

Town of Cumberland, Indiana
Department of Planning & Development

**APPLICATION FOR A
VARIANCE OF USE**

Applicant(s): Thomas Gentry Telephone: 317-445-0083
 Address: 6563 W. U.S. 40 Greenfield, IN 46140 Fax: N/A Email: thomg49@yahoo.com
 Owner(s): Thomas Gentry Telephone: 317-445-0083
 Address: 6563 W. U.S. 40 Greenfield, IN 4614 Fax: N/A Email: thomg49@yahoo.com

Property Location: Approximately 1/2 mile west of Mt Comfort Rd, south side of U.S. 40
 Street Address: 6563 W. U.S. 40 Greenfield, IN 46140 (current street address of entire property)
 Nearest Street Intersection: W. U.S. 40 and County Road 800 W. 1/2 Mt Comfort Rd.
 Section: T14N Township: Sugar Creek Range: R4E Parcel Number(s) 30-09-01-300-016.000-015

Existing Zoning Classification

- | | |
|----------------------------------------------------|-----------------------------------------------------------|
| <input type="checkbox"/> A-1 Agricultural District | <input type="checkbox"/> R-6 Residential District |
| <input type="checkbox"/> C-1 Conservation District | <input checked="" type="checkbox"/> B-1 Business District |
| <input type="checkbox"/> R-1 Residential District | <input type="checkbox"/> B-2 Business District |
| <input type="checkbox"/> R-2 Residential District | <input type="checkbox"/> I-1 Industrial District |
| <input type="checkbox"/> R-3 Residential District | <input type="checkbox"/> I-2 Industrial District |
| <input type="checkbox"/> R-4 Residential District | <input type="checkbox"/> PUD Planned Unit Development |
| <input type="checkbox"/> R-5 Residential District | |

Existing Land Use: Vacant – Taxed as excess residential

Surrounding Land Use: North Vacant South Vacant East Single family Res West Apartment (4plex)

Previous Planning/Zoning Approvals: _____

Brief Description of variance(s) requested:
 I would like to have the west portion of my existing parcel to have a variance of use to allow my son and daughter-in-law to build a single family residence.



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CONTACT INFORMATION

The person indicated below will receive all correspondence between the Staff and the applicant. It shall be the responsibility of the contact person to provide copies of information to other interested parties.

Indicate the Contact Person to be notified in the event additional information is required, to schedule meetings, receive Plan Commission Staff Letters and Recommendations, and to received the Plan Commission's Findings of Fact

Please type or print legibly.

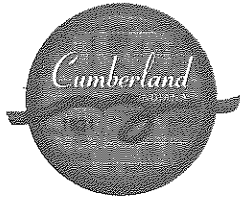
Business Name: N/A

Contact Person: Thomas Gentry

Address: 6503 W. U.S. 40, Greenfield, IN 46140

Daytime Phone: 317-445-0083 Fax Number: N/A

Email: thomg49@yahoo.com



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**REQUIREMENTS FOR FILING AN APPLICATION
FOR VARIANCE OF USE**

A complete application shall include the following items to be considered complete:

1. One (1) completed checklist **signed and dated**. (Attach completed copy of this form.) Mark all items N/A (Not Applicable) which don't apply to your project.
2. One (1) completed application form: typewritten, signed by the owner or an authorized agent of the subject property, notarized and filed at least thirty (30) days before the date of the Board of Zoning Appeals meeting. If application is not complete, staff reserves the right to deny the request to be placed on the Agenda. Be sure to include:

<ul style="list-style-type: none"> • Project Name • Acres • Project Address • Number of Lots/Parcels • Section, Township, Range • Nearest Intersection 	<ul style="list-style-type: none"> • Key/Parcel number(s) • Current zoning classification • Existing land use • Previous planning/zoning approvals • Applicable provision of ordinance • Surrounding land use
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------
3. N/A If the applicant is not the owner, one (1) signed and notarized copy of the Letter Granting Authority for an Agent.
4. One (1) copy of the legal description of property.
5. One (1) copy of the Letter of Intent. This should include a brief description of the project and facts supporting the request.
6. A completed Findings of Fact for a variance of Use form.
7. Two (2) copies of a property survey, certified by a registered land surveyor, showing existing lot lines and dimensions as well as lot area, easements, all public and private rights-of-way and all streets across and adjacent to the subject property.
8. A sketch plan, drawn to scale showing all proposed construction of development.
9. One (1) completed Public Notification Letter to be sent to adjacent property owners.
10. A list of adjacent property owner(s) and completed sample notification letter.
11. Completed and notarized Affidavit of Notice to Interested Parties.
12. Nonrefundable application fee. (Check must be made payable to the "TOWN OF CUMBERLAND").

Signature of Person Completing Application Date

Date



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**FINDINGS OF FACT
VARIANCE OF USE**

Project Name: Gentry 7 Slot Requested Variance: From B-1 To Residential

The petitioner seeking a variance from the development standards before the Board of Zoning Appeals must answer the following five (5) questions and provide any documentation that may support the findings. (These may serve as the basis for the written Findings of Fact for this petition)

1. Will the approval of the variance be injurious to the public health, safety, morals, and general welfare of the community? (Please answer yes or no and state the reason[s] for your answer on the lines below.) **NO**

2. Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner? (Please answer yes or no and state the reason[s] for you answer on the lines below.) **NO**

3. Does the need for the variance arise from some condition peculiar to the property? (Please answer yes or no and state the reasons[s] for your answer on the lines below.) **YES**
The current zoning is B-1 however the actual use of the property is residential

4. Will the strict application of the terms of the Cumberland Zoning Ordinance constitute an unnecessary hardship if applied to the property for which the variance is sought? (Please answer yes or no and state the reasons[s] for your answer on the lines below.) **YES**
It would not allow my son and daughter-in-law to build a home on property.

5. Does the use interfere substantially with the Town's comprehensive plan? (Please answer yes or no and state the reasons[s] for your answer on the lines below) **NO**
The existing use of the property is vacant residential land

Person Completing This Form:

Thomas Gentry _____
Printed Name:
Owner _____
Title:

Signature:
317-445-0083 _____
Telephone Number:

30 June 2020

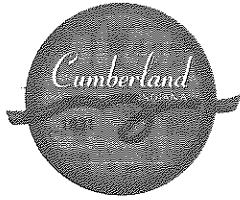
To; Town of Cumberland
Department of planning and Development
11501 E. Washington St.
Cumberland IN 46229

From; Thomas Gentry
Property Owner
6563 W. U.S. 40
Greenfield IN 46140

I would like to request a variance to allow a single family residence to be a permitted use in the B-1 zoning. The lot measures 110 feet on the U.S. 40 boundary, 252 feet on the east boundary, 110 feet on the south boundary and 257 feet on the west boundary containing 0.644 acres more or less.

From a practical stand point there would be no change. The property is currently used and taxed as excess vacant residential property. The use variance would not change the actual usage of the lot. It would allow the construction of a single family residence by my son and daughter-in-law.

Thomas Gentry



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Legal Description of the subdivision must be attached to the application.

I (We) do hereby apply for approval of the variance of use in accordance with the provisions of the Comprehensive Plan and Zoning Ordinance of Cumberland, Indiana. I (We) am (are) the owner(s) of the real estate included in the proposed subdivision. The undersigned, having been duly sworn on oath states the above information is true and correct as (s) he is informed and believes.

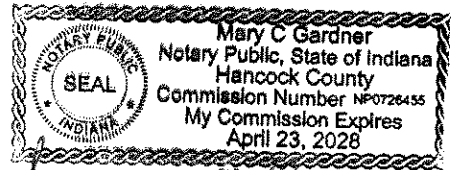
I (We) also understand that the application fee does not include the fees associated with design review and/or construction management review. Fees for design review and/or construction management review are the direct responsibility of the applicant payable directly to the engineering firm(s) specified by the Town at rates set out by various agreements and/or ordinances of the town, for services, inspections, reports, and the like required by the Town.

30 June 2020
Date

Signature of Owner(s) or Agent

[Handwritten Signature]
Signature of Owner(s) or Agent

STATE OF INDIANA }
COUNTY OF HANCOCK } SS:



Subscribed and sworn to before me this 2nd day of July, 2020

Mary C Gardner
Notary Public: Signature

Mary C Gardner
Notary Public: Printed Name

My Commission Expires: 4/23/28

Residing in Hancock County

FOR OFFICE USE ONLY	
Date Received: _____	Fee Paid: _____
Received By: _____	Application # _____

