

Mooresville BZA Application Packet

Contact: Administrator (317) 831-9545

Revised October 2023

This application packet is for petitions under the jurisdiction of the Mooresville Board of Zoning Appeals and includes:

- **Variance** - A modification of the specific requirements or standards of the Unified Development Ordinance.
- **Special Exception** - approval of land use that would be permitted in the subject zoning district provided it meets certain conditions.
- **Variance of Use** – approval of a specific land use that is not otherwise permitted in the subject zoning district.
- **Use Classification** – the classification of a land use that is neither listed nor similar to any use listed in the Unified Development Ordinance.
- **Appeals** – an appeal of the Administrator’s review, decision, or determination in the enforcement of the Unified Development Ordinance.

Step 1: Pre-Application.

At least one week prior to the intended filing of the petition, the applicant must discuss the potential application with the Administrator for the purpose of becoming familiar with requirements, submittals, procedures, deadlines, and hearings. Contact the Administrator by calling (317) 831-9545.

Step 2: Making Application.

The applicant must make an appointment with the Administrator to file an application by calling (317) 831-9545. A complete application and all required attachments are to be submitted by the date shown on the Application Schedule. At this time, 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. Applications submitted or completed after the posted submittal deadline will be placed on the application cycle for the next regular meeting.

Step 3: Submittal Checklist

	Variance	Special Exception	Variance of Use	Use Classification	Appeals
1. Application Fee	\$300	\$500	\$300	\$300	\$200
2. Electronic Copy	✓	✓	✓	✓	✓
3. Application Form	✓	✓	✓	✓	✓
4. Vicinity Map	✓	✓	✓	✓	✓
5. Aerial Map	✓	✓	✓	✓	✓
6. List of Adjacent Property Owners	✓	✓	✓	✓	✓
7. Site Plan	✓	✓	✓	✓	✓
8. Narrative	✓	✓	✓	✓	✓
9. Legal Description and Drawing	✓	✓	✓	✓	✓
Attachment A: Consent of Property Owner	✓	✓	✓		✓
Attachment B: Notice for Newspapers	✓	✓	✓	✓	✓
Attachment C: Notice for Property Owners	✓	✓	✓	✓	✓
Attachment D: Standards for Evaluating a Variance	✓				
Attachment E: Standards for Evaluating a Special Exception		✓			
Attachment F: Standards for Evaluating a Variance of Use			✓		
Attachment G: Standards for Classifying a Use				✓	
Attachment H: Information for Appeal					✓

1. Application Fee. Make checks payable to "Town of Mooresville".
2. Electronic Copy. Submit a CD with ALL the items on the submittal checklist, including the application, maps, lists, plans, narratives, and other required attachments. File format should be PDF and each item should be saved as an individual file. The CD should be labeled with the date and name of the project and submitted in a soft/paper protective envelope.
3. Application Form. All items must be fully completed and either typewritten or printed in ink. The application must be signed by the applicant(s) and notarized.
4. Vicinity Map. Submit a vicinity map, 8 ½"x11" in size, showing where the property is generally located in Mooresville, making sure major streets are labeled. The scale should be approximately 1:1,000.
5. Aerial Map. Submit an aerial map of the subject parcel, 8 ½" x 11" in size, showing all properties within 660 feet of subject parcel. The map can be obtained from Google Earth or other similar aerial mapping programs. Be sure to highlight the subject parcel.
6. List of Adjacent Property Owners. Obtain a list of all surrounding property owners whose property is within 660 feet and at least two (2) parcels deep from all portions of the subject parcel. The list can be obtained from:
 - o Morgan County Auditor's Office, 180 S Main St, Suite 104, Martinsville, IN 46151; (765) 342-1001
7. Site Plan. Submit a basic site plan, 8 ½" x 11" in size, showing the basic layout of the proposed development for duplication purposes.
8. Narrative. A Narrative describing the nature of the application, land use, and 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, plating, amendments, approvals, etc.)
9. Legal Description and Drawing. A land description of the written words delineating the property and a corresponding drawing with dimensions and bearings. For the electronic version, the legal description should be a PDF generated directly from a Word document so that the text is crisp and clear.
10. Attachments A - H. Complete necessary attachments per the respective instructions contained on each form.

Step 4: Notifying the Public (not applicable to Secondary Plat or Development Plan)

State Law and the Rules and Procedures for Mooresville's PC and BZA require you to notify the public of the hearing in two different ways: by newspaper and by notifying property owners that surround the subject property. Signing and submitting an *Affidavit of Notification* verifies this notification.

Notification by Newspaper

Complete Attachment B: Notice for Newspapers. At the application meeting, the Administrator will review and approve the completed attachment.

Publish the approved attachment and legal description one time in two of the newspapers listed below at least 10 days prior to the Hearing (see Application Schedule). Failure to meet the publishing deadlines will delay the hearing of your petition. Be certain to obtain a "Proof-of-Publication" affidavit from the newspaper for your advertisement. These affidavits and *Form 1: Proof of Notification* must be turned in to the Administrator at least three days prior to the hearing (see Application Schedule).

- Mooresville-Decatur Times
- Martinsville Reporter
- Morgan County Correspondent

Surrounding Property Owner Notification

Complete Attachment C: Notice for Property Owners. At the application meeting, the Administrator will review and approve the completed attachment.

The Petitioner must notify all surrounding property owners within 660 feet or two properties in depth of the subject property (whichever is least). If the petitioner owns adjacent parcels, then go 660 feet and two properties beyond those parcels (whichever is least).

Notification must be mailed by either First Class Certificate of Mailing or Certified Mail.

- Certificate of Mailing provides evidence that mail has been presented to the post office for mailing. Use Form 2 for listing those notified (copy enclosed). Proof of Mailing will be Form 2 that has been stamped by the Post Office.
- Certified Mail or "green cards" provides the sender with a mailing receipt and proof of delivery. Visit the Post Office for special cards and stickers for addressing letters sent by Certified Mail. Proof of Mailing is a combination of the "green cards" that have been sent back to you and your Certified Mail Receipt for letters that were not claimed.

All letters must be postmarked at least 10 days prior to the hearing (see Application Schedule). Proof of mailing must be submitted to the Administrator at least three days prior to the hearing (see Application Schedule).

Include the following information to each person notified:

- A copy of the approved Attachment C
- Legal description and drawing
- Narrative
- Site Plan
- The applicable Attachment D, E, F, G, or H.

202 Application Schedule

- Application Submittal: The filing deadline is 12:00 noon on the date indicated. Call (317) 831-9545 to make an appointment to file your application. Application meetings are at a place and time that is most convenient for the applicant and the Mooresville Administrator.
- Deadline for Submitting Info/Revisions to the File: Revisions or additions to the plans and/or file must be submitted by 12:00 noon on one week prior to the public meeting. Plans shall be submitted with a cover letter to the attention of the Mooresville Administrator.
- Public Notice Deadline: Deadline to publish public notice in the newspaper and postmark mailings to surrounding property owners.
- Submit Proof of Public Notice: Submit Forms 1 and 2 as proof of adequate public notice of the hearing. Forms shall be submitted in hard copy and electronic copy with a cover letter to the attention of the Mooresville Administrator.
- BZA Hearing: Unless otherwise noticed, BZA Meetings are held at 6:00pm at the Mooresville Town Hall, 4 E Harrison St, Mooresville, IN 46158.

See Application Schedule / process @ end of the application

BZA Application

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

- Variance Special Exception
 Variance of Use Use Classification
 Appeal

<i>For Office Use Only</i>	
<i>File #</i>	<i>Fee</i>
<i>Filing</i>	<i>TAC</i>
<i>Hearing/Meeting</i>	
<input type="checkbox"/> <i>Denied</i> <input type="checkbox"/> <i>Approved</i> <input type="checkbox"/> <i>w/ conditions</i>	

Applicant Info

Name	
Street Address	
City, State, Zip	
Primary Contact Person regarding this petition	
(317) 831-9545	E-Mail
Other Contact Name	E-Mail

Property Owner

Name	
Street Address	
City, State, Zip	
(317) 831-9545	E-Mail
Applicant is (circle one): Sole owner Joint Owner Tenant Agent Other (specify)	

Premises Affected

10-digit Parcel Number				
Actual/approximate address or location from major streets				
Subdivision			Lot Number(s)	
Total Acreage		Flood Zone on Site?		
Zoning of Subject Property		Use of Subject Property		
Proposed Land Use				
Zoning of Adjacent Properties	North:	South:	East:	West:
Land Use of Adjacent Properties	North:	South:	East:	West:

Notarization

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

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

Attachment A: Consent of Property Owner

Complete and submit if applicant is different from property owner.

I (we)

NAME(S)

After being first duly sworn, depose and say:

- That I/we are the owner(s) of the real estate located at I (we)

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.
- That such request being made by the applicant (_____ is) (_____ is not) a condition to the sale or lease of the above referenced property.

(AFFIANT)

STATE OF INDIANA)
) SS:
COUNTY OF _____)

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

, Notary Public

My Commission expires: _____ County of Residence: _____

Attachment B: Notice for Newspapers

Attach: 1) Legal Description

Notice is hereby given that I have, as the owner (or with the owner's consent) of the property commonly described as the address of

_____, and legally described by the attached legal description, have filed a petition before the Mooresville Board of Zoning Appeals, which petition requests a/n

Variance Special Exception Variance of Use Use Classification Appeal

for the said property in order to:

_____.

This petition, File # _____, will come for hearing at 6:00pm at the Mooresville Town Hall, 4 E Harrison St, Mooresville, IN 46158 on _____, _____.

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. The petition and file on this matter is available for examination by contacting the Administrator at (317) 831-9545. Comments regarding this petition may be submitted at any time. Information to be considered in the Staff Report and distributed to the PC members in advance of the meeting must be received by the Administrator at least fourteen (14) days prior to the hearing.

Petitioner: _____

Attachment C: Notice for Property Owners

Include with the mailing: 1) Legal Description, 2) Site/Concept Plan, 3) Attachment D, E, F, G, or H

Notice is hereby given that I have, as the owner (or with the owner's consent) of the property commonly described as the address of

_____, and legally described by the attached legal description, have filed a petition before the Mooresville Board of Zoning Appeals, which petition requests a/n

Variance Special Exception Variance of Use Use Classification Appeal

for the said property in order to:

_____.

This petition, File # _____, will come for hearing at 6:00pm at the Mooresville Town Hall, 4 E Harrison St, Mooresville, IN 46158 on _____, _____.

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. The petition and file on this matter is available for examination by contacting the Administrator at (317) 831-9545. Comments regarding this petition may be submitted at any time. Information to be considered in the Staff Report and distributed to the PC members in advance of the meeting must be received by the Administrator at least fourteen (14) days prior to the hearing.

Petitioner: _____

Attachment D: Standards for Evaluating a Variance

Use the following form or attach a separate sheet(s) to explain the Variance request. Use a new sheet for each variance requested. The BZA's decision shall be based upon how each of the following statutory requirements is justified in the request.

Petition Information

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 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 ordinance will result in practical difficulties in the use of the property because...

Attachment E: Standards for Evaluating a Special Exception

Use the following form or attach a separate sheet(s) 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.

Petition Information

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 because...
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 because...
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 because...
4. Adequate utilities, access road, drainage, and other necessary facilities have been or are being provided, such as...
5. Adequate measures have been or will be taken to provide entrance/exit to the property to minimize traffic congestion on the public roadways, and described as...
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 and... <input type="checkbox"/> YES, all of the standards will be met. <input type="checkbox"/> NO, the following standards cannot be met and will be remedied as follows:

Attachment F: Standards for Evaluating a Variance of Use

Use the following form or attach a separate sheet(s) to explain the Variance of Use request. The BZA's decision shall be based upon how each of the following statutory requirements is justified in the request.

Petition Information

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

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

3. The need for the Variance of Use arises from some condition peculiar to the property involved, and is more clearly described as...

4. The strict application of the terms of the Unified Development Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought, and is more clearly described as...

5. The Comprehensive Plan describes this area as...

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

Attachment G: Standards for Classifying a Use

Use the following form or attach a separate sheet(s) to explain the Use to be classified. The BZA's decision shall be based upon how each of the following statutory requirements is justified in the request.

Petition Information

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

Standards for Evaluation

<p>1. The subject use and its operations are compatible with the uses permitted in the district wherein it is proposed to be located, and are further described as...</p>
<p>2. The subject use is similar to one or more uses permitted in the district within which it is proposed to be located. The best example of a similar use is _____</p> <p>and it is similar in the following ways...</p>
<p>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 because...</p>
<p>4. The subject use will be designed, located, and operated to protect the public health, safety, and general welfare in the following ways...</p>

Attachment H: Information for Appeal

Use the following form or attach a separate sheet(s) 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 the Unified Development Ordinance citations where applicable:

Document/ Citation / Requirement	Administrator's Interpretation	Applicant's Position

Form 1: Affidavit of Notification

Submit this Form two days prior to the hearing along with proof of publication and proof of mailing.

I (we)

After being first duly sworn, depose and say:

- That I have notified in person or by First Class U.S. Mail all owners of property located within a 660 foot radius (or at least 2 properties deep, whichever is greater) of my property located at _____.
- That the said property owners were informed by me of the filing of the petition and of the nature of said application, as directed in the application packet "Notifying the Public", which is part of the Rules and Procedures of the Plan Commission and/or BZA as described.
- That the said property owners were notified that the Plan Commission/BZA will hold a public hearing regarding this application on the date of _____, at 6:00pm; and
- That the names and addresses of said property owners so notified are listed on a separate paper which is a part of this Affidavit.

And further the Affiant sayeth not.

(AFFIANT)

STATE OF INDIANA)
) SS:
COUNTY OF _____)

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

, Notary Public

My Commission expires: _____ County of Residence: _____

Form 2: Adjacent Property Owners Notified by Mail

If property owners are to be notified by mail, either complete this form or provide a list with the same information. Make additional copies if necessary.

Name and Address of Sender			Type of Mail: <input type="checkbox"/> Certified Mail <input type="checkbox"/> Certificate of Mailing ONLY	
Line	Name & Address	Postage	Fee	Remarks
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 _____	