



DOCKET #: _____
To be assigned by planning department.
This spaced for office use

Town of Clarksville, Indiana
Board of Zoning Appeals
Application for a Special Exception or Contingent Use

Name of Applicant: _____

Address: _____

Telephone Number: _____ Email Address: _____

Date of Application: _____

Zoning District: _____

Description of Proposed Special Use: _____

A special exception can only be considered if it is specified in the zoning ordinance for the district in which it is proposed to be located. Special exceptions shall meet all the requirements of the zoning ordinance for that specific exception.

The following are required to be attached. Incomplete applications will not be considered. If they are not attached the application is incomplete and will not be considered by the Board of Zoning Appeals. Please attach all the following:

1. Deed with legal description of real states involved.
2. Location and size of all existing and proposed building [attach sketch of site with locations shown].
3. Indicate on the sketch the location [s] and dimensions of building lines, right-of-way lines, setback, regulated drains and public and private easements [existing and proposed]
4. Indicate on the sketch the layout and location of drives, traffic, and drainage features on opposite side of the street or adjacent properties.
5. On the sketch the location of sanitary sewer and storm water lines and all utilities existing and proposed.
6. Show on the sketch, locations of parking and loading areas, traffic access and circulation, open space, landscaping, refuse and service areas, signs, turning radii, and turning paths.
7. Provide a legible and scaled vicinity map.

The following is the criteria upon which the Board of Zoning Appeals judges the Special Exception. The applicant may provide information that indicates the following:

1. The requested Special Exception is specified in the Zoning Ordinance for the district involved?
 Yes, continue No, do not continue, the use is not permitted

2. Approval of the Special Exception will not be injurious to the public health, safety, morals, and general welfare of the community.

3. The use and value of the area adjacent to the property subject to the special exception will not be affected in a substantially adverse manner.

4. The need for the Special Exception arises from a condition peculiar to the property involved and not a condition that exists in regards to of other property in the same zoning district or classification?

5. The strict application of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the Special Exception is being applied.

6. The approval of the Special Exception does not interfere substantially with the Comprehensive Plan.

The BZA may impose reasonable conditions to assure conformance with the zoning ordinance and comprehensive plan?

**A FEE OF \$110.00 SHALL ACCOMPANY THIS APPLICATION [INCLUDES SIGN FEE OF \$10.00].
CHECKS SHALL BE MADE PAYABLE TO THE TOWN OF CLARKSVILLE**

Applicants signature

Owners signature:

Printed applicants name.

Printed name of owner

Date

Date

State of Indiana)

)

County of Clark)

Subscribed and sworn to before me this _____day of
_____, 200__

Notary Public Resident of Clark County, Indiana

My commission expires: _____

NOTE:

1. Applications must be filed with the Board of Zoning Appeals by the first Tuesday of the month proceeding the month that the petition will be considered by the Board of Zoning Appeals.
2. Notice: The Board of Zoning Appeals may impose reasonable conditions and safeguards to assure conformity with the Zoning Ordinance and Comprehensive Plan in granting a special exception.

Instruction Sheet for Special Exception or Contingent Use

1. A pre-filing conference is encouraged for all Board of Zoning Appeals [BZA] petitions. Call 288-7155 X 369 or 335 to set an appointment to discuss a petition prior to filing for a hearing before the BZA.
2. An application and checklist items must be completed by the applicant.
3. If the applicant is not the property owner, the applicant shall demonstrate consent of the property owner in order to file a petition. The applicant shall provide an originally signed and dated document outlining the property owner's permission in representing their interest at the time of filing any petition.
4. All responses provided on the application, checklist, and other required and submitted materials shall be legible.
5. Staff will mail all information submitted with the application to the members of the BZA seven days prior to the meeting date. Besides the copies required by the Checklist; the applicant must submit one set in an 8 ½" X 11" or 11" X 17" format in order to be reproduced for the BZA packets.
6. If the petitioner wishes to submit color pictures or graphics, the petitioners shall provide 12 color copies 14 days prior to the hearing date in an 8 ½" X 11" or 11" X 17" format.
7. The applicant must attend and explain the petition and how it meets the requirements of the zoning ordinance at the public hearing when the BZA considers the petition. Meetings are held the last Wednesday of each month at 7:00 p.m. at the Clarksville Municipal Administrative Center in the 1st floor conference room, unless otherwise noted. Entry is by the Veterans Parkway side door.
8. Please print your name and address on the sign-in sheet provided at the small table in front of the BZA conference table prior to the meeting.
9. In no event shall petitioners contact or attempt to communicate with members of the BZA in regard to this application and/or hearing prior to the BZA meeting.
10. If you have questions regarding these instructions, please contact the Planning Department at [812] 288-7155 X 369 or 335.
11. The following table lists the 2009 Technical Review Committee meeting dates.

Technical Review Committee 2009 Meeting Dates	
3/11/09	8/12/09
3/25/09	8/26/09
4/8/09	9/9/09
4/29/09	9/30/09
5/6/09	10/14/09
5/27/09	10/28/09
6/10/09	11/11/09
6/24/09	11/25/09
7/8/09	12/9/09
7/29/09	12/30/09

Procedural Steps

The following steps must be completed prior to any petition receiving a hearing before the Board of Zoning Appeals [BZA]. It is the sole responsibility of the petitioner to satisfy the procedural process as herein set forth.

Pre-filing Conference

A pre-filing conference is not required, but is recommended. At the conference the applicant, checklist, instructions, and procedures can be discussed as well as other pertinent questions. Appointments can be made by calling 288-7155 X 335 or 369. Failure to comply with these procedural steps will delay the hearing process.

Application

1. The applicant must obtain and complete an application and checklist items. Application materials and checklist are available at www.clarksvilleplanningandzoning.com and at the Planning Department, 2000 Broadway, Rm. 234, Clarksville, Indiana 47129.
2. All instructions outlined on the application instruction form must be followed.

Filing

1. Filing deadlines are the first Tuesday of the month proceeding the month that the docket will be heard by the BZA.
2. Applications must be complete. Incomplete applications will not be reviewed or placed on the BZA agenda.
3. Docket numbers will be assigned and all filing fees paid at the time of filing.

Public Notice

1. All public hearing before the BZA require that legal notice and notice to adjoining property owners be provided at least 10 days prior to the BZA hearing.
2. The applicant is responsible for mailing notice to all adjoining property owners and posting the site at least 10 days prior to the BZA hearing with signs available at the Planning Department.
3. Signs must be posted along the frontage of the property and be easily seen, but not obscure vision clearances at driveways or corners.
4. The applicant is responsible for publishing the legal notice of the public hearing in a general circulation newspaper in Clark County, Indiana at least 10 days prior to the BZA hearing. The Jeffersonville Evening News is the newspaper of general circulation in Clark County. The applicant should be aware and plan accordingly for newspaper publication because the newspaper has deadlines for submittal of notices.

Public Hearing

1. A public hearing is required for consideration of all petitions to the BZA
2. The applicant must provide each member of the BZA, the BZA attorney, recording secretary, and two copies for staff copy of all documents presented at the public hearing.
3. Meetings are held the last Wednesday of each month at 7:00 p.m. at the Clarksville Municipal Administrative Center in the 1st floor conference room, unless otherwise noted. Entry is by the Veterans Parkway side door.
4. Please print your name and address on the sign-in sheet provided at the small table in front of the BZA conference table prior to the meeting.

Notice Requirements

The applicant is responsible for giving appropriate notice of his/her petition by:

1. Certified mailing of notice to adjoining land owners
2. Posting a notice sign on the property
3. Legal advertisement in the newspaper

Certified Mail

1. All adjoining property owners must be served notice of the public hearing via certified mail

2. Return certified mail receipts shall be delivered to the Planning Office no later than 4:00 p.m. on the Monday prior to the public hearing. In the event the petitioner receives back any of the certified letters as undeliverable items, such unopened envelopes shall be submitted with the receipts to the Planning Department in lieu of the delivery receipt.
3. Adjoining property owners may be obtained at the Clark County Auditors office. If there are less than five adjoining property owners, a fifth Clarksville property owner must be notified.

Clark County Auditor
Clark County Office Building
501 East Court Avenue
Jeffersonville, Indiana, 47130

Posting Property

1. All appeals require public notice; the petitioner shall post a sign, which is available at the Planning Department, on the frontage street.
2. Signs must be easily seen, but shall not obscure vision clearance at any corner or driveway

Newspaper Publication

1. Legal notice must be published in a daily newspaper of general circulation, the Jeffersonville Evening News, in Clark County at least 10 days prior to the date of the public hearing. The applicant should be aware that the newspaper has deadlines for submittal of public notices. It is the sole responsibility of the applicant to meet these deadlines.
2. The publisher's affidavit and return receipts [green cards] shall be submitted to the Planning Department no later than the Monday prior to the public hearing by 4:00 p.m.

Sample Legal Notice

Complete and publish the following legal notice in a daily newspaper of general circulation in Clark County at least 10 days prior to the date of the public hearing. The applicant should be aware that the newspaper has deadlines for submittal of public notices. It is the sole responsibility of the applicant to meet these deadlines.

Public Notice Town of Clarksville, Indiana Board of Zoning Appeals

The Board of Zoning Appeals will meet on _____ day of _____, 200__ at 7:00 p.m. at the Clarksville at the Clarksville Municipal Administrative Center in the 1st floor conference room, 2000 Broadway, Clarksville, Indiana 47129 for the purpose of holding a public hearing and acting on the following:

Requested Action: The applicant is requesting a _____ to

At the following commonly known address:

The docket is available for public review at the Planning Department, 2000 Broadway, Rm. 234, Clarksville, Indiana 47129 between the hours 8:30 a.m. to 4:30 p.m.

Interested persons desiring to present comments either in writing or verbally will be given the opportunity to be heard at the aforementioned time and place.

Clarksville Board of Zoning Appeals

By: John Doe, Petitioner
Address
Phone Number

**Affidavit of Notice of Public Hearing
Town of Clarksville, Indiana**

I [we] _____ certify that notice of public hearing to consider docket # _____ pertaining to the _____ was sent by certified first class mail the last known address, as determined by records of the Clark County Auditors, to each of the following persons.

Owners Name	Address

Attach additional sheets if needed

And that such notice were mailed on the _____ day of _____, 20__ being at least 10 days prior to the scheduled public hearing and that timely proof of such first certified first class mailing[s] are attached hereto.

Applicant, Attorney, or Authorized Signature

Date

Printed name.

State of Indiana)
)
County of Clark)

Subscribed and sworn to before me this _____ day of _____,
200__

Notary Public Resident of Clark County, Indiana

My commission expires: _____