



Marion County Alliance of Neighborhood Associations, Inc.

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December 29, 2009

2009 BZA Decisions Overview

McANA has begun a review of the decisions made during 2009 by the three Boards of Zoning Appeals. The documentation presented here, is just the overview of the decisions made by the Boards and current appointees to the Boards. We intend to continue to delve into the data and present that more in depth analysis early in 2010.

Through 2009, 254 petitions have been decided. Of those, 101 were expedited, meaning all parties including Current Planning Staff, the Petitioner, and any neighbors or organizations, were in favor of the petition and its conditions or commitments. These expedited cases are routinely voted on unanimously by a Board after a very brief description of the petition has been presented by the Petitioner. The expedited petitions were not considered in the analysis presented below. 153 petitions were actually heard in more detail by the Boards, and the votes based on information presented at the hearing. These included 88 requests for Variance from development standards required by Ordinance, 53 requests for Variance from the uses required by the zoning on that parcel, and 3 requests for minor deviations from zoning requirements – all of which are addressed in State law as requiring that specific findings of fact be proven prior to the grant of the Variance. These 144 petitions form the basis for the analysis we present here. The remaining petitions heard, which are not considered below, include special exceptions, approval petitions, and modification petitions; all totaling 9.

It is McANA's position that Variances should be difficult to obtain as they are exceptions to the laws that all others in Marion County must obey and because of the stringent requirements placed in State law for proof of a difficulty on the property itself that dictates that an exception be granted for the parcel to be used as intended in the Zoning Ordinance. The required Findings of Fact forms are attached for your review.

Of the 144 actual hearings in 2009 for Variance petitions, the Boards of Zoning Appeals approved 122, denied 20 (for a denial rate of 14%), and had 2 indecisive votes that were re-heard. Current Planning Staff had recommended that 43 of those petitions be approved and 99 denied (for a recommended denial rate of 69%). In the table below are the data for each Board and the votes cast by each person appointed to that Board who currently still sits on a Board. Please note that it is not unusual for members of one Board to sit on another when that Board might not have full attendance. It takes at least 3 votes for a decision by a Board.

We would like to thank Heather Stephan, Secretary to the Boards of Zoning Appeals, for all her efforts to provide us with the extensive amount of information we requested.

As this is the time of year for consideration of appointments and re-appointments, we hope that this information is illuminating in the appointing body's deliberations.

If you have any questions, please feel free to contact us.

On behalf of McANA,

Pat Andrews, Vice President, (679-7018; andrews@mcanaindy.org) and Cathy Burton, President, (847-9959; burton@mcanaindy.org)

| BZA I | # Hearings | Approve | Deny | Denial rate | Indecisive | Recused |
|--------------------|-------------------|----------------|-------------|--------------------|-------------------|----------------|
| Overall | 41 | 35 | 6 | 15% | 0 | |
| Staff | | 10 | 31 | 76% | | |
| Council Appointees | | | | | | |
| Pool | 17 | 14 | 3 | 18% | | |
| Symons | 28 | 24 | 4 | 14% | | |
| Mayoral Appointees | | | | | | |
| Romine | 38 | 30 | 8 | 21% | | |
| Shead | 17 | 10 | 7 | 41% | | 3 |
| MDC Appointee | | | | | | |
| Taft | 34 | 28 | 6 | 18% | | |
| Other | | | | | | |
| Halbrook | 28 | 23 | 5 | 18% | | |

| BZA II | # Hearings | Approve | Deny | Denial rate | Indecisive | Recused |
|--------------------|-------------------|----------------|-------------|--------------------|-------------------|----------------|
| Overall | 61 | 49 | 11 | 18% | 1 | |
| Staff | | 20 | 40 | 67% | | |
| Council Appointees | | | | | | |
| Klopfenstein | 67 | 64 | 3 | 5% | | 1 |
| Walker | 64 | 60 | 4 | 6% | | |
| Mayoral Appointees | | | | | | |
| Van Keppel | 63 | 45 | 18 | 29% | | |
| Worgan | 29 | 10 | 19 | 66% | | |
| MDC Appointee | | | | | | |
| Pritchard | 54 | 34 | 20 | 37% | | |

| BZA III | # Hearings | Approve | Deny | Denial rate | Indecisive | Recused |
|--------------------|-------------------|----------------|-------------|--------------------|-------------------|----------------|
| Overall | 42 | 38 | 3 | 7% | 1 | |
| Staff | | 13 | 28 | 68% | | |
| Council Appointees | | | | | | |
| Retherford | 47 | 40 | 7 | 15% | | |
| Westrick | 51 | 40 | 11 | 22% | | 2 |
| Mayoral Appointees | | | | | | |
| Kasper | 30 | 28 | 2 | 7% | | |
| Hash | 23 | 17 | 6 | 26% | | |
| MDC Appointee | | | | | | |
| Moriarty | 48 | 42 | 6 | 13% | | 2 |