

## CITY OF AURORA BOARD OF ZONING APPEALS

Department of Planning & Zoning, 215B West High St., Lawrenceburg, IN 47025  
Phone (812) 537-8821 Fax (812) 532-2029 Website: [www.aurora.in.us](http://www.aurora.in.us)

### *Board of Zoning Appeals Instructions*

#### ◆ **BOARD OF ZONING APPEALS APPLICATION**

All individuals requesting Action from the Board of Zoning Appeals must complete an application form, which will be used to determine the location of the request, type of request and person(s) who are making the request. It is important that the application is completed accurately, and in its entirety. The applicant is responsible for all the information that is given.

#### ◆ **CRITERIA FOR REVIEW BY THE BOARD OF ZONING APPEALS**

• **CONDITIONAL USE** - In considering an application for a conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structures; and in authorizing a conditional use, the Board may impose such requirements and conditions with respect to location, construction, maintenance and operation (in addition to those expressly stipulated in this chapter for the particular conditional use) as the Board may deem necessary for the protection of public health, safety, comfort, morals, convenience and general welfare, and for the protection of adjacent properties. The Board will also consider the criteria for Conditional Uses as set forth in the Indiana Code (IC 36-7-4-918.2).

#### • **VARIANCE** –

(A) In authorizing a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the interest of the furtherance of the purposes of this chapter and in the public interest. In authorizing a variance with attached conditions, the Board shall require such evidence and guarantee of bond, as it may deem necessary, that the conditions attached are and will be complied with.

(B) No such variance shall be authorized by the Board unless the Board finds that all the following facts and conditions exist:

1. That there are exceptional or extraordinary circumstances applying to the property in question, or to the intended use of the property, that do not apply generally to other properties or classes of uses in the same zoning district;
2. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity; and so that the spirit of this chapter shall be observed and substantial justice done; and
3. That the authorizing of such variance will not be of substantial detriment to adjacent property, and will not materially impair the purposes of this chapter or the public interest.

(C) No grant of a variance shall be authorized unless the Board specifically finds that the condition or situation of the specific piece of property, or the intended use of said property for which variance is sought (one or the other or in combination) is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such condition or situation.

(D) In exercising its power the Board may, in conformity with the provisions of statute and of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination made, and to that end shall have all powers of the officer from whom the appeal is taken.

\*\*In granting a Conditional Use or Dimensional Variance, the Board may prescribe any reasonable conditions or commitments as well as establish a time limit within which the request shall be started or completed or both.

◆ **REQUIRED INFORMATION**

A complete application shall be filed with the Planning Department by at least one owner, owner by contract (option), or lessee with written permission of the owner of property for which such application is proposed. *If, after the initial public hearing, additional information is needed beyond the minimum information required by the application, the Board can require the applicant to submit the equivalent of a Site Plan as detailed in Chapter 152 of the City of Aurora Zoning Ordinance or any other needed information as necessary.* Please note that all Board of Zoning Appeals applications, as well as any accompanying Technical Review Committee applications (if applicable), must be submitted in full to the Planning & Zoning Office no later than 2:00pm on the appropriate deadline date. *Applications that are received after this time will be moved to a future meeting agenda.*

◆ **ADJOINING PROPERTY OWNERS**

Upon receipt of an application, the Board shall establish a time and place for a hearing, and publish notice of the hearing in a newspaper of general circulation in the County, as prescribed by the Indiana Code.

In addition, all adjoining property owners shall be notified by certified mail that is postmarked and mailed at least ten (10) days in advance of the hearing. The applicant shall be responsible for supplying **ALL the names and addresses of all adjoining property owners and shall pay all the costs of notification.** Adjoining property owners include any person who owns land that shares a property line with the subject site, or adjoins along the centerline of any roadway. Records maintained by the County Assessor's Office shall be used as the official record to determine the identity and address of property owners. *Incomplete notification of adjoining property owners can result in delays, or make any approval Invalid.*

◆ **SITE & VICINITY PLANS**

In addition to the completed application form, all individuals making a request to the Board of Zoning Appeals are required to submit a Site Plan & Vicinity Plan. The purpose of these plans is to provide complete and accurate information about the important features of the property. Please use the following checklist to assist you in creating Site & Vicinity Plans that contain all of the necessary information. The boxes labeled S indicate information that is necessary, if applicable, when creating a Site Plan. *The Site Plan MUST be prepared on a scaled plot plan.* The boxes labeled V indicate information that is necessary when creating a Vicinity Plan. Eight (8) copies of each plan, and other drawings, are required for all requests.

If you have any questions, please direct them to the Planning & Zoning Office. The responsibility for the accurate completion of the application and site plan is your own. Please do not expect the Planning and Zoning staff to draw the entire site plan for you. Special attention should be made to ensure that your site plan is complete, organized, accurate and neat. ***The lack of appropriate information may cause a delay in the review of your application.***

S	<input type="checkbox"/>	V	<input type="checkbox"/>	Boundaries of the proposed site (Property Lines)
S	<input type="checkbox"/>	V	<input type="checkbox"/>	All proposed buildings/additions, and/or other improvements.
S	<input type="checkbox"/>	V	<input type="checkbox"/>	All existing buildings, including structures on all adjoining properties, and the approximate distance from the proposed use.
S	<input type="checkbox"/>	V	<input type="checkbox"/>	Label all roads adjacent to the proposed site
S	<input type="checkbox"/>	V	<input type="checkbox"/>	Lakes, ponds, creeks, and other waterways (distance from residence & roads)
S	<input type="checkbox"/>	V	<input type="checkbox"/>	Show existing conditions of land, and important land features (cliffs, hills, etc.)
S	<input type="checkbox"/>	V	<input type="checkbox"/>	Position of North
S	<input type="checkbox"/>	V	<input type="checkbox"/>	Ownership and use of adjoining properties
S	<input type="checkbox"/>			Dimension of proposed buildings/additions (Length, Width & Height)
S	<input type="checkbox"/>			Dimensions from Property Lines to existing and proposed features (Measured in Feet)
S	<input type="checkbox"/>			Label the direction that the Primary Structure faces as "Front of House."
S	<input type="checkbox"/>			Driveways (ingress, egress and type of surface)
S	<input type="checkbox"/>			Parking areas (lot dimensions & number of spaces)
S	<input type="checkbox"/>			Swimming pools
S	<input type="checkbox"/>			Utility & street facilities (water, electric, sanitary & storm sewers, etc.)
S	<input type="checkbox"/>			Lot Size (Measured in Acres)
S	<input type="checkbox"/>			Current zoning of owner's property
S	<input type="checkbox"/>			Existing and proposed fences
S	<input type="checkbox"/>			Use of proposed site, with ownership and use of adjoining properties
S	<input type="checkbox"/>			Location and direction of all existing or proposed outdoor lighting
S	<input type="checkbox"/>			Location of all proposed signs, with drawings of each sign
S	<input type="checkbox"/>			Location of Driveways and Specific Addresses for adjoining properties

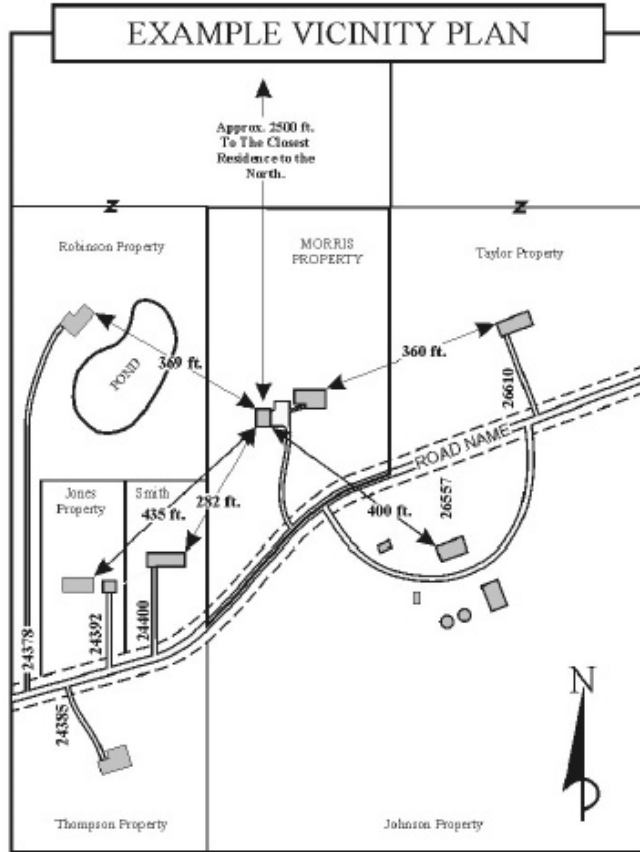
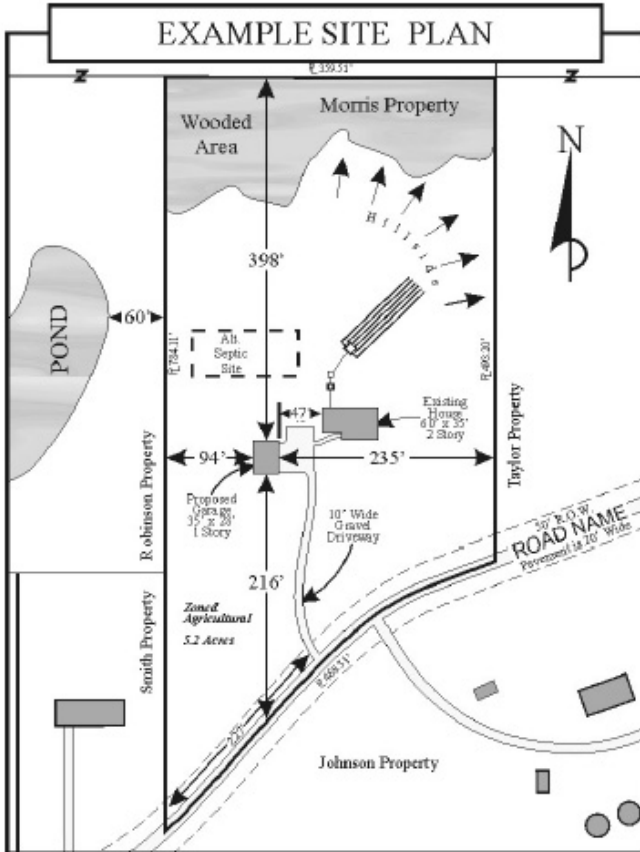
Information submitted shall be assumed to be complete and accurate. The applicant shall assume responsibility for errors, omissions, and/or inaccuracies resulting in an improper or incomplete application. All applicants should be prepared to answer questions concerning their application at the scheduled meeting. ***If, after the initial public hearing, additional information is needed beyond the minimum information required by the application, the Board can require the applicant to submit the equivalent of a Site Plan as detailed in Chapter 152 of the City of Aurora Zoning Ordinance.*** If the applicant wishes to table an item after it has been submitted, a request must be submitted in writing to the Office of the Plan Commission a minimum of three business (3) days prior to the meeting it is scheduled to be heard.

◆ **SITE EVALUATION**

The property owner's signature on the application grants permission for staff to enter onto the premises to evaluate the site for the specific request. Without the signature of the property owner, this application will not be processed.

**+ BOARD APPROVAL**

If the Board of Zoning Appeals approves a specific request, a permit must then be obtained from the Department of Planning & Zoning. The type of permit shall be determined by the requirements of the City of Aurora Zoning Ordinance, which may include an Improvement Location Permit, Minor Site Plan Review, or Major Site Plan Review. An application for the required permit may be submitted to the Office of the Plan Commission on the next business day after the approval.





# CITY OF AURORA BOARD OF ZONING APPEALS INSTRUCTIONS

◆ **ADJOINING *PROPERTY OWNERS*** *(To be completed by the applicant)*

*All individuals who are making a request to the Board are required to compile a list of all property owners that adjoin the subject site. Adjoining property owners include any person who owns land that shares a property line with the subject site, or adjoins along the centerline of any roadway. The adjoining property owners can be indicated in the space below, or on a separate sheet.*

Name:			
Address:			
Street Address	City	State	Zip Code

Name:			
Address:			
Street Address	City	State	Zip Code

Name:			
Address:			
Street Address	City	State	Zip Code

Name:			
Address:			
Street Address	City	State	Zip Code

Name:			
Address:			
Street Address	City	State	Zip Code

Name:			
Address:			
Street Address	City	State	Zip Code

<b><i>To be completed by the Planning &amp; Zoning Staff</i></b>			
• Receipt #:	_____	Date: _____	Staff Initials: _____
• Is the Application Complete?	Yes	No	
	<input type="checkbox"/>	<input type="checkbox"/>	
• Scheduled Date of Public Hearing:	_____		
• Board Action:	<input type="checkbox"/> APPROVED	<input type="checkbox"/> <u>APPROVED WITH CONDITIONS</u>	<input type="checkbox"/> DENIED
• Conditions Of Approval:	_____		
	_____		
	_____		
• Reasons for Denial:	_____		
	_____		

