

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 failure to provide required off-street parking, required floor area and required open space would negatively impact the quality of life of the surrounding residential neighborhood and the residents living in the proposed development.
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 the failure to provide required off-street parking, required floor area and open space would negatively impact the quality of life of the surrounding residential neighborhood and the residents living in the proposed development.
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 the lots could be developed to provide housing that would be compatible with the surrounding area and reinforce the architectural character of the neighborhood.

DECISION

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

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METROPOLITAN DEVELOPMENT COMMISSION

HEARING EXAMINER

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

1. BASED ON THE EVIDENCE SUBMITTED THE PETITIONER FAILED TO MEET ITS BURDEN OF PROOF TO SHOW THAT THE GRANT OF THE VARIANCE WOULD NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY because the failure to provide required off-street parking, required floor area and required open space / amenity area would negatively impact the quality of life of the surrounding residential neighborhood and the residents living in the proposed multi-family development.
2. BASED ON THE EVIDENCE SUBMITTED THE PETITIONER FAILED TO MEET ITS BURDEN OF PROOF TO SHOW THAT THE GRANT OF THE VARIANCE WOULD NOT CAUSE THE USE OR VALUE OF THE AREA ADJACENT TO THE PROPERTY TO BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER because the failure to provide required off-street parking, required floor area and required open space would negatively impact the quality of life of the surrounding residential neighborhood and the residents living in the proposed development.
3. BASED ON THE EVIDENCE SUBMITTED THE PETITIONER FAILED TO MEET ITS BURDEN OF PROOF TO SHOW THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED AND THE CONDITION IS NOT DUE TO THE GENERAL CONDITION OF THE NEIGHBORHOOD because the current use could continue without negatively impacting the surrounding residential neighborhood.
4. 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 WOULD CONSTITUTE AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT because the current use could continue without negatively impacting the surrounding residential neighborhood.
5. BASED ON THE EVIDENCE SUBMITTED THE PETITIONER FAILED TO MEET ITS BURDEN OF PROOF TO SHOW THAT THE GRANT OF THE VARIANCE WOULD NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN because the guidelines and recommendations of the Pattern Book have not been met that would minimize the impact of the proposed multi-family development. Consequently, the proposed development would negatively impact the surrounding neighborhood.

DECISION

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

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