

# CHECKLIST: LAND USE PETITION

JOHNSON COUNTY DEPARTMENT OF PLANNING AND ZONING

*All of the following items are required for a complete land use petition application.*

- One completed **Checklist** (*this form*).
- One completed **Application**, signed by the owner of the subject property or an authorized agent, notarized.
- One copy of the property **Legal Description**, most likely a recorded deed, with Recorder's Stamp. The deed is available at the Johnson County Recorder's Office, 86 West Court Street, Franklin, Indiana.
- One signed, notarized **Owner Consent Form** (required only if the petitioner does *not* own the subject property).
- Three copies of a **Site Plan** (for Variance and Special Exception petitions only; a site plan is *not* required for a rezoning). The site plan must clearly and accurately show the entire layout of the property including all structures, drives, parking areas and uses related to or proposed with the petition. The site plan must also include a north arrow, and must be drawn to scale. See the attached Sample Site Plan.
- One completed **Findings of Fact** form (for Variance and Special Exception petitions only; Findings of Fact are *not* required for a rezoning). See the attached guidance sheet.
- One **Plan of Operation** (for Variance of Use and Special Exception petitions only). The Plan of Operation should include, at minimum, information about anticipated numbers of customers and employees, shipping and receiving, waste handling, hours of operation, materials use, storage and display, and other site activities and operations.
- One non-refundable application **filing fee**. Checks are payable to "Johnson County". One signed On-site notice refundable deposit form.
- One **refundable deposit** for the On-Site Public Notice sign. An On-Site Notice sign must be placed in a conspicuous location along the subject property's street frontage(s).
- Contact person** information. The Contact Person will be notified when Legal Notice is prepared, will be contacted if additional information is necessary, will receive the written staff report prior to the hearing, and will represent the petition at the hearing.

Contact Person: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, ZIP: \_\_\_\_\_

Phone number: \_\_\_\_\_ FAX: \_\_\_\_\_

Email address: \_\_\_\_\_

Preferred method of contact:      EMAIL                       PHONE

## HOW TO FILE A LAND USE PETITION (REZONING, VARIANCE OR SPECIAL EXCEPTION)

JOHNSON COUNTY DEPARTMENT OF PLANNING AND ZONING

1. Obtain a land use petition application packet from the Johnson County Department of Planning and Zoning, 86 West Court Street, Franklin, Indiana. If you have any questions during the application filing process, contact the staff senior planner at 317-346-4350. For additional detailed information about the process, request a copy of the Rules of Procedure for the Johnson County Plan Commission or Board of Zoning Appeals.
2. Submit your completed application packet to the Department of Planning and Zoning. Staff will prepare your Notice of Public Hearing letter and your on-site public notice sign, and, within one or two business days, will let you know they are ready for pick-up.
3. Mail, by certificate of mailing, a copy of the Notice of Public Hearing letter to all property owners within 600 feet or two property owners of the subject property, whichever is greater.
  - a. The list of property owners will be provided by the Department of Planning & Zoning.
  - b. The Notice of Public Hearing letter must be mailed, via certificate of mailing, at least 21 days prior to the scheduled hearing date.
4. Place the provided on-site public notice sign on the property, at least 21 days prior to the hearing, so that it is conspicuous and readable from the adjoining road. If the subject lot is especially large or adjoins more than one road, staff may require placement of additional on-site signs. The sign, which will be provided by the Department of Planning and Zoning with receipt of a refundable fee, must be returned at the conclusion of the land use petition process.
5. Publish legal notice in the *Johnson County Daily Journal* newspaper. The published public notice form will be provided by Planning and Zoning staff, and said notice must appear in the newspaper at least 21 days prior to the scheduled hearing. Note that the *Daily Journal* requires receipt of the completed public notice form three days prior to publication. Contact the *Daily Journal* at 317-736-2737 phone, 317-736-2754 fax, or [cwarren@dailyjournal.net](mailto:cwarren@dailyjournal.net).
6. The petitioner is encouraged, though not required, to contact and meet prior to the hearing with any neighbors, neighborhood organizations, and/or homeowners associations that may have an interest in the petition.
7. Submit the publishers claim (which will be sent to you by the *Daily Journal* after it publishes your public notice), the certificate of mailing (which will be given to you by the post office when you send out your public notice letters), and the affidavit of notice of public hearing (to be filled out by you) to Department of Planning and Zoning staff no less than three calendar days before your scheduled hearing.
8. Attend the public hearing. The petitioner, or his/her representative, must be present at the public hearing to present the land use petition and to address any remonstrance and/or questions of the Plan Commission or Board of Zoning Appeals members. Contact the staff planner with any questions you may have regarding the hearing process or preparation for the hearing. Please let staff know in advance of any intent to use visual aids/displays at the hearing.
9. Soon after the public hearing, you will receive a decision letter indicating approval or denial of the land use petition request, as voted by the Plan Commission or Board of Zoning Appeals at the public hearing. However, if an approval is made subject to certain commitments, those commitments must be reviewed and approved by Planning and Zoning staff and recorded with the Johnson County Recorder's Office prior to release of the final approval letter. Consult with the staff planner for additional information.

**LAND USE PETITION APPLICATION**

JOHNSON COUNTY DEPARTMENT OF PLANNING AND ZONING

OFFICE USE ONLY	
Reviewed By: _____	Date: _____
Case Number: _____	Fee: _____
Receipt #: _____	Check #: _____
Sec: _____ Twp: _____	Range: _____
Zoning: _____	
Date of Hearing: _____	

**Subject Property (common address):** \_\_\_\_\_

Parcel Number: \_\_\_\_\_ Acreage: \_\_\_\_\_

Existing Use of Property: \_\_\_\_\_

Existing Buildings/Improvements on Property: \_\_\_\_\_

Petitioner Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Petitioner's Home Address: \_\_\_\_\_  
\_\_\_\_\_

Subject Property Owner Name (if different from petitioner): \_\_\_\_\_

Subject Property Owner Address (if different from petitioner): \_\_\_\_\_  
\_\_\_\_\_

Land Use Request (check all that apply):

- Variance of Use
- Variance of Development Standards
- Other (describe) \_\_\_\_\_
- Rezoning
- Special Exception

Describe Land Use Request (attach additional pages if necessary):  
\_\_\_\_\_  
\_\_\_\_\_

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

State of Indiana )  
                          ) SS:  
County of            )

\_\_\_\_\_  
Signature of Petitioner

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

County of Residence: \_\_\_\_\_

\_\_\_\_\_

**OWNER CONSENT FORM**

JOHNSON COUNTY DEPARTMENT OF PLANNING AND ZONING

The undersigned, \_\_\_\_\_ being the owner of the property commonly known as \_\_\_\_\_, hereby authorizes \_\_\_\_\_ to file land development petitions necessary for the aforementioned address.

This consent shall (*check one*):

- Remain in effect until revoked by a written statement filed with the Johnson County Department of Planning and Zoning.
- Remain in effect until \_\_\_\_\_.
- Remain in effect until this land use petition is resolved.

\_\_\_\_\_  
*Signature(s) of Owner(s)*

\_\_\_\_\_  
*Signature(s) of Owner(s)*

State of Indiana                    )  
  ) SS:  
County of                            )

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

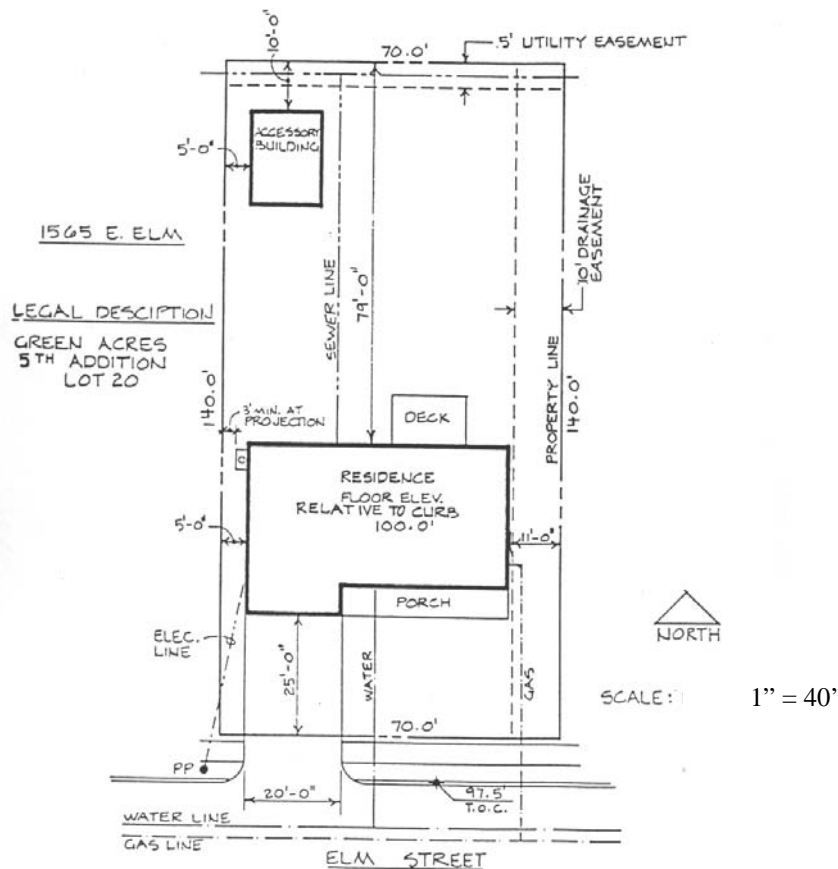
My commission expires: \_\_\_\_\_

County of Residence: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

# SAMPLE SITE PLAN

JOHNSON COUNTY DEPARTMENT OF PLANNING AND ZONING



(see reverse side for full-size site plan)

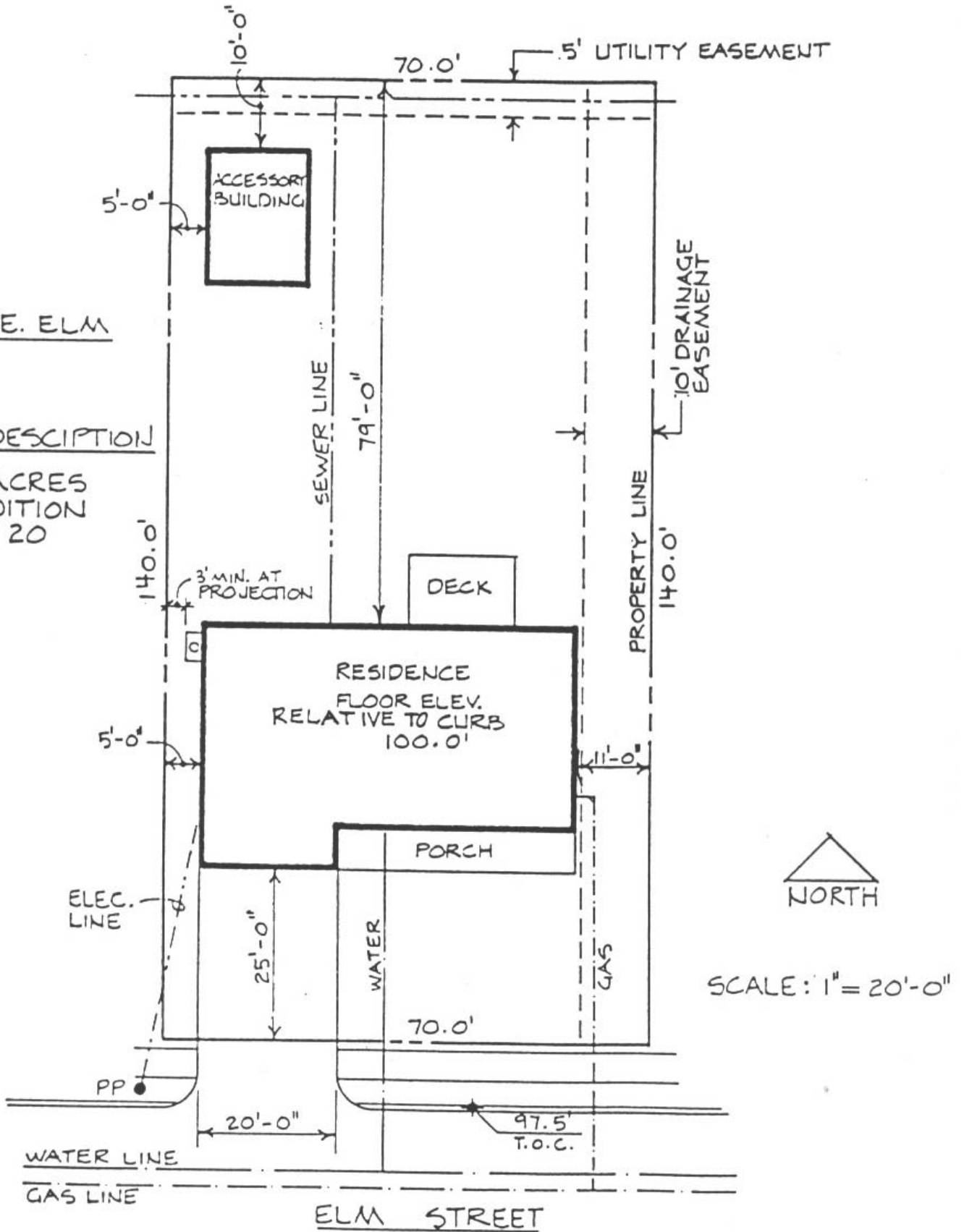
## NOTES

- Include all site structures, existing and proposed. NOTE: Approved variances and special exceptions are usually granted subject to substantial compliance with a final site plan. So, be aware that you will be "locked into" your submitted site plan with regard to future site use and development.
- Label important dimensions. For example, if you're requesting a variance for the side setback of a shed, label that setback
- Show curb cuts, access drives, parking areas, easements, sidewalks, adjoining rights-of-way and any other important features
- Include a North arrow
- Must be drawn to scale... usually 1"=10', 1"=20', 1"=30', 1"=40', 1"=50' or 1"=60'
- Site plans are always required for all variance and special exception petitions, but are not generally required for rezoning petitions.

1565 E. ELM

LEGAL DESCRIPTION

GREEN ACRES  
5TH ADDITION  
LOT 20



## PREPARING FINDINGS OF FACT

JOHNSON COUNTY BOARD OF ZONING APPEALS

You must provide written Findings of Fact with any application for a variance or special exception. It is important to prepare your Findings of Fact properly. If your petition is approved, the Findings of Fact are adopted by the Plan Commission or Board of Zoning Appeals as the basis of the approval. Though uncommon, the petition grant could be subject to judicial review by a court of law. In such an event, these findings would be the primary evidence in the court's review.

The following suggestions are offered to assist you in your Findings preparation:

- Read each statement carefully before completing the finding. What you write after the word "because" in each of the findings must support the statement that introduces the finding.
- Be sure that you understand the statements in the Findings of Fact. For example, if you do not know what the "Comprehensive Plan recommendation" is, do not complete the finding referring to the Plan recommendation until you have learned about it. Ask the staff planner for assistance.
- Do not use personal matters as reasons for Findings. **The Findings must relate to the property and its circumstances, not to a person and his/her circumstances.** For example, financial difficulty cannot be cited in the Findings.
- Use correct spelling and grammar.
- Do not use pronouns (*I, he, she* or *we*, or the possessives *my, his, her* or *our*) to describe yourself or the person or entity seeking the variance. Instead, use the word *petitioner* or *petitioner's*.
- Though your planner cannot write your Findings for you, she/he is available for assistance. You may also obtain professional assistance, though that is not required.
- **Only fill out the Findings for the land use petition request(s) on your application.**

# FINDINGS OF FACT, USE VARIANCE

JOHNSON COUNTY BOARD OF ZONING APPEALS

1. The approval will not be injurious to the public health, safety, morals and general welfare of the community because:

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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 because:

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

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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 for which the variance is sought because.

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

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# FINDINGS OF FACT, DEVELOPMENT STANDARDS VARIANCE

JOHNSON COUNTY BOARD OF ZONING APPEALS

1. The approval will not be injurious to the public health, safety, morals and general welfare of the community because:

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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 because:

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3. The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property because:

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# FINDINGS OF FACT, SPECIAL EXCEPTION

JOHNSON COUNTY BOARD OF ZONING APPEALS

1. The use shall be specifically identified as a special exception in this Ordinance for the zoning district in question because:

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2. The special exception can be served with adequate utilities, access roads, drainage and other necessary facilities because:

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3. The special exception shall not involve any element or cause any condition that may be dangerous, injurious or noxious to any other property or persons, and shall comply with any and all design development standards for the use identified in this Ordinance because:

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4. The special exception shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and property because:

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5. The special exception shall produce a total visual impression and environment which is consistent with the environment of the neighborhood because:

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6. The special exception shall organize vehicular access and parking to minimize traffic congestion in the neighborhood because:

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7. The special exception shall preserve the purpose of this Ordinance, and shall not interfere substantially with the Comprehensive Plan because:

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# ON-SITE NOTICE REFUNDABLE DEPOSIT FORM

JOHNSON COUNTY DEPARTMENT OF PLANNING AND ZONING

## **On-Site Public Notice Sign Instructions**

1. The applicant must provide a \$25.00 deposit (via cash, check or credit/debit card) to the Department of Planning and Zoning for each required on-site public notice sign, which will be provided by the Department of Planning and Zoning.
2. The land use petitioner must display the sign along the subject property's street frontage, so that the sign is prominent and readable from the adjoining street. If the subject lot is especially large or adjoins more than one street, staff may require placement of additional on-site signs.
3. The sign(s) must be posted on site at least 21 calendar days prior to the scheduled hearing, and must remain posted until the associated land use petition has been fully resolved.
4. The applicant must return the sign(s) to the Department of Planning and Zoning in good condition within 30 days of completion of the land use petition to be eligible for a full refund. The refund will be mailed to the petitioner within a maximum of 4 weeks of the return of the sign(s).

I have read and understand the above instructions and requirements regarding the posting of required on-site public notice signage, and have paid the required refundable deposit.

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*Petitioner/Representative Signature*

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*Date*

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*Case Number (Office Use)*

**AFFIDAVIT OF NOTICE OF PUBLIC HEARING**

JOHNSON COUNTY DEPARTMENT OF PLANNING AND ZONING

*This form must be completed and submitted to the Department of Planning and Zoning no later than the Friday prior to hearing.*

I/we, \_\_\_\_\_, do hereby certify that notice of public hearing by the Board of Zoning Appeals of Johnson County to consider Case Number \_\_\_\_\_ was mailed by *certificate of mailing* to the persons identified on the attached list, and that these persons, who were included in the most recent and current records of the Johnson County Mapping Department, represent all those required to be notified of this petition.

***Please attach the list of addresses provided by the Department of Planning & Zoning.***

Said notices of public hearing were mailed by certificate of mailing on or before (*mailing date*) \_\_\_\_\_, 20 \_\_\_\_, being at least 21 days prior to (*hearing date*) \_\_\_\_\_, 20 \_\_\_\_, the date of the Public Hearing.

I/we further hereby certify that the required public notice sign was posted in a conspicuous place on the subject property on (*date*) \_\_\_\_\_, 20 \_\_\_\_, also being at least 21 days prior to the scheduled public hearing.

The above information, to my knowledge and belief, is true and correct.

\_\_\_\_\_  
Signature of Petitioner

State of Indiana                    )  
  ) SS:  
County of                            )

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_,

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

County of Residence: \_\_\_\_\_