

**METROPOLITAN DEVELOPMENT COMMISSION
OF MARION COUNTY, INDIANA
PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS**

NEGATIVE FINDINGS OF FACT

1. BASED ON THE EVIDENCE SUBMITTED THE PETITIONER FAILED TO MEET ITS BURDEN OF PROOF TO SHOW THAT THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE the six-foot height and location of the chain link fence in the front yard and clear sight triangle is prohibited. Allowing it to obstruct sight visibility would be injurious to the public health, safety, morals, and general welfare of the community.

2. BASED ON THE EVIDENCE SUBMITTED THE PETITIONER FAILED TO MEET ITS BURDEN OF PROOF TO SHOW THAT 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 allowing the proposed six-foot tall fence in an area that is not permitted could imply that use of the site would be a much more intense use that would substantially affect the value of the area in an adverse manner.

3. BASED ON THE EVIDENCE SUBMITTED THE PETITIONER FAILED TO MEET ITS BURDEN OF PROOF TO SHOW THAT THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE WILL RESULT IN PRACTICAL DIFFICULTIES IN THE USE OF THE PROPERTY BECAUSE no substantive data or evidence has been provided to indicate that other alternative security measures had been investigated or that a six-foot tall chain link fence would prevent theft.

DECISION

IT IS, THEREFORE, the decision of this body that this VARIANCE petition is DENIED.

Adopted this _____ day of _____, 20 ____
