

# **SPECIAL EXCEPTION**

## **PETITION CHECKLIST HANCOCK COUNTY AREA BOARD OF ZONING APPEALS**

The following items must be submitted before a petition to the Board of Zoning Appeals can be scheduled. Any questions regarding these items should be directed to the Board of Zoning Appeals office at (317) 477-1134. All information must be typed or printed in ink.

- ❑ **Application Form with original signatures (attached):**  
*If the petitioner is not the land owner, then the petition shall include a notarized affidavit and consent of the property owner(s) bearing the owner's original signature.*
- ❑ **Affidavit of Notice of Public Hearing with list of adjoining land owners (attached):**  
*The public hearing must be published in a local newspaper at least ten days before the hearing date. The Proof of Publication and Certificate of Mailing Receipt must be submitted to the Board of Zoning Appeals office no less than 24 hours before the hearing date.*
- ❑ **Notice of Public Hearing (attached):**  
*The Notice of Public Hearing must be sent to all owners of parcels of land adjoining the subject property to a depth of two ownerships or 600 feet, whichever is less.*
- ❑ **Legal Description of the Real Estate:**  
*A precise legal description of the property area that is proposed for the Special Exception.*
- ❑ **Supporting Information:**
  - Statement of Intent
  - Site Plan (seven sets) including the following:
    - Location/Key map
    - Property dimensions
    - Existing buildings - please provide all dimensions
    - Adjacent roads and thoroughfares with entrances/exits to the site
    - Setbacks between structures and property lines
    - Parking areas - please provide all dimensions
    - Septic systems/wells
    - Proposed changes and building elevations
    - Existing easements
    - North arrow
    - Location of any existing cemeteries
    - Fiscal Impact Study – if required by the Board of Zoning Appeals
- ❑ **Warranty Deed, Quitclaim Deed, and/or Contract:**  
*The deed and/or contract must be executed and recorded.*
- ❑ **Filing Fee: \$ \_\_\_\_\_**  
*Cash, Check, or Money Order payable to the Hancock County Area Plan Commission or HCPC. The filing fee is not refundable.*

**Please Note:** The public hearing for this project will automatically continue to the following month if supplemental information exceeding two pages (8.5" x 11") is submitted less than 10 days prior to the hearing date.

**SPECIAL EXCEPTION**

**APPLICATION  
HANCOCK COUNTY AREA BOARD OF ZONING APPEALS**

**Petitioner's Contact Information:**

Petitioner's Name \_\_\_\_\_ Phone \_\_\_\_\_

Project Address / City Zip \_\_\_\_\_

Mailing Address / City / Zip \_\_\_\_\_

Email Address \_\_\_\_\_

Present Use of Property: \_\_\_\_\_

**Petitioner's Statement of Intent:** *Please provide your response to the following questions on an attached sheet of paper:* A) In what ways will the requested special exception deviate from the applicable development standards of the zoning ordinance? B) In what ways will the requested special exception meet the decision criteria provided on Page 6 of this application packet? C) What written commitments, if any, are offered by the Petitioner in support of the requested special exception? If applying for a Home Occupation, please complete the Supplemental Questionnaire.

**(Attach legal description of the property with warranty deed and/or contact)**

Parcel Number \_\_\_\_\_ Present Zoning of property: \_\_\_\_\_

Date property was purchased \_\_\_\_\_

**Owner's Contact Information:** *If the petitioner is not the land owner, then the petitioner must provide a notarized affidavit and consent of the property owner(s) bearing the owner's original signature.*

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address / City / Zip: \_\_\_\_\_

Email Address: \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
**Petitioner or Agent Signature**  
Signed and Printed

\_\_\_\_\_  
**Date**

**AFFIDAVIT OF NOTICE OF PUBLIC HEARING**

**HANCOCK COUNTY AREA BOARD OF ZONING APPEALS**

**Legal Notice:** I (We) understand that a public hearing will held by the Board of Zoning Appeals to consider this petition and that I (we) will prepare and pay for a legal notice consistent with the requirements of IC 5-3-1 for publication in the local newspaper. The legal notice shall appear in the newspaper no less than one time at least ten days prior to the public hearing, not including the date of the hearing. The legal notice shall include the information pursuant to HCC 156.101(A).

**Notice to Interested Parties:** In addition, I (We) will prepare, pay for, and distribute written notice of the application to all interested parties. The written notice shall be distributed at least ten days prior to the public hearing, not including the date of the hearing. In no instances shall streets, alleys, streams, or other features be considered boundaries for precluding notification. The notice shall contain the same information as the legal notice that is published in the newspaper as outlined in HCC 156.101(A). The notices will be sent by certificate of mailing no later than the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, being at least ten (10) days prior to \_\_\_\_\_, 20\_\_\_\_, the date of the public hearing.

**Notification Requirements:** I (We) will provide notification to owners of all parcels of land adjoining the subject property to a depth of two ownerships or 600 feet, whichever is less, from the exterior boundaries of the subject property. The most current list of property owners will be obtained from the Plan Commission office and verified through the County Auditor’s Office. Where any adjacent parcels of land are owned by me (us), subject property will include adjacent land owned by me (us). Attached is the list of the land owners. A “Notice of Public Hearing” card, provided by the Board of Zoning Appeals, will be posted by me (us) on the property within 15 feet of the road easement and clearly visible from the road or street at least 10 days prior to the hearing

\_\_\_\_\_  
**Petitioner or Agent Signature**  
**Signed and Printed**

\_\_\_\_\_  
**Date**

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Subscribed and sworn before me, a Notary Public, in and for said County and State, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
**Notary Public**

\_\_\_\_\_  
**County**

\_\_\_\_\_  
**Commission Expires**

**SPECIAL EXCEPTION**

**NOTICE OF PUBLIC HEARING  
HANCOCK COUNTY AREA BOARD OF ZONING APPEALS**

**Hearing Information:** Notice is hereby given that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at 6:30 P.M. a public hearing will be held by the Hancock County Area Board of Zoning Appeals in the Hancock County Annex, 111 American Legion Place, Greenfield, Indiana, for the purpose of considering a Special Exception petition for the following described real estate:

(Attach copy of legal description)

**Property Location:** The subject site is located on the N/S/E/W side of \_\_\_\_\_ between roads \_\_\_\_\_ and \_\_\_\_\_ in \_\_\_\_\_ Township with a street address/city/zip of \_\_\_\_\_. The purpose of the petition is to \_\_\_\_\_

**Petitioner's Contact Information:** (Name / Mailing Address / Phone Number / Email Address)

**Supporting Information:** Additional information is available for examination at the office of the Hancock County Area Board of Zoning Appeals.

**Written Comments:** Written comments on the application will be accepted prior to the public hearing and may be submitted to the Planning Director.

All interested persons desiring to present their views on the petition will have an opportunity to be heard. Pursuant to the Americans With Disabilities Act, any individual interested in attending the hearing should contact the Hancock County Area Board of Zoning Appeals and advise what, if any, accommodation is needed to attend the hearing. Said hearing may be continued from time to time without further notice.

For more information, contact the Hancock County Area Board of Zoning Appeals at (317) 477-1134. The Board office is located at 111 American Legion Place, Suite 146, Hancock County Annex Building, Greenfield, IN 46140.

***Note to Publisher: This notice must appear at least one (1) time not less than ten (10) days prior to the hearing date.***

CONSENT OF PROPERTY OWNER(S)

Comes now \_\_\_\_\_ ,  
being the owners in fee simple of the real estate located at \_\_\_\_\_  
\_\_\_\_\_ ,

in Hancock County, Indiana, and by my (our) signature (s) below consent to granting of the  
petition of \_\_\_\_\_  
currently pending before the Hancock County Area Wide Board of Zoning Appeals.

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

Subscribed and sworn to before me, a Notary Public, this \_\_\_\_\_ day of \_\_\_\_\_ ,  
200 \_\_ .

\_\_\_\_\_  
Notary

\_\_\_\_\_  
Commission Expires

Residing in \_\_\_\_\_ County

**Decision Criteria.** The Board of Zoning Appeals will use the following decision criteria in determining whether to grant or deny the requested special exception:

- (1) The special exception shall be listed in § 156.021 of the Hancock County Code.
- (2) The special exception can be served with adequate utilities, access roads, drainage, and other necessary facilities;
- (3) The special exception shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons, and shall comply with the development standards of §§ 156.060 et seq. of the zoning ordinance.
- (4) The special exception shall be sorted, oriented, and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties;
- (5) The special exception shall produce a total visual impression and environment which is consistent with the environment of the neighborhood;
- (6) The special exception shall organize vehicular access and parking to minimize traffic congestion in the neighborhood;
- (7) The special exception shall preserve the purpose of the zoning ordinance.

As part of submitting a complete application, the petitioner is required to explain how the requested special exception will meet the above decision criteria on a separate sheet of paper.

**Other Considerations.** When considering a special exception the Board of Zoning Appeals may consider the following items as they relate to the proposed use:

- (1) Topography and other natural site features;
- (2) Zoning of the site and surrounding properties;
- (3) Driveway locations, street access and vehicular and pedestrian traffic;
- (4) Parking (including amount, location, and design);
- (5) Landscaping, screening, buffering;
- (6) Open space and other site amenities;
- (7) Noise production and hours of any business operation;
- (8) Design, placement, architecture, and building material of the structure;
- (9) Placement, design, intensity, height, and shielding of lights;
- (10) Traffic generation;
- (11) General site layout as it relates to its surroundings; and
- (12) Any other criteria deemed relevant by the Board.

**Conditions.** The Board may impose such reasonable conditions upon its approval as it deems necessary to find that the criteria for approval (above) have been satisfied.

**Commitments.** The Board may require the owner of the property to make written commitments concerning the use or development of the property as specified under Indiana Code 36-7-4-921. Such commitments shall be recorded in the Hancock County Recorder's Office. A copy of the recorded commitments shall be provided to the Planning Director for inclusion in the petition file at the time an application is submitted and prior to the issuance of any improvement location permit. No improvement location permit shall be issued for a permit application which does not comply with the recorded commitments.

**Limitations.** Unless otherwise specified by the Board, special exception approvals shall be limited to, and run with the applicant at the location specified in the application. The Board may also limit special exceptions to a specific time period and a specific use. Special exceptions shall also be invalid if:

- (1) The property conforms with the ordinance as written, or
- (2) The special exception approval is terminated, consistent with § 156.013 of the Hancock County Code.