



SPECIAL EXCEPTION

Guide to Special Exception

Background

Zoning regulations strive to create consistency between the type and characteristics of uses within each district boundary. Certain land uses, however, may only be compatible within a zoning district under special conditions. These “special exceptions” require a separate review and approval process to determine their appropriateness in a proposed location. The ability to obtain a special exception creates some flexibility in the Unified Development Ordinance while keeping a system of checks in place to protect surrounding property owners.

Definition

A special exception use is a use for which certain conditions must be met before it can be established at a specific location.

Conditions

For a special exception to be allowed within a zoning district, its design and intensity must comply with all the district regulations. The use should provide a benefit to the community and not detrimentally influence the neighborhood in which it is located or cause substantial injury to the value of surrounding property. The impacts of the use, including demands on public facilities and increased traffic volumes, must be reasonably accommodated by the area’s existing infrastructure.

Process

Applications for special exceptions must be reviewed by City staff and the Auburn Board of Zoning Appeals. Any person applying for a special exception must contact the Building, Planning and Development Department staff, who will explain the review process and provide the necessary forms, checklists, and dates. Staff will schedule a pre-application meeting to review the special exception request.

When the Building, Planning and Development Department accepts a special exception application, staff reviews it for completeness and compliance with applicable plans and ordinances. Staff will contact the applicant if additions or revisions to the application are necessary. Staff prepares a report containing its findings and a recommendation of approval or denial of the special exception request. The application and staff report are submitted to the Board of Zoning Appeals for review and final action.

In addition to review by City staff and officials, the application is subject to comment from the general public. A public hearing is required at the Board of Zoning Appeals meeting when the application is presented.

Public Notices

City staff prepares and publishes a legal notice in The Star newspaper for the public hearing to be held on the application.

City staff prepares and mails the notice to all adjacent property owners for the public hearing.

Costs for the legal notice and neighbor notices are included in the application filing fee.

Decision

The granting of special exceptions in Auburn is the responsibility of the Board of Zoning Appeals. The Board is comprised of five members: three who are appointed by the Mayor, one who shall be a member of the Plan Commission; one appointed by the Common Council; and one who is appointed by the Plan Commission from its members that represent the Extra-Territorial Jurisdiction. The Board meetings on the fourth Tuesday of every month, as needed.

The Board may take into consideration the following items as they relate to the proposed use:

- Topography and other natural site features.
- Zoning of the site and surrounding properties.
- Driveway locations, street access and vehicular and pedestrian traffic.
- Parking amount, location, design.
- Landscaping, screening, buffering.
- Open space and other site amenities.
- Noise production and hours of operation.
- Design, placement, architecture, and material of the structure.
- Placement, design, intensity, height, and shielding of lights.
- Traffic generation.
- General site layout as it relates to its surroundings.

At the meeting the Board will allow the applicant and staff to present a report on the proposed special exception. A public hearing is also required. Staff, applicant, and other

interested parties can present competent, substantial, and material factual evidence relating to the required conclusions. The Board then makes findings of fact supported by the presented evidence. Based on those findings, the Board decides whether it can reach each of the required conclusions. The Board may approve a special exception request only after it reaches all the required conclusions. The Board may approve an application subject to conditions reasonably necessary to allow it to reach the required conclusions.

Timeline

- Pre-application review with City staff
- Complete application
- **30 days before Board of Zoning Appeals hearing**
 - Filing deadline
 - Submit a completed application
 - Submit site plan for property
 - Complete application checklist
 - Pay filing fee
 - Staff Review
 - Site photographs
 - Prepare Staff Report
- **At least 10 days prior to Board of Zoning Appeals hearing**
 - Notices of the public hearing mailed
 - Legal notice published in newspaper
- **Board of Zoning Appeals hearing**
 - Held on 4th Tuesday of month, as necessary

SPECIAL EXCEPTION APPLICATION CHECKLIST



A completed application must include the following:

- A completed application form.** The application form is available in the Building, Planning and Development Office located on the 2nd floor of City Hall or at www.ci.auburn.in.us.
- A filing fee of three hundred twenty-five dollars (\$325.00)** payable to the City of Auburn.
- Ownership affidavit; copy of deed; or other proof of ownership OR ownership consent form.**

Applicant may also submit the following:

- Any written statement, documents, photographs, plans or supporting information justifying the special exception requested.**
- Proposed findings of fact to support the Special Exception request.**

SPECIAL EXCEPTION REVIEW

CONTENTS CHECKLIST



Site Plan drawing shall include:	
	North arrow.
	Graphic Scale.
	Address of the site.
	Legal description of the site.
	Boundary lines of the site including all dimensions.
	Names, center lines, and right-of-way widths of all streets, alleys, and easements.
	Location and dimensions of all existing and proposed structures, including paved areas and signs.
	Location of all floodway, floodway fringe areas, and wetlands within the boundaries of the site.
	Distance of all structures from front, rear, and side lot lines.
	Areas reserved for park, recreation, conservation, wetland, common area, lake, trails, or other similar uses.
	Proposed landscape buffers or landscaped areas.
	Any other information necessary to support a thorough review of the project and as requested in writing by the Board of Zoning Appeals or the Zoning Administrator.



BOARD OF ZONING APPEALS – SPECIAL EXCEPTION USE

Department of Building, Planning, & Development

210 S Cedar St PO Box 506 Auburn IN 46706 | 260.925.6449 | 260.920.3342 fax | bpd@ci.auburn.in.us

APPLICANT INFORMATION

Provide Contact Name, Company Name (if applicable), Mailing Address, Phone, and Email for each individual.

Applicant _____

Applicant Address _____

Applicant Phone _____ Email _____

Property Owner _____

PROJECT INFORMATION

Name _____

Location _____

Description _____

CERTIFICATION

By signing below, I certify the following:

- I am the owner or legal agent of the subject property;
- The information provided in this application is true and accurate to the best of my knowledge;
- I understand the application will be routed to applicable government and utility agencies;
- I understand fees associated with this application are non-refundable once paid;
- I understand my presence (or my legal counsel's presence) is required at the Board of Zoning Appeals meeting concerning this project.

Applicant Signature

Applicant Printed Name

Date

Applicant Signature

Applicant Printed Name

Date

OFFICE USE ONLY

Received Date: _____

LOGOS#: BZA- _____

Received By: _____

LOGOS Address: _____

Payment Type: _____

Receipt Number: _____



BOARD OF ZONING APPEALS – SPECIAL EXCEPTION USE

FINDINGS OF FACT

The Board of Zoning Appeals must make detailed Findings of Fact based on the application and presentation of the request at the meeting. Failure to present evidence in support of the Findings of Fact may result in a denial of the request. Please complete the following statements with regard to this project.

FINDING #1: The proposed special exception is consistent with the purpose of the zoning district and the Auburn Comprehensive Plan because...

FINDING #2: The proposed special exception will not be injurious to the public health, safety, morals and general welfare of the community because...

FINDING #3: The proposed special exception is in harmony with all adjacent land uses because...

FINDING #4: The proposed special exception will not alter the character of the district because...

FINDING #5: The proposed special exception will not substantially impact property value in an adverse manner because...

SUBMITTAL REQUIREMENTS CHECKLIST

A detailed list of submittal requirements can be found in Chapter 150 Unified Development Ordinance, Article 9. Below is a generalized list of submittal requirements for Board of Zoning Appeals applications.

- Completed Application
- Owners Affidavit – if application is not signed by owner
- Recorded Property Deed
- Site Plan showing property lines, rights-of-ways, structures, parking, driveways, signs, landscaping, etc.
- Other items, as required by the Zoning Administrator
- Application Fee



AFFIDAVIT OF PROPERTY OWNERSHIP

Department of Building, Planning, & Development

210 S Cedar St PO Box 506 Auburn IN 46706 | 260.925.6449 | 260.925.8239 fax | bpd@ci.auburn.in.us

PROPERTY OWNER INFORMATION

Name	
Mailing Address	
Phone / Email	

PROJECT LOCATION

Address	
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AUTHORIZED AGENT

Name				
Phone/Email				
Application Type	<input type="checkbox"/> PC	<input type="checkbox"/> BZA	<input type="checkbox"/> Demolition	<input type="checkbox"/> Other _____

OWNERS CERTIFICATION AND SIGNATURE

I certify that I am the owner of the property listed above as the project location. The authorized agent listed above is designated to act on my behalf for matters pending before the City of Auburn according to the application types checked above.

By: _____

Owner, Signature

Owner, Printed Name

Date

By: _____

Owner, Signature

Owner, Printed Name

Date

OWNER ACKNOWLEDGEMENT

State Of _____)

) SS:

County Of _____)

BEFORE ME, the undersigned Notary Public in and for said County and State, this _____ day of _____, 20____ personally appeared the within named _____ herein "Owner"

WITNESS my Hand and Notarial Seal

By: _____

Notary Public, Signature

Notary Public, Printed Name

Number / Expiration Date or Stamp