

CLARK COUNTY BZA APPLICATION PACKET

Contact: Administrator (812) 285-6287 CDenison@clarkcounty.in.gov

Clark County Planning & Zoning / 300 Corporate Dr Room 208, Jeffersonville, IN 47130

Version: April 2021

This application packet is for petitions under the jurisdiction of the Clark County Board of Zoning Appeals (BZA) and includes:

1. **SPECIAL EXCEPTION** – approval of a land use that would be permitted in the subject zoning district provided it meets certain conditions.
2. **USE VARIANCE** – approval of a specific land use that is not otherwise permitted in the subject zoning district.
3. **DEVELOPMENT STANDARDS VARIANCE** – approval of a modification of the specific requirements or standards of the UDO.
4. **USE CLASSIFICATION** – classification of a land use that is neither listed nor similar to any use listed in the UDO.
5. **APPEALS** – appeal of the Administrator’s review, decision, or determination in the enforcement of the UDO.

BZA APPLICATION INSTRUCTIONS:

Step 1: Pre-Application Conference. (optional but highly recommended)

The applicant may discuss the potential application with the Administrator for the purpose of becoming familiar with requirements, submittals, procedures, deadlines, and hearings. Contact the Administrator at (812) 285-6287 or email CDenison@clarkcounty.in.gov

Step 2: Complete & Submit the Application.

A complete application and all required attachments must be submitted by the date shown on the Application Schedule to be considered at the specified hearing date. At the time of application, the Administrator will review the application to determine whether the application is complete. If the application is not complete, it will be returned to the applicant with the deficiencies identified.

The following submittal checklist identifies the required items for each type of application.

BZA Submittal Checklist	Special Exception	Use Variance	Development Standards Variance	Use Classification	Appeals
1. Application Fee	✓	✓	✓	✓	✓
2. Electronic Copy (All Checklist Items)	✓	✓	✓	✓	✓
3. Narrative	✓	✓	✓	✓	✓
4. Site Plan	✓	✓	✓		
5. Legal Description, Recorded Restrictions & Title Searches	✓	✓	✓		
6. Proof of Sewer/Water Service	✓	✓	✓		
7. BZA Form 1: BZA Application Form	✓	✓	✓	✓	✓
8. BZA Form 2: Notice for Public Hearing	✓	✓	✓		
9. BZA Form 3: Affidavit of Notice of Public Hearing	✓	✓	✓		
10. BZA Form 4: Special Exception Request	✓				
11. BZA Form 5: Development Standard Variance Request			✓		
12. BZA Form 6: Use Variance Request		✓			
13. BZA Form 7: Use Classification Request				✓	
14. BZA Form 8: Appeals Request					✓

- Application Fee.** Make checks payable to “Clark County Planning and Zoning (CCPZ)”.
- Electronic Copy.** Submit a USB flash drive or email (CDenison@clarkcounty.in.gov) with ALL of the items on the submittal checklist on Page 2. File format should be PDF and each item should be saved as an individual file.
- Narrative.** A narrative describing the nature of the application, land use, reason for request, and/or proposed development including number of lots, hours of operation, number of employees, anticipated traffic generation, and the dates/details of previous construction/permits if applicable. Also include a bulleted statement of the history of the project (annexation, rezoning, platting, amendments, approvals, etc.). Any additional evidence or information the applicant would consider necessary to support the application can be included in the narrative. Please be specific and include details.
- Site Plan.** Submit a basic site plan, 8.5”x11” in size, showing the basic layout of the proposed development.
- Legal Description, Recorded Restrictions and Title Searches.** Submit a copy of the following: land description (written words delineating the property and a corresponding drawing with dimensions and bearings), any recorded restrictions or covenants, and any relevant title searches, if applicable.

6. **Proof of Sewer/Water Service.** Provide written verification that sewer and water service are available for the site, that the utility is willing to serve the site, and that the utilities will not be negatively impacted by the proposed use/variance will. If the development is not served by a public utility for sewer and water, include verification of approval from the Clark County Health Department and/or Indiana State Department of Health.
7. **BZA Form 1: BZA Application Form.** This form is required for all BZA applications. All items must be fully completed and either typewritten or printed in ink. The application must be signed by the applicant(s) and notarized, or it may be signed by the applicant(s) in the presence of the Administrator.
8. **BZA Form 2: Notice for Public Hearing.** This notice is required for BZA application for a Special Exception, Use Variance, and Development Standards Variance. This provides the language required to be published in the identified newspaper and also provided to adjacent property owners. Details for public notice are included in Step 3 of this application.
9. **BZA Form 3: Affidavit of Notice for Public Hearing.** This notice is required for BZA application for Special Exception, Use Variance, and Development Standards Variance. The applicant must complete and provide documentation to show proof of public notice for public hearings as outlined in Step 3 of this application.
 - **List of Adjacent Property Owners.** Applicant must obtain an official list of adjacent property owners as outlined in Step 3 of this application. The list must be obtained from: Clark County Auditor's Office, 300 Corporate Dr Room 106, Jeffersonville, IN 47130; (812) 285-6211.
10. **BZA Form 4: Special Exception Request.** This form should be used for Special Exceptions as outlined in *Chapter 8, Section D: Zoning Administration and Procedures* of the Clark County UDO.
11. **BZA Form 5: Development Standard Variance Request.** This form should be used for Development Standard Variance as outlined in *Chapter 8, Section D: Zoning Administration and Procedures* of the Clark County UDO.
12. **BZA Form 6: Use Variance Request.** This form should be used for Use Variance as outlined in *Chapter 8, Section D: Zoning Administration and Procedures* of the Clark County UDO.
13. **BZA Form 7: Use Classification Request.** This form should be used for requesting a Use Classification as outlined in *Chapter 2, A.4: Zoning Districts* of the Clark County UDO.
14. **BZA Form 8: Appeals Request.** This form should be used for all Appeals as outlined in *Chapter 8, Section D: Zoning Administration and Procedures* of the Clark County UDO.

Step 3: Notifying the Public.

State Law and the Rules and Procedures for the Clark County PC and BZA require you to notify the public of the hearing in three (3) different ways: by newspaper, by notifying surrounding property owners, and by an on-site Notification Sign. Signing and submitting *BZA Form 3: Affidavit of Notice of Public Hearing* verifies this notification. Both *BZA Form 2: Notice for Public Hearing* and *BZA Form 3: Affidavit of Notice of Public Hearing* must be completed and returned for all Special Exceptions, Development Standards Variances, and Use Variances, at least one (1) week prior to the Hearing. The applicant must complete the three (3) following types of public notice:

A. NOTIFICATION FOR NEWSPAPER

The Applicant MUST:

1. Publish the legal notice included in *BZA Form 2: Notice for Public Hearing* one (1) time in the newspaper(s) listed below at least ten (10) days prior to the Hearing (see Application Schedule). Public Notice language in *BZA Form 2: Notice for Public Hearing* should not be altered. The applicant should be aware that the newspaper has deadlines for submittal of public notices 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.
 - **The News & Tribune.** 221 Spring Street, Jeffersonville, IN 47130, (812) 283-6636, www.newsandtribute.com.
2. Submit a "Proof-of-Publication" affidavit from the newspaper for your advertisement and *BZA Form 2: Affidavit of Notice of Public Hearing* to the Administrator at least one (1) week prior to the hearing (see Application Schedule).

B. NOTIFICATION OF SURROUNDING PROPERTY OWNERS

The applicant MUST:

1. Send the legal notice included in *BZA Form 2: Notice for Public Hearing* via Certified Mail or Certificate of Mailing to each abutting property owners. The list of owner names and addresses must be obtained from: Clark County Auditor's Office, 300 Corporate Dr Room 106, Jeffersonville, IN 47130; (812) 285-6211. All letters must be postmarked at least ten (10) days prior to the hearing (see Application Schedule).
 - All abutting property owners must be notified. If there are less than five (5) abutting property owners, the petitioner must notify the five (5) closest property owners. If the subject property abuts a county roadway along a County line, the petitioner must notify two (2) properties in depth or one-eighth (1/8) of a mile (whichever is less), in the adjoining county in addition to the abutting property owners in Clark County.
 - Notification must be mailed by Certified Mail or Certificate of Mailing.
 - i. Certified Mail or "green cards" provides the sender with a mailing receipt and proof of delivery. The Post Office provides the certified mailing cards and stickers for addressing letters sent by Certified Mail.
 - ii. 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 (which includes the "green cards" and Certified Mail Receipt for Certified Mail for letters that were not claimed or Certificate of Mailing Stamped Form) and *BZA Form 3: Affidavit of Notice of Public Hearing* to the Administrator at least one week prior to the hearing (see Application Schedule).

C. ON-SITE NOTIFICATION SIGN

The applicant MUST:

1. Post on-site notification sign(s) in a conspicuous place on the subject property (at least every five hundred (500) feet) and at least ten (10) days prior to the date of the public hearing.
 - Signs shall be no smaller than twenty-two inches (22”) in height and twenty-eight inches (28”) in width and shall bear lettering large and bold enough to be read from the road frontage.
 - At a minimum, each notice shall state: “The owner of this property has made a request before the Clark County Plan Commission/Board of Zoning Appeals on a proposed (subdivision, zone map change, variance, etc.). A public hearing will be held on the request at “TIME, DATE, PLACE.”
 - Signs are available for purchase from the Planning & Zoning Office at the time of filing but still must be placed by the applicant as indicated above.
2. Submit a photo of the sign(s) posted on the subject property as part of *BZA Form 3: Affidavit of Notice of Public Hearing*.

2021 Application Schedule

The following table depicts the deadlines for petitions before the Clark County Plan Commission (BZA). Deviations from this schedule are not permitted without requesting approval from the BZA to waive their *Rules and Procedures*.

Application Submittal Deadline	Public Notice Deadline	BZA Hearing
Wednesday, December 15, 2021	Sunday, January 09, 2022	Wednesday, January 19, 2022
Wednesday, January 19, 2022	Sunday, February 06, 2022	Wednesday, February 16, 2022
Wednesday, February 16, 2022	Sunday, March 06, 2022	Wednesday, March 16, 2022
Wednesday, March 16, 2022	Sunday, April 10, 2022	Wednesday, April 20, 2022
Wednesday, April 20, 2022	Sunday, May 08, 2022	Wednesday, May 18, 2022
Wednesday, May 18, 2022	Sunday, June 05, 2022	Wednesday, June 15, 2022
Wednesday, June 15, 2022	Sunday, July 10, 2022	Wednesday, July 20, 2022
Wednesday, July 20, 2022	Sunday, August 07, 2022	Wednesday, August 17, 2022
Wednesday, August 17, 2022	Sunday, September 11, 2022	Wednesday, September 21, 2022
Wednesday, September 21, 2022	Sunday, October 09, 2022	Wednesday, October 19, 2022
Wednesday, October 19, 2022	Sunday, November 06, 2022	Wednesday, November 16, 2022
Wednesday, November 23, 2022	Sunday, December 11, 2022(If held)	Wednesday, December 21, 2022 (If held)

- **Application Submittal:** The filing deadline is 3:00 PM on the date indicated. An appointment can be made with the Administrator if desired by calling (812) 285-6287 or CDenison@clarkcounty.in.gov.
- **Public Notice Deadline:** Deadline for public notice to be published in the newspaper and postmarked mailings to surrounding property owners.
- **BZA Hearing:** Unless otherwise noticed, BZA Meetings are held at 5:00 PM on the first floor Conference Room 103, in the Clark County Government Building, 300 Corporate Dr, Jeffersonville, IN, 47130.

BZA Form 1: Application Form

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

- Special Exception Use Classification
 Development Standard Variance Appeals
 Use Variance

APPLICANT INFORMATION

Full Legal Name:			
Street Address:			
City, State, Zip:			
Applicant 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			

For Office Use Only	
Petition #	_____
Fee	_____
Filing Date	_____
Hearing Date	_____
<input type="checkbox"/> Staff Review	<input type="checkbox"/> Checkpoint Agencies Review
<input type="checkbox"/> Approved	<input type="checkbox"/> Approved w/ commitments/conditions
<input type="checkbox"/> Denied	

PROPERTY OWNER INFORMATION

Full Legal Name:	
Street Address:	
City, State, Zip:	
Phone:	Email:
Property Owner is (choose one): Corporation LLC Partnership Individual(s) Other (specify)	

PROPERTY INFORMATION

10-digit Parcel Number:	
Property Address (Actual/approximate address or location from major streets) :	
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 Sewer (specify provider: _____)	
Current Zoning of Subject Property:	Current Use of Subject Property:
Proposed Zoning:	Proposed Land Use:

CONSENT OF PROPERTY OWNER(S): *Complete if the applicant is different from the property owner*

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.	Property Owner(s):
	Printed Name(s):
	Date:
Notary Public's Name (printed):	Signature of Notary:
My Commission Expires:	Subscribed and sworn to before me this ____ day of
State/County of Residence:	_____, 20_____.

NOTARIZATION: *The above information and attached exhibits, to my knowledge and belief, are true and correct.*

Signature of Applicant:	Date:
Notary Public's Name (printed):	Signature of Notary:
My Commission Expires:	Subscribed and sworn to before me this ____ day of
State/County of Residence:	_____, 20_____.

BZA Form 2: Notice of Public Hearing

Publish this language in the required newspaper and mail notification with this language to surrounding property owners at least ten (10) days prior to the hearing (see Step 3 of BZA Application Packet).

The Board of Zoning Appeals will meet on ____ day of ____, 20__ at 5:00 p.m. at the Clark County Government Building located at 300 Corporate DR, Room 103, Jeffersonville, IN, 47130 for the purpose of holding a public hearing and acting on the following petition (Petition # _____):

Requested Action: The applicant, [INSERT APPLICANT LEGAL NAME], is requesting a [INCLUDE ALL THAT APPLY: Special Exception, Development Standards Variance, Use Variance] to do the following:

At the following commonly known address: _____

The petition is available for public review at the Planning & Zoning Department, 300 Corporate Dr, Room 208, Jeffersonville, IN, 47130 between the hours 8:30 a.m. to 4:30 p.m. or by contacting the Administrator at (812) 285-6287 or email CDenison@clarkcounty.in.gov.

In accordance with the Americans with Disabilities Act, if anyone wishes to attend the public hearing on the above referenced matter and is in need of reasonable accommodation in order to hear, present evidence, or participate in the proceedings at the public hearing on this matter, please contact the Administrator so accommodation can be made.

Oral comments concerning the proposal will be heard at the meeting. Written objections to the proposal that are filed with the Secretary of the Commission before the hearing will be considered. Written objections may be mailed or hand delivered to the Planning and Zoning Office at 300 Corporate DR, Room 208, Jeffersonville, IN 47130 or sent via email (CDenison@clarkcounty.in.gov). The hearing may be continued from time to time, as may be found necessary.

Clark County Board of Zoning Appeals

BZA Form 3: Affidavit of Notice of Public Hearing

Submit this form to the Administrator at least one (1) week prior to the hearing date along with proof of publication and proof of mailing (see Step 3 of BZA Application Packet).

I (we) _____ certify that notice of public hearing to consider Petition # _____ pertaining to the _____ was provided by:

- 1) Newspaper Notification: I have notified the public per the required newspaper notification and proof of notification is attached from said newspaper showing publication at least ten (10) days prior to the hearing;
- 2) Mail Notification: I have notified all owners of adjacent property per requirements as listed in the attached list. Proof of mailing(s) is attached showing a postmark at least ten (10) days prior to the hearing by:
 - Certified Mail, or
 - Certificate of Mailing
- 3) On-site Notice Sign: That a notification sign(s) was properly posted on the in a conspicuous place on the subject property (at least every five hundred (500) feet) for at least ten (10) consecutive days prior to the hearing. A photo of the sign(s) posted on the subject property is attached as proof of posting on-site sign(s) per the requirements.

Applicant, Attorney, or Authorized Signature

Date

Printed Name

STATE OF _____)
) SS:
COUNTY OF _____)

Subscribed and sworn to before me this _____ day of _____, _____.

Notary Public

My Commission expires: _____ County of Residence: _____

BZA Form 3: Affidavit of Notice of Public Hearing (Continued)

Attached List of Property Owners Notified (Attach additional copies as necessary):

Name and Address of Sender		Type of Mail: <input type="checkbox"/> Certified Mail; <u>or</u> <input type="checkbox"/> Certificate of Mailing
Line	Property Owner's Name	Mailing Address
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
Total number of pieces listed by sender:	Total number of pieces received at Post Office:	POSTMASTER (<i>name of receiving employee</i>):
Affix stamp here if issued as certificate of mailing or for additional copies of this bill. POSTMARK AND DATE OF RECEIPT:		Page _____ of _____

BZA Form 4: Special Exception Request

Submit this form to the Administrator to explain the Special Exception request. The BZA's decision shall be based upon how each of the following statutory requirements is justified in the request. Additional sheets can be attached if needed.

Proposed Use:

Describe the proposed use of the property (type of use, hours of operation, access, necessary construction, employees, etc.).

Standards for Evaluation:

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. 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:

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 zoning district.

True False Explanation/Justification:

4. Adequate utilities, access road, drainage, and other necessary facilities have been or are being provided.

True False Explanation/Justification:

5. Adequate measures have been or will be taken to provide ingress and egress (entrance/exit) to the property to minimize traffic congestion on the public roadways.

True False Explanation/Justification:

6. The special exception is permitted in and will be located in the _____ zoning district. I have reviewed all of the applicable development standards for this district and for this particular use.

True False Explanation/Justification:

BZA Form 5: Development Standards Variance Request

Submit this form to the Administrator to explain the Development Standards Variance request. The BZA's decision shall be based upon how each of the following statutory requirements is justified in the request. Additional sheets can be attached if needed.

Proposed Use:

Describe the proposed use of the property (type of use, hours of operation, access, necessary construction, employees, etc.).

Standards for Evaluation:

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

True False Explanation/Justification:

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.

True False Explanation/Justification:

3. The strict application of the terms of the UDO will result in practical difficulties in the use of the property.

True False Explanation/Justification:

BZA Form 6: Use Variance Request

Submit this form to the Administrator to explain the Use Variance request. The BZA's decision shall be based upon how each of the following statutory requirements is justified in the request. Additional sheets can be attached if needed.

Proposed Use:

Describe the proposed use of the property (type of use, hours of operation, access, necessary construction, employees, etc.).

Standards for Evaluation:

1. The approval of the Use Variance will not be injurious to the public health, safety, morals, and general welfare of the community.

True False Explanation/Justification:

2. The use and value of the area adjacent to the property included in the Use Variance will not be affected in a substantially adverse manner.

True False Explanation/Justification:

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

True False Explanation/Justification:

4. The strict application of the terms of the UDO will constitute an unnecessary hardship if applied to the property for which the Use Variance is sought.

True False Explanation/Justification:

5. The approval does not interfere substantially with the Comprehensive Plan.

True False Explanation/Justification:

BZA Form 7: Use Classification Request

Submit this form to the Administrator to explain a Use Classification request. The BZA's decision shall be based upon how each of the following statutory requirements is justified in the request. Additional sheets can be attached if needed.

Proposed Use:

Describe the proposed use of the property (type of use, hours of operation, access, necessary construction, employees, etc.).

Standards for Evaluation:

1. The subject use and its operations are compatible with the uses permitted in the district wherein it is proposed to be located.

True False Explanation/Justification:

2. The subject use is similar to one (1) or more uses permitted in the district within which it is proposed to be located.

True False Explanation/Justification:

3. The subject use will not cause substantial injury to the values of property in the neighborhood or district within which it is proposed to be located.

True False Explanation/Justification:

4. The subject use will be designed, located, and operated to protect the public health, safety, and general welfare.

True False Explanation/Justification:

BZA Form 8: Appeal

Submit this form to the Administrator to explain the nature of the Appeal.

The BZA shall hear and determine appeals from and review any order, requirement, decision, or determination made by the Administrator in the enforcement of the UDO. In exercising its powers, the BZA may reverse or affirm (wholly or partly), or may modify the order, requirement, decision, or determination appealed and to that end shall have all of the powers of the Administrator from whom the appeal is taken.

When an appeal has been filed, all proceedings, operation, and work on the premises concerned must stop, unless the official from whom the appeal was taken shall certify to the BZA that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings or work shall not be stayed except by a restraining order, which may be granted by a circuit or superior court of the county in which the premises affected are situated, on notice to the office or board from whom the appeal is taken and the owner of the premises affected, and on due cause shown.

Petition Information: Itemize the subject of the appeal and identify UDO citations where applicable.

1. Document/Citation/Requirement being appealed:

2. Administrator's interpretation of the appeal:

3. Applicant's reason/justification for appeal:

