



SPECIAL EXCEPTION

PETITION CHECKLIST FORTVILLE ADVISORY 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 Fortville Planning & Building Director at (317) 485-4044 Ext. 105. 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 **Planning & Building Director, Adam Zaklikowski (azak@fortvilleindiana.org)** 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 Town of Fortville. 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.

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APPLICATION

FORTVILLE ADVISORY 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

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NOTICE OF PUBLIC HEARING

FORTVILLE ADVISORY 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 Fortville Advisory Board of Zoning Appeals at Fortville Town Hall, 714. E Broadway Street, Fortville, 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 Vernon 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 Fortville Town Hall.

Written Comments: Written comments on the application will be accepted prior to the public hearing and may be submitted to the *Fortville Planning & Building Director, Adam Zaklikowski (azak@fortvilleindiana.org)*.

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 Town of Fortville 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 Fortville Planning & Building Director at 317-485-4044 Ext. 105.

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 the Town of Fortville, Indiana, and by my (our) signature (s) below consent to granting
of the petition of _____
currently pending before the Fortville Advisory Board of Zoning Appeals.

Dated: _____

Dated: _____

Subscribed and sworn to before me, a Notary Public, this _____ day of _____,
20____.

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 Section 3.2 of the Fortville Zoning Ordinance;
- (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 Article 6 of the Fortville 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 & Building 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 Section 2.4(L) of the Fortville Zoning Ordinance.

Examples

PROOF OF PUBLICATION
 STATE OF INDIANA,
) SS
 HANCOCK COUNTY)

PS Form 3817, January 2001

U.S. POSTAL SERVICE
 CERTIFICATE OF MAILING
 MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL. DOES NOT PROVIDE FOR INSURANCE-POSTMASTER

Received From:
 MARION D THOMAS
 4671 Mohr Estates S.D.
 New Palestine IN 46163

One piece of ordinary mail addressed to:
 JOHN CAUDELL
 4676 Mohr Estates S.D.
 New Palestine IN 46163

VARIANCE
 NOTICE OF
 PUBLIC HEARING
 HANCOCK COUNTY
 AREA PLAN
 COMMISSION

Notice is hereby given that on the 29th day of May 2008 at 6:30 PM 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 Variance petition for the following described real estate:

Lot Number Seven (7) in Mohr Estates, First Section, as the same appears in Plat Book 5, page 117, in the Office of the Recorder of Hancock County, Indiana, ALSO, an undivided 1/2 interest in Lot "A" of the above described subdivision as provided by the provision of the plat of said subdivision.

The subject site is located on the South side of Mohr Estates Dr. between roads S 450 W and S 820 W in Sugar Creek Township with a street address of 4671 Mohr Estates Dr. New Palestine, IN 46163. The purpose of the petition is build a detached garage 7 feet in front of the property in excess of the required 15 feet in the R1 zone.

The supporting information is available for examination at the office of the Hancock County Area Board of Zoning Appeals.

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 at the public hearing should appear in person or by any representative as needed to attend the hearing. Said hearing may be postponed from time to time without further notice.

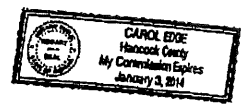
For more information, contact the Hancock County Area Board of Zoning Appeals at (317) 477-1134. The Board office is located at 111 American Legion Place, Suite 100, Hancock County Annex Building, Greenfield, IN 46140, Marion D. Thomas, 4671 Mohr Estates S. D., New Palestine, IN 46163 May 2, 2008

BE IT REMEMBERED, That on this 2nd day of May, 2008, personally came the undersigned, Emily J. Strickland of the DAILY REPORTER, a daily newspaper of general circulation in said County and State, printed and published in the City of Greenfield, County and State aforesaid, whom on her oath, says the notice hereunto attached was published in said paper once each week for one week the first of said publication being on the 2nd day of May, 2008. And further deponent says not.

Emily J. Strickland
 EMILY J. STRICKLAND

Subscribed and sworn to before me this 2nd day of May, 2008.

Carol Edge
 Carol Edge, Notary
 My Commission Expires January 3, 2014
 My County of Residence is Hancock



U.S. POSTAGE
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 46163
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Name and Address of Sender:
 PRITZKE & DAVIS, LLP
 720 NORTH STATE STREET
 P.O. BOX 39
 GREENFIELD, IN 46140

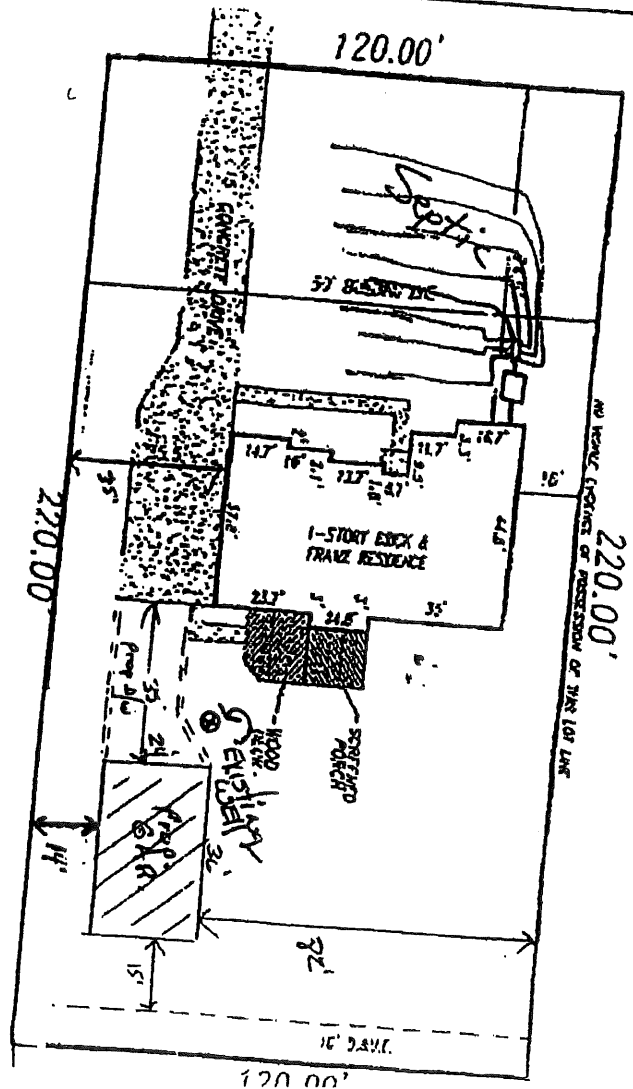
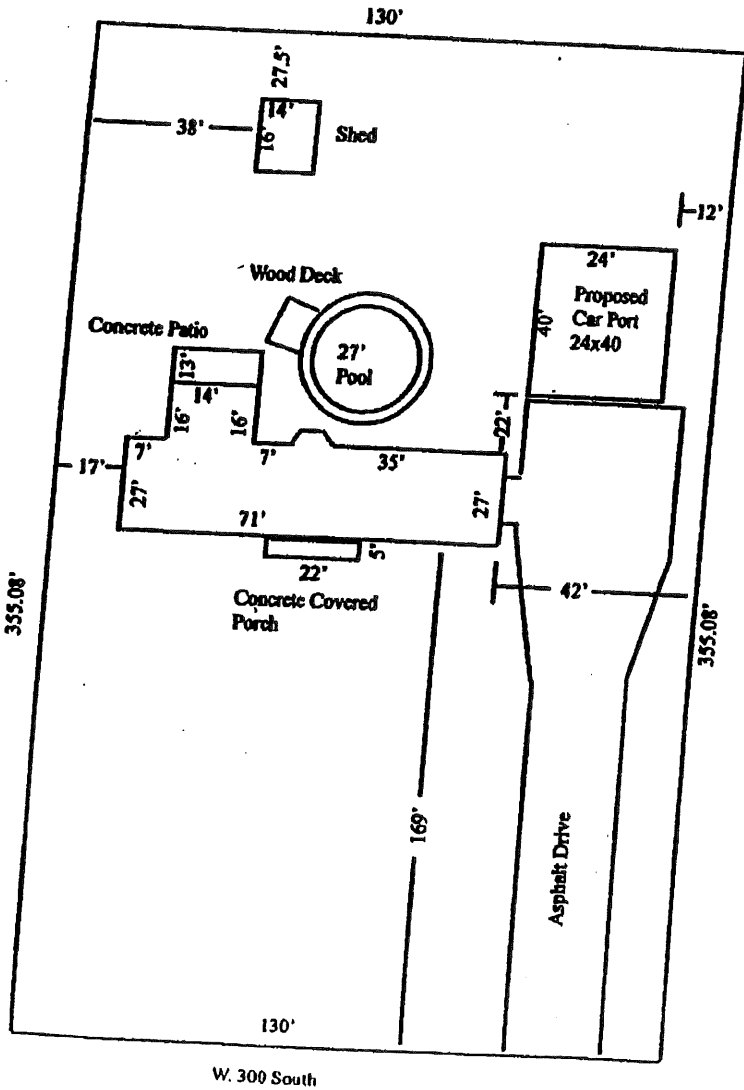
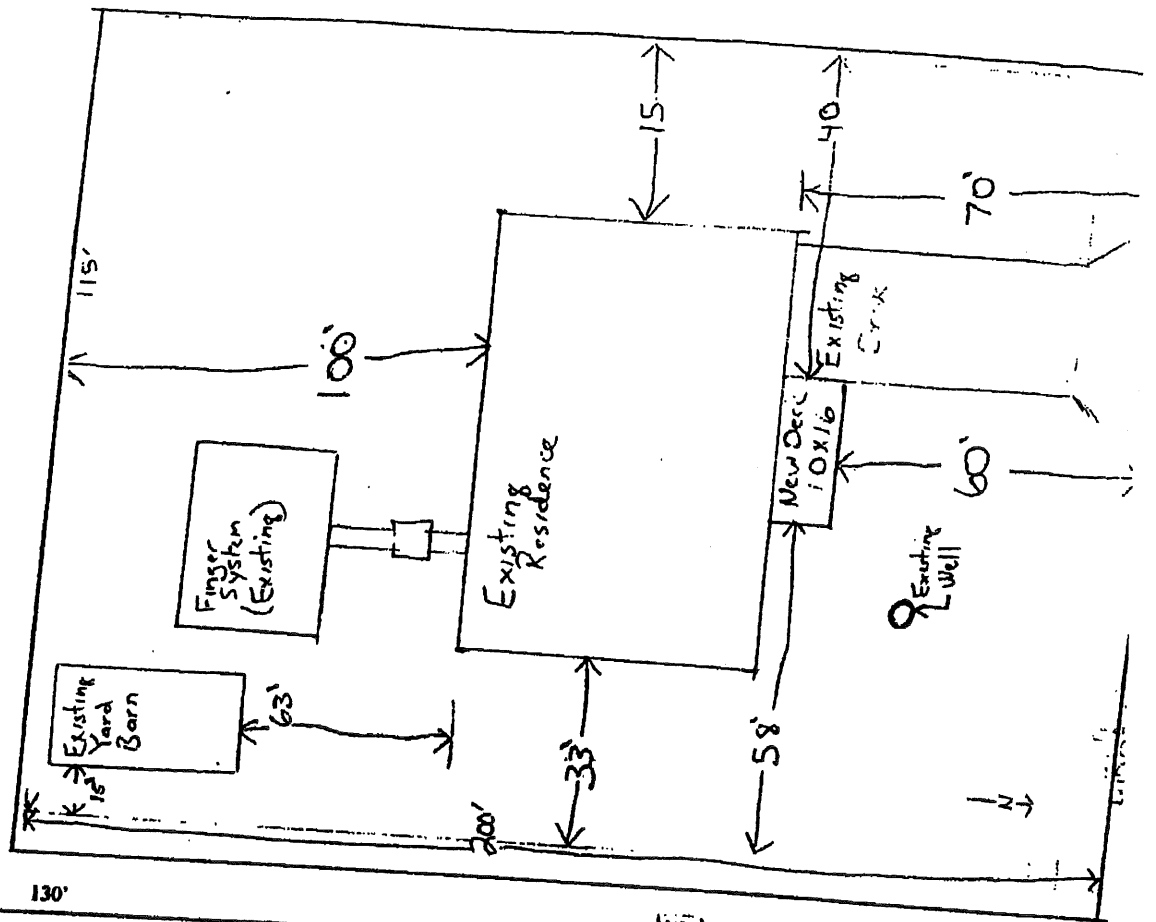
Check type of mail or service:
 Certified
 Registered Delivery (International)
 CDD
 Registered
 Delivery Confirmation
 Return Receipt for Merchandise
 Express Mail
 Signature Confirmation
 Insured

After Stamp Here
 (If issued as a certificate of mailing or for additional copies of 64-188)
 Postmark and Date of Receipt



Article Number	Address (Name, Street, City, State, & ZIP Code)	Postage	Fee	Handling Charge	Actual Weight (lb/oz)	Declared Value	Insurance Fee	CC Fee	OD Fee	SM Fee	RR Fee
1.	Doris Maurice E. & Mickie E. 8124 N. White Tail Tr. McCordsville, IN 46055										
2.	Aspen Self Storage, LLC 9110 Leeward Dr. Indpls IN 46256										
3.	Paul Creek of Great Homeowners Assn. 1171 N. College Ave. Carmel IN 46032										
4.	Dora Christine Ann 15335 Sycamore Dr. Morgan Hill, CA 95037										
5.	Cam, Dale E. 6260 W. 900 N. McCordsville, IN 46055										
6.	Colle Kelly D. + Luis Calle Cardenas 5916 W. Decatur Blvd McCordsville IN 46055										
7.	Centex Homes 2440 Allison Forest Blvd Ste. 200 Indpls IN 46250										
8.	Cesinger Leslie + John 8846 N. White Tail Tr. McCordsville, IN 46055										
Total Number of Pieces Listed by Sender	Total Number of Pieces Received at Post Office	Postmaster, Per (Name of receiving employee)									

PLOT PLAN EXAMPLES



Home Occupation Permit Supplemental Questionnaire

Please provide the following supplemental information:

1. How many employees? Explain.

2. What would be the hours of operation? Explain.

3. Which days of the week would the business operate? Explain.

4. Where would customers park their vehicles? Explain.

5. If your property is served by an on-site septic system, could the system support the proposed business? Explain.

6. Is any signage proposed? Explain

7. Would your business involve any other state or federal licenses or permits? Explain.

****Please Note****

Your Home Occupation may require an Indiana State Design Release. For more information please contact:

Kevin Troy @ 317-232-1407
Deputy Building Commissioner
Division of Code Enforcement
ktroy@dhs.in.gov