

INSTRUCTIONS FOR FILING APPLICATION FOR SPECIAL EXCEPTIONS

These instructions are intended to supplement the Application for Special Exception. Contact information for those people whose names appear in **bold print** are on the attached page of entitled "Benton County Officials." If you have questions which are not answered below, please contact the **Benton County Building Inspector**.

Applications for Special Exceptions may be obtained from the **Benton County Building Inspector**. At the time the Application is submitted, the applicant must pay a \$150.00 filing fee for each application, unless another fee is specifically established by the Benton County Zoning Code, which is to be made payable to the **Benton County Treasurer**.

The following items are to be submitted at the time the completed application is filed:

1. The \$150.00 filing fee per Application (unless another fee is specifically established by the Benton County Zoning Code).
2. Fourteen (14) copies of the Application for Special Exception, with any supporting document, need to be distributed by the applicant as follows:
 - 1 copy for the **Building Inspector**
 - 1 copy for the **President of the Advisory Plan Commission**
 - 1 copy for the **Surveyor for use by the Drainage Board**
 - 3 copies for the **Commissioners**
 - 1 copy for the **Highway Supervisor**
 - 1 copy for the **Soil & Water Conservation District**
 - 5 copies for the **Board of Zoning Appeals**
 - 1 copy for the **Attorney for the BZA**
3. You must contact the **Surveyor** to schedule a Drainage Board hearing in order to have your Drainage Plan approved.
4. You must contact the **Highway Supervisor** to develop a preliminary Transportation Plan.
5. After the preliminary Transportation Plan is developed, you must contact the **Commissioners** to schedule a meeting to have the final Transportation Plan approved.
6. After the Drainage Plan is approved and the final Transportation Plan is approved, you must contact the **President of the Advisory Plan Commission** and the **President of the BZA** to arrange a date for the public hearing(s) on your Application(s). When dates are selected, you must cause to be published in Benton Review twice before the hearing date(s) a Notice of Public Hearing (see attached sample Notices), at the applicant's expense. PLEASE NOTE: No hearing will be scheduled until all of the following (where applicable) are obtained:
 - a. An approved Drainage Plan, if applicable;
 - b. An approved Transportation Plan, if applicable;
 - c. A hydrology study of the area surrounding the proposed site of the Conditional Use/Special Exception, which includes data on draw-down

- d. testing, and/or a water use impact study, if applicable;
- d. A permit issued by the Indiana Department of Environmental Management, if applicable; and
- e. An environmental impact study of the proposed Conditional Use/Special Exception, if applicable.

7. After the Notice of Public Hearing before the BZA is given to the Benton Review for publication on each of two (2) successive weeks, you must mail a copy of the Notice of Public Hearing before the BZA to the following people in the manner designated:

- a. By regular mail or email:

The Building Inspector
The President of the Advisory Plan Commission
The Surveyor
The Commissioners
The Highway Supervisor
The Soil & Water Conservation District
The members of the Board of Zoning Appeals
The Attorney for the BZA

- b. By certified mail, return receipt requested, to all landowners adjacent to the real estate upon which the Conditional Use/Special Exception is to be located, as identified from the tax rolls maintained by the **Treasurer**.
- c. By certified mail, return receipt requested, to all Remonstrators, or if represented by an attorney, to the attorney representing the Remonstrators.

8. Prior to the hearing before the BZA, the applicant must contact the **President of the BZA** to determine if the applicant will be required to have a court reporter record the hearing before the BZA. If a court reporter is needed, it shall be the applicant's obligation to contact and employ a court reporter during the pendency of the hearing (i.e., if the hearing continues for several nights, the court reporter may need to attend all nights of the hearing).

9. At the hearing before the BZA, the following exhibits will be admitted into evidence prior to the taking of any testimony:

- a. A complete copy of the Application for Special Exception (the copy furnished to the **Attorney for the BZA** may be used for this exhibit).
- b. Either a Publisher's Affidavit showing the dates upon which the Notice of Hearing before the BZA was published in the Benton Review, or copies of the editions of the Benton Review where the Notice of Hearing was published.
- c. The green return receipts from the certified mailing of Notices to the adjacent landowners, together with a list of the addresses names and addresses.
- d. A certificate from the Advisory Plan Commission showing whether the APC had a hearing to discuss the Application, and if so, what was the APC's recommendation on the Application (this can be obtained from the President of the Advisory Plan Commission).

10. Following the BZA hearing, in the event of a favorable decision on the Application, the Application and any conditions which the BZA attach to it will be recorded in the **Recorders Office**. The applicant shall be responsible for all recording costs.

This application for a Special Exception must be typewritten, accompanied by the necessary information and filed within thirty (30) days of the date of filing of the Improvement Location Permit.

Application No. _____

BENTON COUNTY BOARD OF ZONING APPEALS
BENTON COUNTY, INDIANA
APPLICATION FOR SPECIAL EXCEPTION AS SET FORTH IN THE ZONING
ORDINANCE

Applicant: _____

Address: _____

Phone: _____

Owner or Lessee: _____

Address: _____

Accurate Description of Premises _____

District _____ Lot Size _____ Date of Purchase _____

EXISTING CONDITIONS

Nature and Size of Improvements on Property _____

Greatest Width, Depth and Height (in feet)

Zoning 7-1

Nature, size and location of building _____

Yard Dimensions: Front _____ Rear _____ Sides _____

Occupancy: Number of families (if any part is in use for dwelling) _____

Number of persons employed (if any part is industrial or business) _____

Year of erection of existing buildings _____

TO THE BOARD OF ZONING APPEALS OF THE COUNTY OF BENTON, INDIANA

Pursuant to the statute in such case made and provided, an application is hereby taken to the Board of Zoning Appeals for a Special Exception in accordance with the requirements of the Zoning Ordinance of Benton County, Indiana:

Name of the Special Exception Use _____

The Districts in which this use may be permitted are _____

The requirement designations for this use are (a 1, i6, etc.) _____

STATEMENT DESCRIBING PROPOSED SPECIAL EXCEPTION USE

*Note: If more space is needed for this description, attach additional sheets to this application

Witness our Hands and Seals this _____ day of _____, 20_____

State of Indiana)

) SS: _____

County of Benton)

Before me the undersigned Notary Public, in and for the County and State, personally appeared

applicant (s), and separately, and severally acknowledge the execution of the foregoing is his
(their) voluntary act or deed, for the purposes therein expressed.

Witness my Hand and Notarial Seal this _____ day of _____, 20_____

My Commission Expires _____

Notary Public

Publication of notices Fee: \$150.00 Received by _____

Applicant responsible for Recording Fee Title: _____

Date: _____, 20_____

The Applicant is also required by the Board's Rules to notify all abutting and adjoining legal property owners by certified mail with return receipts, at the expense of the Applicant.

I, _____, Building Commissioner of Benton County, Indiana, having carefully examined this application to determine if the requirements designated I Figure 9 of the application and shall forthwith transmit to the Board of Zoning Appeals this application and all papers constituting the record upon which this application is based, and shall transmit one copy of this application to the Benton County Plan Commission.

Date: _____, 20____
_____ Building Commissioner, Benton County, Indiana

The Benton County Board of Zoning Appeals has received an application for an Improvement Location Permit for a Special Exception, No. _____, in accordance with the requirements of the Zoning Ordinance of the Benton County, Indiana, from the Building Commission on the _____ day of _____, 20____, and hereby determines that said application shall be heard on the _____ day of _____, 20____, at the Benton County Courthouse at _____ P.M.

Date: _____, 20____
_____ Board of Zoning Appeals
_____ Benton County, Indiana

Docket No. _____
_____ Secretary

This is to advise that the Board of Zoning Appeals held a public hearing on an application for an Improvement Location Permit for a Special Exception, Application No. _____, in accordance with the requirements of the Zoning Ordinance of Benton County, Indiana, and after due consideration

_____ Approves the application and hereby orders Improvement Location Permit No. _____ issued.

_____ Disapproves the application and hereby orders that Improvement Location Permit No. _____ not be issued,

_____ Approves the application with following modifications and hereby orders that Improvement Location be issued accordingly.

(List modifications) _____

Return the application to the Building Commission for further study and report.

Board of Zoning Appeals
Benton County, Indiana

Chairman

NAME: _____
_____ Secretary

Date: _____, 20____
_____ Prepared By (Applicant)

"I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW."

NOTICE

The Board of Zoning Appeals requires all applications for Special Exceptions to be on forms provided by BZA. Until this is done any other communications will be treated merely as notice of an intention to make application and will not be docketed.

Applications will receive a Docket Number when all the data required by this form has been filed, and will then be placed on the Calendar for hearing at the next regular meeting which is not less than thirty (30) days later than date of filing the application.

A request for rehearing must be filed in writing not later than the next regular meeting after the one at which action was had. Rehearings will not be considered except on basis of new evidence.

Zoning 7 - 3
Benton County

Revised: September 8, 2008

Benton County Building Inspector
Sally Slavens
706 E. 5th Street Suite 12
Fowler, IN. 47944
Tel: (765) 884-1728
Fax: (765) 884-2072
sslavens@bentoncounty.in.gov

Benton County Surveyor
Dave Fisher
706 E. 5th Street Suite 17
Fowler, IN. 47944
Tel: (765) 884-0095
Fax: (765) 884-2010
bcsurveyor@sbcglobal.net

Benton County Commissioners

C/o Patty Clouse, BC Auditor
706 E. 5th Street Suite 21
Fowler, IN. 47944
Tel: (765) 884-0760
Fax (765) 884-2075
bcauidtor@sbcglobal.net

Benton County Highway Supervisor

Kevin Brost
1101 Lingle St.
Fowler, In. 47944
Tel: (765) 884-0420
Fax: (765) 884-2020
bchwy1@yahoo.com

BC Soil & Water Conservation District

C/o Jon Charlesworth, SWCD Technician
109 S. Grant Ave., Suite B
Fowler, IN. 47944
Tel: (765) 884-1090 ext. 3
Fax (765) 884-1030 Attn: Jon Charlesworth
jon.charlesworth@in.usda.gov

Benton County Advisory Plan Commission

Bryan Berry
4741 N. 200 W.
Fowler, IN. 47944
Tel: (219) 474-3474
d3c@berryfarms.net

Benton County Board of Zoning Appeals

Jim Lawinger
9411 Sr. 352
Ambia, IN. 47917
jimlawinger@gmail.com

President - Joan Wealing
11449 E 400 N
Remington, IN. 47977
jwealing@hughes.net

Stan Meredith
6544 S/ St. Rd. 55
Oxford, IN. 47971
smere@att.net

Gary Clifton
4719 W SR 352
Fowler, IN. 47944
garyclifton46@yahoo.com

Jack Steele
805 N. Adams
Fowler, IN. 47944
jamas0@sbcglobal.net

Attorney for BC Board of Zoning Appeals

Jud Barce,
Barce & Barce, P.C.
103 N. Jackson Ave., P.O. Box 252 Fowler, IN. 47944
Tel: (765) 884-0383 Fax: (884) 0445
jgb@barcelawoffice.com