



## Board of Zoning Appeals

201 South Broadway, Butler Indiana 46721 (260) 868-5200

### SPECIAL EXCEPTION INSTRUCTION PACKET

1. Complete the *Petition For Special Exception*.
2. File the completed *Petition*, applicable drawings showing property lines, location of buildings, and proposed changes, and the \$50 fee paid with the City of Butler.
3. After *Petition* is determined to be complete, a Public Hearing on the *Petition* will be scheduled with the Butler Board of Zoning Appeals. The BZA is available to meet on the second Monday of each odd-numbered month at 6:30 PM. Petitions must be filed and found complete a minimum of 21 days before the date of the meeting. No exceptions will be made.
4. Petitioner shall notify adjacent property owners of record of the Public Hearing at least ten days before the hearing. Notice shall be given by certified mail, return receipt requested. Certified mails shall be postmarked at least 21 days before the meeting or green cards must be signed received 10 days before the hearing.
5. Petitioner shall publish a legal notice of the hearing in the *Butler Bulletin* at least ten days before the hearing. The deadline for getting information to the paper is the Friday before the Tuesday on which the newspaper is published.
6. Petitioner shall present proof of notice of adjacent property owners and proof of publication in the *Butler Bulletin* to the City of Butler at least three business days before the hearing. For example, if the hearing is on Monday, the City needs proof of services by the Thursday before the hearing. Proof of notice shall consist of return receipts (green cards) or signed legal notice. If proof is not received at least three (3) business days prior to the hearing, the hearing will be cancelled and you will need to start the process over.



**Board of Zoning Appeals**  
201 South Broadway, Butler Indiana 46721 (260) 868-5200

**PETITION FOR SPECIAL EXCEPTION**

Request for Special Exception by:

DATE:

\_\_\_\_\_)  
Name(s) )  
\_\_\_\_\_)  
Address )

\_\_\_\_\_, being a property owner in the City of Butler, hereby petition the Butler Board of Zoning Appeals as follows:

1. That s/he is the owner of the following described real estate:
  
2. The above-described property is presently zoned \_\_\_\_\_.
  
3. That the proposed use, \_\_\_\_\_, is a special exception in said district.
  
4. That the petitioner requests the Board of Zoning Appeals approve a special exception allowing him/her/them to:
  
5. The names and addresses of all adjacent property owners (including across the street) are listed below. (Attach additional sheets if necessary.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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



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**LEGAL NOTICE OF PUBLIC HEARING BEFORE  
THE BOARD OF ZONING APPEALS OF THE CITY OF BUTLER, INDIANA**

TO: All persons located within the zoning jurisdiction of the City of Butler, Indiana.

The Butler Board of Zoning Appeals will meet on **<INSERT DATE>** at 6:30 PM in the City Council Chambers of the Butler City Hall, 120 West Main Street, Butler, IN 46721. At the meeting, the Board of Zoning Appeals will consider the following special exception to the Butler Zoning Ordinance: **<INSERT PETITIONER'S NAME>**, owner(s) of the **<INSERT ADDRESS>** is/are requesting a special exception that would permit them to use the property for **<INSERT SPECIAL EXCEPTION INFORMATION>**.

At the public hearing, all interested persons will be given the opportunity to be heard concerning the matters set out in the Petition for Special Exception. Written objections that are filed before the public hearing with the Board of Zoning Appeals Secretary at 201 S. Broadway, Butler IN 46721 will be considered. The hearing may be continued from time to time as necessary.

The Butler Board of Zoning Appeals must find that several conditions have been met before the special exception may be granted. The special exception petition, file, and legal description of the property are available for public inspection during the regular business hours at the Office of the Clerk-Treasurer, 201 South Broadway, Butler until two business days prior to the hearing date. All comments and questions on this matter should be directed to the City Planner at (260) 868-5200.

Signed: \_\_\_\_\_  
Amy Schweitzer, AICP  
Butler City Planner



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### **FINDINGS OF FACT FOR SPECIAL EXCEPTIONS**

A special exception use shall be approved only upon the determination that:

1. When required, a development plan has been submitted, reviewed and approved by the Butler City Plan Commission;
2. The proposed special exception development is consistent with the purpose of the zoning district and the City's Comprehensive Plan.
3. The proposed special exception development will not be injurious to the public health, safety, morals and general welfare of the community.
4. The proposed special exception development is in harmony with all adjacent land uses.
5. The proposed special exception development will not alter the character of the district; and
6. The proposed special exception development will not substantially impact property value in an adverse manner.

When considering a Special Exception the Board of Zoning Appeals may take into consideration the following items as they relate to the proposed use:

1. topography and other natural site features;
2. zoning of the site and surrounding properties;
3. driveway locations, street access and vehicular and pedestrian traffic;
4. parking amount, location, design;
5. landscaping, screening, buffering;
6. open space and other site amenities;
7. noise production and hours of operation;
8. design, placement, architecture, and building material of the structure;
9. placement, design, intensity, height, and shielding of lights;
10. traffic generation; and,
11. general site layout as it relates to its surroundings.