

**Pulaski County Advisory Plan Commission
and Pulaski County Board of Zoning Appeals
APPLICATION FOR PUBLIC HEARING**

DATE FILED: _____ Docket # _____

Petition: ___ Map Amendment (Rezoning) – APC
 ___ Special Exception – BZA
 ___ Variance from Development Standards – BZA
 ___ Use Variance – BZA

Petitioner Information

Name(s): _____

Street address: _____

City, State Zip: _____

Telephone #: _____

Email address: _____

Signature: _____

Petitioner is Sole Owner Joint Owner Tenant Agent Other: _____

Property Owner Information (if different from petitioner)

Name(s): _____

Street address: _____

City, State Zip: _____

Telephone #: _____

Email address: _____

Signature: _____

Premises Affected

Address: _____
(If no assigned address, then provide location relative to nearest cross streets or county roads.)

Parcel #: _____
(If more than one parcel is included, please provide key parcel number here and additional numbers as an attachment to this application. Please attach complete legal description(s).)

Acreage: _____

Current use: _____

Present Zoning: _____

Pulaski County Building and Zoning Department
125 South Riverside Drive, Room 150, Winamac, Indiana 46996
574-946-7858 (o), 574-946-4917 (f)
Email: buildinginspector@pulaskicounty.in.gov, zoning@pulaskicounty.in.gov
Web: <http://gov.pulaskionline.org/bpz/>

Proposed Zoning: _____
(For rezoning requests only)

Use of Adjacent properties

North: _____ East: _____

South: _____ West: _____

Application Requirements

1. With your completed application, please include your nonrefundable application fee. Consult the Plan Administrator for the current fee for the request that you are submitting, pursuant to the Pulaski County Development Fee Schedule.

2. On a separate page, please provide a Statement of Intent addressing the following:
- the address, general location, acreage, and parcel number(s) of subject property
 - the planned use for the subject property
 - the specific development standards from which you are seeking relief (if applicable)
 - the questions asked in the findings-of-fact inquiry on the next page
 - what benefits, if any, your intended use will provide for the community
 - additional information that would assist the APC/BZA in making a decision

3. Please submit a to-scale development site plan, defined in Section 8, 'Definitions', of the Pulaski County Unified Development Ordinance, including the following information:

- address, general location, acreage, and parcel number(s) of subject property
- name of subdivision in which property exists (if applicable)
- location/key with north arrow
- property dimensions
- existing and proposed buildings, parking areas, and other natural and manmade features
- adjacent streets/roads and alleys
- existing and proposed ingress/egress
- existing building setbacks and separation
- delineation of all requested variant development standards (if applicable)
- existing easements
- *approximate* locations of neighboring uses and structures
- brief description of neighboring uses and structures
- existing and proposed landscaping, lighting, and signage
- map scale
- dated signature of applicant and owner

The scale of the plan should be no smaller than 1" = 200' and no larger than 1" = 50'. Site plans should be large enough for easy readability, but no larger than 24"x36".

4. Please provide an aerial photograph/map of the property in question zoomed out far enough to show immediately neighboring properties/uses/structures.

5. Please submit a copy of the property deed and, if applicable, any pertinent contracts.

6. Please submit photographs of the property, especially of the area(s) slated for development per this request.

7. Please provide rough, to-scale elevation sketches of proposed buildings and structures slated for construction as part of the project for which you are making this request.

Statement of Intent Findings-of-Fact Inquiry

Dear Petitioner: The Indiana Code and the Pulaski County Unified Development Ordinance require the Advisory Plan Commission and County Commissioners to consider certain criteria when judging the merits of a rezoning request; require the Board of Zoning Appeals to consider certain criteria when judging the merits of a request for a variance; and permit the Board to consider certain criteria when judging the merits of a request for a special exception. Please answer the following as thoroughly as possible in your Statement of Intent to ensure that staff and Commissioners/Board members have all relevant information. Answer only those questions applicable to your type of petition.

Map Amendment (Rezoning) – APC

1. Is the proposed map amendment compatible with the current comprehensive plan for Pulaski County (<http://gov.pulaskionline.org/comp-plan/>)? Please explain.
2. Is the proposed map amendment compatible with the current conditions and character of existing structures and uses in the district? Please explain.
3. Would the (use intended for the) proposed map amendment provide for the most desirable use for which the land in this zoning district is adapted? Please explain.
4. Would the proposed map amendment likely have a positive, neutral, or negative impact on property values throughout the jurisdiction? Can you provide a basis for your judgment?
5. Does the proposed map amendment allow for responsible development and growth, or the opposite? Consider the following in answering this and defending your answer: potential economic impact, availability of adequate public facilities and services (utilities and drainage, roads and traffic, public safety, *et c.* — as necessary), adverse environmental effects, and similar issues.

Special Exception – BZA

1. Is the proposed special-exception use compatible with the current comprehensive plan for Pulaski County (<http://gov.pulaskionline.org/comp-plan/>) and with the current conditions and character of its vicinity? Please explain.
2. Would the use intended for the proposed special exception provide for the most desirable use for which the land in this zoning district is adapted? Please explain.
3. Would the proposed special exception likely have a positive, neutral, or negative impact on property values throughout the jurisdiction? Can you provide a basis for your judgment?
4. Does the proposed special exception allow for responsible development and growth, or the opposite? Consider the following in answering this and defending your answer: potential economic impact, availability of adequate public facilities and services (utilities and drainage, roads and traffic, public safety, *et c.* — as necessary), adverse environmental effects, and similar issues.

Variance from Development Standards – BZA

1. Would developing the property pursuant to the proposed amended development standards be injurious to the public health, safety, morals, or general welfare of the community? If not, then why/how not?
2. Would the use or value of the area adjacent to the property for which the variance is being requested be affected in a substantially adverse manner by the development of the property pursuant to proposed amended development standards? Can you provide a basis for your judgment?
3. Would the strict application of the terms of the zoning ordinance result in practical difficulties in the use of the property if applied to the property for which the variance is sought? How so? *A practical difficulty cannot have been self-imposed, and the perception of reduction of or restriction on economic gain is not a sufficient criterion.*

Use Variance – BZA

1. Would the proposed variant use be injurious to the public health, safety, morals, or general welfare of the community? If not, then why/how not?
2. Would the use or value of the area adjacent to the property for which the variance is being requested be affected in a substantially adverse manner by the variant use? Can you provide a basis for your judgment?
3. Does the need for the variance arises from some condition peculiar to the property involved? Please explain.
4. Would the strict application of the terms of the zoning ordinance constitute an unnecessary hardship if applied to the property for which the variance is sought? How so? *An unnecessary hardship cannot have been self-imposed, and the perception of reduction of or restriction on economic gain is not a sufficient criterion.*
5. Would the variant use interfere substantially with the current comprehensive plan for Pulaski County (<http://gov.pulaskionline.org/comp-plan/>)? Please explain.

* * *

Please be advised that, pursuant to Indiana Code 36-7-4-1015, the Advisory Plan Commission and Board of Zoning Appeals retain the right to require written commitments, as warranted, as conditions to the adoption of a rezoning proposal and approval of a special exception or variance. Additionally, pursuant to Indiana Code 36-7-4-918.4 and -918.5, the Board retains the right to grant variances only with the acceptance of reasonable conditions imposed as warranted.

An Improvement Location Permit (ILP) should be obtained from the Plan Administrator with expedience after a favorable judgment from the Commission or Board. An ILP shall expire if authorized work has not commenced within six months of issuance; for an additional fee, an expired special exception may be extended on a monthly basis. A special exception shall expire if the authorized use is not established within 12 months of approval, or if the special-exception use is discontinued for 12 months or longer; in the former, but not the latter, case, for an additional fee, an expired special exception may be extended on a monthly basis.

The petitioner is required to meet all application requirements in a manner deemed to be complete by the Administrator before the petition will be docketed.

Having your petition heard does not guarantee that it will be approved. Decisions of the Board of Zoning Appeals are final insofar as the Board makes adjudications, and not recommendations. Decisions made by the Advisory Plan Commission regarding map-amendment proposals are recommendations, and the final authority lies with the Board of County Commissioners.

Pursuant to Indiana Code 36-7-4-1016(a), Board decisions regarding variances and special exceptions, administrative appeals, and appeals of commitment modifications or terminations are considered zoning decisions and may be subject to judicial review pursuant to Indiana Code 36-7-4-1600, et seq.

Pursuant to Indiana Code 36-7-4-1016(e), map-amendment (rezoning) decisions made by the Commission and Board of County Commissioners are considered to be legislative decisions and, consequently, may not be subject to judicial review pursuant to Indiana Code 36-7-4-1600, et seq.

Public-Hearing Notification Requirements

Legal notices

You are required by Indiana Code to publish the legal notice for your public hearing one time, no earlier than 30 days before your scheduled hearing and no later than 10 days prior thereto. The form to be provided to the publishing newspaper(s) is included in this packet.

For all petitions, you must publish in the Pulaski County *Journal*. For all petitions for properties located west of Pulaski County Road 800 West and south of State Road 14/Pulaski County Base Road, or at the administrator's discretion, you must also publish in the Francesville *Tribune*.

Proof of publication of the public notice, in the form of a Publisher's Affidavit, must be provided by the newspaper(s) in which you have published your notice. It must specify the general location of the publication of the newspaper, the date/edition of publication, and the name of the newspaper. You must file it with the administrator or administrative secretary prior to the hearing.

Pulaski County Journal
574-946-6628 (o)
574-946-7471 (f)
ads@pulaskijournal.com (e)

Pulaski County *Journal & Independent*
114 West Main Street
P.O. Box 19
Winamac, Indiana 46996

Publication deadline for the following week's paper is 5:00p.m. E.T. on Thursday.

Francesville Tribune
765-884-1902 (o)
765-813-0700 (f)
bentonreviewads@gmail.com (e)

Francesville *Tribune*
P.O. Box 275
Fowler, Indiana 47944

Publication deadline for the week's paper is noon E.T. on Monday.

Mailed Notices

Additionally, the petitioner shall notify all legal landowners of any property within 660' of any boundary of the subject property. This mailing shall be done by USPS Certificate of Mailing – Firm, Form 3665. This must be done no earlier than 30 days before your scheduled hearing and no later than 15 days prior thereto. The return address provided should be that of the Pulaski County Building and Zoning Department. A copy of the public noticed provided to the newspaper(s) will be sufficient for this form of notification. The administrator can assist you with determining all landowners who must be notified.

You must submit a completed, signed, dated, and notarized affidavit (included in this application) verifying that have mailed all required notices timely.

Posted Notice

At least fifteen (15) days before the hearing, you may also be required, at the discretion of the administrator, to post a notice in a visible location on the subject property.

**(ATTENTION: THIS IS A TEMPLATE.
USE IT AS A GUIDE TO ENSURE PROPER COMPLETION OF THE LEGAL-NOTICE FORM
ON THE FOLLOWING PAGE.)**

**NOTICE OF PUBLIC HEARING OF A
PETITION FOR (REZONING/USE VARIANCE/DEV.-STANDARDS VARIANCE/SPECIAL
EXCEPTION)**

Notice is hereby given that on the _____ day of _____, 20____, at 7:00 P.M. E.T., a public hearing will be held before the Pulaski County (Advisory Plan Commission/Board of Zoning Appeals) in the Commissioners Room, second floor, Pulaski County Courthouse, 112 East Main Street, Winamac, Indiana, 46996 on the petition of

_____ (PETITIONER'S NAME) _____

Docket # (# obtained from staff) is filed for a Petition for (REZONING/U.V./D.-S.V./S.E.) for the property comprising parcel(s)

(Parcel number(s) here) _____,

located at (property address here).

The nature of the petition is as follows:

(briefly describe that it's a request to change zoning from X to Y, or for a use variance to allow Use Z in Zoning District AA, or for a development-standards variance of Nature BB, or a special exception to allow Use CC in Zoning District DD, as applicable)

The application and all submitted documentation are available for review Monday through Friday 8 a.m. to 4 p.m. in the Building/Zoning Department, County Building, 125 South Riverside Drive, Suite 150, Winamac.

The (Commission/Board, as appropriate) has set said hearing at the time and place specified. Written suggestions or objections concerning this application may be filed with the Plan Administrator or Administrative Secretary at or before such hearing and will be heard by the (Commission/Board), as appropriate at the time and place specified. Interested persons desiring to present their views upon the application, either in writing or verbally, will be given the opportunity to be heard at the above mentioned time and place. Said hearing may be continued from time to time as may be necessary.

Dated at Pulaski County, Indiana, this _____ day of _____,
20 _____.

Karla Kreamer,
Administrative Secretary

**NOTICE OF PUBLIC HEARING OF A
PETITION FOR _____**

Notice is hereby given that on the _____ day of _____, 20____, at 7:00 P.M. E.T.,

a public hearing will be held before the Pulaski County _____
in the Commissioners Room, second floor, Pulaski County Courthouse, 112 East Main Street,
Winamac, Indiana, 46996 on the petition of

Docket # _____ is filed for an Petition for _____ for the property
comprising parcel(s)

located at _____.

The nature of the petition is as follows:

The application and all submitted documentation are available for review Monday through
Friday 8 a.m. to 4 p.m. in the Building/Zoning Department, County Building, 125 South
Riverside Drive, Suite 150, Winamac.

The _____ has set said hearing at the time and place specified. Written
suggestions or objections concerning this application may be filed with the Plan Administrator or

Administrative Secretary at or before such hearing and will be heard by the _____
at the time and place specified. Interested persons desiring to present their views upon the
application, either in writing or verbally, will be given the opportunity to be heard at the above
mentioned time and place. Said hearing may be continued from time to time as may be necessary.

Dated at Pulaski County, Indiana, this _____ day of _____, 20 _____.

Karla Kreamer,
Administrative Secretary

**(ATTENTION: THIS IS A TEMPLATE.
USE IT AS A GUIDE TO ENSURE PROPER COMPLETION OF THE AFFIDAVIT ON THE
FOLLOWING PAGE.)**

AFFIDAVIT

To the Pulaski County Plan Administrator,

I, (name of affiant swearing to affidavit), do affirm under penalty of perjury that I have, at least 15 days, and no more than 30 days, prior to the scheduled public hearing for my petition to the

(Advisory Plan Commission/Board of Zoning Appeals, as appropriate), for a (rezoning/u.v./d.-s.v/s.e., as appropriate)

for (name of property owner/operating entity here), filed by (name of whoever applied for hearing)

on the _____ day of _____, 20_____.

provided notice by USPS Certification of Mail – Firm, Form 3665, to all legal landowners with properties within 660’ of the subject property of the petition, as determined in consultation with the Administrator. Return address for said notices was listed as Pulaski County Building and Zoning Department, 125 South Riverside Drive, Suite 120, Winamac, Indiana 46996.

Further affiant sayeth naught.

Signature

Date

Printed name

STATE OF INDIANA)
) SS:
COUNTY OF PULASKI)

Before me, a Notary Public in and for said County and State, hereby certify that (All BELOW HERE TO BE COMPLETED BY NOTARY PUBLIC)

_____, personally known to me to be the affiant in the foregoing affidavit, personally appeared before me this day and having been by me duly sworn deposes and says that the facts set forth in the above affidavit are true and correct.

Witness my hand and official seal this the _____ day of _____, 20_____.

Signature

Printed Name

County of Residence

Commission Expiration Date

AFFIDAVIT

To the Pulaski County Plan Administrator,

I, _____, do affirm under penalty of perjury that I have, at least 15 days, and no more than 30 days, prior to the scheduled public hearing for my petition to the

_____, for a _____

for _____, filed by _____

on the _____ day of _____, 20____,

provided notice by USPS Certification of Mail – Firm, Form 3665, to all legal landowners with properties within 660’ of the subject property of the petition, as determined in consultation with the Administrator. Return address for said notices was listed as Pulaski County Building and Zoning Department, 125 South Riverside Drive, Suite 120, Winamac, Indiana 46996.

Further affiant sayeth naught.

Signature

Date

Printed name

STATE OF INDIANA)
) SS:
COUNTY OF PULASKI)

Before me, a Notary Public in and for said County and State, hereby certify that

_____, personally known to me to be the affiant in the foregoing affidavit, personally appeared before me this day and having been by me duly sworn deposes and says that the facts set forth in the above affidavit are true and correct.

Witness my hand and official seal this the _____ day of _____, 20_____.

Signature

Printed Name

County of Residence

Commission Expiration Date