

METROPOLITAN DEVELOPMENT COMMISSION
OF MARION COUNTY, INDIANA
PETITION FOR VARIANCE OF USE
NEGATIVE 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 OR GENERAL WELFARE OF THE COMMUNITY because the addition of a surface parking lot at this location would generate more traffic to the alley and street, which could create more hazardous situations for pedestrians and residents.
- 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 AFFECT THE USE AND VALUE OF ADJACENT PROPERTIES IN A SUBSTANTIALLY ADVERSE MANNER because the additional lighting, noise, and traffic to be generated with a surface parking lot would negatively affect the value of surrounding properties by reducing the likelihood that future property owners would want to be located next to this commercial use. Furthermore, the lack of transitional yards and landscaping would negatively impact the aesthetic of the residential area.
- 3. BASED ON THE EVIDENCE SUBMITTED THE PETITIONER FAILED TO MEET ITS BURDEN OF PROOF TO SHOW THAT THE NEED FOR A VARIANCE ARISES FROM A CONDITION PECULIAR TO THE PROPERTY because the site would be a viable residential property if developed as permitted under the current dwelling district instead of proposing a commercial use.
- 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 CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT because there are other uses permitted in the current dwelling district that could be developed and would not require a variance.
- 5. 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 site could be developed with a single-family dwelling that would align with the dwelling district and would be compatible with the neighborhood without the need for variances.

DECISION

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

Adopted this _____ day of _____, 20 ____

_____	_____
_____	_____
