

## **TOWN OF NEW WHITELAND**

### **INSTRUCTIONS, FORMS, AND APPLICATION STANDARDS FOR A SPECIAL EXCEPTION**

#### **APPLICATION STANDARDS FOR A SPECIAL EXCEPTION:**

A request for a special exception will not be considered by the Board of Zoning Appeals unless and until a written application, on forms prescribed by the Board, is submitted to the Zoning Administrator and the Board of Zoning Appeals, which shall include:

- a. Name, address, and phone number of applicant.
- b. Any application filed by any person other than the legal owner of the real estate involved shall be accompanied by a written statement of such legal owner consenting to the filing of such application.
- c. Legal description of property and current use;
- d. Description of nature of special exception requested;

#### **THE FOLLOWING INSTRUCTIONS AND REQUIREMENTS MUST BE STRICTLY ADHERED TO:**

1. **SITE PLAN/MORTGAGE SURVEY.** The applicant shall file with the application a plan of the affected real estate showing the location of all buildings, parking and loading areas, traffic access and traffic circulation, open space, landscaping, and service areas, utilities, signs, and such other information as the Board may require. The plan shall be drawn to scale and shall show the dimensions of the property, buildings, and/or structures, setbacks from streets and property lines, as well as any other pertinent features.
2. **NOTICE TO ADJOINING PROPERTY OWNERS OF THE PUBLIC HEARING 15 DAYS PRIOR TO THE HEARING.** The applicant, at least 15 days prior to the Public Hearing, shall send to adjoining property owners, within 250' or two properties (whichever is greater), a notice of the public hearing, on a form prescribed by the Board. At least three (3) days prior to the public hearing, the applicant shall file with the Board, at 540 Tracy Road, Suite A, an affidavit, in the form prescribed by the Board, certifying that a notice was mailed to all property owners entitled to notice, either 1) by certified mail, return receipt requested, along with all returned receipts and unclaimed notices or 2) by first class along with a certificate of mailing provided by the postal service.

3. **PUBLISHED NOTICE OF THE PUBLIC HEARING AT LEAST 15 DAYS PRIOR TO THE PUBLIC HEARING.** The applicant shall publish in the Daily Journal newspaper, at least 15 days prior to the Public Hearing, a notice of the public hearing, on a form prescribed by the Board. At least three (3) days prior to the public hearing, the applicant shall file with the Board a proof of publication provided by the Daily Journal.

**ALL COSTS OF REQUIRED NOTICES SHALL BE BORNE BY THE APPLICANT.**

4. **CONSENT OF OWNER.** Any application filed by any person other than the legal owner of the real estate involved in the application shall be accompanied by a notarized written statement of the legal owner consenting to the filing of the application.

5. **AT THE PUBLIC HEARING YOU WILL BE REQUIRED TO PRESENT EVIDENCE AND GIVE AN ORAL PRESENTATION TO ADDRESS THE FOLLOWING:**

- a. Is the proposed use, in fact, a special exception as established under the provisions of the Zoning Ordinance and the Official Schedule of Uses for the zoning district involved.
- b. The proposed use will be harmonious and appropriate with the existing character of the area and not change the essential character of the area.
- c. The proposed use, activities, processes, materials, equipment, and conditions of operation will not be hazardous or disturbing to any persons or property.
- d. The proposed use will have vehicular approaches to the property that will not create an interference with traffic on surrounding public thoroughfares.
- e. The proposed use will not create excessive additional requirements for public facilities and services.
- f. The proposed use will not result in the destruction, loss, or damage of natural, scenic, or historic features.

**TOWN OF NEW WHITELAND, INDIANA**

**APPLICATION FOR A SPECIAL EXCEPTION**

**CASE NUMBER:** \_\_\_\_\_

\_\_\_\_\_  
Applicant's Name:

\_\_\_\_\_  
Applicant's Address:

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Property Owner's Name (if different than applicant)

\_\_\_\_\_  
Property Owner's Address: (if different than applicant)

\_\_\_\_\_  
Phone

Address of Subject Property: \_\_\_\_\_

Legal Description of Property: Lot # \_\_\_\_\_ Section \_\_\_\_\_

Current Zoning Classification of Property: \_\_\_\_\_

Purpose of Special Exception requested: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

List Specific Chapter and Section of New Whiteland Zoning Ordinance relevant to this application: \_\_\_\_\_

\_\_\_\_\_.

\_\_\_\_\_  
Applicant's Signature

Date: \_\_\_\_\_

**LEGAL NOTICE OF PUBLIC HEARING  
BY THE NEW WHITELAND BOARD OF ZONING APPEALS**

Notice is hereby given that the undersigned has filed an application with the New Whiteland Board of Zoning Appeals requesting a special exception relating to the property at \_\_\_\_\_, in New Whiteland, to allow \_\_\_\_\_.

A Public Hearing on the special exception application will be held by the Board of Zoning Appeals in the New Whiteland Town Hall, at 540 Tracy Road, Suite C, New Whiteland, Indiana, on \_\_\_\_\_, 20\_\_\_\_ at 6:30 p.m. This notice is sent to you as an owner of property located near the property which is the subject of the special exception application. All interested persons will be given the opportunity, at the public hearing, to be heard in reference to the matters set out in the application for special exception.

The application may be reviewed at the New Whiteland Town Hall, 540 Tracy Road, New Whiteland, during regular business hours. Written comments regarding the application may be delivered to Town Hall anytime prior to the public hearing and will be considered by the Board.

\_\_\_\_\_  
Applicant

**NOTE: THIS COMPLETED NOTICE MUST BE SENT TO SURROUNDING PROPERTY OWNERS AND PUBLISHED IN THE DAILY JOURNAL NEWSPAPER AT LEAST FIFTEEN (15) DAYS PRIOR TO THE PUBLIC HEARING.**

**APPLICANT'S LIST OF ADJOINING PROPERTY OWNERS  
WHO RECEIVED NOTICE BY CERTIFIED MAIL**

I \_\_\_\_\_ do hereby certify that notice of the Public Hearing by the New Whiteland Board of Zoning Appeals to consider special exception application # \_\_\_\_\_, relating to property at \_\_\_\_\_, was certified and mailed to the last known address of each of the following persons.

Owner's Name:

Address:

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**SUBMIT WITH THIS LIST EITHER RECEIPTS OF DELIVERY OR GREEN CARDS,  
OR A CERTIFICATION OF MAILING FROM THE POSTAL SERVICE.**

\_\_\_\_\_  
Applicant