

**CITY OF LEBANON  
401 S. MERIDIAN STREET  
LEBANON, IN. 46052**

**USE VARIANCE APPLICATION PROCEDURE AND FORMS**

If compliance with specific requirements or restrictions of the Unified Development Ordinance in an unnecessary hardship or practical difficulty, you may request a Use Variance from the terms of the Ordinance. The Board of Zoning Appeals has the exclusive authority to decide all Use Variance requests.

**PROCESS:**

1. Schedule meeting with the Lebanon Planning & Zoning Administrative Department staff, at least one week before the anticipated application, to discuss the proposed action and obtain required forms.
2. Present completed application to the City of Lebanon Planning and Zoning Department to be placed on the Board of Zoning Appeals agenda. Completed applications must be submitted 15 days before the Board of Zoning Appeals meeting. The Planning & Zoning Administrative Department will determine if the application is complete. If it is not, you will be notified of any deficiencies. Applications submitted or completed after the deadline will be placed on the agenda for the following month.
3. Present request to the Board of Zoning Appeals at a Public Hearing. The Board will hear evidence and make a decision on your application.

**REQUIRED APPLICATION MATERIALS:**

1. Application/Statement of Intent. The applicant must submit a completed application/statement of intent, including all attachments. See form on page 1.
2. Proposed Findings of Facts. The applicant must submit proposed findings of fact, stating how it believes each factors required for the granting of a use variance. See form on page 2.
3. Affidavit and Consent of Property Owner. If the application is not the owner of the subject property, an affidavit signed by the property owner must be provided, confirming the owner's consent to the application and the requested variance. See form on page 3.
4. Public Notice- The applicant must publish notice of the public hearing in a proper newspaper at least 10 days prior to the BZA meeting. The applicant is responsible for the cost of the publication, and for obtaining and providing proof of publication prior to the Board of Zoning Appeals hearing the case. See form on page 5.
5. Notice letter to surrounding property owners. The Unified Development Ordinance (Sec. 9.15) requires the applicant to provide written notice of the application and public hearing to all "interested parties" at least 10 days before the Board of Zoning Appeals meeting. Interested parties are the surrounding property owners within 300 feet of the boundaries of the property for which the variance is sought. You can obtain the list of property owners from the Boone County Auditor's Office in the Courthouse. This written notice shall be provided to each owner by using the form on page 6, either by certified mail or by personal delivery.
  - A. Certified Mail: Notice may be provided to an interested party by certified mail, return receipt requested. The applicant must keep the return receipt of mailing and provide then to staff as provided in paragraph 5.

- B. Personal Delivery: In lieu of certified mail, notice to interested parties may be made by personally delivering the notice to a landowner and obtaining his/her signature on the Verification of Personal Service form provided on page 7.
6. Certificate of Notice. The applicant must complete the form Certificate of Notice on page 4. This form must identify all interested parties, as defined above, and must identify the date and manner in which each interested party was provided with the notice letter (certified mail or personal delivery). The return receipt of mailing and signed verification of personal service forms must be attached to the certificate of notice, showing proper notice to all interested parties.
  7. Application Fee: At the time of submitting the Application, the applicant must pay the required application fee. The fee for a variance application is currently \$50.00. Checks may be made payable to the City of Lebanon.
  8. Commitments: If the applicant intends to make any commitments regarding the use or development of the subject property, the proposed written commitments shall be provided upon submission of the application.

#### **GENERAL INFORMATION:**

1. You must submit the completed application materials and all other required information and documents to the to the Planning & Zoning Office for review not less than 15 days before the Board of Zoning Appeals meeting in order to be placed on the agenda. Your application will not be placed on the BZA agenda until all required materials and the filling fees are submitted.
2. Important additional information pertinent to your use variance application, including the public notice requirements, is contained in the Unified Development Ordinance and the Board of Zoning Appeals Rules of Procedures. You are strongly encouraged to review both documents.
3. It is your responsibility to demonstrate compliance with all notice requirements. Failure to do so may cause delay in the Board hearing your case.
4. It is your burden to prove that all of the factors required for the granting of a use variance are satisfied. Failure to show that any of the factors are met will require the Board to deny the request.
5. If the Board of Zoning Appeals denies your request, you have the right to seek review of that decision by the Boone County Circuit or Superior Courts. In that event, the required action must be initiated with the court within 30 days of the board's decision.
6. You may wish to engage an attorney for filing and representation at the meetings.

**CITY OF LEBANON  
APPLICATION FOR VARIANCE  
STATEMENT OF INTENT**

I \_\_\_\_\_ Docket # \_\_\_\_\_

This application and all accompanying information must be completed and filed in the City of Lebanon Planning & Zoning Office not less than 15 days prior to the regular meeting of the City Board of Zoning Appeals.

1. **Applicant:** Name \_\_\_\_\_ Phone # \_\_\_\_\_

Address \_\_\_\_\_

2. **Property Owner:** Name \_\_\_\_\_ Phone # \_\_\_\_\_

Address \_\_\_\_\_

3. **Applicants agent, attorney or other contact (if any):**

Name \_\_\_\_\_ Phone # \_\_\_\_\_

Address \_\_\_\_\_

4. **Subject Property:**

Street or road #/ address of subject property: \_\_\_\_\_

Zoning Classification of Property: \_\_\_\_\_

Legal Description of property (attach sheet) \_\_\_\_\_

Size of property (dimensions and /or acreage): \_\_\_\_\_

Current use of property: \_\_\_\_\_

Comprehensive Plan Designation: \_\_\_\_\_

5. **Requested Use Variance** (provide a detailed description of variances requested): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

6. **Site Plan:** Attach a site plan drawn to scale showing the dimensions of the property, all required setbacks, and the size and location of all existing and proposed buildings and other improvements, including but not limited to those involving the requested variances...

I affirm that the information contained in the application and its supplements is true and correct.

Date \_\_\_\_\_ Signature \_\_\_\_\_

**VARIANCE OF USE**

**PROPOSED FINDINGS OF FACTS**

Pursuant to state statute and the Lebanon Unified Development Ordinance, the Board of Zoning Appeals must find that each of the following conditions is satisfied in order to grant a Use Variance. It is your burden to demonstrate that each of these factors is satisfied. In the space provided, please indicate how you believe the facts or circumstances of your case satisfy each factor. Attach additional sheets if necessary.

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

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2. The need for the variance arises from some condition peculiar to the property involved.

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3. The need for the variance arises from some condition peculiar to the property involved.

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4. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property which the variance is sought.

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5. The proposed variance does not interfere substantially with the City of Lebanon Comprehensive Plan.

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## AFFIDAVIT AND CONSENT OF PROPERTY OWNER

If the owner(s) of the subject is/are giving authorization for someone else to apply for the variance, this Affidavit must be completed and signed by the owner(s), and submitted with the Application.

I (we) \_\_\_\_\_, being duly sworn, state as follows:  
(owner of subject property)

1. I am a competent adult, over 21 years of age, and have personal knowledge of the matters stated in this affidavit.
2. I (we) am (are) the owner(s) of the property commonly known or legally described as

\_\_\_\_\_  
(property address or legal description)

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3. I (we) are aware of the variance requested by \_\_\_\_\_,  
(applicant's name)

relating to my property, and I (we) authorize the applicant to seek this variance.

I affirm under the penalties of perjury that the foregoing statements are true and correct.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

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**CERTIFICATE OF NOTICE**

The application must list below the names and addresses of all interested parties (surrounding land owners within 300 feet of the subject property, the method by which each owner provided with notice of the application and hearing, and the date each notice was either mailed or personally delivered. Each certificate mail return and signed verification of personal service should be attached to this form.

Legal Owners Name	Address	Method of Notice Mail/ Personal	Date of Notice
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1.

2.

3.

4.

5.

6.

7.

8.

9.

10.

I/we affirm that the list of property owners set forth above (and attached hereto) is a true and complete listing of all owners of property located within 300 feet of the subject property and that the above information concerning the method and date of providing notice to each of them is true and accurate.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**NOTICE OF PUBLIC HEARING**

Notice is hereby given that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ PM a public hearing will be held before the Lebanon Board of Zoning Appeals located in the Municipal Building Council Chambers 401 S. Meridian Street, Room 208 in the City of Lebanon, IN, on the application of a Use Variance request. For an Improvement Location Permit as specified in the Zoning Code of Lebanon: Ordinance #74-12, as amended.

The Use Variance has been requested by \_\_\_\_\_  
\_\_\_\_\_ and concerns the property located at \_\_\_\_\_  
\_\_\_\_\_ Lebanon, Indiana. The applicant requests a Use Variance to  
allow \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

The legal description of the property is as follows: \_\_\_\_\_  
\_\_\_\_\_

The Lebanon Board of Zoning Appeals will conduct a public hearing at the time and place specified. Interested persons desiring to present their views upon the application may do so at the hearing. Written comments concerning the application may be submitted to the Lebanon Planning & Zoning Administration Department, located at the Municipal Building, Council Chambers 401 S. Meridian Street room 208. Said hearings may be continued from time to time as may be necessary.

Robert A. Duff  
Chairman, Lebanon Board of Zoning Appeals  
City of Lebanon, Indiana

**NOTICE TO PUBLIC HEARING TO PROPERTY OWNERS**

**CITY OF LEBANON, INDIANA**

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

To: \_\_\_\_\_

Dear: \_\_\_\_\_,

This is to inform you that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ PM. The Lebanon Board of Zoning will hold a Public Hearing on an application for a Use Variance from the terms of the Lebanon Unified Development Ordinance, held at the City of Lebanon Municipal Building located at 401 S. Meridian Street room 208.

This Use Variance has been requested by \_\_\_\_\_ and concerns the property located at \_\_\_\_\_ Lebanon , Indiana. The applicant requests a Use Variance be allowed: \_\_\_\_\_

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The Application materials submitted by the applicant may be reviewed or obtained from the Lebanon Planning & Zoning Administration Department located at 401 S. Meridian Street, Lebanon Municipal Building 2<sup>nd</sup> floor (765) 482-8845.

The Lebanon Board of Zoning Appeals will conduct a public hearing at the time and place specified. Interested persons desiring to present their views upon the application may do so at the hearing. Written comments concerning the application may be submitted to the Lebanon Planning & Zoning Administration Department at or before such hearing and will be presented to the Board. Said hearing may be continued from time to time as may be necessary.

By: Robert A. Duff  
Title: Chairman, Board of Zoning Appeals

**VERIFICATION OF PERSONAL SERVICE  
AND WAIVER OF FURTHER NOTICE**

I/we, \_\_\_\_\_, am/are the owners of the property located at the address indicated below, which is within 300 feet of the real estate located at \_\_\_\_\_; which is the subject of a Use Variance application submitted by \_\_\_\_\_.

I/we hereby acknowledge that on \_\_\_\_\_ I/we personally received a "Notice of Public Hearing to Surrounding Property Owners concerning the hearing to be held by the Lebanon Board of Zoning Appeals at \_\_\_\_\_ p.m. on \_\_\_\_\_ at the Municipal Building in Lebanon, Indiana, concerning the Use Variance request described in the Notice. Because I/we received this Notice, I/we waive the right to notice by certified mail.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed

\_\_\_\_\_  
Printed

\_\_\_\_\_  
Address

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(This address must be the address of the property you own in proximity to the property which is the subject of the variance request, ie, the address of the property that entitles you to notice of the public hearing)

**2008 SCHEDULED BOARD OF ZONING APPEALS  
MEETING DATES**

**Meetings**

Monday, January 7, 2008  
Monday, February 4, 2008  
Monday, March 3, 2008  
Monday, April 7, 2008  
Monday, May 5, 2008  
Monday, June 2, 2008  
Monday, July 7, 2008  
Monday, August 4, 2008  
Monday, September 1- Office Closed, Labor Day  
TUESDAY, SEPTEMBER 2, 2008  
Monday, October 6, 2008  
Monday, November 3, 2008  
Monday, December 1, 2008

**Application Submittal Deadline**

April 18, 2008  
May 19, 2008  
June 23, 2008  
July 21, 2008  
  
August 18, 2008  
September 22, 2008  
October 20, 2008  
November 17, 2008