paper.

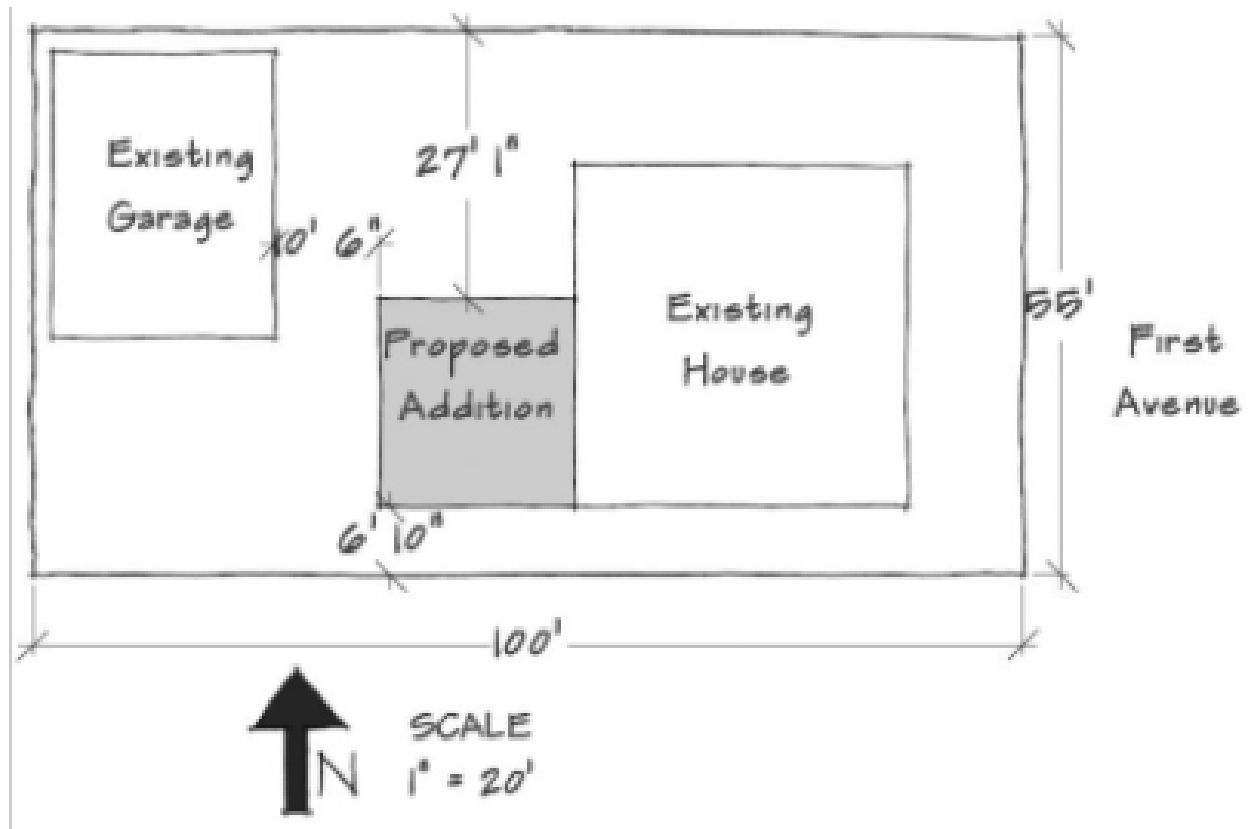
Step 3: Determine the location of all man-made structures and other physical features.

Step 4: Once the location of man-made structures and other physical features has been determined, draw the foot-print of all man-made structures and other physical features on the plot plan.

Step 5: Provide the measurement (dimension) from the property line to the side of man-made structures and other physical features.

Step 6: Draw the plot plan.

Step 7: Check the drawing and submit with your Variance Application.



Images and diagrams are provided for reference purposes only as examples to assist with clarity.

PROJECT DATA

Address: _____

Zoning: _____

Lot Area (sq ft): _____

Area

- First Floor Livable (sq ft): _____
- Garage (sq ft): _____
- Patio (sq ft): _____
- Porch (sq ft): _____
- Detached Structure: _____
- Other (sq ft): _____
- Total (sq ft): _____

Lot Coverage (%)

- Proposed: _____
- Allowed: _____

LEGEND

P Property Line

C Center Line

G Gas Meter

E Electric Meter

W Water Meter

Images and diagrams are provided for reference purposes only as examples to assist with clarity. Individual plot plans/site plans are to represent the property in question.