

## **SPECIAL EXCEPTION INFORMATION**

The applicant is encouraged to review IC 36-7-4-900 series regarding Board of Zoning Appeals; the Zoning Ordinance of the jurisdiction, as amended; the Rules of Procedure adopted by the Board of Zoning Appeals; and the following to properly prepare for the public hearing.

1. The Board of Zoning Appeals shall approve or deny all Special Exceptions from the terms of the Zoning Ordinance, but only in the classes of cases or in the particular situations specified in the Ordinance.
2. All actions of the Board of Zoning Appeals are governed by IC 36-7-4-900 et. seq., and the Zoning Ordinance of the jurisdiction for which the Board presides over.
3. The Rules of Procedure 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 consider the following factors in granting or denying proposed special exceptions, special uses, contingent uses, or conditional uses (hereinafter collectively referred to as exceptions and uses):
  - A. 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;
  - B. The proposed exception or use is serviced by adequate access roads, ingress and egress points, and traffic flow and control mechanisms;
  - C. The establishment, maintenance, or operation of the proposed exception or use will not be injurious to the public health, safety, or general welfare; and
  - D. The proposed exception or use is not inconsistent with the Comprehensive Plan.
5. The Board of Zoning Appeals may impose reasonable conditions as a part of its 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 36-7-4-921 and the Rules of Procedure, Board of Zoning Appeals governing 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 may continue the hearing when in its judgment the petitioner has not provided sufficient information or evidence to make a determination.
8. If the petitioner, or an authorized agent for the petitioner, fails to appear at the scheduled hearing to represent the application, the Board may continue or withdraw the application.
9. In accordance with IC-36-7-4-1003, the decision of the Board of Zoning Appeals is subject to review by certiorari. Each person aggrieved by a decision of the Board of Zoning Appeals or the legislative body 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 in any cause arising under this section.
10. The aggrieved person shall present the petition to the court within thirty (30) days after the date of that decision of the Board of Zoning Appeals.

**APPLICATION FOR SPECIAL EXCEPTION**

Instructions

1. Application must contain the signature of all individuals listed on the deed for the property, and contract buyer.
  2. A copy of the deed must be submitted with the application (available in the County Recorder's Office).
  3. Submit a site plan of the property upon which the use will be located showing the location of all existing and proposed buildings, parking and open space, landscaping, refuse and service areas, utilities, signs, and such other information as the Board may require to determine if the proposed Special Exception meets the intent and requirements of the Zoning Code. Please provide a survey, if at all possible.
  4. The required filing fee (\$150.00) must be submitted with the application.
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**APPLICANT:**

NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
CITY: \_\_\_\_\_  
PHONE: \_\_\_\_\_

**PROPERTY OWNER:** (If different from applicant)

NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
CITY: \_\_\_\_\_  
PHONE: \_\_\_\_\_

**LOCATION OF PROPERTY TO BE USED FOR SPECIAL EXCEPTION:**

ADDRESS: \_\_\_\_\_

**EMAIL ADDRESS OF OWNER AND APPLICANT (REQUIRED):** \_\_\_\_\_

\_\_\_\_\_

**CURRENTLY THE PROPERTY IS:**

USED AS: \_\_\_\_\_

**THE PURPOSE OF THIS APPLICATION IS TO PERMIT THE USE OF THE PROPERTY FOR:**

\_\_\_\_\_

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In order for the Special Exception to be granted, the request must satisfy all of the criteria contained in Section/Chapter of the governing Zoning Ordinance that deals with Special Exceptions and Uses, and other applicable law. As applicant, I submit the following evidence to the Board of Zoning Appeals to support the request:

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:

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

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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:

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4. The proposed exception or use is not inconsistent with the Comprehensive Plan because:

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As the applicant, I understand that this is a request for a Special Exception to the terms of the Zoning Ordinance and that this request can only be granted upon the Board determining in writing that the criteria listed in IC 36-7-4-918.6 have been satisfied. I further understand that it is my responsibility to provide the information and evidence necessary to show that these criteria have been met.

_____ APPLICANT SIGNATURE	_____ DATE
_____ OWNERS SIGNATURE	_____ DATE
_____ PRINTED NAME	_____ DATE

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**TO BE COMPLETED BY THE DEPARTMENT**

Date Filed: \_\_\_\_\_ Receipt #: \_\_\_\_\_ Docket #: \_\_\_\_\_ Zoning: \_\_\_\_\_

Hearing Date: \_\_\_\_\_ Docket #: \_\_\_\_\_