Ripley County Area Planning Commission
P.O. Box 151

Versailles, IN 47042

Application for Special Exception

This Application Special Exception Package consists of three parts: 1) the application form, 2) a set of instructions, and 3) an example site plan. This form needs to be completed by printing clearly or by typing. It should be completed in English only.

I. Application Form

A. Personal Information:

1. Name _____
2. Address _____
   _____
3. Phone Numbers: home _____
   business _____
   cell _____

B. Property Information

4. Location of Property:

Section_____ Twp _____N., Rng. ____E
Township _____
or Name of Incorporated Town _____

5. Tax Parcel Number: _____
6. Name of ownership by deed recorded _____
7. Acres involved _____
8. Is a survey available for this property? _____
   Located at the recorder's office in _____
9. Acres involved with this petition: _____
10. Current Zone of Property _____

C. Special Exception Information

11. Intended use of this property: _____
    _____
12. Section of Zone Code requiring Special Exception_____
13. Are there any State Regulations regarding the intended use? _____
    If there are, has the applicant received the proper paper work?_____

D. Checklist for required information:

14. Site Plan _____
15. List of interested parties with addresses _____
16. Two (2) aerial photographs _____
17. Proof of publication (newspaper) _____
18. Proof of notification by certified mailing _____
19. Number of structures to be built _____
20. Number of parking spaces provided _____
21. Distance to nearest major road _____
22. Septic or sewer approval if applicable _____

The following criteria must be answered before the Board of Zoning Appeals will hear the application.

E. Criteria for Granting Special Exception

The answers to these questions are the criteria upon which the Board of Zoning Appeals must base their decisions. Consider the questions carefully.

1. Will the establishment, maintenance, or operation of the special exception be detrimental to or endanger the public health, safety, or general welfare of the community? _____
   _____
   _____
   _____
2. Will the special exception be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood?
   _____
   _____
   _____
   _____
3. Will the establishment of the special exception impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district? _____
   _____
   _____
   _____
4. Are there or will there be adequate utilities, access roads, drainage and other necessary facilities provided? _____
   _____
   _____
   _____
5. Have adequate measures been taken or will be taken to provide ingress and/or egress so designated as to minimize traffic congestion in the public streets?
   _____
   _____
   _____

As applicant, I understand that this application is being submitted in accordance with the Ripley County Area Zone Code requirements, and that I am responsible for the accuracy and completeness of the application. I acknowledge and understand that the property may be subject to easements, rights-of-way and restrictive covenants that may limit certain types of improvements. I understand that incomplete or inaccurate information may result in delay or denial of the request.

_____ _____

Applicant Date

Special Exceptions are uses publicly or municipally operated and those uses traditionally affected with a public interest and those uses entirely private in character but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property and public facilities.

The use approved shall be subject to any regulations or requirements imposed as a part of the special exception, in addition or in place of the other regulations or requirements of the Ripley County Zoning Codes.

The provisions of a special exception shall replace and supersede the provisions of the base zone, effective upon either construction of any facilities approved as a part of the special exception or upon beginning of operation of the use or uses specified, whichever occurs first.

The provisions shall remain in effect until such time as the special exception use ceases to operate. Immediately prior to reuse of the structures or facilities used for the special exception, the provisions of the special exception shall become invalid and the regulations and requirements of the base zone shall again be in effect.

Any significant changes in the use of a special exception or any construction of new facilities or structures, or major additions to existing facilities or structures shall be subject to approval by the Board of Zoning Appeals, using the same process as was used for the original approval.

Check List

This checklist is to ensure that you have all the information needed to file for an application for the Area Plan Commission or the Board of Zoning Appeals.

- _____ Application form completed in full.
- _____ Green Cards are to be sent to all interested parties at least Ten (10) days prior to the meeting.
- _____ Public notice is to be published at least Ten (10) days prior to the meeting.
- _____ Green Cards, and or the receipts for the certified mailings are to be presented to the Executive Director prior to the meeting.
- _____ Proof of publication is to be presented to the Executive Director prior to the meeting.
- _____ Application fee is to be paid at the time of application.

_____ Applicant

_____ Date

II INSTRUCTIONS

A. Personal Information

1. Name: Anyone can apply for a special exception. It does not have to be the owner of the property.
2. Address: The current mailing address of the applicant.
3. Phone Numbers: These are necessary for communications between the Executive Director and the applicant during the hearing process.

B. Property Information

4. The Section, Township, and Range can be found at the beginning of your legal description on your deed.
5. The Tax Parcel Number can be found on your tax statement, or from Auditor's Office. The Executive Director may be able to furnish this information. If a new lot has been created, the new survey and deed will need to be recorded in the Recorder's Office, before the Auditor will issue a new Tax Parcel Number.
6. Proof of ownership can be a deed or a land contract. If it is an unrecorded land contract, a copy of the contract will be necessary. The location of your deed or land contract is sometimes marked in the right-hand corner of the first page. If not, the information can be obtained in the Recorder's Office.
7. A survey is not necessary for a special exception. If one can be found in the recorder's office, the location of the survey is being requested. A copy of the survey (recorded or not) could be helpful at the hearing and for drawing the site plan.
8. The acres for your property should also be shown on your deed. If the exact acreage is not mentioned, an approximation will suffice.
9. The current zone of your property can be found on the Ripley County Zoning Map or ask the Executive Director.

C. Special Exception Information

10. A short explanation of what type of business or enterprise the applicant has planned and the reason for the special exception.
11. Ask the Executive Director for the Ordinance Number that requires this special exception.
12. Some public facilities require a State Permit. If at all possible, have these completed and a copy of the paperwork before the hearing.
13. Each business or enterprise has specific requirements unique to the business, the Executive Director should give you a copy of these requirements.

D. Utilities & Infrastructure Information

14. A letter from the appropriate water company stating their permission for service could be requested. If the site will be furnished water by well or cistern, a letter from the Health Department may be needed.
15. A letter from the appropriate electric company stating their permission for service may be requested.
16. City sewer may not be necessary for the intended use under your requested special exception. If it is and it is not currently being provided, a letter from the appropriate sewer company stating their permission for service will be requested. If a septic tank is currently being used, or is

intended to provide the sewer system, a letter from the Health Department stating the tank's current capabilities or stating the Department's approval for a septic tank will be necessary.

17. Name the number of entries to the property and the width in feet of the driveways.
18. Traffic flow may be an issue with the new intended use. The name of the nearest road will help the Plan Commission and the Governing Body determine if any increased traffic will become a problem.
19. The property may or may not be on a major road. The distance to a major road may help the Plan Commission and the Governing Body determine if congestion will become a problem.
20. The new intended use may require parking space. The number of spaces available would be helpful in determining whether there will be adequate parking.
21. The new intended use may require new structures. Adequate space for the structure and setback lines will be reviewed.

E. Criteria for Granting Special Exception:

The answers to these questions are the criteria upon which the Board of Zoning Appeals must base their decisions. Below each question is slightly re-written to help the applicant understand the nature of the question. Along with the answer, try to state the reasoning behind the answers. The answers that the applicant gives at the hearing will be considered the "finding of facts" and will be the testimony of the applicant. Consider each question carefully.

1. The proposed new establishment cannot be hurtful or dangerous to the community, the neighbors, or to the neighbor's property.
2. The proposed new establishment cannot interrupt the neighbor's ability to use and enjoy their own property. Nor may the new establishment substantially hurt the property values within the neighborhood.
3. The proposed new establishment should "fit" the area. It should not change the characteristics of the normal growth and development of the immediate community.
4. The infrastructures (utilities and roads) need to be provided for the new establishment. It should not impede the natural drainage or cause any undue stress for Ripley County.
5. The normal flow of traffic should not be interrupted. The establishment of the new use may not cause traffic congestion, or cause any future problems for Ripley County's Road system.

F. Attached Information Provided Check List

22. A site plan should be included with the Application for Improvement Location Permit.
23. Interested Parties are (according to the Rules of Procedure):
    a. All owners of the property within the area included in the Petition who are not the Petitioners.

b. For unincorporated areas: All property owners whose land touch the petitioner's property lines, even if connected by only a single point.
c. For incorporated areas: all land owners of adjoining parcels to a depth of one (1) ownership surrounding the perimeter of the petitioner's property lines.

Interested parties and their addresses may be obtained from the Assessor's or Surveyor's Office.

24. Two copies of an aerial view.
25. A description of the property in question should be found on the Applicant's deed or survey.
26. Some public establishments require "State Permits". A copy of any required "State" permit needs to be given to the Executive Director. The Executive Director and the Building Inspector will help the applicant to distinguish if this is necessary for the applicant.
27. A copy of the "Specific Requirements" demanded by the Ripley County Zoning Code should be given to the applicant by the Executive Director. Five copies will be necessary for the hearing.
28. A fee of $250 is charged for a Special Exception hearing (Ripley County Area Planning & Zoning Book, Section 80:44). This must be paid at the time of application or the petition will not be placed on the agenda. This fee is not refundable.
29. The Executive Director will give the applicant a form letter to be published.
    a. The applicant is responsible for giving a copy of the completed letter to at least one local newspaper (The Osgood Journal, The Versailles Republican, or The Herald Tribune) for publication. This notice must be published at least ten (10) days prior to the date of the public hearing.
    b. Proof of such publication will be given to the applicant by the newspaper office. The applicant is responsible for giving this proof to the Executive Director at least five (5) days prior to the public hearing.
30. Copies of the same completed form letter described in #29 shall be sent to every interested party as listed according to #23.
    a. The applicant is responsible for sending these notices by "Certified Mail" at least ten (10) days prior to the public hearing.
    b. Proof of such mailing (the "white cards") shall be given to the Executive Director at least five (5) days prior to the public hearing.
    c. All "green cards" from such mailing are to be given to the Executive Director prior to the meeting night.

* Proof of mailings and publication will not be accepted the night of the hearing. *

G. Meeting Information

1. All Special Exception requests will be heard by the Ripley County Board of Zoning Appeals. Their meetings are held the first Tuesday of every month.
2. The Deadline for filing for a petition is no later than 3:00 P.M. on a date, which is at least 15 business days prior to the initial hearing before the Board of Zoning Appeals Meeting at which the Petition is to be considered.
3. No petitioner is to contact any member of the Board of Zoning Appeals in advance of a public hearing with the intent to influence the member's

action on such petition. If there are any questions regarding the proposed special exception, please contact the Executive Director.

4. It is the responsibility of the petitioner to "state his case" and convenience the Board of Zoning Appeals that the new intended use will not create a burden the neighbors or the community, nor will it impact the neighbor's property or the neighborhood adversely. Any other type of relevant information should be brought to the meeting. Be ready to answer all questions, especially as they relate to the criteria contained in the questions asked in Letter C above. Be prepared.