



SPECIAL EXCEPTION USE APPLICATION PACKET

City of Shelbyville Plan Commission

44 West Washington Street

Shelbyville, IN 46176

Phone: 317.392.5102

www.shelbyville.in.gov

Quick Check List

- o Completed Application (notarized)
- o Completed Finding of Facts sheet
- o Site plans and other supporting materials
- o Letter of Intent
- o Notarized Affidavit & Consent of Property Owner (if the petitioner doesn't own the property)
- o Property Deed with Legal Description of land for the file
- o Filing Fee – check made payable to the City of Shelbyville
- o Completed Post Office Form 3877
- o Attend Meeting

DEADLINE DATE: _____

MEETING DATE: _____

What is a Special Exception?

A Special Exception is a use that is designated by the Shelbyville Unified Development Ordinance as being permitted in a specific zoning district if it is found to be appropriate and approved by the Board of Zoning Appeals. Special Exceptions are use specific. For example, if you are granted approval to have an office use, you cannot change the use to retail sales.

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

ORIGINATION OF PROPOSALS

Origination of a Special Exception can be initiated by the owner, their agent, or any person having legal or equitable interest in the property.

SPECIAL EXCEPTION DECISION CRITERIA

In reviewing the Special Exception application, the Board of Zoning Appeals shall pay reasonable regard to the following:

1. **Comprehensive Plan:** The City of Shelbyville Comprehensive Plan and any other applicable, adopted planning studies and reports;
2. **Impact to Adjacent Area:** The use and value of the area adjacent to the property included in the Special Exception will not be affected in a substantially adverse manner;
3. **General Welfare:** The proposed Special Exception Use will not be injurious to the public health, safety, morals, and general welfare of the community;
4. **Character:** The proposed Special Exception Use will not adversely alter the character of the district.
5. **Compatibility:** The proposed Special Exception Use is in harmony with adjacent land uses.

GENERAL PROCEDURE

The general procedure for a Special Exception is as follows:

1. **Application:** The applicant submits an application and required supplemental materials to the Zoning Administrator and pays the fee as indicated by the Planning and Building fee schedule available on the City of Shelbyville website or in the Plan Commission office. **Please make checks payable to the City of Shelbyville
2. **Public Notice:** Public notice for the board hearing must be provided as directed by Chapter 9.13 of the Unified Development Ordinance.
3. **Board of Zoning Appeals Hearing:** The Board will review the application in a public hearing and make a recommendation on the application: approve, approve with conditions, or deny.
4. **Re-submission:** If application is denied, applicant can re-file in one (1) year, unless s/he files an intent to re-submit with the Zoning Administrator within 60 days after denial.

DURATION AND EXPIRATION

An approved Special Exception shall run with the land until such time as the use conforms with the Unified Development Ordinance; unless a condition or commitment to the contrary is associated with the approval.

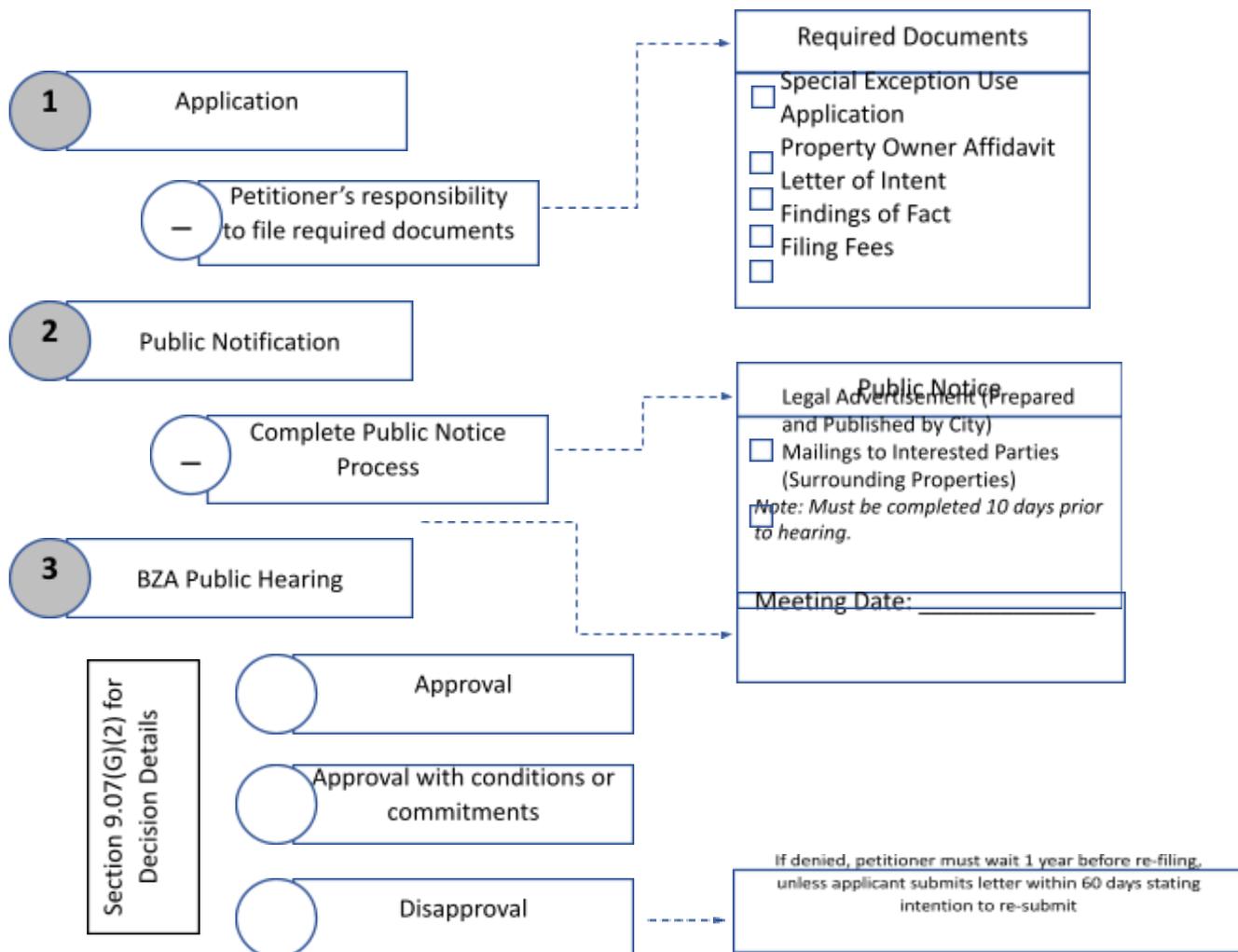
PUBLIC HEARING NOTIFICATION

The City of Shelbyville is responsible for placing the Notice of Public Hearing in the local newspaper. The legal advertisement must run at least 10 days prior to the hearing (not including the date of the hearing). The applicant is responsible for:

- 1. Notice to Interested Parties:** The applicant is responsible for preparing and distributing written notice of the petition (including the same information found in the Legal Notice) to all property owners within 2 ownerships of the boundaries of the subject property. Names and addresses of those property owners will be provided by the Plan Commission staff. The notices must be sent at least once, at least 10 days prior to the hearing. Notice may be distributed through either a certificate of mailing (requiring USPS Form #665), certified mail, or hand delivery (requiring signatures on form provided by Plan Commission Office).
- 2. Notification Certification:** A copy of the materials provided to each property owner, the completed mailing and/or delivery forms, and a signed and notarized Affidavit of Notice certifying the correctness of the mailing list shall be provided to the Plan Commission Director by the petitioner a minimum of 2 business days prior to the date of the public hearing.

9.07 Special Exception Use

Process Outline





Special Exception Application Packet

Plan Commission
44 West Washington Street
Shelbyville, IN 46176
P. 317-392-5102

1.

Applicant

Name:

Address:

Phone Number:

Fax Number:

Email:

Property Owners Information (if different than Applicant)

Name:

Address:

Phone Number:

Fax Number:

Email:

For Office Use Only:	
Case #: BZA _____ - _____	
Hearing Date: _____	
Fees Paid: \$ _____	
Final Decision:	
Approved	Denied

2.

Applicant's Attorney/Representative

Name:

Address:

Phone Number:

Fax Number:

Email:

Project Engineer

Name:

Address:

Phone Number:

Fax Number:

Email:

3. Project Information:

General Location of Property (and address is applicable):

Current Zoning:

Proposed Zoning:

Existing Use of Property:

Proposed Use:

4. Attachments

- Affidavit and Consent of Property Owner (if applicable)
- Proof of Ownership (copy of deed)
- Letter of Intent

- Vicinity Map
- Application Fee
- Findings of Fact

The undersigned states the above information is true and correct as s/he is informed and believes.

Applicant: _____ Date: _____

State of _____)

County of _____) SS:

Subscribed and sworn to before me this _____ day of _____, _____.

Notary Public / Printed

Residing in _____ County.

My Commission Expires: _____

FINDINGS OF FACT

Petitioner's Name:

Location:

Special Exception for:

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

1. **General Welfare:** Explain why granting the request for a use variance will not be harmful to the public health, safety and general welfare of the City of Shelbyville.

2. **Compatibility and Impact:** Explain why the special exception will be in harmony with the adjacent uses and will not substantially have an adverse impact on the adjacent properties and property values.

3. **Character:** Explain why the special exception will not adversely alter the character of the zoning district.

4. **Comprehensive Plan:** Explain why the special exception is consistent with the intent of the zoning district and the goals of the Comprehensive Plan. Use statements and future land use map from the Comprehensive Plan and Article 2 of the Unified Development Ordinance.

5. **Impact to Adjacent Area:** The use and property value of the area adjacent to the subject property seeking a Special Exception will not be affected in a substantially adverse manner.





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AFFIDAVIT & CONSENT OF PROPERTY OWNER
APPLICATION TO THE SHELBYVILLE BOARD OF ZONING APPEALS

STATE OF INDIANA)
COUNTY OF SHELBY) SS:

I, _____, AFTER BEING DULY SWORN, DEPOSE AND SAY
(Name of property owner)
THE FOLLOWING:

- 1. That I am the owner of real estate located at
_____;
(Address of affected property)
2. That I have read and examined the Application made to the Shelbyville Board of
Zoning Appeals by: _____
(Name of applicant)
3. That I have no objections to and consent to the request(s) described in the
Application made to the Shelbyville Board of Zoning Appeals.

_____-
Owner's Name (Please print)

_____-
Owner's Signature

State of Indiana)
County of Shelby) SS:

Subscribed and sworn to before me this _____ day of
_____/_____

_____/_____
Notary Public Printed

Residing in _____ County. My Commission Expires _____