



Mike Moore, Mayor

CITY OF JEFFERSONVILLE  
DEPARTMENT OF PLANNING & ZONING  
500 QUARTERMASTER COURT, SUITE 200  
JEFFERSONVILLE, IN 47130  
PHONE: (812) 285-6413  
WEBSITE: [www.cityofjeff.net](http://www.cityofjeff.net)

# **BOARD OF ZONING APPEALS**

## **Use Variance**

### **APPLICATION REQUIREMENTS**

In order for the staff of the City of Jeffersonville Board of Zoning Appeals to expedite your request in a timely manner, we ask that you follow these requirements:

1. The application and supporting materials must be submitted before the appropriate meeting deadline. No exceptions.
2. Once the application has been submitted with the required application processing fee, our staff will review the application to verify that all the required items in the checklist have been included. All items on the checklist must be submitted with the application or the request will not be assigned a Docket number. This is considered an incomplete application, and the submitted items will be promptly mailed back to the applicant.
3. When the application is deemed complete by the staff, the request will be assigned a Docket number and will be placed on the appropriate agenda, and the applicant will be notified of the meeting date.
4. A pre-filing conference is encouraged for all Board of Zoning Appeals petitions. Call 285-6413 to set an appointment to discuss a petition prior to filing for a hearing before the Board of Zoning Appeals.

## BOARD OF ZONING APPEALS PROCEDURES

- The City of Jeffersonville has established a procedure for the consideration of any request to the Board of Zoning Appeals. Requests are reviewed by the Board of Zoning Appeals which makes the final determination. Requests may originate from either property owners or potential owners (subject to the consent of the current owners). In reviewing all applications the Board of Zoning Appeals shall consider the following:
  - The recommendations of the Director of Planning & Zoning;
  - The current conditions and character of structures in each district;
  - The most desirable use for which the land in each district is adapted;
  - The conservation of property values throughout the jurisdiction; and
  - Responsible growth and development;

Check the variance type that apply:

- Use: \_\_\_\_\_ [list type of business]

<b>Docket #:</b> _____
<b>Date Filed:</b> ____/____/____
<b>To be assigned by planning department. This space for office use.</b>



**BOARD OF ZONING APPEALS  
APPLICATION**

• **Name of Applicant:** \_\_\_\_\_

Applicants Address: \_\_\_\_\_

Name of Business: \_\_\_\_\_

Phone: (    ) \_\_\_\_\_ Fax: (    ) \_\_\_\_\_

Email: \_\_\_\_\_ Cell: (    ) \_\_\_\_\_

• **Applicant's Attorney/Contact Person and Project Engineer (if any):**

Attorney Name: \_\_\_\_\_ Address: \_\_\_\_\_

Phone: (    ) \_\_\_\_\_ Fax: (    ) \_\_\_\_\_

Email: \_\_\_\_\_ Cell: (    ) \_\_\_\_\_

Project Engineer: \_\_\_\_\_ Address: \_\_\_\_\_

Phone: (    ) \_\_\_\_\_ Fax: (    ) \_\_\_\_\_

Email: \_\_\_\_\_ Cell: (    ) \_\_\_\_\_

• **Project/Development Information:**

Location of Property (and address if applicable): \_\_\_\_\_

Current Use: \_\_\_\_\_ Current Zoning: \_\_\_\_\_

Proposed Use: \_\_\_\_\_

• **Reason (s) for Request:**

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

• **Additional Requirements:**

- a. Proof of ownership (Warranty Deed) including legal description of property
- b. Written authorization from owner (Affidavit & Consent Of Property Owner Page 5)
- c. Letter of Intent describing the proposed plan and use of property
- d. One 8 1/2"x 11" copy of proposed site plan
- e. Draft Findings of Fact responding to criteria on Page 6 (I.C. 36-7-4-918.4)
- f. Postage Fee of \$1 per letter for adjoining property notification letters (calculated after submittal)
- g. Any additional information as required by Director or Zoning Administrator



The undersigned states the above information is true and correct as (s)he is informed and believes to the best of her/his knowledge.

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

State of Indiana )  
Clark County ) SS:

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_/\_\_\_\_\_  
Notary Public – Signed Printed

Residing in \_\_\_\_\_ County My Commission expires: \_\_\_\_\_.

**OFFICE USE ONLY---DO NOT WRITE BELOW THIS LINE**

Application (all materials in file) certified completed on:

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_.

BZA public hearing date: \_\_\_\_/\_\_\_\_/\_\_\_\_\_.

Adjacent property owners notified via mail on: \_\_\_\_/\_\_\_\_/\_\_\_\_\_.

Legal ad emailed to The Evening News on : \_\_\_\_/\_\_\_\_/\_\_\_\_\_.

Sign addresses emailed to Street Department on: \_\_\_\_/\_\_\_\_/\_\_\_\_\_.

Public notice posted at City Hall on: \_\_\_\_/\_\_\_\_/\_\_\_\_\_.

Public notice posted on City's website on: \_\_\_\_/\_\_\_\_/\_\_\_\_\_.

**Docket #: \_\_\_\_\_**  
**Date Filed: \_\_\_\_/\_\_\_\_/\_\_\_\_\_**  
**To be assigned by planning**  
**department. This space for**  
**office use.**



**- AFFIDAVIT & CONSENT OF PROPERTY OWNER -  
Application to the Jeffersonville Board of Zoning Appeals**

STATE OF INDIANA )  
COUNTY OF CLARK ) SS:

I, \_\_\_\_\_, AFTER BEING DULY SWORN, DEPOSE AND  
SAY THE FOLLOWING:

1. That I am the owner of real estate located at: \_\_\_\_\_;  
(Address of affected property)

2. That I have no objections to, and consent to the request(s) described in the Application made to the  
Jeffersonville Plan Commission.

\_\_\_\_\_  
Owner's Name (Please Print)

\_\_\_\_\_  
Owner's Signature

State of Indiana )

County of Clark ) SS:

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Printed

Residing in \_\_\_\_\_ County My Commission expires: \_\_\_\_\_

**Determination of Request:**

Below is a brief description of each type of Board of Zoning Appeals Petition. Please review each to determine which type of procedure you need.

**Development Standards Variance**

A deviation from the Area, Bulk Height and other applicable regulations of a Zoning District contained in the Jeffersonville Zoning Ordinance which governs the physical development of real estate.

The Board may only approve a variance from development standards upon a determination in writing that (1) the approval will not be injurious to the public health, safety, morals, and general welfare of the community; (2) the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and (3) the strict application of the terms of this Ordinance will result in a Practical Difficulty. This situation shall not be self-imposed, nor be based on a perceived reduction of or restriction of economic gain.

**Use Variance**

The use of land or the use of a building or structure other than that prescribed by the Jeffersonville Zoning Ordinance.

The Board may only approve a use variance upon a determination in writing that (1) the approval will not be injurious to the public health, safety, morals, and general welfare of the community; (2) the use and value of the adjacent areas to the subject property are not adversely affected; (3) the need for a variance stems from a condition unusual or peculiar to the subject property itself; (4) the strict application of the terms of this Ordinance will result in an unnecessary hardship if they were applied to the subject property; and (5) the approval of the variance does not contradict the goals and objectives of the Comprehensive Plan.

**Special Exception**

The use of land or the use of a building or structure on the land which is allowed in the Zoning District applicable to the land only through the grant of a Special Exception by the Board of Zoning Appeals.

The Board may only approve a use variance upon a determination in writing that (1) the proposal will not be injurious to the public health, safety, morals, and general welfare of the community; (2) the requirements and development standards for the requested use as prescribed by this Ordinance will be met; (3) granting the exception will not subvert the general purposes served by this Ordinance and will not permanently injure other property or uses in the same district and vicinity; and, (4) the proposed use will be consistent with the character of the district therein, the spirit and intent of this Ordinance, and the Jeffersonville Comprehensive Plan.

**Administrative Appeal**

An appeal from any order, requirement, decision, or determination made by the Staff, Planning Director, administrative board, or other body except the Plan Commission.



## USE VARIANCE

### Findings of Fact by the Jeffersonville Board of Zoning Appeals

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

Case: \_\_\_\_\_

Location: \_\_\_\_\_

The Board of Zoning Appeals of the City of Jeffersonville, having heard the application for a use variance described below, and all opposition from parties claiming to be adversely affected thereby, does now enter the following findings:

#### **A. Use Variance Requested –**

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

- 
- 
- 

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

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- 
- 

3. The need for a variance stems from a condition unusual or peculiar to the subject property itself.

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- 
- 

4. The strict application of the terms of the ordinance will result in a Practical Difficulty. This situation shall not be self-imposed, nor be based on a perceived reduction of or restriction of economic gain.

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5. The approval of the variance does not contradict the goals and objectives of the Comprehensive Plan.

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Based on the findings described above, the Board does now (*circle one*) **APPROVE / DENY** this application. So ordered this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

If approved, this use variance applies to the subject parcel until such time as the property conforms with the applicable Zoning Ordinance as written. The approval of this application is subject to the following reasonable conditions being met and maintained by the petitioner and all future entities responsible for the conditions of this property.

- 1.
- 2.
- 3.
- 4.

Jeffersonville Board of Zoning Appeals

By: \_\_\_\_\_  
Chairperson

Attest: \_\_\_\_\_  
Secretary