



# TOWN OF PRINCE'S LAKES

## APPLICATION FOR A VARIANCE

Case Number \_\_\_\_\_

Applicant's Name \_\_\_\_\_

Applicant's Address \_\_\_\_\_

Phone Number \_\_\_\_\_

Legal description of property (including reference to book & page number of County Recorder's most recent record of property transfer)

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

Purpose of variance requested

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

List Specific Chapter and Section of the Zoning Ordinance Effected by this petition

\_\_\_\_\_

Your hearing will be set for the \_\_\_\_\_ Day of \_\_\_\_\_ 20\_\_\_\_\_. Your application must be filed in the office of the Board of Zoning Appeals (Town Clerk) by no later than the \_\_\_\_\_ Day of \_\_\_\_\_ 20\_\_\_\_\_.

Applicant Signature \_\_\_\_\_

Phone Number \_\_\_\_\_

### Billing Instruction

1. You may be required to provide a statement of consent: Any application filed by any person other than the legal owner of the real estate involved in the petition shall be accompanied by a notarized written statement of the legal owner consenting to the filing of the application.
2. You are required to submit a site plan: The applicant shall also provide a plan of the effected real estate showing the location of all buildings. Parking and loading areas, traffic access and traffic circulation, open space, landscaping,

\_\_\_\_\_

# **APPLICATION STANDARDS FOR A VARIANCE**

Application Standards for a Variance:

A variance from the terms of the Prince's Lakes Zoning Ordinance will not be considered by the Board of Zoning Administrator and the requisite filing fee is fully paid.

The application must include:

- a. Name, address, and phone number of applicant.
- b. Written consent of the owner of the property, if the owner is not the applicant.
- c. Legal description of the property;
- d. Description of variance or variances requested, with specific reference to all sections of the Prince's Lakes Zoning Ordinance that are affected;
- e. Narrative statements demonstrating that the requested variance conforms to each of the following standards, findings of fact:
  1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
  2. That a literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
  3. That special conditions and circumstances do not result from the action of the applicant.
  4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings.
- f. No later than 3 days prior to the hearing on any application for variance, the applicant shall submit to the Prince's Lakes Zoning Administrator a verified

statement, on a Town form, that all public notice requirements of the Prince's Lakes Zoning Ordinance (Sections 4-501 and 4-502), set forth below, have been met, along with:

1. All returned receipts (green cards), evidencing that all property owners entitled to notice under the relevant provisions of the Prince's Lakes Zoning Ordinance (Sections 4-502) have been properly and timely notified, at least fifteen (15) day prior to the date of the public hearing, and
2. A publishers affidavit evidencing that proper notice was published in a newspaper of general circulation in accordance with the Prince's Lakes Zoning Ordinance (Section 4-501).

**If proof of proper notice is not provided, as required, herein the Application will not be heard or considered.**

- g. All cost of to provide notice shall be borne by the applicant.

**ZONING ORDINANCE 4-501, Notice of Public Hearings:**

The notice requirements for publication in a newspaper are as follows:

- a. Before holding the public hearing, notice of the hearing shall be given in one or more newspapers of general circulation in the Town at least fifteen (15) days before the date of the hearing.
- b. The notice shall set forth the time and place of the hearing, and the nature of the proposed appeal, variance, special exception or revocation.
- c. All cost for the Notice of Public Hearing shall be borne by the application by the applicant or initiator and a proof of publications shall be required from the applicant or initiator prior to final action being taken on the petition.

**ZONING ORDINANCE 4-502, Notice of Public Hearings:**

Notice shall be given to parties of interest as follows:

- a. Before holding the public hearing, written notice of such hearing shall be mailed by the applicant(s) or initiator(s) by certificate mailing, in a form which meets the Board's requirement at least fifteen (15) days prior to the day of the hearing to the owners of all adjoining parcels of land to a depth of two (2) ownerships or 250 feet, whichever is greater, of the exterior boundaries of the subject property. For the purpose of notification of parties in interest, where any such adjacent parcels of land are owned by the applicant(s), the subject property shall be deemed to include adjacent land owned by the applicants.
- b. A verified written statement that all interested parties have been mailed a written notice as set out in 4-502 (a) above, shall be submitted by the applicant prior to final action being taken on the petition.

## **GENERAL INSTRUCTIONS FOR FILING A VARIANCE**

THE FOLLOWING IS A GUIDELINE FOR FILING A VARIANCE WITH THE TOWN OF PRINCE'S LAKES. THE FOLLING PAGES SHOULD BE READ THOROUGHLY FOR DETAILED STANDARDS. EACH STEP OF THE VARIANCE IS IMPORTANT, INADEQUATE ACTION OR INFORMATION MAY RESULT IN THE VARIANCE NOT BEING HEARD BY THE BOARD OF ZONING APPEALS.

1. **YOU ARE REQUIRED TO SUBMIT A SITE PLAN/MORTGAGE SURVEY.** The applicant shall provide a plan of the subject property showing the location of all boundaries, property lines, buildings, and all other structures, driveways, parking, and loading areas, open space, landscaping, service areas, utilities, signs, and other improvements. The plan shall be drawn to scale and shall show the dimensions of the property, buildings, structures, and other improvements.
2. **YOU ARE REQUIRED TO NOTIFY ADJOINING PROPERTY OWNERS OF THE PUBLIC HEARING 15 DAYS PRIOR TO THE HEARING:** The applicant is to send a certified letter to every adjoining property owner within 250 feet or two owners depth (whichever is greater) at least 15 days prior to the Public Hearing of the Board of Zoning Appeals, do not include the day of the meeting. Give yourself plenty of time to meet the 15 day requirement.
3. **YOU ARE REQUIRED TO PUBLISH NOTICE OF THE PUBLIC HEARING IN A NEWSPAPER OF LOCAL CIRCULATION T LEAST 15 DAYS PRIOR TO THE PUBLIC HEARING.** The applicant must be accompanied by a notarized proof (Affidavit) of publication of notice of the Public Hearing for the variance in a newspaper having general circulation within the Town of Prince's Lakes. It must be 15 days prior to the meeting, not including the actual day of the Public Hearing, allow yourself adequate time.

All cost of legal advertising and required notice to affected property owners shall be done by the applicant/petitioner.

4. **YOU MAY BE REQUIRED TO PROVIDE A STATEMENT OF CONSENT:** Any application filed by any person other than the legal owner of the real estate involved in the petition shall be accompanied by a notarized written statement of the legal owner consenting to the filing of the application.

5. AT TH PUBLIC HEARING YOU WILL BE REQUIRED TO INTRODUCE EVIDENCE IN WRITING AND GIVE AN ORAL PRESENTATION TO ADDRESS THE FOLLOWING STANDARDS:

- a. The special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
- b. That a literal interpretation of the provisions of the ordinance would deprive the applicant the rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
- c. That the special conditions and circumstances are not the results of any action of the application.
- d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings.

**TOWN OF PRINCE'S LAKES  
BOARD OF ZONING APPEALS  
PETITION FOR VARIANCE  
FINDINGS OF FACT:**

**INSTRUCTIONS:**

The Prince's Lakes Board of Zoning Appeals shall consider the Findings of Fact to decide whether a variance should be granted or denied. Please respond, specifically, to each of the Findings of Fact listed below. Your responses to the Findings of Fact should be filed along with your Petition for Variance. Your presentation on your Petition for Variance should refer to and include your responses to these Findings of Fact.

1. The variance will not be injurious to the public health, safety, and welfare of the Town because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. The variance will not adversely affect the use or value of adjacent properties because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. The need for a variance arises from some condition peculiar to the property, which is: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. Denial of the variance will result in a limited use of the property which will create an undue hardship for the petitioner because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**DECISION**

Upon action taken by the Prince's Lakes Board of Zoning Appeals, this Petition for Variance is **GRANTED / DENIED** and the above stated Findings of Fact are adopted subject to any exceptions or conditions stated in the minutes or as otherwise by the Board of Zoning Appeals.

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

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

**APPLICANT'S LIST OF  
ADJOINING PROPERTY OWNERS  
WHO RECEIVED NOTICE BY CERTIFIED MAIL**

I \_\_\_\_\_ do hereby certify and affirm,  
under penalties for perjury, that notice of Public Hearing by the Prince's Lakes  
Board of Zoning Appeals to consider case \_\_\_\_\_ was mailed,  
certified, return receipt requested, to the last known address of each of the  
following persons:

Owner's Name:

Address:

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

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

\_\_\_\_\_  
Applicant:



**LEGAL NOTICE  
OF PUBLIC HEARING  
BY THE BOARD OF ZONING APPEALS  
PRINCE'S LAKES, INDIANA**

I, \_\_\_\_\_, have filed, with the Prince's  
Lakes Board of Zoning Appeals, an Application for Variance, related to  
property at

\_\_\_\_\_ to allow

\_\_\_\_\_

\_\_\_\_\_.

A Public Hearing on the Application will be held by the Board of  
Zoning Appeals, at 6:30PM on \_\_\_\_\_, 20\_\_\_\_, in the Prince's  
Lakes Town Hall, 14 East Lakeview Drive, Prince's Lakes. All interested  
persons will be given the opportunity to be heard.

\_\_\_\_\_

Applicant