

BZA Application Packet

Boone County Board of Zoning Appeals



BOONE
INDIANA
COUNTY

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.
- **Modification or Termination of Commitments** – applies to commitments made as part of a decision made by the BZA.

Step 1: Pre-Application Review.

Pre-Application review is required for all BZA applications. Please email your entire draft application, forms, and attachments by the Pre-App Review date on the Application Schedule to the Executive Director at AreaPlanDirector@co.boone.in.us. Be sure to note "BZA Application for ____" in the subject line along with the applicant's last name. Questions can be sent to this email or call (765) 482-3821. Note that the application DOES NOT have to be notarized at this time.

Step 2: Completing the Filing Application.

You will receive an email confirmation when your application is deemed "complete" and you are ready to complete the filing of the application. This email will include instructions for making an appointment to complete the filing, pay the application fee, schedule the Technical Advisory Committee Meeting (TAC), and pick up the public notice materials. Filings submitted or completed after the posted submittal deadline may be placed on the application cycle for the next regular meeting. Questions about completing the filing of the application can be directed to the Administrative Assistant at (765) 482-3821.

Step 3: BZA Submittal Checklist

	Special Exception	Special Exception with Minor Res Subdivision	Variance from Development Standards	Use Classification	Appeal	Modification or Termination of Commitments
1. Application Fee <i>(add \$200 for additional variances)</i>	\$800	\$1,200	\$800	\$500	\$50	\$275
2. Application Form	✓	✓	✓	✓	✓	✓
3. County Location Map	✓	✓	✓	✓	✓	✓
4. Aerial Map of Site	✓	✓	✓	✓	✓	✓
5. Site Plan	✓	✓	✓	✓	✓	✓
6. Narrative	✓	✓	✓	✓	✓	✓
7. Deed and Legal Description with Drawing	✓	✓	✓	✓	✓	✓
8. Plat Plans		✓				
9. Existing Commitments and Proposed Edits to Commitments						✓
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

All materials must be submitted separately and electronically in the format shown. Each item on the checklist should be a separate PDF with a file name that corresponds to the checklist item. Image files will not be accepted (jpg, tiff, etc.). (For example: 02 Application.pdf; 04 Aerial Map.pdf; 06 Narrative.pdf; etc.).

1. Application Fee. Make checks payable to "Boone County."
2. Application Form. All items must be fully completed and signed by the applicant(s). The form does not need to be notarized until your final filing. Information about the parcel number, zoning, and surrounding land uses can be found on the Boone County GIS website at: [Boone County GIS Map Viewer](#).
3. County Location Map. Using the map on page 13 of this packet, indicate where the property is generally located in the county with a star.
4. Aerial Map of the Site. Provide an aerial map of the subject parcel formatted for 8 1/2" x 11" in size that zooms in on the subject parcel. 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 1/2" x 11" in size, showing the basic layout of the proposed development.
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 and Legal Description.
 - o Deed – This is evidence of property ownership as well as any restrictions associated with the property.
 - o Legal Description – **Only required if the lot does not have its own tax parcel ID number.* This is the written words delineating the property and a corresponding drawing with dimensions and bearings. For the electronic version, the 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.
9. Existing and Proposed Commitments. Provide a copy of the existing commitments as well as a separate mark-up copy clearly showing the requested modifications.

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.

Staff will prepare the notices. The Application is responsible for publication 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 and provide a copy of this Form prior to the hearing to show proof of newspaper notification.

- 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 surrounding property owner notification is to be mailed by First Class Certificate of Mailing (NOT certified mail with green cards). Certificate of Mailing provides evidence that mail has been presented to the post office for mailing. Use *USPS Form 3665: Certificate of Mailing Firm* on pages 16-17 and follow the instructions for mailing.

After being stamped by the Post Office, provide a copy of this Form prior to the hearing to show proof of mailing notification.

All letters must be postmarked by the Public Notice Deadline on the Application Schedule.

2026 Application Schedule

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

Pre-App Review	Filing Completion	TAC Meeting	Deadline for Submitting Additional Info/Revisions to the File	Public Notice Deadline	Staff Report Published	BZA Hearing
Dec 19, 2025	Dec 29, 2025	Jan 7	Jan 14	Jan 14	Jan 21	Jan 28
Jan 16	Jan 23	Feb 4	Feb 11	Feb 11	Feb 18	Feb 25
Feb 13	Feb 20	Mar 4	Mar 11	Mar 11	Mar 18	Mar 25
Mar 13	Mar 20	Apr 1	Apr 8	Apr 8	Apr 15	Apr 22
Apr 17	Apr 24	May 6	May 13	May 13	May 20	May 27
May 15	May 22	Jun 3	Jun 10	Jun 10	Jun 17	Jun 24
Jun 12	Jun 18	Jul 1	Jul 8	Jul 8	Jul 15	Jul 22
Jul 17	Jul 24	Aug 5	Aug 12	Aug 12	Aug 19	Aug 26
Aug 14	Aug 21	Sep 2	Sep 9	Sep 9	Sep 16	Sep 23
Sep 18	Sep 25	Oct 7	Oct 14	Oct 14	Oct 21	Oct 28
Oct 16	Oct 23	Nov 4	Nov 25	Nov 25	Dec 2	Dec 9

- Pre-App Review: See "STEP 1" on page 1 of this application packet.
- Filing Completion: See "STEP 2" on page 1 of this application packet. During your Filing Completion appointment, Staff will provide you with the appointment date and time for the TAC meeting.
- TAC Meeting: The Technical Advisory Committee (TAC) Meetings are held at the APC Office, 116 W Washington Street, Room 101, Lebanon, IN 46052, (765) 482-3821. **The engineer preparing plans for a minor residential subdivision MUST attend the meeting.** You will be given written instructions for submitting additional/revised information to your file.
- Deadline for Submitting Additional Info/Revisions to the File: At the TAC meeting, 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.
- Public Notice Deadline: Deadline to publish public notice in the newspapers and postmark mailings to surrounding property owners.
- Staff Report Published: On or after 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 *Form 1: Affidavit of Notification* as proof of adequate public notice of the hearing. Forms shall be emailed with a cover letter to the attention of the Administrative Assistant 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. The Applicant or their representative is required to attend. (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
- Variance from Development Standards
- Appeal

- Special Exception with Minor Residential Subdivision
- Use Classification
- Modification of Commitments

For Office Use Only

File #

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 County Parcel Number	Acreage

Actual or Approximate address

Subdivision Name		Lot Number(s)		
Zoning of Subject Property		Use of Subject Property		
Flood Zone on Site?				
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. What are you specifically doing to minimize potential impacts?)*
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. What are you specifically doing to minimize potential impacts?)*
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. What are you specifically doing to minimize potential impacts?)*
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. What are you specifically doing to minimize potential impacts?)*
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 no or in the future will not be negatively impacted. What are you specifically doing to minimize potential impacts?)*
4. Adequate utilities, road access, 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. What are you specifically doing to minimize potential impacts?)*
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 BZA 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 _____)

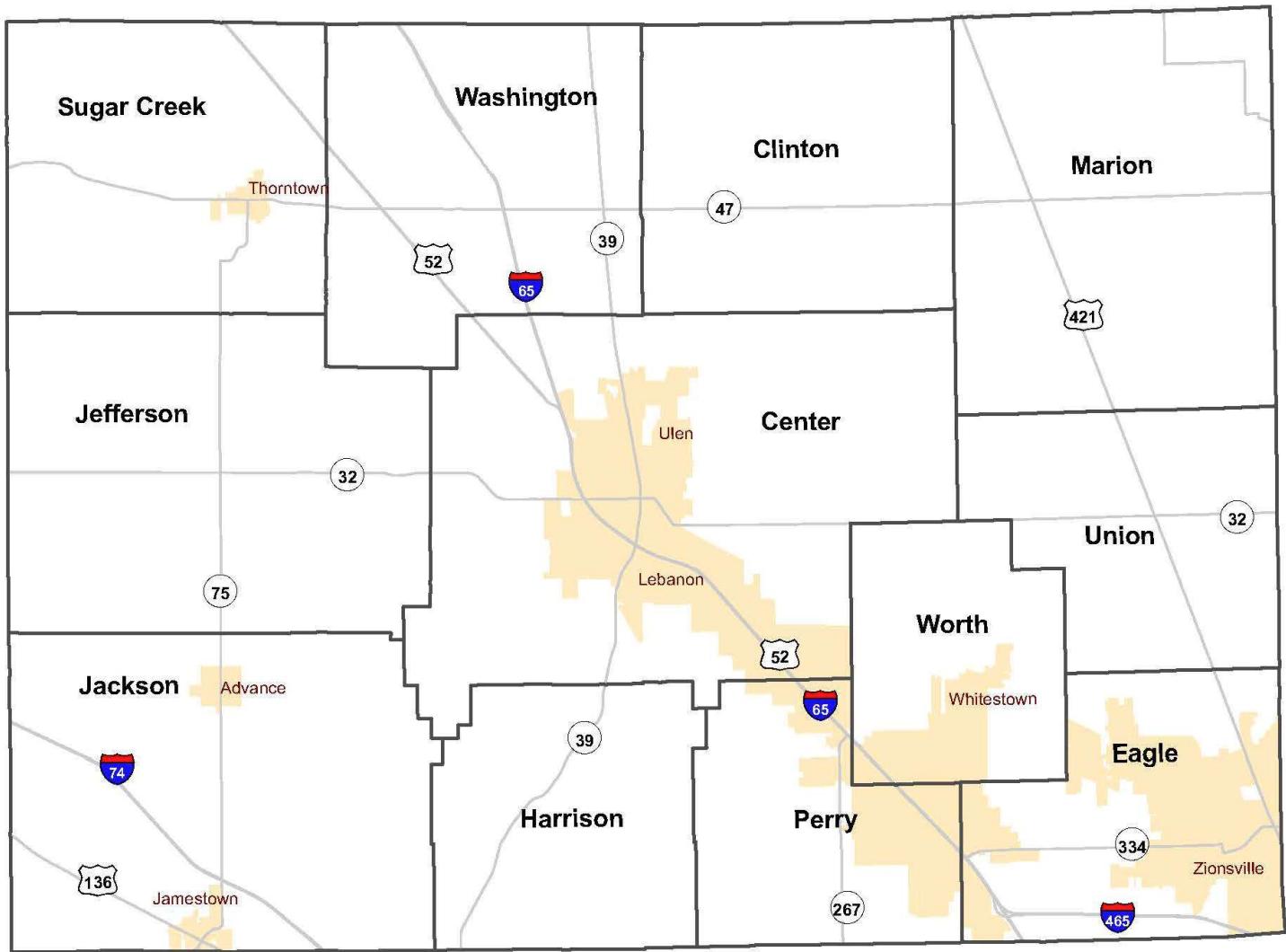
Subscribed and sworn to before me this _____ day of _____, _____.

_____, Notary Public

My Commission expires: _____ County of Residence: _____

County Location Map

Add a  to this map indicating the general area of where the subject property is located.





Certificate of Mailing — Firm

Name and Address of Sender		TOTAL NO. of Pieces Listed by Sender	TOTAL NO. of Pieces Received at Post Office™	Affix Stamp Here Postmark with Date of Receipt
USPS® Tracking Number Firm-Specific Identifier	Address (Name, Street, City, State, and ZIP Code™)	Postage	Fee	Special Handling Parcel Airlift
1.				
2.				
3.				
4.				
5.				
6.				

Instructions for Certificate of Mailing — Firm

This service provides evidence that the mailer has presented individual items to the Postal Service™ for mailing, and is available for the following products:

- Domestic services: First-Class Mail®, First-Class Package Service®, Priority Mail®, Media Mail®, Library Mail, Bound Printed Matter, Merchandise Return Service, Parcel Return Service, and USPS Retail Ground™.
- International services: First-Class Mail International® (unregistered items), First-Class Package International Service® (unregistered items), Free Matter for the Blind, and Airmail M-bags®.

The following instructions are for the preparation and use of PS Form 3665, *Certificate of Mailing — Firm* (including USPS-approved facsimiles):

1. Complete and print all forms in ink or ball point pen.
2. Enter the name and address of the sender at the top of the form.
3. Enter a complete return address on each article.
4. Ensure the articles are properly packaged.
5. In the appropriate column, enter the applicable postage and fees.
6. Insert a firm-specific identifier or account number if desired. (This number is for the sender's use only, and the Postal Service will not use it for identification.)
7. When describing and listing three or more individual pieces but not presenting the pieces in the order shown on the sheet, consecutively number each entry line on the sheet and number each piece to show both the corresponding sheet and line number.
8. Enter the total number of articles in the proper space at the top of the form.
9. Obliterate all unused portions of the "Address" column by drawing a diagonal line through the unused portion on the form.
10. When the number of articles presented exceeds the allotted space on the form, use multiple sheets, and in the provided blank spaces in the lower left of the form, number them consecutively to show sheet number and total number of sheets (such as "Page 1 of 4," "Page 2 of 4," etc.).

11. Present PS Form 3665 and the mailing as follows:

- When the mailing has fewer than 50 mailpieces and less than 50 pounds, present the form and mailing at a retail Post Office™ location.
- When the mailing has at least 50 mailpieces or at least 50 pounds, present the form and mailing at a business mail entry unit (BMEU) or USPS-authorized detached mail unit (DMU).

Privately Printed Forms: The Postal Service allows mailers to use USPS-approved privately printed or computer-generated firm sheets that are nearly identical in design elements and color to the USPS-provided PS Form 3665. See DMM 503 for details on the approval process.

The mailer must retain the original written approval granted by the Postal Service as evidence that the privately printed facsimile of PS Form 3665 has been approved by the Postal Service. The Postal Service does not retain records on the facsimile approvals. A mailer using privately prepared forms must periodically verify them against the USPS-provided version and, if necessary, make routine updates and obtain approval of the updated facsimile form.

A mailer using an approved privately printed form and wanting the form sheets postmarked by the Postal Service must present the forms with the articles to be mailed at a Post Office facility. The forms become the mailer's only receipt (the Postal service does not retain a copy).