

**METROPOLITAN DEVELOPMENT COMMISSION
OF MARION COUNTY, INDIANA**

PETITION FOR RELIGIOUS USE SPECIAL EXCEPTION

NEGATIVE FINDINGS OF FACT

1. Based on the evidence submitted, the petitioner failed to meet its burden of proof to show that the proposed use meets the definition of that use in Chapter 740, Article II because the required documents for the petition were not submitted.
2. Based on the evidence submitted, the petitioner failed to meet its burden of proof that the proposed use would not injure or adversely affect the adjacent area or property values in that area because the site plan and plan of operation did not include development details and features that would protect the adjacent area or property values of the residential neighborhood.
3. Based on the evidence submitted the petitioner failed to meet its burden of proof that the grant would not materially and substantially interfere with the lawful use and enjoyment of adjoining property because the site plan and plan of operation did not include development details and features that would protect the lawful use and enjoyment of the adjoining residential properties.
4. Based on the evidence submitted the petitioner failed to meet its burden of proof that the proposed use would be compatible with the character of the district, land use authorized therein and the Comprehensive Plan for Marion County because information was not submitted that could be reviewed to determine compatibility with the character of and compatibility of the use with the residential district.
5. Based on the evidence submitted the petitioner failed to meet its burden of proof that the proposed use conforms to the development standards in Chapter 744 applicable to the zoning district in which it is located because the site plans submitted did not conform with the development standards of the D-A district.
6. Based on the evidence submitted the petitioner failed to meet its burden of proof that the proposed use conforms to all provisions of the Zoning Ordinance, including the performance standards in Chapter 740 and the development standards in Chapter 744 applicable to the zoning district in which it is located because the site plans submitted did not include details that indicated compliance with the performance standards or development standards of the Zoning Ordinance.
7. Based on the evidence submitted the petitioner failed to meet its burden of proof that the proposed use conforms to all of the use-specific standards in Chapter 743 for that use, including any Special Exception standards for current zoning and meets the standards set forth because the documents submitted did not include the required information to determine whether use specific and special exception standards would be met.

DECISION

IT IS THEREFORE the decision of this body that this SPECIAL EXCEPTION petition is denied.
