

**BOARD OF ZONING APPEALS
EVANSVILLE | VANDERBURGH COUNTY, INDIANA**

**SPECIAL USE
INFORMATION PACKET AND FORMS**

SPECIAL USE FEE SCHEDULE:

Special Use filing fee	\$300.00
Amendments and/or continuances	Half of (original) filing fee for each amendment and/or continuance

FORMS

- | | | |
|----|--|------------------|
| 1. | Application for Special Use | APC Form 1101SPU |
| 2. | Affidavit of Notice for Special Use | APC Form 1201SPU |
| 3. | Notice of Public Hearing for Special Use | APC Form 1301SPU |

PROCEDURE FOR FILING APPLICATION FOR SPECIAL USE

1. Draw a site plan to scale (i.e. 1"=10', 20', 30', 40', 50', 60') 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 application. If the size of your project requires the original (larger) site plan to be reduced 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" copy which is part of the special use application. See attached sample site plan and instruction sheet to be sure that all the items listed are included on your site plan.
2. Complete the Application for Special Use. The application asks for basic information about the property that is the subject of the special use request. All questions must be answered on the application; if you are unsure of any part of the forms, staff will be happy to assist. On page 2 of the special use application, you need to state the special use you are requesting, and provide a brief description for the need of the special use. A special use may be approved only upon a determination in writing that the special use request complies with the criteria in the ordinance (18.145.030(B) or 17.28.030(B)). If you need addition space to explain or make a statement about your special use request, please attach a separate sheet for your comments. The official OWNER OF RECORD or the attorney for the official owner of record is responsible for signing the application. By signing the application, you are affirming that all of the information is accurate. If you feel that the owner of record is incorrect as listed in the Treasurer's office and/or the Assessor's office databases, you must provide evidence of current ownership. (This occasionally happens with newly transferred deeds.) It is suggested that you bring your completed forms into the Area Plan Commission office to be checked before you file your application to insure that all required information is included in your application.
3. Bring to the Area Plan Commission office:
 - A. Three completed applications, each with an attached site plan as detailed in step 1 above.
 - B. The required filing fee.
 - C. A list of all abutting property owners, including official mailing addresses and tax codes.

4. Upon receipt of an Application for Special Use, the Area Plan Commission Staff shall:
 - A. Assign a docket number for the project which shall be referenced by both the applicant and staff on all subsequent documents/communications for the project;
 - B. Review the sufficiency/completeness of the submittals, and within 3 working days from the filing date, inform the applicant of the sufficiency status of the application based on the evaluation of the information provided.
 - C. If the application is determined to be sufficient, assign a meeting date for the application to be considered by the Board of Zoning Appeals.
 - D. If the application is determined to be insufficient, the applicant shall be notified of the required information that is lacking, and the application must be resubmitted and pass a sufficiency review, before a hearing date is assigned.
5. After Filing, and you have been notified that a hearing date has been assigned by the Area Plan Commission staff after the sufficiency/completeness review, on or before the deadline shown on the Application Deadlines and Meeting Schedule attached, a notice (Notice of Public Hearing for Special Use) must be mailed by CERTIFIED MAIL, RETURN RECEIPT REQUESTED to each of the owners whose property is abutting the owner's property including in whole or in part in the application for special use.

You must send a certified letter (notice) (with a green return receipt) to the owners of all abutting properties. This is a requirement for special use applications. A sample letter of notice is included in the special use packet. DO NOT SEND THE LETTER OF NOTICE UNTIL AFTER YOUR APPLICATION HAS BEEN OFFICIALLY ACCEPTED FOR FILING AND ASSIGNED A DOCKET NUMBER AND YOU HAVE OBTAINED THE DATE ON WHICH THE APPLICATION WILL BE HEARD BY THE BOARD OF ZONING APPEALS!! The certified letters (notice) must be postmarked on or before the deadline shown on the Application Deadlines and Meeting Schedule attached. For clarification, abutting property is defined as any property, which would touch at any point the owner's property included in whole or in part in the special use application, including across streets, alleys, and easements, etc. Therefore, owners across streets, alleys, easements, must also be notified. You are also required to send a certified letter of notice to any registered neighborhood association that includes or is adjacent to the site requesting special use approval. You must check with the City Clerk's office or the County Commissioner's office for this information. (The neighborhood association(s) are noted on the special use application and added to your list of abutting property owners to which you will mail notice of the hearing.) Names and addresses of abutting property owners may be obtained by several means:

 - It is now possible to obtain up-to-date information about a property on-line by identifying the property on the GIS map and clicking the link titled "Property Page", which will take you to the Assessor's web page for that property. Each Property Page contains tabs below the Owner's Address; when you click on the "taxes" tab, it will provide a link called "Current Tax Information", and clicking that link will take you directly to the Treasurer's website where you can obtain the official and most recent OWNER AND MAILING ADDRESS OF RECORD.
 - In person, you may obtain the tax codes and official owner of record at the Assessor's office, and then take the tax codes to the Treasurer's Office for the owner's official mailing address of record. When doing your list in this manner, you will find that occasionally the names of the owners of record in the Assessor's office do not correspond with the names on the Treasurer's records; if this situation occurs, obtain information on both parties. (Please bring any irregularities or problems to the attention of APC staff.)
6. Submit the notarized Affidavit of Notice for Special Use along with one copy of the notice and the green return receipts (explain any un-returned receipts) to the Area Plan Commission Office **by 12:00 noon the Monday before the Board of Zoning Appeals meeting**. It is suggested that the copy of the certified letter receipt be filled out completely and stamped by the Post Office at the time the notice is mailed. In the event that the green card is not returned to you prior to the meeting, bring your white receipt and/or the returned letter itself to the Area Plan Commission office as proof that the letter was sent by you. **THIS IS IMPORTANT!** If these requirements are not met, the special use application will be postponed until the next regularly scheduled meeting, and the notification process must be repeated for that meeting. The applicant shall also pay a continuance fee to get back on the Board of Zoning Appeals agenda.
7. You, or someone representing you, will be required to attend the Board of Zoning Appeals meeting at which your application will be heard. If no representative is present for the applicant at the scheduled meeting date, the application will be continued until the next month's meeting, and a continuance fee will be required. If your application is approved at the BZA meeting, you will receive a letter of verification. After approval, you may go to the Area Plan Commission office for your permit. If the application is denied or withdrawn by the Board of Zoning Appeals, there is a one year waiting period before re-application.

CRITERIA FOR APPROVAL OF A SPECIAL USE

The Board of Zoning Appeals shall make its determination for approval, denial, or modification of the special use classification based on the following criteria:

- (1) Whether the specific site is an appropriate location for the use;
- (2) Whether the use as developed will adversely affect the surrounding area;
- (3) Whether there will be a nuisance or serious hazard to vehicles, pedestrians, or residents;
- (4) Whether adequate and appropriate facilities will be provided for proper operation of the use;
- (5) Whether the use is in harmony with the Evansville and Vanderburgh County Comprehensive Plan;
- (6) Whether the use is essential or desirable to the public convenience and welfare.

THE APPROVAL OR MODIFICATION OF A SPECIAL USE CLASSIFICATION MAY INCLUDE WHATEVER CONDITIONS, LIMITATIONS, OR TEMPORARY USES ARE NECESSARY FOR THE PROTECTION OF A SURROUNDING AREA.

DUTY TO DISCLOSE

The Board of Zoning Appeals may rely on the truth of all representations in the application. If any condition exists or arises or if any event occurs after filing the application which makes any representation false, inaccurate, misleading or incomplete, and such fact is known by the applicant, his attorney or other representative, if any (collectively, the "applicant"), it is the responsibility of the applicant to disclose such fact promptly to the Board of Zoning Appeals or its staff at or before beginning the public hearing on the application. Failure to make such disclosure shall result in denial of or delay in acting on the application.

NOTE: Sometimes it is necessary for site plans to be reviewed prior to hearings by the Board of Zoning Appeals to determine if the proposed site plan meets access, parking, or other site development standards. Site Review Committee meets every Monday morning at 10:00 a.m. in Room 318 and reviews all site plans submitted by the end of the day on the previous Monday. (When a holiday falls on Monday, Site Review will be on Tuesday morning.) Applicants desiring preliminary review of site plans prior to special use or variance hearings should submit eight copies of a site plan to the Area Plan Commission office and attend the scheduled Site Review meeting to discuss plans with the Committee. (There is an application fee for the "Improvement Location Permit Application".)

BOARD OF ZONING APPEALS RULES OF PROCEDURE

All matters coming before the Board of Zoning Appeals will be handled in accordance with the Rules of Procedure, which you may view online at [BZA RULES OF PROCEDURE.pdf](#) or at the Area Plan Commission office.

APPLICATION FOR SPECIAL USE

APC FORM 1101SPU

STATE OF INDIANA)
) ss:
COUNTY OF VANDERBURGH)

Date: _____

Special Use Docket No.: _____

BZA Meeting Date: _____

OWNER'S CERTIFICATE:

I, THE UNDERSIGNED OWNER, HEREBY CERTIFY that I own 50% or more of the real estate described hereon, and do hereby make application for a special use.

I HEREBY AFFIRM, under penalty of perjury, that the information and representations within this application are true and correct. All attachments are adopted by reference as part of the application for special use.

(Printed Name Of The Owner Of Record)

(Phone Number)

(E-mail Address)

(Mailing Address Of The Owner)

(City)

(State)

(Zip)

(Signature Of Owner)

(Date Signed)

OWNER'S ACKNOWLEDGEMENT OF AUTHORIZED AGENT OR PETITIONER: (optional)

I DO HEREBY FURTHER ACKNOWLEDGE that by signing this affidavit below, that the following named person will be my legal council or professional representative and has been authorized to act and engage with this application on my behalf.

(Signature Of Owner)

(Printed Name Of Authorized Agent Or Applicant)

(Phone)

(E-mail Address)

(Mailing Address Of Authorized Agent Or Applicant)

(City)

(State)

(Zip)

APPLICATION FOR SPECIAL USE
(Continued Page 2 of 2)

APC FORM 1101SPU

INFORMATION REGARDING THE AFFECTED PREMISES:

Address of property for the special use: _____.

Parcel Identification Number: _____.

Subdivision: _____ Block No.: _____ Lot No.: _____

Legal Description: _____

_____, situated in Vanderburgh County, Indiana.

Current Zoning: _____ Lot Size: _____
(Specify Acreage)

Current Land Use: _____

A site plan, drawn to scale, has been submitted with this application: ____ Yes ____ No

REGISTERED NEIGHBORHOOD ASSOCIATIONS: _____

_____.

APPLICATION IS HEREBY MADE FOR SPECIAL USE:

(Attach Additional Sheets To This Application If More Space Is Required)

Special Use Ordinance Number: _____

Description of special use request: _____

NOTARY CERTIFICATE:

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

(Signature Of Notary)

(Printed Name Of Notary)

My Commission Expires _____ Notary Resides in _____ County, State of _____.

(Notary Seal)

DUTY TO DISCLOSE: the Area Plan Commission may rely on the truth of all representations in the application. If any condition exists or arises or if any event occurs after filing the application which makes any representation false, inaccurate, misleading or incomplete, and such fact is known by the owner, applicant, his attorney or other representative, if any (collectively, the "applicant"), it is the responsibility of the applicant to disclose such fact promptly to the Area Plan Commission or its staff at or before beginning the public hearing on the application. Failure to make such disclosure shall result in denial of or delay in acting on the application in addition to other consequences, and shall subject the applicant to legal (including civil and criminal) remedies, penalties, and fines which the Area Plan Commission or other governmental agencies may pursue against the applicant as provided by law.

APC FORM 1201SPU

Special Use Docket No.:

(Date)

The letters were sent **CERTIFIED MAIL, RETURN RECEIPT SERVICE**. The green receipts and ONE copy of the sample letter are attached.

Approved by the Area Plan Commission on 01/04/2018

NOTICE OF PUBLIC HEARING FOR A SPECIAL USE

APC FORM 1301SPU

TO: ADJOINING PROPERTY OWNER

FROM: _____
(Printed Name Of Owner, Authorized Agent, Applicant)

DATE: _____
(Date Of This Letter)

SUBJECT: APPLICATION FOR A SPECIAL USE

SPECIAL USE DOCKET NO.: _____

This letter will serve notice to you of scheduled hearing of an application for a special use which has been filed with the Area Plan Commission of Evansville and Vanderburgh County to be heard by the Board of Zoning Appeals.

Address of property for the special use: _____

Description of special use request: _____
(Attach Additional Sheets If More Space Is Required)

Notice is hereby given that the **Board of Zoning Appeals**, on Thursday, the _____ day of _____, 20____ at 3:00 p.m. in the City Council Chambers, Room 301 of the Civic Center Complex, Evansville Indiana, will hold a public hearing to consider the proposed application for a special use, at the location identified above.

If you have any questions regarding this application please contact the following:

Applicant: _____

(Signature Of Owner, Authorized Agent, Applicant)

(Phone Number)

(E-mail Address)

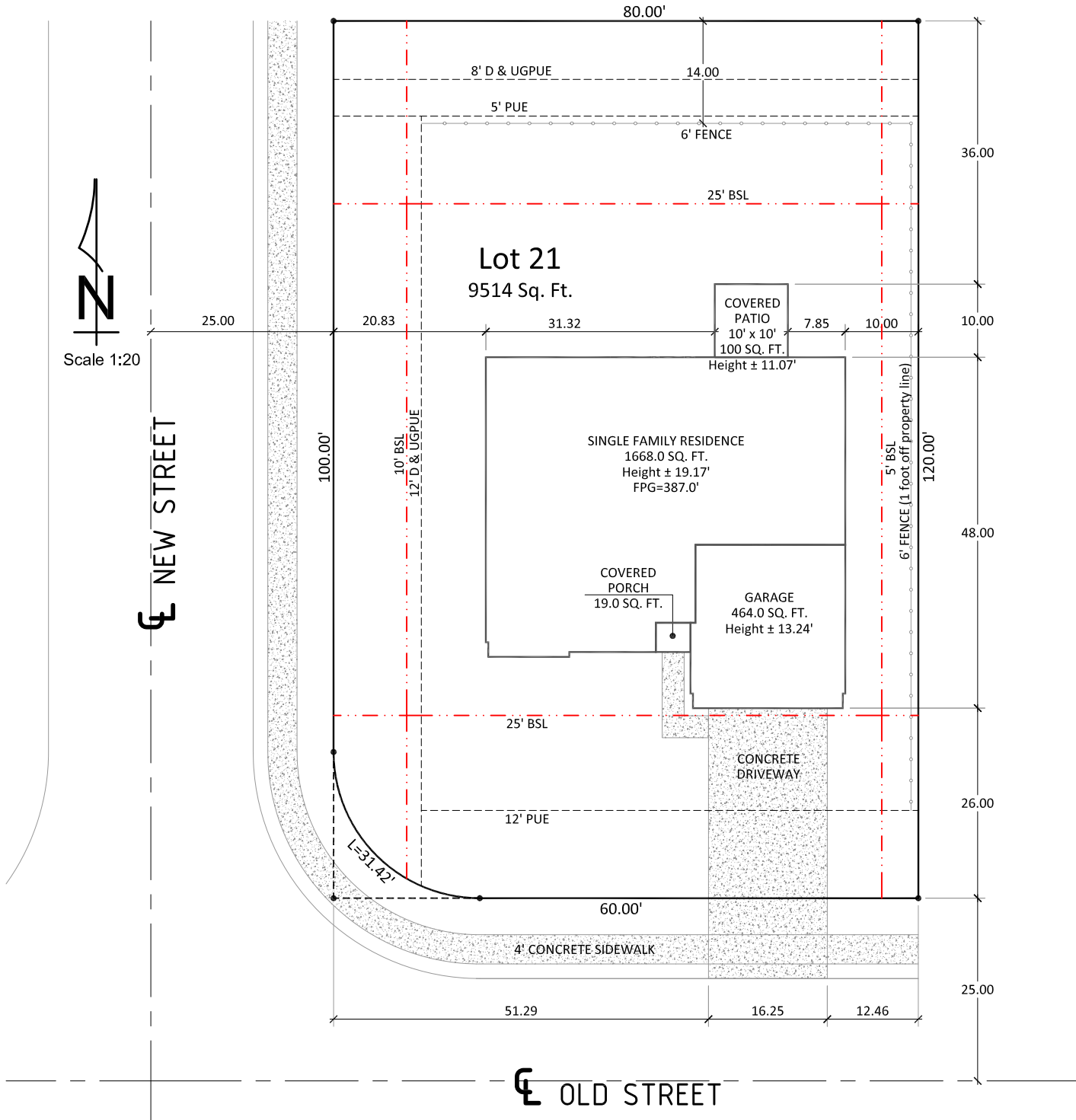
NOTE: If you have comments or concerns regarding this application and are unable to attend the meeting, you may send an email to the Area Plan Commission at contactus@evansvilleapc.com, or send a letter to the Area Plan Commission at 1 N.W. Martin Luther King Jr. Blvd, Room 312, Evansville, Indiana 47708 stating your concerns or comments and it will be made part of the record.

RESIDENTIAL SITE PLAN CHECKLIST

- ☐ All site drawings must be drawn to engineer's scale. (i.e. 1:10, 20, 30, 40, 50, 60)
- ☐ All site drawings must be submitted on 8½" x 11" or 8½" x 14" paper.
- ☐ Name, address, phone number and company name (if applicable) of person certifying site plan accuracy.
- ☐ Show scale; north arrow; subdivision name, section, block and lot number(s) or attach a legal description; and address as assigned by the Area Plan Comm.
- ☐ Indicate accurate lot dimensions and overall size of lot.
- ☐ Show all street and/or alley right-of-way widths from centerline and physical center of pavement.
- ☐ Indicate all required setbacks for front, rear, and side yards including thoroughfare, if applicable.
- ☐ Indicate existing and proposed easements and their widths located within or adjacent to lot.
- ☐ Include dimensions and location from property lines on all existing structures.
- ☐ Include dimensions and location from property lines on all proposed additions or structures.
- ☐ Indicate distances between all structures including existing/proposed unattached accessory structure(s).
- ☐ Show sidewalk and street pavement width and location.
- ☐ Include size and location of existing/proposed curb cuts or driveways.
- ☐ Show location, type, and height of existing and proposed fences including dimensions to lot lines from the edge of fence.
- ☐ Indicate height of all existing/proposed structures measured from ground level to peak of roof.
- ☐ Indicate square footage for all floors separately, attached garage, and any covered porches.
- ☐ Show the flood protection grade (FPG) if the property is located within a floodplain.

EXAMPLE "A"

RESIDENTIAL SINGLE FAMILY SITE PLAN ON CORNER LOT FOR PRIMARY STRUCTURES



SITE PLAN DETAILS:

2550 Old Street
Evansville, IN 47708
Lot 21
Key Largo Subdivision

OWNER / BUILDER / CONTRACTOR

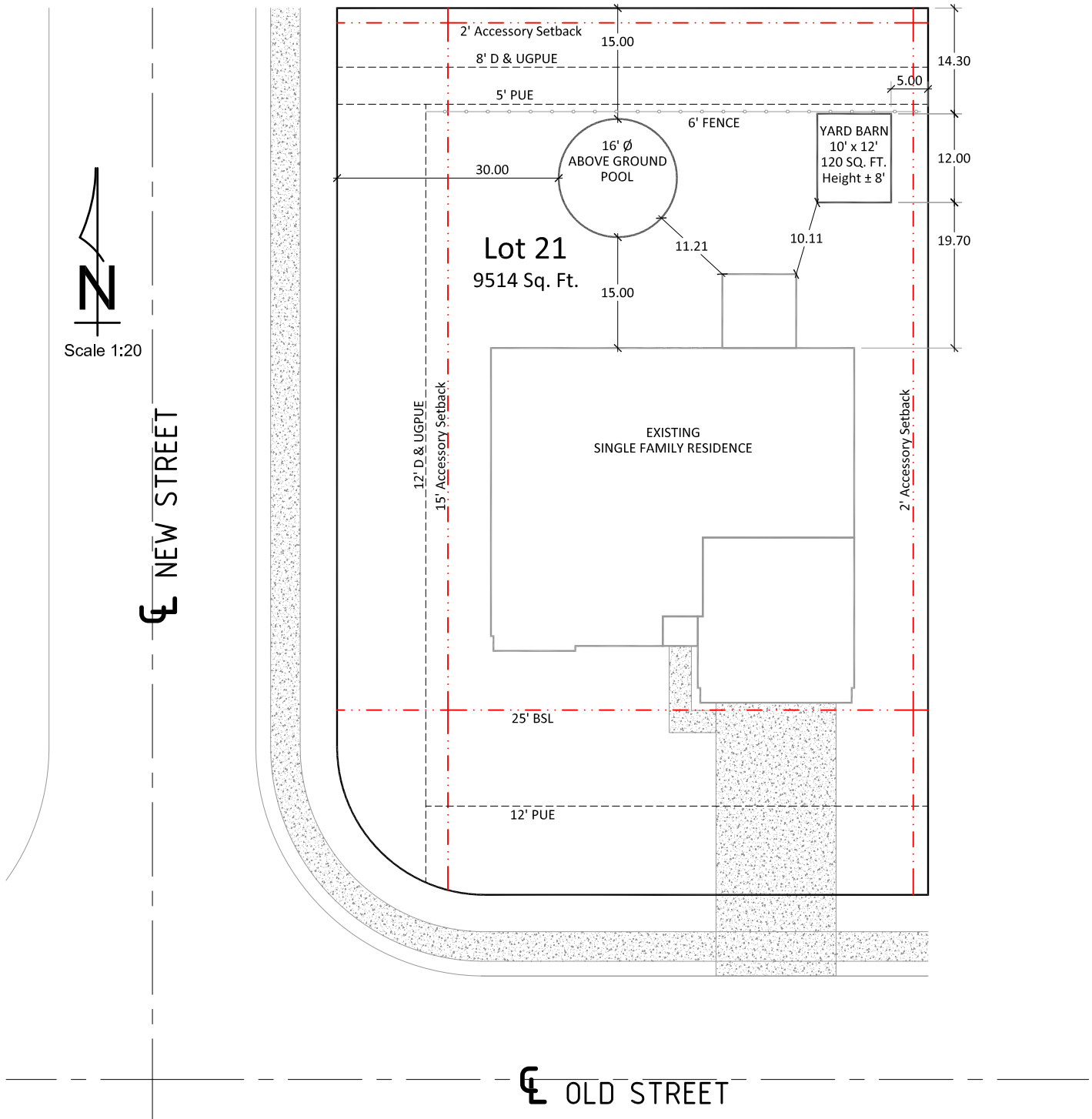
Prepared By: John Q. Builder
450 Easley Street
Evansville, IN 47708
812.435.1234

1st Floor Area Footage (Single Story)
3 Bedrooms, 2 Baths, 2 Car Garage with
Covered Porch and Patio
Total Footprint Coverage = 2551 Sq. Ft.

Date: April 1, 2014

EXAMPLE "B"

RESIDENTIAL SINGLE FAMILY SITE PLAN ON CORNER LOT FOR ACCESSORY STRUCTURES



SITE PLAN DETAILS:

2550 Old Street
Evansville, IN 47708
Lot 21
Key Largo Subdivision

OWNER / BUILDER / CONTRACTOR

Prepared By: John Q. Builder
450 Easley Street
Evansville, IN 47708
812.435.1234

Accessory Structures
16' Diameter Above Ground Pool
10' x 12' Yard Barn

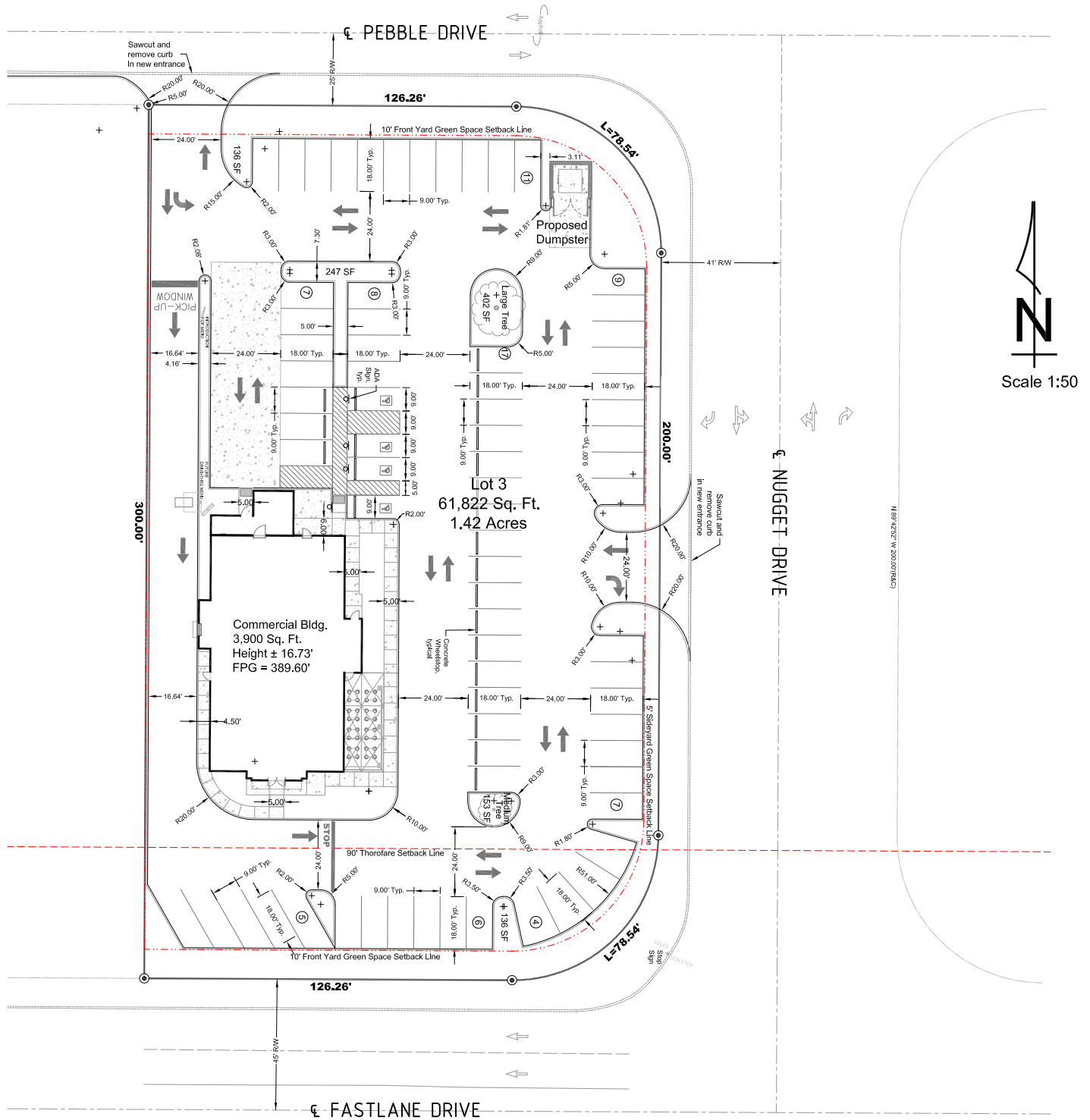
Date: April 1, 2014

COMMERCIAL SITE PLAN CHECKLIST

- ☐ All site drawings must be drawn to engineer's scale. (i.e. 1:10, 20, 30, 40, 50, 60)
- ☐ All site drawings must be submitted on 8½" x 11" or 8½" x 14" paper.
- ☐ Name, address, phone number and company name (if applicable) of person certifying site plan accuracy.
- ☐ Show scale; north arrow; subdivision name, section, block and lot number(s) or attach a legal description; and address as assigned by the Area Plan Comm.
- ☐ Indicate accurate lot dimensions and overall size of lot.
- ☐ Show all street and/or alley right-of-way widths from centerline and physical center of pavement.
- ☐ Indicate all required setbacks for front, rear, and side yards including thoroughfare, if applicable.
- ☐ Indicate existing and proposed easements and their widths located within or adjacent to lot including legal drains, if applicable.
- ☐ Include dimensions and location from property lines on all existing structures.
- ☐ Include dimensions and location from property lines on all proposed additions or structures.
- ☐ Indicate distances between all structures including existing/proposed unattached accessory structure(s).
- ☐ Show sidewalk and street pavement width and location.
- ☐ Include size and location of existing/proposed curb cuts or driveways.
- ☐ Show size and location of existing drives within 50 feet of the property (same or opposite side of street) and nearest intersecting street(s).
- ☐ Show parking and location of dumpster.
- ☐ Include aisle widths, typical parking stall dimensions, angle of parking proposed, bumper blocks, if required, and landscaped island dimensions including sq.ft. of each.
- ☐ Show location and identify common name of trees to be planted in landscaped islands-include tree size, i.e. small, medium, large.
- ☐ Indicate proposed and existing areas of pavement, curb, gravel and/or green space with corresponding square footages indicated; Include table showing existing impervious, proposed impervious, and net impervious on the site plan.
- ☐ Show loading areas. Include location of overhead doors and loading patterns for size of loading vehicles expected.
- ☐ Show location, type, and size of existing and proposed signs including dimensions to lot lines from the edge of sign.
- ☐ Show location, type, and height of existing and proposed fences including dimensions to lot lines from the edge of fence.
- ☐ Indicate height of all existing/proposed structures measured from ground level to peak of roof.
- ☐ For apartments, indicate number of bedrooms per unit and number of units per building.
- ☐ Indicate square footage per floor and number of stories in the proposed structure.
- ☐ Show size and location of existing or proposed sanitary sewers, storm sewers, water mains, septic systems, and/or wells.
- ☐ Show the flood protection grade (FPG) if the property is located within a floodplain.

EXAMPLE "C"

COMMERCIAL SITE PLAN



SITE PLAN DETAILS:

2550 Fastlane Drive
Evansville, IN 47708
Lot 3
Big Commercial Subdivision

1st Floor Area Footage (Single Story)
Total Footprint Coverage = 3900 Sq. Ft.

OWNER / BUILDER / CONTRACTOR

Prepared By: John Q. Builder
450 Easley Street
Evansville, IN 47708
812.435.1234

Date:

May 16, 2014