

Public Hearing Metropolitan Board of Zoning - re: 3503 N. College Av. - the lot currently being used, illegally, as a parking lot for vehicles awaiting automobile repair

All interested persons wishing to speak to this petition (see attached info), either for or against, will be given an opportunity to be heard... Written comments regarding this proposal may be filed with the Secretary of the Metropolitan Board of Zoning Appeals before the hearing. If you are not able to attend person, please send your comments to: 200 E. Washington St., Suite 1821, Indianapolis, IN 46204. All comments will be considered. For special accommodations needed by physically challenged individuals planning to attend, please call at least 48 hours prior to the meeting (317) 327.5155 or (317) 327.5186 for the hearing impaired.

A public Hearing of the Metropolitan Board of Zoning Appeals has been scheduled for Tuesday, August 3, 2010 at 1:00 p.m. in the Beurt Ser Vaas Public Assembly Rm. on the 2nd Fl. of the City-County Bldg., 200 E. Washington St. At this hearing, the Metropolitan Board of Zoning Appeals will consider the following petition:

Petition #: 2010-UV1-018

Location: 3503 N. College Av. (appx. address)

Zoning District: D-5 & C-3

Petitioner/Agent: Tony Winn

Request: Variance of use and development standards of the Commercial and Dwelling Districts Zoning Ordinances to provide for parking lot to provide for parking and vehicles awaiting repair (not permitted) associated with an automobile repair business located at 705 Fairfield Av., with zero-foot front and side yard setbacks (10-foot set back from existing right-of-way required, 40-foot setback from proposed right-of-way required, four-foot and 10-foot aggregate setbacks required.).

Please pass on. Remember...strength in numbers.

Note: As some of you have learned from attending (attempting) past hearings, the hearing may be continued to a future date from time to time, so prior to attending, call 327.5155 to find out if the petition is still on the docket for that day.

Variances

***variance of use** petition would be necessary when a property owner wants to use property for a use not permitted in the applicable zoning district.*

*A **variance of development standards** petition would be necessary when a property owner wants to build something that does not meet standards of the applicable zoning ordinance related to dimensional criteria such as lot size, frontage, access, height, size, setback, parking, loading open space etc.*

Filing

In order for a petition to be heard by a division of the BZA, it must be filed, with consent of the property owner(s), at least 35 days before a scheduled hearing. Each petition, timely filed and complete, is docketed for hearing; however, no more than 10 new cases will be docketed for a hearing. All other timely filed petitions will be docketed for the next available hearing. Generally, in order to file a complete application, the following would be required:

- A completed application form,
- Consent of the property owner,
- A legal description,

- A zoning base map,
- A site plan (and other plans, as needed),
- Findings of fact, and
- The applicable filing fee (nonrefundable).

Notice

Public notice must be provided for all petitions. The BZA's Rules of Procedure require that written legal notice (prepared by staff) be provided, by the petitioner, to surrounding property owners, registered neighborhood groups and city-county councilors at least 23 days before a hearing and that a notice placard (prepared by staff) be placed on the property by the petitioner. Indiana Code requires that published public notice, which is the responsibility of staff, be provided at least ten days before a hearing.

Continuances

The petitioner and potential remonstrators (anyone who objects to the petition) each have the right to file one automatic continuance request. An automatic continuance must be filed, at least five calendar days before the hearing, with proper notice, and be the first request by the requesting party. It should also be for the same Division of the BZA, and have a continuance date of at least three weeks later.

Both the petitioner and remonstrator have the right to request a continuance for cause, which may be granted or denied by the BZA, as long as the request is made prior to the BZA vote on the petition.

Hearing

The petitioner and / or their representative must attend the hearing to present their request. The current planning staff will prepare a staff report, based on a consensus staff recommendation. A copy of the staff report will be mailed to the petitioner and the members of the BZA a week before the hearing. Petitioners and remonstrators, respectively, shall be given fifteen (15) minutes to present evidence, statements and arguments at the public hearing. Staff will be given a reasonable time to present its information and recommendation. The petitioner and remonstrator shall then be given five (5) minutes for rebuttal. After all testimony is presented, the BZA will vote to approve, continue, deny or dismiss the petition. A petitioner may withdraw a petition at any time prior to a vote.

Appeals

Any appeal of a decision of the BZA is subject to review by certiorari in accordance with Indiana Code 36-7-4-1000-1011. Such an appeal must be filed within 30 days of a decision by the BZA. Please contact a lawyer immediately, if you plan to file an appeal.

Excluded Cities

The excluded cities of Beech Grove, Lawrence and Speedway have their own five-member Board of Zoning Appeals. All variance requests that are located within the boundaries of these excluded cities must be filed at the governmental office of the respective excluded city and must be heard by their Board of Zoning Appeals. The current planning staff of the Department of Metropolitan Development prepares a written staff report, which is presented at the hearing.