

CITY OF SHELBYVILLE

Scott Furgeson, Mayor



SPECIAL EXCEPTION

APPLICATION PACKAGE

BOARD OF ZONING APPEALS

Shelbyville Plan Commission
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(Last Revised 23 Feb. 2011)

Quick Check List

- Completed Application (notarized) - 6 copies
- Finding of Facts sheet completed - 6 Copies
- Site plans and other supporting materials - 6 copies
- Letter of Intent - 6 Copies
- Affidavit & Consent of Property Owner (if the petitioner doesn't own the property) (notarized)
- Property Deed with Legal Description of land for the file
- Notice of Public Hearing completed with legal description taken to the Shelbyville Newspaper
- Affidavit of Notice to interested parties (notarized) -Each party shall receive a letter of "Notice of Public Hearing"
- Filing Fee Paid - check may payable to the City of Shelbyville
- Attend Meeting

DEADLINE DATE: _____ MEETING DATE: _____

What is a Special Exception?

A Special Exception is a use that is designated by the Shelbyville Zoning Ordinance as being permitted in a specific zoning district if it is found to be appropriate and approved by the Board of Zoning Appeals.

Unless otherwise specified by the Board, a special exception approval shall be limited to, and run with the applicant at the location specified in the application. If the applicant wishes to leave the location of which the special exception was granted, future occupants cannot continue the use without approval. Also Special Exceptions are use specific. For example if you are granted approval to have an office use does not grant you approval to change the use to retail sales.

If you need a development standard variance, or sign variance for the same project or property, those must be filed as a separate petition.

PROCEDURE

1. Complete the forms included in this packet:

Special Exception Application

This is a general application filled out by the applicant or his representative. Please complete the entire application. If you are the owner and/or do not have a representative this information may be omitted. If you are unsure how to answer some of the areas of the application, please contact our office. Do not fabricate an answer as it may make your application incorrect.

➔ This form will need to be notarized

Affidavit & Consent of property owner

If the applicant is not the property owner, this form will need to be completed by the property owner. This provides proof that the owner approves your request. If you or the assumed owner are buying the property on contract, the original owner will need to sign this form as well. **YOU DO NOT NEED TO FILL THIS FORM OUT IF YOU ARE THE OWNER.**

➔ This form will need to be notarized.

Findings of Facts

The Board may only approve a special exception of use upon a determination in writing that (1) the approval will not be injurious to the public health, safety, and general welfare of the community; (2) the requirements and development standards for the requested use as prescribed by the Shelbyville Zoning Ordinance will be met; (3) Granting the Special Exception will not be contrary to the general purposes served by the Shelbyville Zoning Ordinance and will not permanently injure other property or uses in the same zoning district and vicinity; and (4) The proposed use will be consistent with the character of the zoning district in which it is located and the Shelbyville Comprehensive Plan.

On the Finding of Facts form, you must answer questions in regards to those four criteria. Please use proper English and grammar when answering the questions. Do not use personal matters as reasons for findings. The findings must relate to the property, not to a person. Please make sure that you understand the statements in the Findings of Facts. If you do not know what the comprehensive plan recommends, do not try to complete the question until you learn what the comprehensive plan says.

2. Write a Statement of intent

There is no form to fill out but please submit a letter of Statement of Intent. This is a simple letter explaining the special exception request in more detail than that which is on the application page. This can be informal and addressed directly to the Board. For example: You are filing for a special exception variance for an office use. The letter would describe what type of business you are running, how many employees, hours, and parking system.

3. Include Supporting Materials

If needed, you should include supporting materials that will demonstrate the need for the Special Exception. This can include such things as site plans, drawings, and/or pictures. The more information the Board has, the better.

4. Legal Description

You will need a legal description of the property. Please bring a copy of the Deed to the Property when you file for a variance. If you do not have the Deed you can copy at the Recorder's Office at the Courthouse Annex.

5. File with the Plan Commission Staff on or before the deadline date.

You must submit all of the information in steps 1, 2 and 3.

You will need to make 6 copies of following:

- *Special Exception Application*
- *Findings of Fact*
- Statement of Intent
- Any Supporting Materials

Please submit these forms in assembled and sorted individual packets.

You do not need to make copies of the *Affidavit & Consent of property owner* or *The Deed of the property*. The staff only needs the original documents for the file.

When you file you must pay the associated filing fee(s). Fees for Development Standards are as followed:

Residential	\$25
Commercial	\$100
Industrial	\$100
Each additional Variance on one petition -	\$50 each
* Please make check payable to the City of the Shelbyville.	

6. Public Notice

When you submit the above mentioned paperwork to the Plan Commission Office, the staff will give you additional forms for the Public Notice. A public notice must be placed in the local newspaper, The Shelbyville News, and must be mailed to surrounding property owners. The staff will supply the Public Notice, Property Owners list, and Post Office Form, PS Form 3877. You are responsible for two things:

- A. Taking the Public Notice to the newspaper and paying the associated fees, and
- B. Postal Mailing: Supplying envelopes and postage, Completing Form 3877, and having the post office stamp the form. The form will need to be returned to the office by the Friday following the deadline date.

7. Attend the meeting

You or your representative listed on the application must attend the meeting. If no one shows up, your petition will be dismissed and you will have to re-file your petition. At any time before your hearing comes up, you may ask the Board for a continuance, usually until the next meeting. We will grant you no more than two continuances. After that, your petition will be heard or dismissed unless you have already withdrawn it. You must file your continuance or withdrawal request in writing with the Staff prior to the meeting.

The staff will generate a staff report and will make a recommendation on your petition to the Board. The staff report will be distributed to the Board members 5 days before the meeting. If you would like a copy of the staff report, please request it. It will also be on the City's website at www.cityofshelbyvillein.com.

At the meeting: When your turn comes, the Staff will read your application to the Board. You will be asked to present your petition to the Board. The Board can then ask questions in regards to the petition. Others who either support or oppose your request will be given an opportunity to speak to the Board. At the Conclusion of the hearing, the Board will vote. They can vote to approve or deny your request. They can also vote to continue or table the petition to another meeting.

If you present any additional material to the Board during your presentation, you must supply a copy to the Staff so it can remain with the file.

Please do not contact any of the Board Members before the meeting. Members are not allowed to talk to petitioners outside the public hearing. You are only allowed to talk to the Plan Commission Staff.

8. After the meeting

If your variance is approved, you can continue with your development/project to the next steps required. The finding of facts will be approved at the next month's meeting. If you need a letter of approval, you must request it from the staff.

If your special exception was denied, you can either alter your project to meet the standard or read Article 11.7 of the Zoning Ordinance for other options.

Expiration

A Variance ceases to be authorized and is expired if the obtaining of an Improvement Location Permit or Sign permit or the execution of the approval has not been completed within 1 year of the date the Variance is granted. The Variance shall also expire if the approved construction or sign erection has not been completed and approved by the Plan Commission Director as being consistent with all written commitments or conditions, the requirements of the Zoning Ordinance, the variance granted, and all applicable permits within 2 years of the date the approval is granted.



**SPECIAL EXCEPTION
FINDINGS OF FACT**

Applicant: _____

Case #: _____

Location: _____

The Board of Zoning Appeals of the City of Shelbyville must determine that the following criteria have been met in order to approve an application for a Special Exception. Using the lines provided, please explain how your request meets each of these criteria.

1. **General Welfare:** The approval will not be injurious to the public health, safety, and general welfare of the community.

2. **Development Standards:** The requirements and development standards for the requested use as prescribed by the Shelbyville Zoning Ordinance will be met.

3. **Ordinance Intent:** Granting the Special Exception will not be contrary to the general purposes served by the Shelbyville Zoning Ordinance and will not permanently injure other property or uses in the same zoning district and vicinity.

4. **Comprehensive Plan:** The proposed use will be consistent with the character of the zoning district in which it is located and the Shelbyville Comprehensive Plan.

