



In order to grant a variance from development standards or a use variance, Indiana State Law (3-7-4-918) requires that the Board of Zoning Appeals find that certain conditions have been met. The following questions are based on these criteria; please describe to the best of your knowledge why or how your project will satisfy these criteria. You may attach additional information or exhibits.

Answer applicable questions for each type of request:

1. **[All]** - Explain how your proposal will or will not be harmful to the health, safety, public convenience and/or general welfare of the community.

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2. **[Use variance and development standards]** - What will be the effect on the use and value of adjacent properties?

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3. **[Use variance and development standards]** - What will be the practical difficulty or hardship *to the property* if a variance is not granted?

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4. **[Use variance only]** - What is unique or special about the property that creates and supports the need for a variance?

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5. **[Use variance, contingent use and special use]** - Will the proposed use conflict with the Comprehensive Plan or other plans duly adopted by the Fort Wayne Common Council or Plan Commission? (Note: The Comprehensive Plan is a document adopted by City Council addressing the growth and development of the City)

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6. **[Contingent use and special use]** - Will the proposed use be unduly detrimental to the surrounding area? Explain.

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7. **[Contingent use and special use]** - How the nature, location, size, & site layout of the proposed use will be compatible with the immediate area?

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8. **[Special use only]** - Will vehicular traffic, including parking, to/from the proposed uses create undue hazards to normal traffic in the vicinity of the request? Explain.

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**Note:**

1. **Once all applications are filed, they will be assigned to either the Hearing Officer or the full Board of Zoning Appeals. The BZA Hearing Officer may transfer a request currently scheduled under the Hearing Officer procedure to the Board without first conducting a hearing or making a decision, when the Hearing Officer determines that it would be in the best interest of all parties and/or the public for the Board to hear, consider, and act upon such petition.**
2. **A decision of a Hearing Officer may not be a basis for judicial review, but it may be appealed to the Board of Zoning Appeals. An interested person who wishes to appeal a decision of a Hearing Officer must file the appeal with the Board within fourteen (14) days after the decision is made. The interested person requesting such appeal shall also be required to pay a fee equal to the original filing fee paid by the applicant for a continuance of a public hearing.**
3. **The decision of the Board of Zoning Appeals is subject to review by certiorari. Each person aggrieved by a decision of the Board may present, to the Circuit or Superior Court of the County in which the premises affected are located, a verified petition setting forth that the decision is illegal in whole or in part and specifying the grounds of the illegality. No change of venue from the county in which the premises affected are located may be had. The person shall present the petition to the Court within thirty (30) days after the date of the decision of the Board.**