



## Board of Zoning Appeals

201 South Broadway, Butler Indiana 46721 (260) 868-5200

### USE VARIANCE INSTRUCTION PACKET

1. Complete the *Petition For Use Variance*.
2. File the completed *Petition*, applicable drawings showing property lines, location of buildings, and proposed changes, and the \$50 fee paid with the City of Butler. Please include a written description of the use on the *Petition* or on a separate sheet of paper.
3. After *Petition* is determined to be complete, a Public Hearing on the *Petition* will be scheduled with the Butler Board of Zoning Appeals. The BZA is available to meet on the second Monday of each odd-numbered month at 6:30 PM. Petitions must be filed and found complete a minimum of 21 days before the date of the meeting.
4. Petitioner shall notify adjacent property owners of record of the Public Hearing at least ten days before the hearing. Notice shall be given by certified mail, return receipt requested. Certified mails shall be postmarked at least 21 days before the meeting or green cards must be signed received 10 days before the hearing.
5. Petitioner shall publish a legal notice of the hearing in the *Butler Bulletin* at least ten days before the hearing. The deadline for getting information to the paper is the Friday before the Tuesday on which the newspaper is published.
6. Petitioner shall present proof of notice of adjacent property owners and proof of publication in the *Butler Bulletin* to the City of Butler at least three business days before the hearing. For example, if the hearing is on Monday, the City needs proof of services by the Thursday before the hearing. Proof of notice shall consist of return receipts (green cards) or signed legal notice. If proof is not received at least three (3) business days prior to the hearing, the hearing will be cancelled and you will need to start the process over.



**Board of Zoning Appeals**  
201 South Broadway, Butler Indiana 46721 (260) 868-5200

**PETITION FOR USE VARIANCE**

Request for Variance by:

DATE:

\_\_\_\_\_)  
Name(s) )  
\_\_\_\_\_)  
Address )

\_\_\_\_\_, being property owners in the City of Butler, hereby petition the Butler Board of Zoning Appeals as follows:

1. That they are the owner of the following described real estate:
  
2. The above-described property is presently zoned \_\_\_\_\_.
  
3. That the Butler City Zoning Code requires/prohibits: (list the provisions from which the petitioner needs relief)
  
4. That the petitioner requests the Board of Zoning Appeals grant a variance allowing them to:
  
5. The names and addresses of all adjacent property owners are listed below. (Attach additional sheets if necessary.)

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

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

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



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**LEGAL NOTICE OF PUBLIC HEARING BEFORE  
THE BOARD OF ZONING APPEALS OF THE CITY OF BUTLER, INDIANA**

TO: All persons located within the zoning jurisdiction of the City of Butler, Indiana.

The Butler Board of Zoning Appeals will meet on **<INSERT DATE>** at 6:30 PM in the City Council Chambers of the Butler City Hall, 120 West Main Street, Butler, IN 46721. At the meeting, the Board of Zoning Appeals will consider a variance request made by **<INSERT PETITIONER'S NAME>**. The petitioner is requesting a variance permitting **<INSERT VARIANCE INFORMATION INCLUDE PROPERTY DESCRIPTION>**.

At the public hearing, all interested persons will be given the opportunity to be heard concerning the matters set out in the Variance Petition. Written objections that are filed before the public hearing with the Board of Zoning Appeals Secretary at 201 S. Broadway, Butler IN 46721 will be considered. The hearing may be continued from time to time as necessary.

The Butler Board of Zoning Appeals must find that several conditions have been met before the requested variance may be granted. The petition and file pertaining to the variance are available for public inspection during the regular business hours at the Office of the Clerk-Treasurer, 201 South Broadway, Butler until two business days prior to the hearing date. All comments and questions on this matter should be directed to the City Planner at (260) 868-5200.

Signed: \_\_\_\_\_  
Amy Schweitzer, AICP  
Butler City Planner



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### **FINDINGS OF FACT FOR USE VARIANCE PETITIONS**

To grant the variance you are requesting, the Butler Board of Zoning Appeals must find the following findings of fact to be true. State evidence in support of each finding below. Each member of the Board will be given a copy of this sheet.

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;
  
3. The need for the variance arises from some condition peculiar to the property involved;
  
4. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought;
  
5. The approval does not interfere substantially with the comprehensive plan adopted under the 500 series of this chapter