WARRICK COUNTY AREA BOARD OF ZONING APPEALS
SPECIAL USE – INSTRUCTIONS

It is suggested that you bring your completed forms into the Area Plan Commission office to be checked before you file your petition to insure that all required information is included before copies are made.

1.) One (1) original and seven (8) copies of petition must be submitted. (Example A)

2.) Attached to and as part of the petition, submit the following:

   a. Draw a site plan on 8 ½ x 11 or 8 ½ x 14 paper, showing all existing and/or proposed conditions on the property which is the subject of your petition. If the size of your project requires the original (larger) site plan to be "shrunk" to the smaller size to fit in the packets, then you will need to include with your application one copy of the original scaled drawing in addition to the 8 ½ x 11 or 8 ½ x 14 copies which is part of the Special Use application. See attached sample site plan (Example B) and instruction sheet to be sure that all the items listed are included on your site plan.
   b. A map of the surrounding area will be supplied to you by the APC staff. You must add the items that are listed in Example C.
   c. Current Deed of the subject property.
   d. Copy of the official Warrick County Plat Book page which can be obtained from the Auditor's Office in the Judicial Center.

3.) Maps: 8 copies of floor plan, vertical section, and front elevation of buildings with all necessary dimensions. (These maps required only when applicable to application.)

4.) Names and addresses of abutting property owners must be obtained by looking up the <u>official owner of record</u> at the Auditor's office. For clarification, abutting property is defined as *Record title owners whose property is contiguous to the subject property, including any property that would touch at any point the subject property, ignoring all rights of way, including all rights of way owned in fee, easements and alleys, including property owned by a governmental body for the primary purpose of a road way. However, record title owners of property separated from the subject property by a freeway or expressway are not considered "abutting property owners".* By ordinance, these notices MUST be postmarked no less than ten (10) days before the Board of Zoning Appeals meeting at which the application will be heard. Please bring any irregularities or problems to the attention of APC staff prior to mailing said notice(s).

5.) Bring to the Area Plan Commission office:

   a. The completed applications, each with an attached site plan as detailed in step 2 (a through d) as listed above.
   b. $200.00 filing fee.
   c. A list of all abutting property owners including official mailing addresses.

At this time you will be placed on the agenda for the next Board of Zoning Appeals (BZA) meeting and assigned a docket number. The BZA holds its regular meeting on the fourth Monday of each month, (unless changed due to a Holiday) at 6:00pm in Room 301. Your petition must be filed by the deadline for that month; see attached meeting and filing schedule.

6.) AFTER FILING, but at least ten (10) days before the BZA meeting, a notice must be mailed by the petitioner by CERTIFIED MAIL, RETURN RECEIPT REQUESTED (see attached sample letter/instruction) to each of the owners whose property is abutting the owner's property included in whole or in part in the petition for the Special Use. (Refer to step 4 above for information regarding

abutting property owners.) Applicant will be required to post subject property of proposed Special Use. The Area Plan Commission office will furnish sign.

7.) Submit a notarized affidavit (use the attached form), along with one copy of the notice which you mailed, and the green return receipts (and explanation for any un-returned receipts) to the Area Plan Commission office by noon the Thursday before the Board of Zoning Appeals meeting. It is suggested that you have your copy of the certified letter receipt filled out completely and stamped by the Post Office at the time you mail the notice. In the event that the green copy is not returned to you prior to the meeting, bring your receipt and/or the returned letter itself to the Plan Commission office as proof that the letter was sent by you. **THIS IS IMPORTANT.** If the above requirements are not met, the Special Use petition will be postponed until the next regularly scheduled meeting, and pay an additional continuance and/or amendment fee of $100.00.

8.) You, an attorney or someone representing you with a recorded power of attorney, will be required to attend the Board of Zoning Appeals meeting at which your petition will be heard. After approval, you may go to the Area Plan Commission Office for your approval and permit (if required). If the application is denied or withdrawn by the Board of Zoning Appeals, there is a one (1) year waiting period before re-application.

OBJECTIVES

Certain uses are necessary to the life and economic health of the community, but have characteristics of operation that do not readily permit classification in the usual residential, commercial, or industrial districts. Because of the various types of uses and locations requiring this special consideration, the specific conditions under which each use may be permitted must be considered.

FACTORS CONSIDERED IN RELATION TO APPLICATION

1.) Whether the specific site is appropriate location for the uses;

2.) Whether the use as developed will adversely affect the surrounding area;

3.) Whether there will be nuisance or serious hazard to vehicles, pedestrians, or residents;

4.) Whether adequate and appropriate facilities will be provided for proper operation.

5.) Whether the use is in harmony with the Warrick County Comprehensive Plan and;

6.) Whether the use is essential or desirable to the public convenience and welfare.

The Warrick County Area Board of Zoning Appeals meets the fourth Monday of each month at 6:00 pm in the Warrick County Court House, Commissioners Meeting Room, Third Floor, Boonville, IN.

Application must be filed at least three weeks prior to a meeting. A filing fee of $200.00 is payable to the Warrick County Area Plan Commission at the time the application is filed. No fee is to be refunded.

DOCKET NO. _____ RECEIPT NO. _____

THE WARRICK COUNTY AREA BOARD OF ZONING APPEALS
APPLICATION FOR SPECIAL USE

APPLICANT: _____

ADDRESS: _____

_____

PHONE: _____

OWNER: _____

ADDRESS: _____

_____

PHONE: _____

PREMISES AFFECTED: Property located on the _____ side of _____ approximately _____ feet/mile _____ of the intersection formed by _____ and _____, lot number _____ in _____ subdivision. _____, TWP.

EXISTING CONDITIONS

PROPOSED USE **(To be filled out by staff)**

Applicant requests a Special Use, SU ____, for the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, IN to allow:

PROPOSED USE STATEMENT BY APPLICANT

Answer in detail the following questions as they relate to your proposed use:

1.) Is the specific site an appropriate location for the uses;

2.) Will the use as developed adversely affect the surrounding area;

3.) Could the use be a nuisance or serious hazard to vehicles, pedestrians, or residents;

4.) Is there adequate and appropriated facilities provided for proper operation;

5.) Is the use in harmony with the Warrick County Comprehensive Plan;

6.) Is the use essential or desirable to the public convenience and welfare;

BY: _____
APPLICANT SIGNATURE

_____
OWNER SIGNATURE

_____

DATED THIS: _____ DAY OF _____, 20____.
REPRESENTED BY: _____
PHONE: _____

NOTICE TO ADJOINING PROPERTY OWNERS AFFIDAVIT

STATE OF INDIANA)
) SS
COUNTY OF WARRICK)

DATE: _____

DOCKET NO:_____

I, _____, hereby affirm under the penalties of perjury that I have mailed letters containing required information about this Special Use, SU _____ petition at (address) _____, to the following property owners on (date) _____. I hereby certify that to the best of my knowledge, the following (or attached) is a complete and accurate list of all abutting property owners whose properties touch at any point the owner's property, included in whole or in part in the petition for _____ stated above. I obtained said list by looking up the Real Estate Transfer Cards of the abutting property owners on the records in the office of the Auditor and their most recent mailing addresses as listed on records in the office of the Auditor of Warrick County on (date) _____.

Letters were sent to:

NAME: _____ ADDRESS: _____

NAME: _____ ADDRESS: _____

NAME: _____ ADDRESS: _____

NAME: _____ ADDRESS: _____

NAME: _____ ADDRESS: _____

NAME: _____ ADDRESS: _____

NAME: _____ ADDRESS: _____

NAME: _____ ADDRESS: _____

NAME: _____ ADDRESS: _____

NAME: _____ ADDRESS: _____

The letters were sent CERTIFIED MAIL, RETURN RECEIPT SERVICE. The green receipts are attached.

_____
Affiant's signature (Petitioner's, Attorney, or Representative)

Subscribed and sworn to before me, a Notary Public in and for said County and State this _____ Day of _____, 20_____.

_____
(Notary Public)

My Commission Expires: _____

Residence of Notary: _____ County, Indiana.

NOTE: THIS AFFIDAVIT MUST BE FILED IN THE OFFICE OF THE AREA PLAN COMMISSION BY NOON OF THE MONDAY BEFORE THE AREA PLAN COMMISSION MEETING.

NOTICE OF PUBLIC HEARING

DATE: _____ DOCKET NO: _____

APPLICANT: _____ OWNER: _____

ADDRESS: _____ ADDRESS: _____

_____ _____

RE: Nature of Case _____

_____

_____

_____

_____

_____

Dear: Adjacent property owner:

This letter will serve notice to you of scheduled hearing/s of a petition for BZA-SU-____-_____-, which has been filed with the Warrick County Area Board of Zoning Appeals.

PREMISES AFFECTED: Property located on the _____ side of _____

approximately _____ feet-miles _____ of the intersection formed by _____

and _____. _____Twp., Lot No. _____ in

_____ Subdivision (if applicable).

BOARD OF ZONING APPEALS hearing to be held in the Commissioners Meeting Room, Third Floor, Courthouse, Boonville, Indiana. Hearing to be held at 6:00pm on Monday, _____.

Sincerely,

_____

Applicant and/or Owner

EXAMPLE "A"

DOCKET NO. _____ RECEIPT NO. _____

THE WARRICK COUNTY AREA BOARD OF ZONING APPEALS
APPLICATION FOR SPECIAL USE

APPLICANT: *John Doe*

ADDRESS: *111 Telephone Road*

Chandler, IN 47610

PHONE: *812-555-555*

OWNER: *John & Mary Doe*

ADDRESS: *111 Telephone Road*

Chandler, IN 47610

PHONE: *812-555-5555*

PREMISES AFFECTED: Property located on the ***North*** side of ***Telephone Rd.*** approximately ***300*** feet/mile ***West*** of the intersection formed by ***Telephone Rd.*** and ***Sharon Rd.***, lot number *N/A* in *N/A* Subdivision. ***OHIO***, TWP.

EXISTING CONDITIONS

See attached Plot Plan and Deed.

PROPOSED USE

Applicant requests a Special Use, SU ____, for the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, IN to allow:

"This section will be filled out by Area Plan Commission staff"

EXAMPLE "B"

DRAWING MUST:

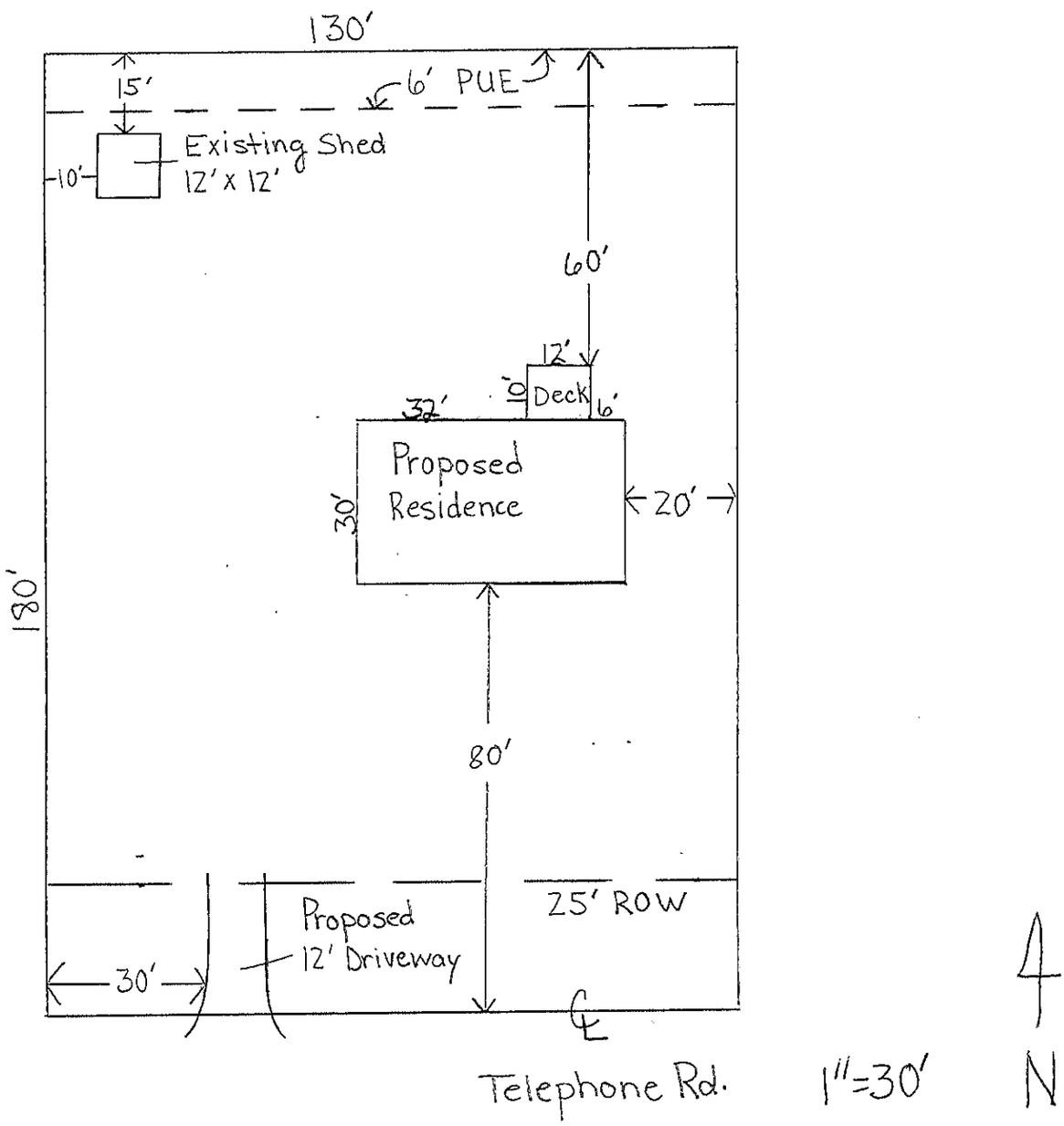
1.) Be drawn to an engineer's scale, such as 1"=20', 1"=30', etc, that puts everything in proportion.

2.) Show property dimensions "as" they are found in the legal description.

3.) Show where all existing and proposed structures (buildings, mobile homes, etc.) will be located on property and distance to all property lines at the closest points.

4.) Have name of road, property has frontage on, show which way is North, and tell what scale was used for drawing.

5.) Show dimensions of building(s) on property.



EXAMPLE "C"

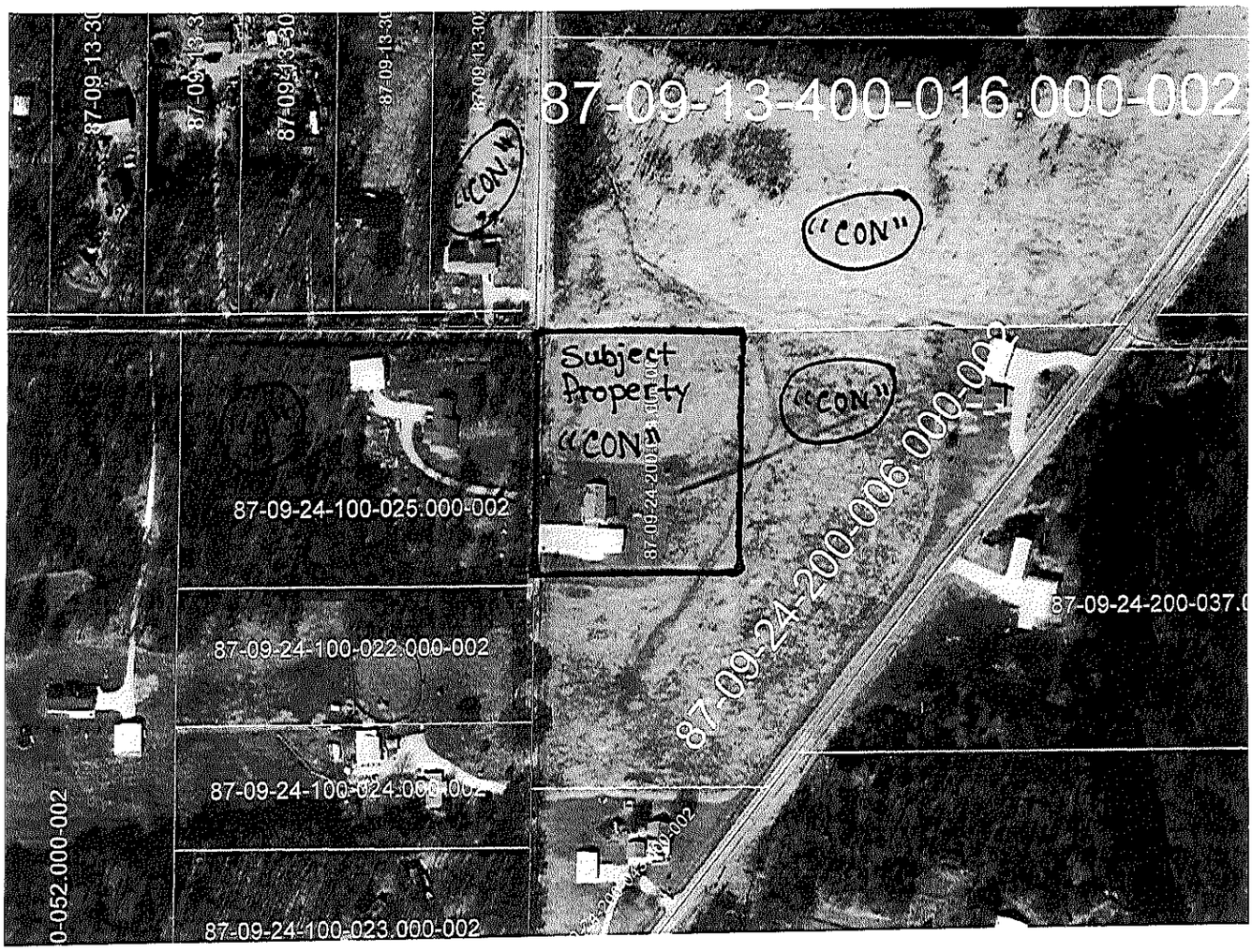
MAP OF SURROUNDING AREA

Map must be drawn to scale. Copies from the official Warrick County Plat Books which can be obtained from the Auditor's Office in the Judicial Center may be used or Staff may provide the applicant with an aerial photograph from Think Map. It is the applicant's responsibility to inspect the aerial photograph to insure accuracy.

Map must show:

1.) Subject property.
2.) Area adjacent to subject property.
3.) What is located on the other properties, such as houses, garages, barns, or businesses, etc. Place them in their approximate location and label what they are. If surrounding property is vacant, label vacant.
4.) Show zoning on adjacent property.
5.) Names of roads in the area.

You will also need the names and addresses of all adjacent property owners. Adjacent property is anything that would touch the subject property (even across roadways or on the corners). Names and addresses must be obtained from the records in the County Auditor's Office.

00-00-00-000-000.000-000
Clark & Betty Berry
5488 Lost Lane
Newburgh, IN 47630

00-00-00-000-000.000-000
Ralph & Debra Banks
11222 Lemon Circle
Chandler, IN 47610