

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 community-regional commercial / industrial uses on a site that would not provide minimal street frontage and a front setback would not allow appropriate site access and buffering that would be injurious to the surrounding land uses, future customers / clients, and the overall 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 community-regional commercial / industrial uses on a site that would not provide minimal street frontage and a front setback would not allow appropriate site access and buffering that would adversely impact the surrounding land uses and future customers / clients.

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 introduction of less intense commercial uses that would align with the Comprehensive Plan recommendation of office commercial would be appropriate and less impactful to surrounding land uses in terms of reduced street frontage and reduced setbacks, as opposed to the proposed community / regional commercial district and industrial uses, located within an area of natural and environmental features and without appropriate site access and buffering provided by setbacks.

DECISION

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

Adopted this _____ day of _____, 20 ____
