

Speedway Board of Zoning Appeals

Instructions for Variance of Developmental or Use Standards

Who May File – The owner of the subject parcel or his or her duly appointed agent or representative may file. If an agent is filing, a consent form signed by the owner must be included with the file.

Filing Timeline – Complete petitions, including all required documentation, must be filed at least forty (40) calendar days prior to date of the Public Hearing at which the petition is to be considered.

Forms to be Filed – The rules of the Board require that all variance petitions to the zoning ordinance be submitted on forms provided by the Board. **The following items must be filed with the application. If not, the case will not be docketed until the file is complete. Seven (7) copies of each of the following items:**

- The Petition for Variance, the Findings of Fact, the Legal Notice of Public Hearing, and the Affidavit of Notice of Public Hearing
- The legal description of the property in question
- Area map drawn to scale that show the existing zoning of the surrounding plots of land, extending at least 200 feet. (This information may be obtained online at <http://maps.indy.gov/MapIndy/> or from the Wayne Twp. Assessor's office)
- Plot plan drawn to scale showing the lot or plot, existing structures, except structures to be razed (dotted line), the proposed location of the building(s) on the plot (solid line), the location of the right of way line of adjoining highways, streets, or alleys, parking space provided in detail per space, and the location of proposed private wells and private sewage disposal system, if any
- Site plan showing existing structures, property lines, auxiliary structures, and area of proposed new work
- Landscape plan. This may be included in the site plan
- Floor, foundation, and elevation plans, and cross section (includes footings, foundation, floors, walls, and roof assembly) and any other exhibits to be presented to the Board. All necessary elevations should clearly show the current structures and new work to be done, including materials to be used on exterior finishes
- Note: Any CAD drawings submitted at the time of filing should also be submitted via e-mail to the BZA Recording Secretary

Preparing Your Findings of Fact – It is important to prepare your Findings of Fact properly. This document addresses unique circumstances related to the site in question. If your petition is granted, the Findings of Fact are adopted by the Speedway Board of Zoning Appeals as the basis for granting the petition. If the petition grant is judicially reviewed by a court of law, these findings would be the primary evidence in the court's review. The following suggestions are offered to assist you in your preparation.

- Read each statement carefully before completing the finding. What you write after the word "because" in each of the findings must support the statement that introduces the finding
- Be sure that you understand the statements in the Findings of Fact. For example, if you do not know what the comprehensive plan recommendation is, do not try to complete the finding regarding the comprehensive plan until you learn what it is
- Do not use personal matters as reasons for findings. The findings must relate to the property, not to the petitioner
- Use correct grammar. When in doubt, please get assistance
- Do not use pronouns (I, he, she, we or the possessives my, his, her, our) to describe yourself or the petitioner, i.e., the person or entity seeking the variance. Simply repeat the word "petitioner" or "petitioners"

- You may want to consider obtaining professional assistance if you are uncertain about how to proceed

Filing Fees – This list covers the most common filings. A complete list of prices may be found on the Town of Speedway website: www.speedwayin.gov. **Note:** The fee is due in full when you or your representative brings the completed forms to the Speedway Municipal Center, 5300 Crawfordsville Rd, Room 116, Speedway IN 46224. Please call 317 481-0847 to schedule a time for drop-off and review.

Variance of Use

- Single or Two-Family Dwelling Use - \$200.00 (\$50.00 for each additional Use variance)
- Other Dwelling Use - \$600.00 (\$50.00 for each additional Use variance)
- Commercial - \$950.00 (\$95.00 for each additional Use variance)
- All Other - \$900.00 (\$95.00 for each additional Use variance)

Variance of Development Standards

- Residential - \$300.00 (\$50.00 each additional Development Standard variance)
- Commercial - \$500.00 (\$95.00 each additional Development Standard variance)
- On-Premises Sign Regulations - \$500.00 (\$95.00 each additional)
- Off-Premises Sign Regulations - \$2,000.00 (\$195.00 each additional)
- Commercial, Industrial and all others - \$500.00 (\$95.00 each additional)

Notice Requirements – Notice of all petitions or cases to be heard by the Board shall be given to all interested parties or property owners, in the following manner:

1. **Notice by Publication** – Notice by publication shall be given by the Petitioner, on the Board's prescribed form, in two newspapers. One in the *Indianapolis Star* and the other in the *Indianapolis Business Journal (IBJ)*, at least ten (10) calendar days before the hearing.
2. **Additional Notice to Owners of Adjoining Land and to Neighborhood Organizations** – Additional notice, on a form prescribed by the Board, shall be given by the petitioner by registered, certified or first-class mail at least twenty-three (23) calendar days before the date of hearing to the owners of all adjoining parcels of ground to a depth of two (2) ownerships, within six-hundred sixty (660) feet of the perimeter of the subject property. This list should be obtained from the Indianapolis Metropolitan Development at least seven (7) business days after filing.

For purposes of the notice requirement of the paragraph, where any of such adjacent parcels of land are owned by petitioner, the subject property shall be deemed to include such adjacent land owned by petitioner. Provided, however, nothing herein shall require a petitioner to give notice to owners of land located more than six hundred sixty (660) feet from the subject property. Any waiver of notice requirements must be requested of the Board prior to hearing the petition. Waiver requests must be made by letter and be submitted to the Board at least seven (7) calendar days prior to the scheduled hearing.

Affidavit of Notice – The Petitioner, or Petitioner's attorney, shall furnish evidence of compliance with the above notice requirement by filing a notarized statement with the Speedway Board of Zoning Appeals, listing the names and addresses of property owners to whom notice was sent by certified, registered or first class mail. Said notarized statement shall be filed within three (3) business days following the mailing of the notice. The proof of publication from the *Star* and the *Press* needs to be brought to the hearing to be placed in the file.

Note – While the BZA Recording Secretary may be able to answer some questions, others may need to be referred to the Indianapolis Department of Metropolitan Development at 317 327-8700. Ask for the planner in charge of Speedway zoning petitions.

**SPEEDWAY BOARD OF ZONING APPEALS OF
MARION COUNTY, INDIANA**

CONSENT FORM

The undersigned, _____, by _____,
being the owner of the property commonly known as _____,
hereby authorizes _____ to file land
development petitions and filings necessary for the aforementioned address.

This consent shall (*check one*):

_____ remain in effect until revoked by a written statement filed with the Speedway Board of Zoning Appeals.

_____ remain in effect until _____.

_____ remain in effect until these land development petitions are resolved.

Signature of Owner

Signature of Owner

Date

Date

STATE OF _____,
COUNTY OF _____, SS:
Subscribed and Sworn to before
me this _____ day of _____, 20__

STATE OF _____,
COUNTY OF _____, SS:
Subscribed and Sworn to before
me this _____ day of _____, 20__

Notary Public

Notary Public

Printed Signature

Printed Signature

My commission expires: _____

My commission expires: _____

My county of residence: _____

My county of residence: _____

SPEEDWAY BOARD OF ZONING APPEALS
OF MARION COUNTY, INDIANA
PETITION FOR VARIANCE

Docket No.
BZA Use Only

Address of Subject Property:

Petitioner(s) Name: Phone:

Petitioner(s) Address: Zip Code:

Petitioner E-mail:

Property Owner(s) name(s) [if different from Petitioner(s)]:

Owner(s) Address:

Owner(s) E-mail:

Legal Description (check one):
Complete Metes and Bounds legal description attached.
Platted Site within recorded subdivision, copy of plat map attached. Subdivision Name:
Lot No(s): Section No(s):
Recorded in Plat Book number: Page(s): in the Marion County Recorder's Office.

If this property was the subject of any previous petition, list the previous docket number:

Current Zoning Classification: Acreage: Township: Wayne

Existing Use of Subject Property:

Existing improvements on Subject Premises:

Request is for (check all that apply):

Variance of Use Variance of Development Standards

(Provide a detailed description of the proposal. Specify any specific ordinance(s), standard(s), condition(s), commitment(s), and/or regulation(s) sought to be modified. Attach additional pages if necessary.)

Oath: The above information, to my knowledge and belief, is true and correct.

Signature(s) of Petitioner(s)

STATE OF
COUNTY OF SS
Subscribed and sworn to before me this
day of, 20

Notary Public
Printed name of Notary Public
My Commission expires:
My County of residence:

Signature(s) of Owner(s) (If different than petitioner)

STATE OF
COUNTY OF SS
Subscribed and sworn to before me this
day of, 20

Notary Public
Printed name of Notary Public
My Commission expires:
My County of residence:

**LEGAL NOTICE OF PUBLIC HEARING
SPEEDWAY BOARD OF ZONING APPEALS
OF MARION COUNTY**

Petition No: _____

Notice is hereby given that the undersigned has filed with the Speedway Board of Zoning Appeals of Marion County, Indiana, a petition requesting the following:

Legal description of address: _ (Attach description on a separate sheet of paper if necessary) _____

This petition and all exhibits and plans filed therewith may be examined in the Board's office at the Speedway Municipal Center, 5300 Crawfordsville Road, Room 116, Speedway Indiana 46224, between the hours of 8:30 A.M. to 4:30 P.M., Monday through Friday, excluding Town designated holidays. Written objections to the petition may be filed with the Recording Secretary to the Speedway Board of Zoning Appeals at the above address and such objections will be considered.

Contacting members of the Speedway Board of Zoning Appeals regarding a pending petition is prohibited.

A public hearing will be held at the Speedway Municipal Center, 5300 Crawfordsville Road, Room 005, on _____, 20 __, at 7:00 P.M. All interested persons will be given an opportunity to be heard in reference to the matters set out in said petition. The hearing may be continued from time to time as may be found necessary. This notice is sent to you as an owner of property adjacent to the property included in said petition, pursuant to the applicable Rules of Procedure.

PETITIONER

DEVELOPER
(if different from Petitioner)

Signature: _____

Signature: _____

Printed: _____

Printed: _____

Address: _____

Address: _____

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Petition No: _____

**AFFIDAVIT OF NOTICE OF PUBLIC HEARING
SPEEDWAY BOARD OF ZONING APPEALS
OF MARION COUNTY**

I (we) _____ do hereby certify that notice of public hearing to consider, Petition No: _____ was sent by certified, registered or first-class mail to the last known address of each of the following persons, they being all persons to whom notice was required to be sent by the Rules of Procedure of the Speedway Board of Zoning Appeals of Marion County:

OWNERS'S NAME	ADDRESS
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

(Attach additional sheets if necessary)

And that said notices were mailed by certified, registered or first-class mail on ____ day of _____, 20__ being at least twenty-three (23) days prior to the scheduled public hearing.

I (we) further certify that the notice required by said Rules of Procedure to be posted in a conspicuous place on the property described in petitioner's petition was posted on ____ day of _____, 20__ being at least twenty-three (23) days prior to the scheduled public hearing.

Petitioner, Attorney, or authorized agent

STATE OF INDIANA,
COUNTY OF MARION, SS:
Subscribed and sworn to before me this ____day of _____, 20__.

Notary Public

Printed Name of Notary

My commission expires: _____

My county of residence: _____

**SPEEDWAY BOARD OF ZONING APPEALS OF MARION COUNTY, INDIANA
PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS**

FINDINGS OF FACT

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

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 because:

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is granted, subject to any conditions stated in the minutes (which are incorporated herein by reference and made a part of this decision).

Adopted this ____ day of _____, 20__

_____ Chairperson

_____ Vice-Chairperson

_____ Secretary

_____ Member

_____ Member

SPEEDWAY BOARD OF ZONING APPEALS OF MARION COUNTY, INDIANA
PETITION FOR VARIANCE OF USE
FINDINGS OF FACT

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

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 because:

3. The need for the variance arises from some condition peculiar to property involved and the condition is not due to the general condition of the neighborhood because:

4. The strict application of the terms of the zoning ordinance constitutes an unusual and unnecessary hardship if applied to the property for which the variance is sought because:

5. The grant does not interfere substantially with the Comprehensive Plan because:

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is granted, subject to any conditions stated in the minutes (which are incorporated herein by reference and made a part of this decision).

Adopted this ____ day of _____, 20__

_____ Chairperson

_____ Vice-Chairperson

_____ Secretary

_____ Member

_____ Member