



Town of Cumberland, Indiana
Department of Planning & Development

APPLICATION FOR SPECIAL EXCEPTION

A *special exception* review is a use permitted in a particular zoning district only upon showing that the use in a specific location will comply with all the conditions and standards for the location of operation of the use as specified in the Zoning Ordinance. Applications for special exception require a public hearing before the Board of Zoning Appeals.

Prior to Filing Application: Prior to submitting an application for a major subdivision preliminary plat, the applicant must schedule an appointment with the Board of Zoning Appeals Staff for a preliminary consultation to discuss the proposed project. At this meeting the applicant should provide a sketch showing the preliminary details of the project. There is no fee for this meeting.

Application: The application will not be considered complete until all information is received. All applications and supplemental materials must be submitted by close of business on the posted schedule deadline unless stated otherwise and must be completed on the Town's most current application forms. Applications may be picked up at the Cumberland Town Hall, 11501 E. Washington Street, or downloaded at www.town.cumberland.in.us. All applications will be reviewed for completeness and accuracy prior to acceptance. The following information is just a portion of the items that must be submitted with the application. Please refer to the "Application Checklist" in this packet for a complete list of information that must be submitted:

1. A **notarized application** filed at least thirty (30) days prior to the date of the Board of Zoning Appeals' public hearing;
2. A **legal description** of the property;
3. A **sketch plan** drawn to scale showing all existing and proposed improvements on 8 ½ x 11 paper;
4. A **Letter of Intent** which includes proof supporting the Findings-of-Fact;
5. If the applicant is not the owner, a signed and notarized **Letter Granting Authority for an Agent**;
6. A **sample letter** for the written notification requirements;
7. A **list of adjacent property owners** within six hundred sixty (660) feet but no more than two (2) property owners in depth;
8. An **application fee** (payable by check to the **Town of Cumberland**).

Fees: Fees are nonrefundable and are as follows:

- **Application Review Fee** \$500 + \$100 for each developmental standards variance by check made payable to the **Town of Cumberland**

Public Notification: The following public notification if required –

1. **Written Notification:** The applicant must mail letters by certified mail to adjacent property owners at least ten (10) days prior to the date of the Board of Zoning Appeals' public hearing. An adjacent property owner is defined as all property owners within 660 feet or two (2) properties deep, whichever is less. The applicant should follow the format of the sample letter included in this packet for mailings. A copy of the draft letter shall accompany the application for staff to review and a copy of the letter mailed and signed affidavit attesting to the mailing of the letters shall be submitted to staff prior to the public hearing. If this information is not received prior to the



Town of Cumberland, Indiana
Department of Planning & Development

Plan Commission meeting, this will be grounds for an automatic continuance of the case to the next available Agenda.

2. **Newspaper Notification:** The Plan Commission Staff will submit legal notices to the Indianapolis Star East and Greenfield Reporter newspapers for publication at least ten (10) days prior to the date of the Plan Commission hearing.

Board of Zoning Appeals Meeting: The Cumberland Board of Zoning Appeals meets on an as needed basis. Please contact the Director of Planning and Development for further information.



Town of Cumberland, Indiana
Department of Planning & Development

**REQUIREMENTS FILING AN APPLICATION
FOR SPECIAL EXCEPTION**

A complete application shall include the following items to be considered complete:

1. _____ One (1) completed checklist **signed and dated**. (Attach completed copy of this form.) Mark all items N/A (Not Applicable) which don't apply to your project.
2. _____ One (1) completed application form: typewritten, signed by the owner or an authorized agent of the subject property, notarized and filed at least thirty (30) days before the date of the Board of Zoning Appeals meeting. If application is not complete, staff reserves the right to deny the request to be placed on the Agenda. Be sure to include:
 - Project Name Acres
 - Project Address Number of Lots/Parcels
 - Section, Township, Range Nearest intersection
 - Key/Parcel number(s) Current zoning classification
 - Existing land use Previous planning/zoning approvals
 - Applicable provision of ordinance Surrounding land use
3. _____ If the applicant is not the owner, one (1) signed and notarized copy of the Letter Granting Authority for an Agent.
4. _____ One (1) copy of the legal description of property.
5. _____ One (1) copy of the Letter of Intent. This should include a brief description of the project and facts supporting the request.
6. _____ A completed Findings of Fact for a Special Exception form.
7. _____ Two (2) copies of a property survey, certified by a registered land surveyor, showing existing lot lines and dimensions as well as lot area, all easements, all public and private rights-of-way and all streets across and adjacent to the subject property.
8. _____ A sketch plan, drawn to scale showing all proposed construction of development.
9. _____ One (1) completed Public Notification Letter to be sent to adjacent property owners.
10. _____ A list of adjacent property owner(s) and completed sample notification letter.
11. _____ Completed and notarized Affidavit of Notice to Interested Parties.
12. _____ Nonrefundable application fee. (Check must be made payable to the "TOWN OF CUMBERLAND").

Signature of Person Completing Application Date

Date



Town of Cumberland, Indiana
Department of Planning & Development

**APPLICATION FOR A
SPECIAL EXCEPTION**

Applicant(s): _____ Telephone: _____

Address: _____ Fax: _____ Email: _____

Owner(s): _____ Telephone: _____

Address: _____ Fax: _____ Email: _____

Property Location: _____

Street Address: _____

Nearest Street Intersection: _____

Section: _____ Township: _____ Range: _____ Parcel Number(s) _____

Existing Zoning Classification

- | | |
|---------------------------------|------------------------------------|
| _____ A-1 Agricultural District | _____ R-6 Residential District |
| _____ C-1 Conservation District | _____ B-1 Business District |
| _____ R-1 Residential District | _____ B-2 Business District |
| _____ R-2 Residential District | _____ I-1 Industrial District |
| _____ R-3 Residential District | _____ I-2 Industrial District |
| _____ R-4 Residential District | _____ PUD Planned Unit Development |
| _____ R-5 Residential District | |

Existing Land Use: _____

Surrounding Land Use: North _____ South _____ East _____ West _____

Previous Planning/Zoning Approvals: _____

Legal Description of the subdivision must be attached to the application.



Town of Cumberland, Indiana
Department of Planning & Development

I (We) do hereby apply for approval of the special exception of use in accordance with the provisions of the Comprehensive Plan and Zoning Ordinance of Cumberland, Indiana. I (We) am (are) the owner(s) of the real estate included in the proposed subdivision. The undersigned, having been duly sworn on oath states the above information is true and correct as (s) he is informed and believes.

I (We) also understand that the application fee does not include the fees associated with design review and/or construction management review. Fees for design review and/or construction management review are the direct responsibility of the applicant payable directly to the engineering firm(s) specified by the Town at rates set out by various agreements and/or ordinances of the town, for services, inspections, reports, and the like required by the Town.

Date

Signature of Owner(s) or Agent

Signature of Owner(s) or Agent

STATE OF INDIANA }
 }
COUNTY OF HANCOCK } SS:

Subscribed and sworn to before me this _____ day of _____, 20__

Notary Public: Signature

Notary Public: Printed Name

My Commission Expires: _____

Residing in _____ County

FOR OFFICE USE ONLY	
Date Received: _____	Fee Paid: _____
Received By: _____	Application # _____



Town of Cumberland, Indiana
Department of Planning & Development

CONTACT INFORMATION

The person indicated below will correspondence between the Staff and the applicant. It shall be the responsibility of the contact person to provide copies of information to other interested parties.

Indicate the Contact Person to be notified in the event additional information is required, to schedule meetings, receive Plan Commission Staff Letters and Recommendations, and to received the Plan Commission's Findings of Fact:

Please type or print legibly.

Business Name: _____

Contact Person: _____

Address: _____

Daytime Phone: _____ Fax Number: _____

Email: _____



Town of Cumberland, Indiana
Department of Planning & Development

**FINDINGS OF FACT
SPECIAL EXCEPTION**

Project Name: _____ **Requested Variance:** _____

The petitioner seeking a variance from the development standards before the Avon Board of Zoning Appeals must answer the following nine (9) questions and provide any documentation that may support the findings. (These may serve as the basis for the written Findings of Fact for this petition)

1. **Is the requested use listed as a special exception for the specific zoning district involved as specified?**

2. **Will the operation of the use be detrimental to or endanger the public's health, safety, or general welfare?**

3. **Will the continued operation be injurious to the use and enjoyment of other properties in the immediate vicinity or substantially diminish or impair property values with the specific zoning district?**

4. **Will the use be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools?**

5. **Will the use create excessive additional requirements at public expense for public facilities and services, or be detrimental to the economic welfare of the community or result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance?**

6. **Have there been previous appeals to the BZA for this property within the last year? If yes, please specify case number and date.**

7. **Does the proposed special exception meet the requirements and standards of this ordinance and its relationship and compatibility to adjacent properties and neighborhoods?**



Town of Cumberland, Indiana
Department of Planning & Development

8. Does the proposed special exception make adequate provision for public services, provide adequate control over vehicular traffic, provide for and protect designated common open space and furthers the amenities of light and air, recreation and visual enjoyment?

9. Is the proposed special exception in accordance with the general objectives of the comprehensive plan?

Person Completing This Form:

Printed Name:

Signature:

Title:

Telephone Number:



Town of Cumberland, Indiana
Department of Planning & Development

**LETTER GRANTING AUTHORITY FOR AN AGENT
SPECIAL EXCEPTION**

I (we) do hereby grant authority to _____
(Name of Agent)

To seek special exception approval from the Cumberland Board of Zoning Appeals for the property
located at _____
(Property Address or parcel number(s))

I (we) am (are) the owner(s) of the real estate included in the proposed special exception.

Date

Signature of Owner(s) or Agent

Signature of Owner(s) or Agent

STATE OF INDIANA }
 }
COUNTY OF HANCOCK }

SS:

Subscribed and sworn to before me this _____ day of _____, 20__

Notary Public: Signature

Notary Public: Printed Name

My Commission Expires: _____

Residing in _____ County



Town of Cumberland, Indiana
Department of Planning & Development

**AFFIDAVIT OF NOTICE TO INTERESTED PARTIES
SPECIAL EXCEPTION
CUMBERLAND BOARD OF ZONING APPEALS**

Affidavit must be submitted prior to the scheduled public hearing.

STATE OF INDIANA)
COUNTY OF HANCOCK) SS:
)

Re: Request for Special Exception before the Cumberland Board of Zoning Appeals

(Name of Subdivision)

I, _____, do hereby certify that notice to interested parties of the date, time, and place of the public hearing on the above referenced special exception, Project Number _____, being the application for _____, was certified and

(Project Number)

(Name of Subdivision)

mailed to the last known address of each of the following interested persons owning property affected by this petition as defined in the Cumberland Subdivision Control Ordinance (attach additional sheets, if necessary):

	<u>OWNERS</u>	<u>ADDRESS</u>
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

And, that said notices were sent by certified mail on or before the _____ day of _____, 20____, being at least ten (10) days prior to the date of the public hearing.

(Applicant or Agent)

STATE OF INDIANA)
COUNTY OF HANCOCK) SS:
)

Subscribed and sworn to before me this _____ day of _____, 20____.

Notary Public: Signature

Notary Public: Printed Name

My Commission Expires: _____

Residing in _____ County



Town of Cumberland, Indiana
Department of Planning & Development

**SAMPLE PUBLIC NOTIFICATION LETTER
SPECIAL EXCEPTION**

Date: **(Date Letters Mailed)**,

Name

Address

City, State, and Zip Code

(Mailing Address of Adjacent Property Owner)

Dear: **(Name of Adjacent Property Owner):**

Please be advised that the undersigned property owner or agent for the property owner has made application to the Cumberland Board of Zoning Appeals for a **(use)** in the Town of Cumberland, Indiana, in Section _____, Township _____, Range _____ located near **Give the address and Location in Relationship to the Nearest Street Intersection.**

A copy of this application, legal description, and all development plans pertaining to the proposed subdivision are on file and available for examination prior to the public hearing in the Planning and Development Department at the Cumberland Town Hall located at 11501 E. Washington Street, Cumberland, Indiana, 46229 between the hours of 9 a.m. and 4 p.m., Monday through Friday. Written objections to a proposal may be filed with the Board of Zoning Appeals Staff within ten (10) days after the receipt of this letter at the Cumberland Town Hall at the above address and such objections will be considered.

The Cumberland Board of Zoning Appeals will hold a public hearing on this proposed major subdivision in the Cumberland Town Hall located at 11501 E. Washington Street, Cumberland, IN 46229 on **(Date of the Public Hearing)** at **(Time)**

Very Truly Yours,

**(Name and Signature of Applicant
Or Agent for the Applicant)**