

Exhibit H – Administrative Adjustment Application Requirements and Questionnaire

A. FILING PROCEDURE

4. The application shall be filed in the office of the Department of Public Services, 4230 Elkhart Road, Goshen, IN 46526.
5. An Administrative Adjustment does not become effective until the applicant pays a \$40 application fee. A fee is not required in order for Staff to initiate review of the request.
6. Although the Zoning Administrator retains records related to Improvement Location Permits, the Applicant should retain proof of Administrative Adjustment approval for future reference.

B. INFORMATION ON THE APPLICATION

5. All information requested on the attached application, questionnaire, and site plan must be complete and shall be as accurate as reasonably possible. If the application, questionnaire, and site plan are not complete and accurate as reasonably possible the staff may request additional information.
6. It will also be necessary to include a drawing of the property ("site plan"), including the size and location of all existing and proposed structures, signs, parking areas, open storage and/or display areas, and existing and/or proposed buffering; setbacks for all existing and proposed structures, signs, parking areas, open storage and/or display areas, and existing and/or proposed buffering from all property lines and roads; the location and name of adjacent streets and roads, and a North point arrow.

C. STANDARDS **INELIGIBLE** FOR AN ADMINISTRATIVE ADJUSTMENT

The following Administrative Adjustments are not approvable and must be processed as a Developmental Variance if the applicant still requests relief.

1. An Adjustment that would result in a violation of conditions, commitments or site plans approved by the County Commission, Plan Commission, Board of Zoning Appeals or Hearing Officer.
2. An Adjustment for work that originally occurred without the appropriate permits. For example, an addition that is being constructed or was constructed without a Building Permit.
3. An Adjustment that would result in the location of a structure within any easement.
4. No Adjustment that would result in a separation between any two buildings of less than five feet.

D. DECISION OF THE ZONING ADMINISTRATOR

1. The Elkhart County Zoning Ordinance allows the Zoning Administrator to approve, approve with conditions or deny a request for an Administrative Adjustment for encroachment of up to 10 percent into a required front, rear or side setback. For example, an encroachment of up to 7' 6" could be approved by Administrative Adjustment for a 75' required setback. Any requested encroachment that is greater than 10 percent or that does not meet the criteria below, may be processed as a Developmental Variance with the Board of Zoning Appeals or Hearing Officer having final decision authority.
2. In making a decision on your request the Zoning Administrator must make positive determinations on all of the following criteria.
 - a. The Administrative Adjustment does not adversely affect the permitted use of adjacent property or the physical character of the surrounding area.
 - b. Granting the Administrative Adjustment will be generally consistent with the purpose of the Zoning Ordinance.
 - c. The Administrative Adjustment requested is the minimum adjustment necessary for reasonable use of the property and compliance with the Zoning Ordinance.

E. DENIAL OF ADJUSTMENT AND APPEALS FROM THE ZONING ADMINISTRATOR

1. An applicant may apply for a Developmental Variance if the Zoning Administrator denied his or her Administrative Adjustment request.
2. Any person, other than the applicant for the Administrative Adjustment or the property owner affected by the Adjustment, may appeal the decision of the Zoning Administrator to the Board of Zoning Appeals.

NAME: _____ TAX CODE # _____

IN ORDER FOR THE ZONING ADMINISTRATOR TO CAREFULLY CONSIDER YOUR REQUEST, IT IS IMPORTANT TO FULLY UNDERSTAND THE SCOPE OF YOUR REQUEST. PLEASE COMPLETE THE QUESTIONNAIRE. IF A QUESTION DOES NOT APPLY TO YOUR REQUEST, INDICATE NA (NOT APPLICABLE).

1. What is the reason (field mistake, minor encroachment, etc.) for your request and what is the new construction and/or addition to be used for? (i.e.: garage, bedroom, sign, parking, etc.)

2. Will the construction and/or addition interfere with your well or septic system? _____

3. Is the parcel served by municipal services? _____ Water? _____ Sewer? _____

4. Is the request necessitated by the location of the existing or proposed well or septic system? If so, explain.

5. Will the new construction and/or addition block any light, air, vision, or access of adjacent property owners?

6. Will the new construction and/or addition interfere with any recorded easements? _____

7. Are there structures or buildings on adjacent properties? If so, how close are they to your property lines? (On your site plan show the proximity to your expansion). _____

8. Is the request for a sign? _____ If so, give the size of proposed or existing signs. _____

Single or double faced? _____ Lighted? _____ Electronic? _____

Wall mounted or free standing? _____

9. To the best of your knowledge has this property ever been involved in a previous Board of Zoning Appeals or Plan Commission action? _____ If so, describe when and the action taken: _____

10. How will granting the Administrative Adjustment not adversely affect the permitted use of adjacent property or the physical character of the surrounding area? _____

11. How will granting the Administrative Adjustment be generally consistent with the purpose of the Zoning Ordinance (protection of the public health, safety, general welfare; provision of air, light, access, etc.)?

12. Please explain how the Administrative Adjustment requested is the minimum adjustment necessary for reasonable use of the property and compliance with the Zoning Ordinance. _____

13. Any additional information that you wish to provide the Zoning Administrator regarding the details of your request?

NOTE: The staff recommends you review any deed restrictions and private subdivision covenants and restrictions recorded on the real estate.

THIS QUESTIONNAIRE **MUST** ACCOMPANY YOUR APPLICATION. IF THE APPLICATION DOES NOT INCLUDE THE COMPLETED QUESTIONNAIRE, IT WILL BE CONSIDERED INCOMPLETE AND THE STAFF WILL NOT ACCEPT THE APPLICATION.

**ELKHART COUNTY
DEPARTMENT OF PUBLIC SERVICES**

4230 Elkhart Road
Goshen, IN 46526

Planning Division
574-971-4678

TAX CODE NUMBER

Board of Zoning Appeals
574-971-4678

PETITION

To: The Auditor and The Board of County Commissioners of Elkhart County, Indiana
or
 The Board of Zoning Appeals of Elkhart County, Indiana
or
 The Hearing Officer of Elkhart County, Indiana

The undersigned owners of real estate, identified within this application, which is located in _____
Township, respectfully petition:

- for a ZONING MAP CHANGE of said property from the _____ district to the _____ district.
- for an APPEAL from the ADMINISTRATOR'S DECISION as shown below
- to grant a VARIANCE as shown below
- to grant a SPECIAL USE as shown below
- for a CONDITIONAL INDUSTRIAL UNIT DEVELOPMENT as shown below
- to approve a PLANNED UNIT DEVELOPMENT

- Special Use Renewal

(Identify specific petition here) _____

Name: _____ Phone No.: _____
Address: _____ Fax No: _____
_____ Email: _____

Agent (if any)

Name: _____ Phone No.: _____
Address: _____ Fax No: _____
_____ Email: _____

Signature of Owner(s)
or authorized representative _____

PROPERTY

Located N-S-E-W (corner/side) of _____ (miles/feet)
N-S-E-W of _____ in _____ Township.
Legal description: _____
_____ (if lengthy please attach)

Dimensions: Frontage _____ Depth _____ Area _____ (Sq ft/acres)

Present use of property: _____ Septic System: _____

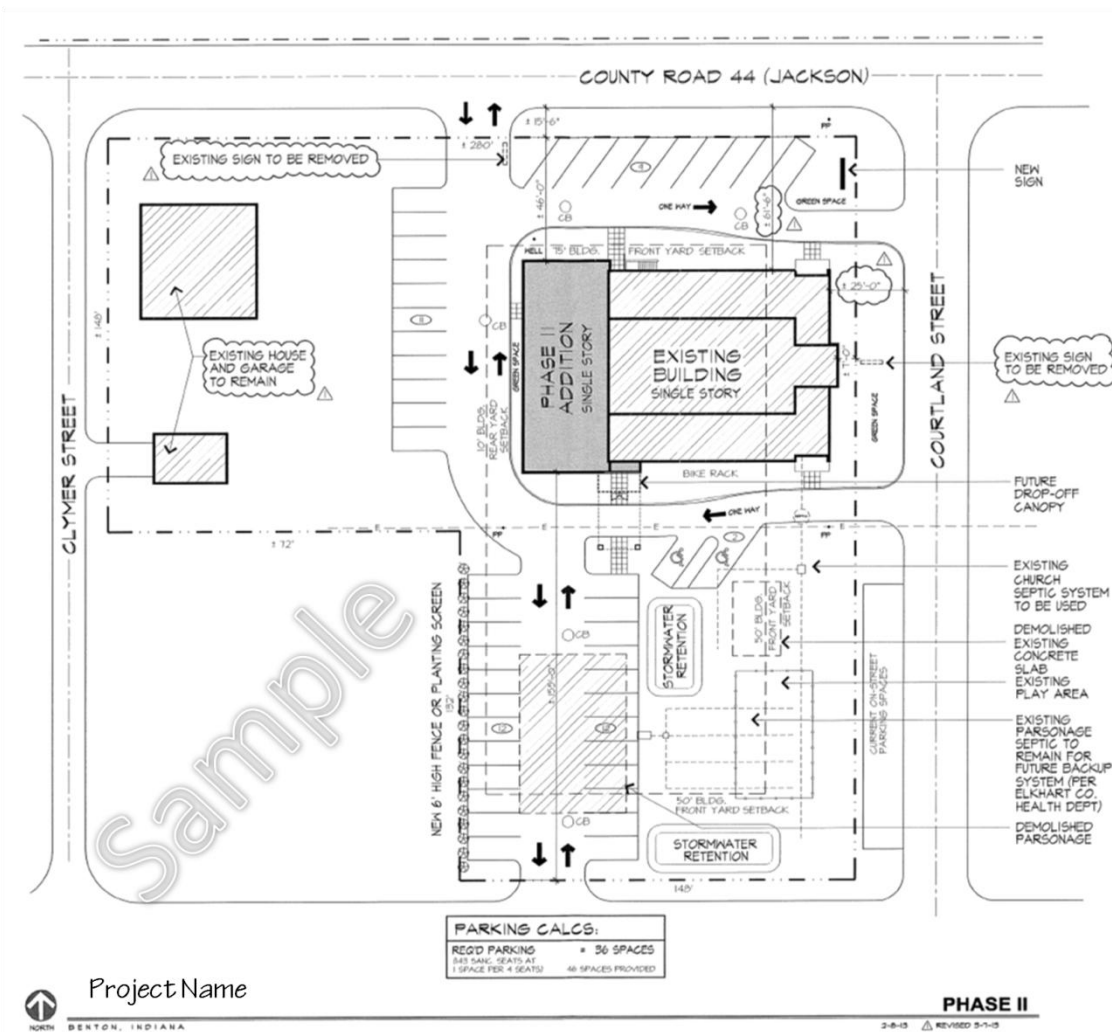
Present Zoning of Property: _____

SITE PLAN

AT MINIMUM, USE A RULER AND SHOW DIMENSIONS OF ALL SETBACKS, LOT LINES AND BUILDINGS. ILLEGIBLE SITE PLANS ARE NOT ACCEPTABLE.

WHAT MUST BE SHOWN:

- 1. North Arrow
- 2. Property lines and dimensions of the property
- 3. All adjacent edge of rights-of-way, public rights-of-way and their names
- 4. Existing and proposed structures, their sizes and distances from property lines, and edge of right-of-ways
- 5. Existing and proposed signs, their sizes and distance from property lines and edge of right-of-ways
- 6. Existing and proposed parking areas and/or parking spaces, their sizes and distances from property lines and edge of right-of-ways
- 7. Existing and proposed outside storage and/or outside display areas, their sizes and distances from property lines and edge of right-of-ways
- 8. Existing and proposed buffering (ie: fences, trees, mounds) their sizes and distances from property lines and edge of right-of-ways
- 9. Structures, signs or screening (fences, trees, etc.) proposed to be demolished or removed.



This site plan is a fair and accurate representation of my property and petition.

Name _____

Date _____

THIS SITE PLAN MUST ACCOMPANY YOUR APPLICATION. IF THE APPLICATION DOES NOT INCLUDE THE COMPLETED SITE PLAN, IT WILL BE CONSIDERED INCOMPLETE AND THE STAFF WILL NOT ACCEPT THE APPLICATION.

MORE DETAILED DRAWINGS WILL BE REQUIRED IN ORDER TO APPLY FOR AN IMPROVEMENT LOCATION OR BUILDING PERMIT.