Boone County Board of Zoning Appeals

Variance

☐ Sign ☐ Addition ☐ Accessory Structure ☐ Other _____

APPLICATION PROCEDURES:

STEP ONE: PRE-APPLICATION

Before filing an application, is recommended that the applicant meet with the Executive Director of the Area Plan Commission at least one week prior to the anticipated application submission to discuss the proposed request and to become more familiar with the applicable requirements. Call (765) 482-3821 to schedule a meeting.

STEP TWO: APPLICATION

1. A complete Variance Application and all required Attachments are to be submitted by 4:00pm of the posted deadline date, as shown on the Board of Zoning Appeals Application Schedule (see page 4). Please submit the application, attachments, and associated fees to the Area Plan Commission Office, 116 Washington Street, Room 101, Lebanon, Indiana. The APC Staff shall determine whether the application is complete. If the application is not complete, the applicant will be notified of the deficiencies. Applications submitted or completed after the posted deadline date will be placed on the next month's application cycle.

2. The items below are required in order to complete your application and shall be submitted when your application is filed. **PLEASE FOLD ALL PLANS AND MAPS SUBMITTED.**

- ❑ **Application Form**
  - All items must be completed fully and either typewritten or printed in ink.
  - The application must be signed by the applicants and notarized.
- ❑ **Application Fee (Payment of Required Fees Due Post TAC Approval)**
  - $275
  - $500 base fee plus $50 per waiver for commercial/industrial uses
  - Checks are to be made payable to the Boone County Treasurer.
- ❑ **Site Plan**
  - Drawing must be dimensioned and include property lines, showing height and area of existing facilities and structures. **All proposed future improvements** to the property must show the height and area dimensions.
  - Drawing must not exceed 11" x 17" in size.
- ❑ **Aerial Location Map**
  - Aerial map can be obtained from the Boone County Surveyor's Office (765) 483-4444 or Boone County Area Plan Commission Office.
  - Draw property lines of the site plan on the map.
- ❑ **Attachment A: Affidavit of Ownership** (submit only if the applicant is not the property owner)

PUBLIC NOTICE PROCEDURES:

❑ **Newspaper Advertisement**

- Complete **Form: Notice of Public Hearing for Newspaper**.
- Publish the completed form in either the Lebanon Reporter or the Zionsville Times Sentinel at least 15 days prior to the BZA meeting, please make sure to give yourself ample time according to the Application Schedule (see page 4.)
  - Lebanon Reporter - daily publication. (765) 482-4650. Legal notices are due by 12:00 noon five days in advance of the desired publication date.
  - Zionsville Times Sentinel - Wednesday only publication. (317) 873-6397. Legal notices are due by 5:00pm on the Friday before the Wednesday publication.
- Submit proof of your newspaper advertisement to the Area Plan Commission Office according to the Application Schedule (see page 4.)
- Failure to submit proof of advertisement after the posted deadline will automatically table the application's hearing until the next meeting of the BZA.

❑ **Surrounding Property Owner Notification**

- The next business day following the filing deadline, staff will contact you with the names and addresses of all property owners within 660 feet of the subject property.
- Complete **Form: Notice of Public Hearing for Surrounding Property Owners**.
- Mail a Certified Letter (return receipts and green cards) to each of the listed property owners at least 15 days prior to the BZA meeting, please make sure to give yourself ample according to the Application Schedule (see page 4.) Include the form and its necessary attachments.
  - Staff can prepare the copies of the letters for a fee of $0.10 per page. Necessary postage and timely mailing are the responsibility of the applicant.
- If your property borders or comes close to the Boone County line, it is your responsibility to locate properties within the 660-foot radius that fall outside of the county and their corresponding owners. Contact numbers for this information are as follows:
  - Hamilton County (317) 776-9624
  - Clinton County (765) 669-6330
  - Montgomery County (765) 364-6400
  - Hendricks County (317) 746-9300
  - Marion County (317) 327-3001.
- Submit proof of property owner notification (green cards and/or return receipts) to the Area Plan commission Office according the Application Schedule (see page 4.)
- Failure to submit proof of notice after the posted deadline will automatically table the application's hearing until the next meeting of the BZA.

TECHNICAL ADVISORY COMMITTEE

The Technical Advisory Committee (TAC) reviews the technical aspects of the proposal and will meet to discuss your proposal in the APC Office according to the Application Schedule (see page 4). APC Staff will contact you with an appointment time. The TAC generally includes APC Staff; Surveyor; Board of Health; NRCS; applicable Engineer; applicable Public Utility; applicable Executive Officer of affected Town or City; Highway Department, applicable School Superintendent; and applicable Safety Services. You or a designated representative with technical information regarding your submittal should attend. In some instances, additional information is required by the TAC in order to make a technical review of your application. This information must be submitted by the last day to submit information for the Staff Report according to the Application Schedule (see page 4).

STAFF REPORT AND AGENDA

After a thorough examination of information in the public record and findings from additional research, staff shall release the Staff Report and Agenda providing analysis of each agenda item. Such report shall be released along with the agenda 10 days prior to the hearing according to the Application Schedule (see page 4.) All additional documents to be studied and considered by staff for use in the Staff Report should be submitted no less than 15 days prior to the hearing according to the Application Schedule (see page 4.) Any interested party may provide support documentation to be delivered to the BZA members along with the Staff Report. To do so, the party must provide 10 copies of each document, which should be submitted no less than 15 days prior to the hearing. According to the Application Schedule (see page 4.)

BOARD OF ZONING APPEALS HEARING

The BZA shall follow their adopted Rules of Procedure for the hearing, a copy of which is available at the APC office. Public hearings of the BZA are generally held the forth Wednesday of each month at 7:00 p.m. at the Boone County Office Building Meeting Room, 116 Washington Street, Lebanon, Indiana. Always check with the APC office to verify the exact meeting date, place, and time should a conflict occur.

When your request comes up on the agenda, the following procedure is followed:

> You are asked to present your request to the Board. You may employ an attorney for this purpose or do it yourself. You may use any maps or graphics that will assist you in the presentation. You are encouraged to address the Standards for Evaluating Variances that are listed in your Application in your presentation. If the Board members need additional information, they will ask questions regarding your request.
>
> Per the Boone County Zoning Ordinance and Indiana Code 36-7-4-921(a)(5), the BZA may require the owner of the parcel to make written commitments concerning the use or development of that parcel. These commitments must be recorded with the Boone County Recorder prior to the issuance of a building permit.

Per Indiana Code 36-7-4-912, the BZA shall make written Findings of Fact, which is the BZA's decision based upon their interpretation of the Conditions for Evaluating Variances listed in your Application. Within 10 business days of the BZA hearing, Staff will send you a copy of the written Findings of Fact.

BOARD OF ZONING APPEALS APPLICATION SCHEDULE -- 2022

The following table depicts the deadlines for petitions before the BZA. Deviations from this schedule are not permitted without approval from the Board. Public hearings of the BZA are generally held the forth Wednesday of each month at 7:00 p.m. at the Boone County Office Building Meeting Room, 116 Washington Street, Lebanon, Indiana. Always check with the APC office to verify the exact meeting date, place, and time should a conflict occur.

BZA Schedule 2022

Filing deadline	TAC 1:30 pm	Absolute last day to submit info requested at TAC for review to be in staff report	Last day for public notice to be published	Agenda & Staff Report published	Last day to submit info to the file (not to be in staff report)	Last day to submit proof of notification	Public Hearing
17-Dec-21	5-Jan-22	11-Jan-22	11-Jan-22	18-Jan-22	21-Jan-22	21-Jan-22	26-Jan-22
14-Jan-22	26-Jan-22	11-Feb-22	8-Feb-22	15-Feb-22	18-Feb-22	18-Feb-22	23-Feb-22
18-Feb-22	23-Feb-22	11-Mar-22	8-Mar-22	16-Mar-22	16-Mar-22	18-Mar-22	23-Mar-22
25-Mar-22	30-Mar-22	8-Apr-22	12-Apr-22	20-Apr-22	20-Apr-22	22-Apr-22	27-Apr-22
22-Apr-22	27-Apr-22	10-May-22	10-May-22	18-May-22	18-May-22	20-May-22	25-May-22
20-May-22	25-May-22	6-Jun-22	7-Jun-22	15-Jun-22	15-Jun-22	17-Jun-22	22-Jun-22
17-Jun-22	22-Jun-22	8-Jul-22	12-Jul-22	19-Jul-22	22-Jul-22	22-Jul-22	27-Jul-22
22-Jul-22	27-Jul-22	12-Aug-22	9-Aug-22	17-Aug-22	17-Aug-22	19-Aug-22	24-Aug-22
26-Aug-22	7-Sep-22	16-Sep-22	13-Sep-22	20-Sep-22	23-Sep-22	23-Sep-22	28-Sep-22
23-Sep-22	28-Sep-22	7-Oct-22	11-Oct-22	18-Oct-22	21-Oct-22	21-Oct-22	*26-Oct-22
11-Nov-22	16-Nov-22	9-Dec-22	5-Dec-22	13-Dec-22	14-Dec-22	14-Dec-22	21-Dec-22

*changed due to holidays

** Article 5.2.3 Information to be delivered with the staff report should be submitted no less than fifteen (15) days prior to the meeting

** Article 5.3 All parties shall be allowed to submit documents into public record up to no less than five (5) days prior to the meeting

** APC Rules of Procedure states that the notice in the paper shall appear no less than fifteen (15) days prior to the public meeting

Version Dated November 3, 2022

Boone County Area Plan Commission
116 Washington Street, Room 101
Lebanon, IN 46052
Phone (765) 482-3821 * Fax (765) 483-5241
www.boonecounty.in.gov/apc

Boone County Board of Zoning Appeals

Variance Application

For Office Use Only: **FILE NUMBER**

_____ - 14 - _____

Year Twp File #

1. Petitioner(s)

Check one: ☐ owner ☐ agent ☐ lessee ☐ contract purchaser ☐ other _____

Name:

Address:

Phone Number: Fax Number: E-Mail Address:

2. Property Owner(s)

If Applicant is not the Owner, attach completed **Attachment A: Affidavit of Ownership**

Name:

Address:

Phone Number: Fax Number: E-Mail Address:

3. Applicant's Contact Person or Attorney and Project Engineer (if any)

Contact Person/Attorney Name:	Project Engineer:
Address:	Address:
Phone Number:	Phone Number:
Fax Number:	Fax Number:
E-Mail Address:	E-Mail Address:

4. Site Information

If only part of a parcel is requested for the Variance, then write "PART" after the Boone County Parcel Identification Number(s).

Boone County Parcel Identification Number(s):

Address:

General street location from the closest street intersection:

Township Section Twp Range

Existing Use of the Property:	Area (acres or square feet):
Current Zoning:	Current Comprehensive Plan designation:

5. Variance Use Request

Variance Requested:

Description:

6. Attachments to Include With Application

☐ Application Fee: $275 ($650 for mineral extraction, sanitary landfill, waste transfer station, hotel, shopping center, mobile home park, or junkyard.
$500 base fee plus $50 per waiver for commercial/industrial uses

☐ Attachment A: Affidavit of Ownership (if applicable)
☐ Site Plan (include a copy 11"x17" or smaller)
☐ Aerial Location Map with property lines drawn

7. Standards for Evaluating Variances

Per Indiana Code SS 36-7-4-918.5, the Board may impose reasonable conditions as part of the approval. Per Indiana Code SS 36-7-4-921(a)(5), the Board may require the owner of the parcel to make a written commitment concerning the use or development of that parcel. In accordance with the Boone County Zoning Ordinance, all of the following conditions must be met in order to grant a Variance:

1.	The Variance will not be injurious to the public health, safety, morals, and general welfare of the community because…
2.	The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because...
3.	The strict application of the terms of the Ordinance will continue the unusual and unnecessary hardship as applied to the property for which the variance is sought because...

The undersigned states the above information is true and correct as (s)he is informed and believes.

Signature(s) of Applicant(s): Date:

_____ _____

_____ _____

Notary Statement

Sworn to and subscribed before me the

_____ _____
Notary Public / Printed

_____day of _____ , 20_____
Notary Public in and for the State of Indiana.

Seal

My commission expires: _____

For Office Use Only

Date Filed: Public Notice: Newspaper Ad:

Date of BZA Hearing:

Decision of BZA: ☐ unfavorable ☐ favorable ☐ favorable with conditions

Conditions:

Boone County Board of Zoning Appeals
Variance Application

Attachment A: Affidavit of Ownership

If the owner(s) of the subject property are giving authorization for someone else to apply for the Variance, this Attachment is to be completed and submitted at the time of application.

I (WE), _____, do hereby certify that I (We) am
(name(s) of owner(s) of subject property)

(are) the owner(s) of the property legally described as _____,
(Boone County Parcel Identification Number)

and hereby certify that I (We) have given authorization to _____, to
(Name of Petitioner and Representative (if any))

apply for the Variance for My (Our) property.

Name of Owner(s):	Parcel Identification Number	Signature:	Date:

Notary Statement

Sworn to and subscribed before me the

_____day of _____ , 20_____

Notary Public in and for the State of Indiana.

My commission expires: _____

_____
Notary Public / Printed

Seal

Boone County Board of Zoning Appeals
Variance Application

Form: Notice of Public Hearing for Newspaper

This information along with the Legal Description is to be published one time in either the Lebanon Reporter or the Zionsville Times Sentinel. The publication is to be at least 15 days prior to the public hearing of the BZA according to the Application Schedule. Contact each newspaper for their individual deadlines for publication submittals.

- *Lebanon Reporter - daily publication. (765) 482-4650. Legal notices are due by 12:00 noon five days in advance of the desired publication date.*
- *Zionsville Times Sentinel - Wednesday only publication. (317) 873-6397. Legal notices are due by 5:00pm on the Friday before the Wednesday publication.*

This is to inform you that the Boone County Area Board of Zoning Appeals will hold a Public Hearing on

_____, 20___ at 7:00p.m. at the _____
(date)
_____, Lebanon, Indiana. Call (765) 482-3821 for the exact location should a conflict occur.

The application submitted by _____ requests a Variance to
(applicant)
_____ acres of property located in _____ Township at
(acreage)
_____, and which is more specifically described
(property address/location)
in the following legal description. The request is for the purpose of:

_____

_____

Information regarding this application can be viewed at the Boone County Area Plan Commission Office, 116 Washington Street, Lebanon, Indiana on or before such hearing. Written suggestions or objections relevant to the application may be filed up to five days prior to the hearing. Interested persons desiring to present their views verbally will be given the opportunity to be heard at the above mentioned time and place.

Applicant: _____

Boone County Board of Zoning Appeals
Variance Application

Form: Notice of Public Hearing for Surrounding Property Owners

This information along with the legal description, site plan, and Notice of Public Hearing brochure is be mailed to each of the surrounding property owners on the list supplied by staff.

This is to inform you that the Boone County Area Board of Zoning Appeals will hold a Public Hearing on

_____, 20___ at 7:00p.m. at the _____
(date)
_____, Lebanon, Indiana. Call (765) 482-3821 for the exact location should a conflict occur.

The application submitted by _____ requests a Variance to
(applicant)
_____ acres of property located in _____ Township at
(acreage)
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