

BZA Application Packet

Boone County Board of Zoning Appeals



This application packet is for petitions under the jurisdiction of the Boone County Area Plan Commission and includes:

- **Special Exception** – approval of a land use that would be permitted in the subject zoning district provided it meets certain conditions.
- **Special Exception with Minor Residential Subdivision** – approval of minor residential subdivision (4 total lots or less) for residential development in the General Agriculture District (AG).
- **Variance from Development Standards** – a modification of the specific requirements or standards of the zoning provisions
- **Use Classification** – the classification of a land use that is neither listed nor similar to any use listed in the ordinance
- **Appeals** – an appeal of the Administrator’s (or Staff’s) review, decision, or determination in the enforcement of the ordinances.

Step 1: Pre-Application.

At least one week prior to the intended filing of the petition, the applicant must discuss the potential application with the Administrator for the purpose of becoming familiar with requirements, submittals, procedures, deadlines, and hearings. Contact the Administrator by calling (765) 482-3821 or emailing AreaPlanDirector@co.boone.in.us.

Step 2: Making Application.

The applicant must make an appointment to file an application by calling (765) 482-3821 or emailing AreaPlanDirector@co.boone.in.us. The deadline for application submittals is noon on the filing deadline. At this appointment, the applicant will pay the application fee and receive the public notification materials. A complete application and all required attachments are to be submitted by the date shown on the Application Schedule. If the application is not complete, it will be returned to the applicant with the deficiencies identified. Applications submitted or completed after the posted submittal deadline may be placed on the application cycle for the next regular meeting.

Step 3: BZA Submittal Checklist

	Special Exception	Special Exception with Minor Res Subdivision	Variance from Development Standards	Use Classification	Appeal
1. Application Fee <i>(additional fees may apply for specialty uses and districts)</i>	\$275	\$625	\$275	\$200	\$50
2. Application Form	✓	✓	✓	✓	✓
3. County Location Map	✓	✓	✓	✓	✓
4. Aerial Map of Site	✓	✓	✓	✓	✓
5. Site Plan	✓	✓	✓	✓	✓
6. Narrative	✓	✓	✓	✓	✓
7. Deed or Legal Description with Drawing	✓	✓	✓	✓	✓
8. Plat Plans		✓			
Attachment A: Consent of Property Owner	✓	✓	✓	✓	✓
Attachment B: Standards for Evaluating a Variance			✓		
Attachment C: Standards for Evaluating a Special Exception	✓	✓			
Attachment D: Standards for Classifying a Use				✓	
Attachment E: Information for an Appeal					✓

Explanation of Application Submittal Materials

NOTE that an appointment is required to file your petition. It is preferred that all materials be submitted electronically. Each item on the checklist should be a separate PDF with a file name that corresponds to the checklist item. (For examples: *Application.pdf*; *SitePlan.pdf*; *Narrative.pdf*; etc.). Paper applications are acceptable if necessary.

1. Application Fee. Make checks payable to "Boone County."
2. Application Form. All items must be fully completed and signed by the applicant(s) and notarized.
3. County Location Map. Using the map at the end of this packet, indicate where the property is generally located with a star.
4. Aerial Map of the Site. Provide an aerial map of the subject parcel formatted for 8 ½" x 11" in size, showing all adjacent properties. The map can be obtained from Google Maps, Boone County GIS, or other similar aerial mapping programs. Be sure to outline the subject parcel.
5. Site Plan.
 - Submit a basic site plan formatted for 8 ½" x 11" in size, showing the basic layout of the proposed development.
 - When applying for a Special Exception for a residential use in the General Agriculture District (AG) district, include a fully detailed plot plan prepared by a certified Registered Land Surveyor.
6. Narrative. Provide a detailed narrative describing the nature of the application, the desired land use, and the details of the proposed development including information such as number of lots, hours of operation, number of employees, anticipated traffic generation, and the dates/details of previous construction/permits if applicable. Also include a bulleted statement of the history of the project (rezoning, platting, amendments, other approvals, etc.).
7. Deed or Legal Description with Drawing. Provide a copy of the deed or provide a legal description (text description of the property) and a corresponding drawing with dimensions and bearings. For the electronic version, the deed or legal description should be a PDF generated directly from a Word document so that the text is crisp and clear.
8. Plat Plans. Submit a set of plans that are formatted for 11"x17". Plans **MUST** be prepared in accordance with the county's ordinances and current Document and Drawing Specifications.

Attachments A - E. Complete the required attachments per the respective instructions contained on each form.

Step 4: Notifying the Public

State Law and the Rules and Procedures for the Boone County APC and BZA require you to notify the public of the hearing in two separate ways: by newspaper and by notifying property owners that surround the subject property. The Administrator or Staff will prepare the notices, and the applicant is responsible for publishing/mailing as well as the associated costs.

Notification by Newspaper

Publish the newspaper notification prepared by the Administrator/Staff one time in each of the newspapers listed below per the Public Notice Deadline on the Application Schedule. Failure to meet the publishing deadline will delay the hearing of your petition. Be certain to obtain a "Proof-of-Publication" affidavit from the newspaper for your advertisement. This affidavit and *Form 1: Affidavit of Notification* must be turned in to the Administrator prior to the hearing.

- Lebanon Reporter – 117 E Washington Street, Lebanon, IN 46052, (765) 482-4650.

Surrounding Property Owner Notification

The Petitioner must notify all property owners within 660 feet of the subject property. The Administrator/Staff will prepare the notification materials and property owner list for you.

The surrounding property owner notification prepared by the Administrator must be mailed by First Class Certificate of Mailing (NOT certified mail). Certificate of Mailing provides evidence that mail has been presented to the post office for mailing. Use *Form 2: Adjacent Property Owners Notified by Mail* for listing those notified. All letters must be postmarked by the Public Notice Deadline on the Application Schedule. A copy of Form 2 with the Post Office stamp along with *Form 1: Affidavit of Notification* must be turned in to the Administrator prior to the hearing.

2025 Application Schedule

The following table depicts the deadlines for petitions before the Boone County BZA. Deviations from this schedule are not permitted.

Pre-App Meeting Deadline	Application Submittal Deadline	TAC Meeting	Deadline for Submitting Additional Info/Revisions to the File	Public Notice Deadline	Staff Report Published	BZA Hearing
Dec 13, 2024	Dec 20, 2024	Jan 8	Jan 13	Jan 12	Jan 15	Jan 22
Jan 17	Jan 24	Feb 5	Feb 10	Feb 11	Feb 19	Feb 26
Feb 14	Feb 21	Mar 5	Mar 10	Mar 11	Mar 19	Mar 26
Mar 14	Mar 21	Apr 2	Apr 7	Apr 8	Apr 16	Apr 23
Apr 18	Apr 25	May 7	May 12	May 13	May 21	May 28
May 16	May 23	Jun 4	Jun 9	Jun 10	Jun 18	Jun 25
Jun 13	Jun 20	Jul 2	Jul 7	Jul 8	Jul 16	Jul 23
Jul 18	Jul 25	Aug 6	Aug 11	Aug 12	Aug 20	Aug 27
Aug 15	Aug 22	Sep 3	Sep 8	Sep 9	Sep 17	Sep 24
Sept 12	Sept 19	Oct 1	Oct 6	Oct 7	Oct 15	Oct 22
Oct 31	Nov 7	Nov 5	Nov 10	Nov 25	Dec 3	Dec 10

- Application Submittal: **An appointment is required to file your petition.** The filing deadline is 12:00pm noon on the date indicated. Call (765) 482-3821 or email AreaPlanDirector@co.boone.in.us to make an appointment to file your application. Application meetings are generally done by phone and email so that the Administrator can ensure you have a complete application.
- TAC Meeting: When required and conducted in person, the Technical Advisory Committee (TAC) Meetings are held at the APC Office, 116 W Washington Street, Room 101, Lebanon, IN 46052, (765) 482-3821. After receiving a complete application, Staff will contact you with an appointment time and date for the TAC meeting.
- Deadline for Submitting Additional Info/Revisions to the File: After a complete application has been received and given a file number, revisions or additions to the plans and/or file must be submitted by 12:00pm noon on the date indicated in order to remain on the current application schedule. Revisions shall be submitted electronically with a cover letter noting the file number and explanation to the attention of the Administrator at AreaPlanDirector@co.boone.in.us.
- Public Notice Deadline: Deadline to publish public notice in the newspapers and postmark mailings to surrounding property owners.
- Staff Report Published: On the date indicated, Staff Reports will be emailed directly to the BZA members and the Applicant/Owner.
- Submit Proof of Public Notice: Prior to the hearing date, submit Forms 1 and 2 as proof of adequate public notice of the hearing. Forms shall be submitted electronically with a cover letter to the attention of the Administrator at AreaPlanDirector@co.boone.in.us.
- BZA Hearing: Unless otherwise noticed, BZA Hearings are held at 7:00pm in the Connie Lamar Room at the Boone County Office Building, 116 W Washington Street, Lebanon, IN 46052. (NOTE: Petitions for Special Exception with Minor Residential Subdivision will also be heard at the proceeding APC hearing. See the APC Application Packet for hearing dates.)

BZA Application

This application is being submitted for:

- Special Exception
- Special Exception with Minor Residential Subdivision
- Variance from Development Standards
- Use Classification Appeal

<i>For Office Use Only</i>	
<i>File #</i>	<i>Fee</i>
<i>Filing</i>	<i>TAC</i>
<i>Hearing/Meeting Date</i>	
<i>___ Approved</i>	<i>___ Denied</i>
<i>___ w/ conditions</i>	

Applicant Info

Name	
Street Address	
City, State, Zip	
Primary Contact Person regarding this petition	
Phone	E-Mail
Engineer Preparing Plans	E-Mail
Others to be Notified	E-Mail

Property Owner

Name	
Street Address	
City, State, Zip	
Phone	E-Mail
Applicant is (circle one): Sole owner Joint Owner Tenant Agent Other (specify)	

Premises Affected

10-digit Parcel Number				
Actual/approximate address or location from major streets				
Subdivision			Lot Number(s)	
Total Acreage		Flood Zone on Site?		
Zoning of Subject Property		Use of Subject Property		
Proposed Zoning		Proposed Land Use		
Zoning of Adjacent Properties	North:	South:	East:	West:
Land Use of Adjacent Properties	North:	South:	East:	West:

Notarization

The above information and attached exhibits, to my knowledge and belief, are true and correct.

Signature of Applicant	
Notary Public's Name (printed)	Signature of Notary
My Commission Expires State County	Subscribed and sworn to before me this ___ day of _____, 20_____.

Attachment A: Consent of Property Owner

Complete and submit ONLY if the applicant is different from property owner.

I (we)

NAME(S)

After being first duly sworn, depose and say:

- That I/we are the owner(s) of the real estate located at I (we)

ADDRESS

- That I/we have read and examined the Application and are familiar with its contents.
- That I/we have no objection to, and consent to such request as set forth in the application.
- That such request being made by the applicant (____is) (____is not) a condition to the sale or lease of the above referenced property.

(AFFIANT)

STATE OF INDIANA)
) SS:
COUNTY OF _____)

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

, Notary Public

My Commission expires: _____ County of Residence: _____

Attachment B: Standards for Evaluating a Variance

Use the following form or attach a separate sheet(s) to explain the Variance request. Use a separate sheet for each variance that is being requested. In accordance with IC 36-7-4-918.5, the BZA's decision is based exclusively on whether each of the following statutory requirements is adequately justified in your request.

Standards for Evaluation

1. The variance will not be injurious to the public health, safety, morals, and general welfare of the community. *(Explain in detail how allowing you to vary from the standards of the ordinance will not affect the county and residents in general.)*

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. *(Explain in detail how the variance you are requesting will not have a negative impact on your neighbors' property and how they can use it.)*

3. The strict application of the terms of the ordinance will result in practical difficulties in the use of the property. *(Explain in detail how there is no other way for you to use your property or configure your proposed development without obtaining the variance.)*

Attachment C: Standards for Evaluating a Special Exception

Use the following form or attach a separate sheet(s) to explain the Special Exception request. The BZA's decision is based exclusively whether each of the following is adequately justified in your request.

Standards for Evaluation

1. The establishment, maintenance, or operation of the Special Exception will not be detrimental to or endanger the public health, safety, morals, or general welfare. *(Your proposed use is not typically permitted in this district. Explain how allowing the use in this location will not affect the county and residents in general.)*

2. The Special Exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted. *(Since your use is not typically permitted in this district, explain in detail why allowing your use in this location will not affect how your adjacent neighbors currently use and access their property.)*

3. The establishment of the Special Exception will not impede or substantially alter the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district. *(Since your use is not typically permitted in this district, explain in detail how allowing your use in this location will not affect how properties in this area that comply with the ordinance now or in the future will not be negatively impacted.)*

4. Adequate utilities, access road, drainage, and other necessary facilities have been or are being provided. *(Itemize and explain in detail that you will be obtaining all of the necessary permits and approvals required for establishing your use in this location.)*

5. Adequate measures have been or will be taken to provide entrance/exit to the property to minimize traffic congestion on the public roadways. *(Explain in detail why your driveway is located where proposed and why it will not create a traffic hazard.)*

6. The special exception will be located in a district where such use is permitted by special exception and all other requirements set forth in the Boone County Zoning Ordinance will be met.

YES – I have reviewed and understand the applicable development standards with Staff and they will all be met.

UNSURE – At this time, I am unsure if all of the standards will be met. Applicable variances will be requested under a separate application at a later date if it is determined that they are needed.

NO - The following standards cannot be met and the following variances have been requested as part of this application:

Attachment D: Standards for Classifying a Use

Use the following form or attach a separate sheet(s) to explain in detail the Use to be classified. The BZA's decision shall be based upon how each of the following criteria is explained and justified in the request.

Standards for Evaluation

- 1. INTENSITY.** Is the unlisted use similar in the amount of activity and type of activity to a listed use?
- Residential, Public, and Office Uses: Intensity levels should compare to the number of people using a space.
 - Commercial Uses: Intensity levels should compare the gross commercial floor area associated with the primary structure as well as the operation of the business, such as hours of operation and anticipated customer volumes.
 - Industrial Uses. Intensity should compare the amount of noise, noxious exhaust, and public safety hazards generated on the site. In addition, the types of vehicles used, type of storage (indoor and outdoor), and hours of operation should be considered.

2. CHARACTER. Does the use have similar physical characteristics, structures, scale, operational hours, or other features similar to a listed use?

3. ACCESSORY USES AND STRUCTURES. Does the use have similar potential for accessory uses and/or structures to a listed accessory use? Or if it is an accessory use, is it incidental to, necessary, and/or compatible with a permitted primary use?

4. INTENT. Is the unlisted use compatible with the purpose of the subject zoning district and consistent with the future land use contemplated in the Comprehensive Plan?

Attachment E: Information for Appeal

Use the following form or attach a separate sheet(s) to explain the nature of the Appeal.

The BZA shall hear and determine appeals from and review any order, requirement, decision, or determination made by the Administrator in the enforcement of the UDO. In exercising its powers, the BZA may affirm (wholly or partly), reverse, or modify the order, requirement, decision, or determination appealed and to that end shall have all of the powers of the Administrator from whom the appeal is taken.

When an appeal has been filed, all proceedings, operation, and work on the premises concerned must stop, unless the official from whom the appeal was taken shall certify to the BZA that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings or work shall not be stayed except by a restraining order, which may be granted by a circuit or superior court of the county in which the premises affected are situated, on notice to the office or board from whom the appeal is taken and the owner of the premises affected, and on due cause shown.

Petition Information

Itemize the subject of the appeal and identify ordinance citations where applicable:

Document/ Citation / Requirement	Administrator's Interpretation	Applicant's Position

Form 1: Affidavit of Notification

Submit this Form prior to the hearing along with proof of publication and proof of mailing.

I (we) _____

After being first duly sworn, depose and say:

- That I have notified in person or by First Class U.S. Mail all owners of property located within a 660-foot radius of my property located at _____.
- That the said property owners were informed by me of the filing of the petition and of the nature of said application, as directed in the application packet "Notifying the Public," which is part of the Rules and Procedures of the APC as described;
- That the said property owners were notified that the BZA will hold a public hearing regarding this application on _____ (DATE), at _____ (TIME); and
- That the names and addresses of said property owners so notified are listed on a separate paper which is a part of this Affidavit.

And further the Affiant sayeth not.

(AFFIANT)

STATE OF INDIANA)
) SS:
COUNTY OF _____)

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

 , Notary Public

My Commission expires: _____ County of Residence: _____

