

# TOWN OF BAINBRIDGE

## SPECIAL EXCEPTION PROCEDURAL GUIDELINE

**DEFINITION:** A use that is designated as such in the Zoning Ordinance as being permitted in the zoning district if it meets special conditions.

This document will answer most questions from the BZA application process. For any additional questions please contact Planning and Building by phone at (765) 301-9108.

All required forms must be typed and completed (all forms are provided in the Plan Commission Office).

Every petition must comply with all deadlines. The petitioner and/or agent needs to attend the scheduled meeting date.

A public hearing will be held at the Town of Bainbridge, 201 N Grant Street Bainbridge, Indiana on **(DATE OF MEETING)** at **(TIME OF MEETING)** p.m.

### **APPLICATION UNIFORMITY STANDARDS**

For the ease of processing applications, we request the following guidelines are followed as closely as it reasonably possible:

- All documents are submitted on standard 8 ½” by 11” paper
- All notarized documents must have their original submitted. A scanned copy will suffice until the original can be mailed or otherwise delivered.
- **All due dates are final deadlines**, failure to comply may result in an incomplete application and a continuance to the following meeting

### **APPLICATION:**

1. Notarized application **must** be filed at least **thirty (30) days** before Board of Zoning Appeals meeting
2. Other Forms:
  - a. Separate written legal description
  - b. List of adjoining property owners within six hundred sixty (660) feet but no more than two (2) property ownerships in depth (See Plat Office for information)
  - c. Sample letter to property owners
  - d. Notice of public hearing
  - e. Copy of deed
  - f. All applications **must** be reviewed by the Planning Department staff for completeness and accuracy prior to acceptance

### **FEE**

\$150 must be paid when application is submitted

### **DRAW CONCEPT OR SITE PLAN**

A site plan clearly lays out the relevant detail of the subject property. The site plan must include the following to the best of your ability:

- North Arrow
- Boundary lines of property
- Existing streets or other public ways

- Buildings, parking and loading area
- Open spaces, landscaping
- Other relevant details as specified by Staff

### **WRITE LETTER OF INTENT**

The letter of intent is the applicant's letter to the BZA stating why approval of the petition is necessary. The letter of intent should address the following:

- Applicant seeking the special exception
- The nature of the special exception
- Reason why the special exception is needed
- Is in fact a permitted SE use as listed in each use district and appears on the Office Schedule of District Regulations adopted for the district involved
- Will be harmonious with and in accordance with the general objectives, or with a specific objective of the Comprehensive Plan and Zoning Ordinance
- Will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area
- Will not be hazardous or disturbing to existing or future neighboring uses
- Will be served adequately by essential public facilities and services, or that the persons or agencies responsible for the establishment shall be able to provide adequately any such services
- Will not create excessive additional requirements, at public cost, for public facilities and services and will not be detrimental to the economic welfare of the community
- Will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors
- Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding thoroughfares
- Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance

### **MAIL NOTIFICATION LETTERS**

- Notification letters must be mailed to certain property owners in the vicinity of the subject property. The applicant is responsible for obtaining the mailing addresses of the legal property owners. List of adjoining property owners can be obtained by visiting the Putnam County GIS website ([www.putnamin.wthgis.com](http://www.putnamin.wthgis.com))
- Note that if the subject property is within 200 feet of a state or federal highway, the Indiana Department of Transportation must get a notice. INDOT's mailing address will be provided by staff.

### **LEGAL NOTICE**

Legal notice must be placed in the Banner Graphic at least ten (10) days prior to the public meeting.

Application No. \_\_\_\_\_  
Fee: \_\_\_\_\_  
Receipt # \_\_\_\_\_

Decision of BZA:  Approval  Denial  
Conditions:  Yes  No

**Town of Bainbridge Board of Zoning Appeals**

Use Variance  Development Standards Variance  Special Exception

Name of Applicant \_\_\_\_\_ Phone No. \_\_\_\_\_  
Address of applicant \_\_\_\_\_  
City, State Zip \_\_\_\_\_ Email \_\_\_\_\_

Owner(s) \_\_\_\_\_ Phone No. \_\_\_\_\_  
Address of Owner \_\_\_\_\_  
City, State Zip \_\_\_\_\_ Email \_\_\_\_\_

Agent: \_\_\_\_\_ Phone No. \_\_\_\_\_  
Address of Agent \_\_\_\_\_  
City, State Zip \_\_\_\_\_ Email \_\_\_\_\_

REAL ESTATE EFFECTED: Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_  
Township \_\_\_\_\_ Parcel No. \_\_\_\_\_

Location of subject property to nearest county road intersection: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Address of Subject Property \_\_\_\_\_  
Town of \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_ Addition \_\_\_\_\_  
Subdivision \_\_\_\_\_ Lot \_\_\_\_\_ Section \_\_\_\_\_  
Lot Size \_\_\_\_\_ Current Zoning District \_\_\_\_\_ Sewer \_\_\_\_\_  
Water \_\_\_\_\_

Applicable Ordinance Section Number(s) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Requested Action from the Board of Zoning Appeals:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PROPERTY INSPECTION RELEASE FORM**

I/We hereby authorize and grant to the employees of the Putnam County Planning and Building Department, employees of the Town of Bainbridge, other Putnam County Officials, members of the Board of Zoning Appeals, and members of the Plan Commission the right to come onto the above-described property for the purpose of inspection and evaluating the premises regarding this application. I/We further release said Board members, Commission members, and County employees and officials from all liability during said inspection and related matters.

The undersigned, sworn upon his oath, says that the above information and attached exhibits, to my knowledge, are true and correct:

\_\_\_\_\_  
Signature of applicant

\_\_\_\_\_  
Date

State of Indiana )  
                          ) SS:  
Putnam County )

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_ County of Residence: \_\_\_\_\_

**AFFIDAVIT AND CONSENT OF PROPERTY OWNER(S), IF DIFFERENT THAN THE APPLICANT**

I/We \_\_\_\_\_ after being first duly sworn, deposed and say:

1. That I/We are the owner(s) of the above-described real estate
2. That I/We have read and examined the Application for Special Exception or Variance of the Town of Bainbridge Zoning Ordinance, and are familiar with its contents
3. That I/We have no objections to, and consent to such request as set forth in the application

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Signature of Property Owner

State of Indiana )  
                          ) SS:  
Putnam County )

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_ County of Residence: \_\_\_\_\_

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

Affected Property Address: \_\_\_\_\_

**LETTER OF INTENT**

1. *The establishment maintenance, or operation of the special exception will not be injurious to the public health, safety, morals, and general welfare of the community.*

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2. *The special exception will not affect the use and value of other property in the immediate area in a substantially adverse manner.*

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3. *The establishment of the special exception will be consistent with the character of the district (particularly that area immediately adjacent to the special exception) and the permitted land use.*

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4. *The proposed special exception is a permitted special exception use as listed in the zoning district.*

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**NOTIFICATION LETTER**

DATE

Dear:

please be advised that the undersigned property owner or agent has petitioned the Town of Bainbridge Board of Zoning Appeals for a \_\_\_\_\_, in \_\_\_\_\_ Township, Section \_\_\_\_\_, Township

\_\_\_\_\_, Range \_\_\_\_\_, Putnam County, Indiana on the property known as \_\_\_\_\_

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A copy of this application, legal description and all development plans pertaining thereto are on file and available for examination, prior to the hearing, in the office of the Planning and Building Department at the Putnam County Courthouse, 1 West Washington Street, 4<sup>th</sup> Floor Room 46, Greencastle, Indiana between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday. Written comments to a proposal may be filed with the Secretary of the Board of Zoning Appeals (Planning and Building Department) prior to the date set for hearing and such comments will be considered.

A public hearing will be held at the Town of Bainbridge, 201 N Grant Street Bainbridge, Indiana on \_\_\_\_\_ at \_\_\_\_\_ p.m.

Yours Truly,

Name of Applicant

**AFFIDAVIT OF NOTICE OF PUBLIC HEARING  
BOARD OF ZONING APPEALS  
FOR VARIANCE/SPECIAL EXCEPTION**

STATE OF INDIANA     )

) SS:

COUNTY OF PUTNAM    )

I/We \_\_\_\_\_ do hereby certify that notice of public hearing by the Board of Zoning Appeals of the Town of Bainbridge to consider Case No. \_\_\_\_\_ being the application of \_\_\_\_\_ was registered and mailed to the last known address of the following persons:

ATTACH A LIST OF THE SURROUNDING PROPERTY OWNERS NOTIFIED BY NAME AND ADDRESS

And that said notices were served by certified mail (with return receipts) or registered or first-class mail (with a USPS certificate of mailing for each letter) on or before the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, being at least ten (10) days prior to \_\_\_\_\_, the date of the public hearing at the Town of Bainbridge, 201 N Grant Street Bainbridge, Indiana on \_\_\_\_\_ at \_\_\_\_\_ p.m.

\_\_\_\_\_  
Signature of Applicant

STATE OF INDIANA     )

) SS:

COUNTY OF \_\_\_\_\_)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

**NOTICE OF PULBIC HEARING**

TO BE PUBLISHED IN THE NEWSPAPER

Notice is hereby given that the Town of Bainbridge Board of Zoning Appeals on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at 7:00 p.m. at the Bainbridge Community Building, 201 N Grant, Bainbridge, IN 46105, will hold a public hearing on a request by \_\_\_\_\_ for consideration of \_\_\_\_\_ on premises located at: \_\_\_\_\_

Property Owner: \_\_\_\_\_

Petitioner: \_\_\_\_\_

Written suggestions or objections to provisions of the said request may be filed with the Planning Department, at or before such meeting and will be heard by the Board at the time and place specified.

Interested persons desiring to present their views upon the said request. Either in writing or verbally, will be given the opportunity to be heard at the above-mentioned time and place. Copies of the petition may be examined at the Putnam County Planning Department 1 W Washington St, 4<sup>th</sup> Floor Room 46, Greencastle, IN 46135.

Interested persons may call the Plan Commission at (765) 301-9108 on the day of the meeting before 3:30 p.m. to inquire if the meeting has not been cancelled or rescheduled.

\_\_\_\_\_  
Petitioner

Case Number: \_\_\_\_\_



## **SAMPLE ILLUSTRATION OF WRITTEN NOTIFICATION**

The sample illustration of written notification on the following page is designed to help the applicant notify the adjacent property owners of a public hearing as required by Indiana Code 36-7-4-706 and the Putnam County Advisory Plan Commission Rules of Procedure.

The applicant must follow steps 1-3 in order to ensure that the proper written notification is given to the adjacent property owners.

### **STEPS:**

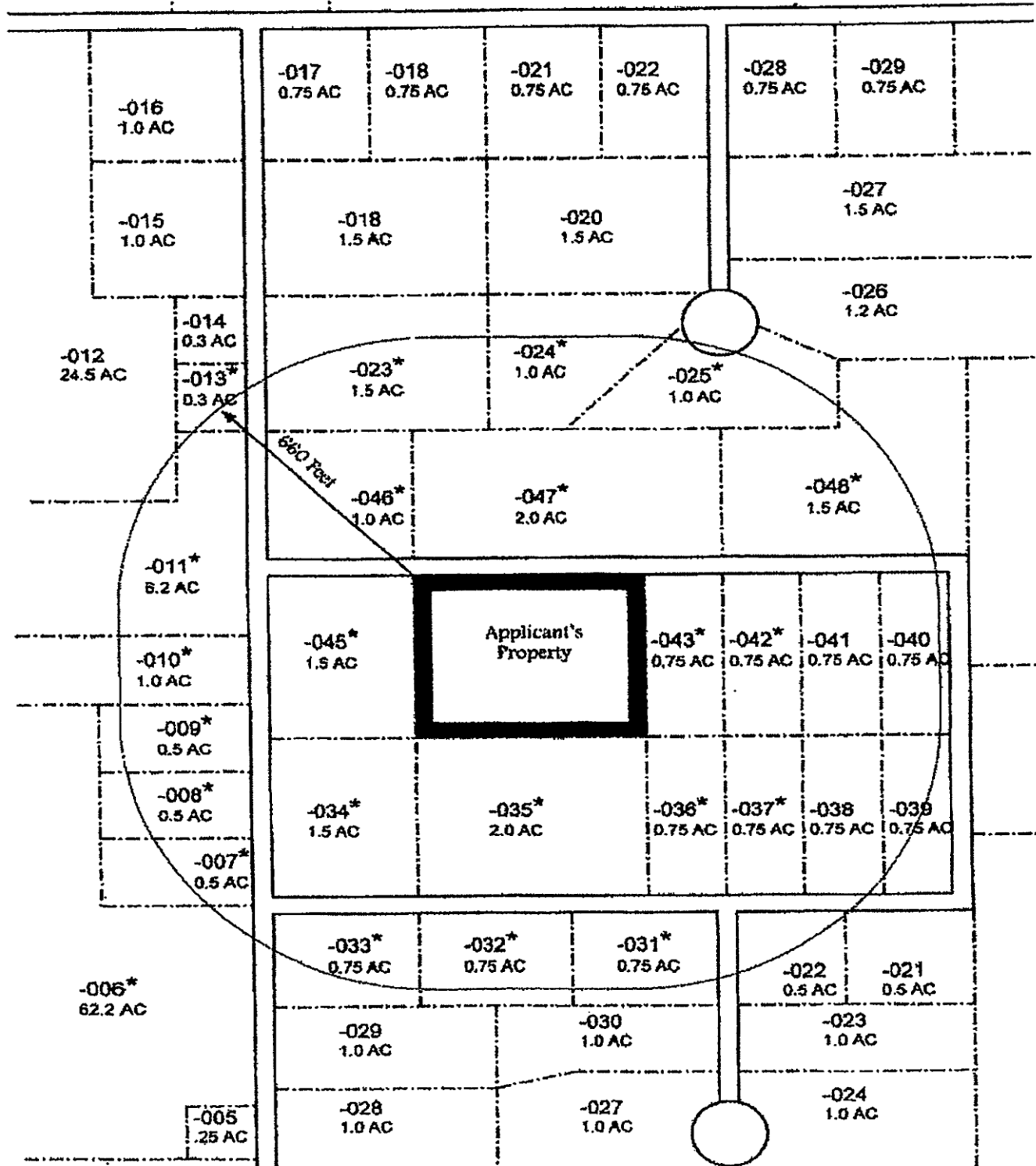
1. Notify all adjacent property owners within two (2) ownerships or two hundred (200) feet of the applicant's property lines, whichever is greater. The applicant's property shall include all contiguous parcels that he or she owns. If the applicant's property abuts or includes a county line, the applicant shall follow the above rule of notification into that county.
2. Letters of written notification shall be sent by certified, registered, or first-class mail to the legal property owner. If first-class mail is used, a USPS Certificate of Mailing must be submitted for each letter. The mailing address of legal property owners shall be obtained from the Putnam County Plat Office. For notification into an adjacent county, the applicant shall contact the appropriate county office to secure names and addresses of property owners.
3. The applicant shall submit an Affidavit of Written Notification on the forms available at the Planning & Building Department by the appropriate deadline. Proof of mailing shall be submitted to the Planning & Building Department staff prior to the public meeting.
4. **STATE OR FEDERAL HIGHWAY NOTIFICATION:**  
All applications requiring a public hearing by the Advisory Plan Commission or Board of Zoning Appeals must notify the Indiana Department of Transportation as part of the written notification requirements if a state or federal highway is located within two hundred (200) feet.

All applicants should contact INDOT as follows:

ATTENTION: PERMIT DEPARTMENT  
Regulatory Department  
Indiana Department of Transportation  
41 W CR 300 N  
Crawfordsville, IN 47933

# SAMPLE ILLUSTRATION

\* DENOTES ADJACENT PROPERTY OWNERS THAT MUST BE MAILED WRITTEN NOTIFICATION\*



(This illustration is not drawn to scale)