

**ORDINANCE 2018-07**

**TO AMEND SECTION 152.295 OF THE ELLETTSVILLE**

**TOWN CODE REGARDING VARIANCES FROM DEVELOPMENT STANDARDS**

**BE IT ORDAINED AND ADOPTED** by the Town Council of Ellettsville, Indiana:

**Section 1.** The following revisions are hereby made to Section 152.295 of the Ellettsville Town Code regarding Variances from Development Standards.

When an existing section of the ordinance is being amended, the text of the existing provision will appear in this style type, additions will appear **in this style type**, and deletions will appear ~~in this style type~~.


**§ 152.295 VARIANCE FROM DEVELOPMENT STANDARDS.**

The Board of Zoning Appeals shall hear and approve a request for a variance from the development standards under the zoning and subdivision ordinances, provided that

- (A) The use for which the variance is sought is a permitted use in the zoning district in which it is located;
- (B) All persons who own or have controlling interest in the property included in the petition have joined in the petition;
- (C) The request complies with the requirements under the chapter of the Floodplain Overlay District in this chapter;
- (D) The Board of Zoning Appeals shall have made an affirmative finding for each of the criteria under I.C. 36-7-4-918.5;
  - 1) **A practical difficulty should meet the following criteria:**
    - a) **The need for a variance arises from unique conditions on the property and is not shared by neighboring properties in the same zone;**
    - b) **Strict compliance with the standard would unreasonably prevent the landowner from using the property for a permitted use, or would render conformity necessarily burdensome;**
    - c) **The particular request, or a lesser relaxation of ordinance standard, would provide substantial justice to the landowner and neighbors;**
    - d) **The need for a variance is not the result of a self-created action by the current or any former property owner.**
- (E) The Board of Zoning Appeals shall have made the following additional findings:
  - 1) The approval complies substantially with the comprehensive plan;
  - 2) The approval is not based solely upon financial hardship or mere convenience; and
  - 3) The approval is in conformance with all other ordinances of the town.
- (F) A variance once granted runs with the property no matter who owns the property; and
- (G) Fees for petitions: \$150.

**Section 2.** This ordinance shall take effect upon final publication as provided by law.

This Ordinance was adopted by the Ellettsville Town Council on the 26<sup>th</sup> day of March, 2018 at the Ellettsville Town Hall, Ellettsville, Indiana.

**ELLETTSVILLE TOWN COUNCIL**  
  
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Brian Scott Oldham, President

**Attest:**  
  
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Sandra Hash, Ellettsville Clerk-Treasurer