

# CHECKLIST: LAND USE PETITION

TOWN OF TRAFALGAR 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 "Town of Trafalgar". 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, 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)

TOWN OF TRAFALGAR DEPARTMENT OF PLANNING AND ZONING

1. Obtain a land use petition application packet from the Trafalgar Town Hall, 2770 W State Rd 252 Trafalgar, In 46181. If you have any questions during the application filing process, contact 317-878-5194. For additional detailed information about the process, request a copy of the Rules of Procedure for the Town of Trafalgar Plan Commission or Board of Zoning Appeals.
2. Submit your completed application packet to the Department of Planning and Zoning.
3. Prepare your Notice of Public Hearing letter including the following:
  - a. The date and time of the next applicable Plan Commission or Board of Zoning Appeals meeting (i.e., the date of your public hearing).
  - b. Your name and address.
  - c. A brief description of the rezone, variance, or special exception request.
4. Pick up your on-site public notice sign to be placed on the subject property.
5. 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 names and addresses of the required property owners may be found at the following:  
<https://beacon.schneidercorp.com/Application.aspx?AppID=129&LayerID=1554&PageTypeID=1&PageID=939>
  - b. The Notice of Public Hearing letter must be mailed, via certificate of mailing, at least 21 days prior to the scheduled hearing date.
6. 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, then it 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.
7. Publish legal notice in the *Johnson County Daily Journal* newspaper. The published public notice form will be provided by Planning and Zoning, 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).
8. 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.
9. 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.
10. 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.
11. 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 attorney and recorded with the Johnson County Recorder's Office prior to release of the final approval letter.



**OWNER CONSENT FORM**

TOWN OF TRAFALGAR 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 Town of Trafalgar 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 \_\_\_\_\_, \_\_\_\_\_

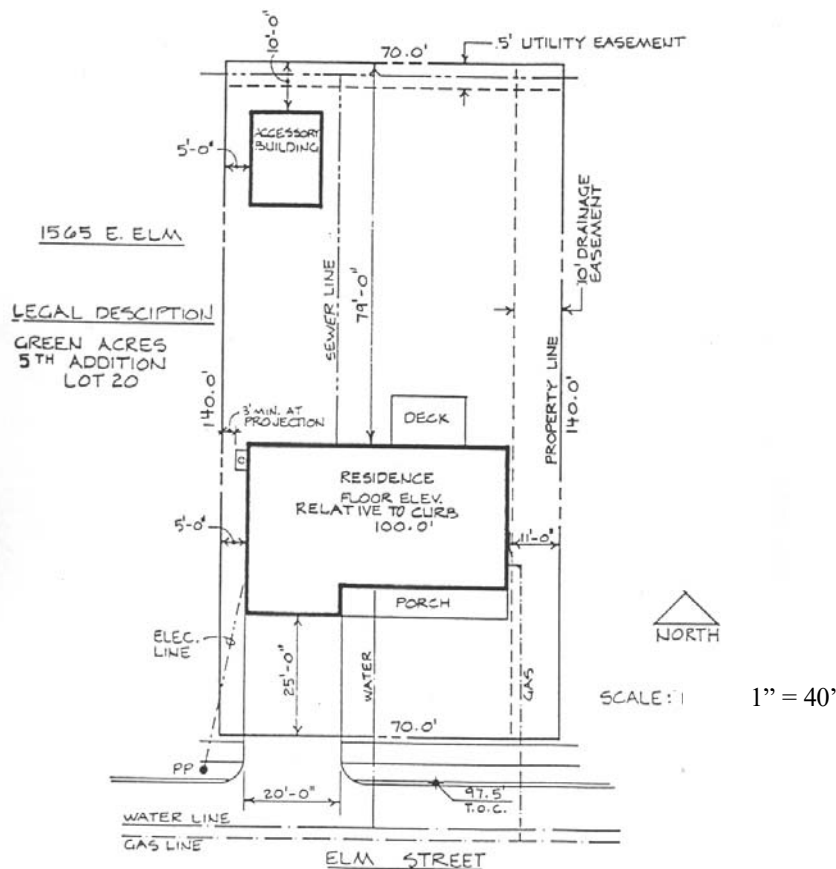
My commission expires: \_\_\_\_\_

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

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

# SAMPLE SITE PLAN

TOWN OF TRAFALGAR DEPARTMENT OF PLANNING AND ZONING



(see reverse side for full-size site plan)

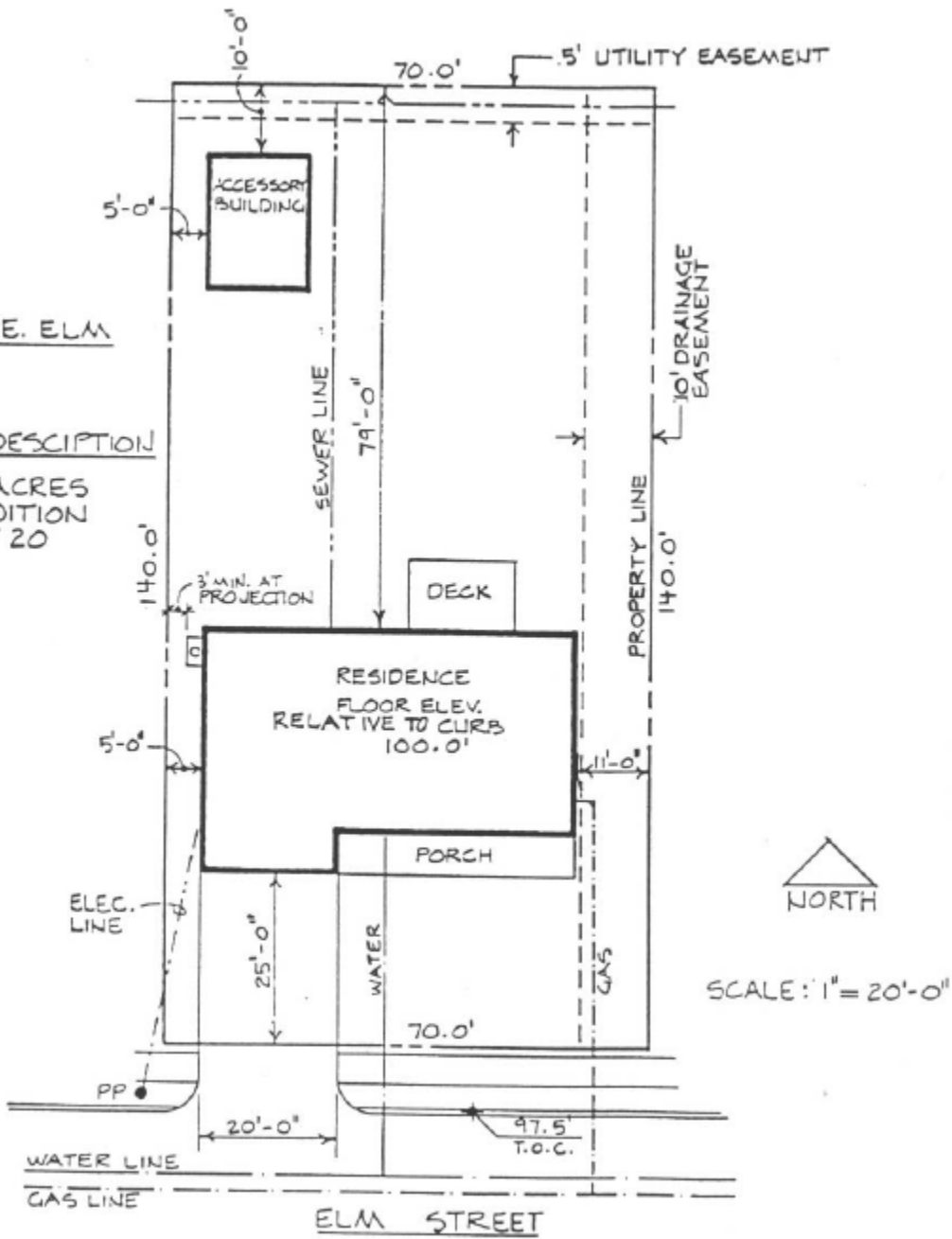
## NOTES

- 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

TOWN OF TRAFALGAR 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 Planning & Zoning office 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*.
- You may obtain professional assistance, such as an attorney, 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

TOWN OF TRAFALGAR BOARD OF ZONING APPEALS

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

---

---

---

---

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:

---

---

---

---

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

---

---

---

---

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.

---

---

---

---

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

---

---

---

---



# FINDINGS OF FACT, DEVELOPMENT STANDARDS VARIANCE

TOWN OF TRAFALGAR BOARD OF ZONING APPEALS

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

---

---

---

---

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:

---

---

---

---

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

---

---

---

---

# FINDINGS OF FACT, SPECIAL EXCEPTION

TOWN OF TRAFALGAR 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:

---

---

---

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

---

---

---

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:

---

---

---

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:

---

---

---

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

---

---

---

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

---

---

---

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

---

---

---

# ON-SITE NOTICE REFUNDABLE DEPOSIT FORM

TOWN OF TRAFALGAR 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, more signs may be required (for each sign there is an additional \$25.00 refundable deposit).
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 hand delivered to the petitioner following 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.

---

*Petitioner/Representative Signature*

---

*Date*

---

*Case Number (Office Use Only)*

**AFFIDAVIT OF NOTICE OF PUBLIC HEARING**

TOWN OF TRAFALGAR DEPARTMENT OF PLANNING AND ZONING

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

I/we, \_\_\_\_\_, do hereby certify that notice of public hearing by the Trafalgar Board of Zoning Appeals 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 of the adjacent owners.***

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: \_\_\_\_\_