

5. FINDINGS OF FACT

In order for this request to be approved, it must satisfy all applicable statutory/code criteria. It is the responsibility of the applicant to provide the necessary information and answers in support of this request. As the applicant, I submit the following evidence to the Board of Zoning Appeals in support of this request (attach additional pages if necessary):

#1. The proposed exception or use WILL NOT be injurious to, or alter the normal and orderly development of, permitted uses of property within the general vicinity because:

#2. The proposed exception or use IS serviced by adequate access roads, ingress and egress points and traffic flow and control mechanisms because :

#3. The establishment, maintenance or operation of the proposed exception or use WILL NOT be injurious to the public health, safety or general welfare because:

#4. The proposed exception or use IS NOT inconsistent with the Comprehensive Plan because:

I understand that this request can only be granted upon the Board determining that all applicable criteria has been satisfied. I understand that it is my responsibility to provide the information and evidence necessary in support of this request. I have read and understand all application, submission, code and statutory information and requirements. The above information and any submitted evidence, to my knowledge, are true and accurate.

Applicant Signature

Printed Name

Date

Owner Signature

Printed Name

Date

FINAL DECISION

Date: _____

Approved

Approved with Conditions

Denied

SPECIAL EXCEPTION INFORMATION

What is a Special Exception?

The allowance of a particular use that is not automatically a permitted use in a particular zoning district without some restriction. Such approval may be subject to certain, specific conditions or require proof that the use can meet anticipated development standards or characteristics in order to avoid conflict with the surrounding area.

Application Requirements

1. Application must contain the signature of all individuals listed on the deed for the property, including any contract buyer, if applicable.
2. A copy of the deed, available in the County Recorder's Office, must be submitted with the application.
3. A site plan of the property showing the location of all existing and proposed buildings, parking and open space, landscaping, refuse and service areas, utilities, signs, and other necessary information must be submitted.

General Information

The applicant is encouraged to review IC 36-7-4-900 series regarding Board of Zoning Appeals; the Zoning Code, the Rules of Procedure adopted by the Board of Zoning Appeals and the following:

1. The Board of Zoning Appeals shall approve or deny Special Exceptions from the list of permitted uses in the Zoning Code.
2. All actions of the Board of Zoning Appeals are governed by IC 36-7-4-900 and the Zoning Code.
3. The Rules of Procedure of the Board of Zoning Appeals govern the actions of the Board, including how notice is provided to interested parties, how the public hearing is conducted and when commitments are permitted.
4. The Board of Zoning Appeals shall review the variance request to determine that all required findings of fact have been satisfied.
5. The Board of Zoning Appeals may impose reasonable conditions as a part of any approval.
6. The Board of Zoning Appeals may permit or require the owner of a parcel of property to make a written commitment concerning the use or development of that parcel. (See: IC 36-7-4-1015 and the Rules of Procedure concerning commitments.)
7. In the presentation of a case, the burden shall be upon the petitioner to supply all information, including site plans, documentation, evidence and other exhibits necessary for a clear understanding of the petition. The Board of Zoning Appeals may continue the hearing or deny the petition when, in its judgment, the petitioner has not provided sufficient information or evidence to make a determination.
8. If the petitioner or the authorized agent for the petitioner fails to appear at the hearing to present and represent the application, the Board of Zoning Appeals may continue or withdraw the application.
9. In accordance with IC-36-7-4-1016, a final decision of the Board of Zoning Appeals is subject to judicial review if filed within thirty (30) days of the Board of Zoning Appeals decision.