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**THE HENDRICKS COUNTY** QUALITY GROWTH STRATEGY

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**BZA**  
**APPEALS PROCEDURE**

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## APPEALS PROCEDURE

Definition: Pursuant to Section 12.9 of the Hendricks County Zoning Ordinance the Board of Zoning Appeals shall hear and determine all appeals from any decision or action of the Building Commissioner (Planning Director) in the administration or enforcement of the Zoning Ordinance. The Board of Zoning Appeals shall hear and determine all appeals from the refusal of the Building Commissioner to issue Improvement Location Permits. The Board may decide appeals by reversing or affirming, wholly or in part, or by modifying such decision, action or refusal.

Pursuant to Section 12.9 the Board of Zoning Appeals shall have the power to interpret any provision of the Zoning Ordinance including a determination of the exact location of any district boundary, if there is uncertainty.

1. Preliminary Consultation:
  - a. Schedule by appointment only.
  - b. On-site/in-house review.
  - c. Sketch plan showing all existing and proposed improvements.
2. Application (All required information must be filed prior to placement on the agenda of the Board of Zoning Appeals) APPLICATION SUBMITTAL AND FEE RECEIPT DOES NOT CONSTITUTE PLACEMENT ON ANY SPECIFIC AGENDA OF THE BOARD OF ZONING APPEALS:
  - a. Application must be filed by 3:30 P.M. at least thirty (30) days before the Board of Zoning Appeals meeting.
    1. Application must be completed in ink or typed, and the application must be completed in its entirety; and
    2. Application must be notarized.
  - b. The following information shall accompany the application pursuant to Section 12.9 of the Hendricks County Zoning Ordinance:
    1. A complete legal description;
    2. Letter of Intent (see attached checklist);
    3. Detailed site plan of the proposed site for the Appeal (see attached checklist);
    4. Sample letter to surrounding property owners (must be approved prior to mailing); and
    5. List of surrounding property owners, to be notified, by name and address.
  - c. All applications must be reviewed by the Zoning Technician for completeness and accuracy, prior to acceptance.
3. Fee: Administrative Appeals: \$340.00 plus \$55.00 for the public newspaper notification. (THIS FEE WILL BE REFUNDED WITH A SUCCESSFUL APPEAL. THE REFUND DOES NOT INCLUDE THE LEGAL ADVERTISING FEE OF \$55.00)

4. Notification:
  - a. Written Notification: All land owners, to a depth of two (2) ownerships, but not to include any ownership of land located more than six hundred sixty (660) feet from the property described in the application, must be notified by certified mail, return receipt / green cards, or registered or first class mail (with a USPS Certificate of Mailing for each letter), of a public hearing at least ten (10) days before a scheduled meeting (see attached sample illustration and procedure).
  - b. Public Notification: The Planning and Building Department will submit legal notices in the Hendricks County Flyer and the Republican at least ten (10) days before a scheduled meeting.
  - c. Notification Sign: The Planning and Building Department shall place a notification sign upon the real estate described in the application, at least ten (10) days before a scheduled meeting, along each road frontage. (The applicant should bring the notification sign to the Board of Zoning Appeals meeting).
5. Staff Review:

Review of all applications by the Board of Zoning Appeals staff.
6. Board of Zoning Appeals:

A public hearing to be held on the scheduled meeting date of each month (see attached meeting schedule).
7. Action by the Board:

Any person aggrieved by a decision of the Board of Zoning Appeals may present, to the Circuit or Superior Court of Hendricks County, a verified petition setting forth that the decision is illegal in whole or in part



Hendricks County BZA  
APPEALS PROCEDURE

Fee: \_\_\_\_\_ Case Number: \_\_\_\_\_  
Date Received: \_\_\_\_\_ Reviewed By: \_\_\_\_\_  
Date of BZA Hearing: \_\_\_\_\_ Date of Legal Publication: \_\_\_\_\_  
Decision of BZA: \_\_\_\_\_ Approval \_\_\_\_\_ Denial \_\_\_\_\_ With Conditions \_\_\_\_\_

APPLICATION  
BOARD OF ZONING APPEALS  
HENDRICKS COUNTY, INDIANA

Applicant(s): \_\_\_\_\_ Telephone: \_\_\_\_\_  
Address: \_\_\_\_\_ Email: \_\_\_\_\_  
Owner(s) \_\_\_\_\_ Telephone: \_\_\_\_\_  
Address: \_\_\_\_\_ Email: \_\_\_\_\_  
Agent: \_\_\_\_\_ Telephone: \_\_\_\_\_  
Address: \_\_\_\_\_ Email: \_\_\_\_\_

REAL ESTATE EFFECTED: Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_  
Township \_\_\_\_\_ Parcel Key Number(s): \_\_\_\_\_

Location of Subject Property to Nearest County Road Intersection:  
\_\_\_\_\_  
\_\_\_\_\_

Address of Subject Property: \_\_\_\_\_  
Town Of: \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_ Addition \_\_\_\_\_  
Subdivision: \_\_\_\_\_ Lot \_\_\_\_\_ Section \_\_\_\_\_  
Lot Size: \_\_\_\_\_ Current Zoning District: \_\_\_\_\_  
Sewer \_\_\_\_\_ Water \_\_\_\_\_  
(CHECK APPROPRIATE BOX(S))

Variance From The Development Standards _____	Special Exception/ Mobile Home _____
Appeals _____	Special Exception _____
	Special Exception/ Home Occupation _____

Applicable Ordinance Section Number(s): \_\_\_\_\_

Requested Action From The Board of Zoning Appeals:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please see "Variance, Special Exception or Appeals Procedure" for the list of supportive materials which must accompany this petition.



**Hendricks County BZA**  
**APPEALS PROCEDURE**

I (We) hereby authorize and grant to the employees of the Hendricks County Planning and Building Department, other Hendricks County Officials and employees, members of the Board of Zoning Appeals and members of the Plan Commission the right to come onto the above described property for the purpose of inspecting and evaluating the premises regarding this application. I (We) further release said Board members, Commission members, and County employees and officials from any and all liability during said inspection and related matters.

The undersigned, sworn upon his oath, says that the above information and attached exhibits, to my knowledge, are true and correct:

Signature of Applicant(s): \_\_\_\_\_

Date: \_\_\_\_\_

State of Indiana

SS:

County of \_\_\_\_\_  
Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

My Commission expires: \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

**AFFIDAVIT AND CONSENT OF PROPERTY OWNER(S), IF DIFFERENT THAN THE APPLICANT**

I (We) \_\_\_\_\_ after being first duly sworn, depose and say:

- 1. That I (We) are the owner(s) of the above described real estate;
- 2. That I (We) have read and examined the Application for Special Exception, Variance or Appeals of the Hendricks County Zoning Ordinance, and are familiar with its contents; and
- 3. That I (We) have no objections to, and consent to such request as set forth in the application;

Signature of Property Owner(s) \_\_\_\_\_

State of Indiana

SS:

County of \_\_\_\_\_  
Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

My Commission expires: \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

Hendricks County Planning and Building Department  
355 South Washington #212  
Danville, Indiana 46122 (317) 745-9254

Revised December 9th, 2008

SAMPLE ILLUSTRATION OF WRITTEN NOTIFICATION  
AND  
AFFIDAVIT OF NOTIFICATION PROCEDURE

The sample illustration of written notification on the following page is designed to help the applicant notify the adjacent property owners for a public hearing as required by Indiana Code 36-7-4-706 and the Hendricks County Subdivision Control Ordinance and Zoning Ordinance.

The applicant must follow steps 1 through 7 to ensure that proper written notification is given to adjacent property owners.

1. Notify all adjacent property owners within six hundred sixty (660) feet of the applicant's property lines or two (2) ownerships deep, whichever comes first. For purposes of giving notice the land described in the application shall be deemed to include any adjoining or adjacent land owned by the applicant. Any land separated from land described in the application by streets, alleys, easements, channel waters, or any other natural or artificial barrier, shall be deemed to be adjoining or adjacent to that described in the application. If the applicant's property abuts or includes a county line, the applicant shall follow the above rule of notification into that county;
2. Letters of written notification must be sent by certified mail, with return receipts (green cards), or registered or first class mail (with a USPS certificate of mailing for each letter) to the legal property owner. The mailing address of the legal property owners shall be obtained from the Hendricks County Auditor's Office, Deeds and Plats. For notification into an adjacent county, the applicant shall contact the appropriate county office to secure names and addresses of property owners;
3. The applicant must submit an Affidavit of Written Notification on the form available at the Planning and Building Department;
4. The affidavit must be completed in ink or typed;
5. The affidavit must be notarized;
6. The names and addresses of the property owners who were sent notices must be attached to the affidavit;
7. The affidavit of notice and the return receipts (green cards) must be filed with the Planning and Building Department on or before the Friday preceding the scheduled Public Hearing.  
Date: \_\_\_\_\_;

STATE OR FEDERAL HIGHWAY NOTIFICATION

All applications requiring a public hearing by the Plan Commission or Board of Zoning Appeals must notify the Indiana Department of Transportation, as part of the written notification requirements, if a state or federal highway is located within six hundred sixty (660) feet of the property described in the application.

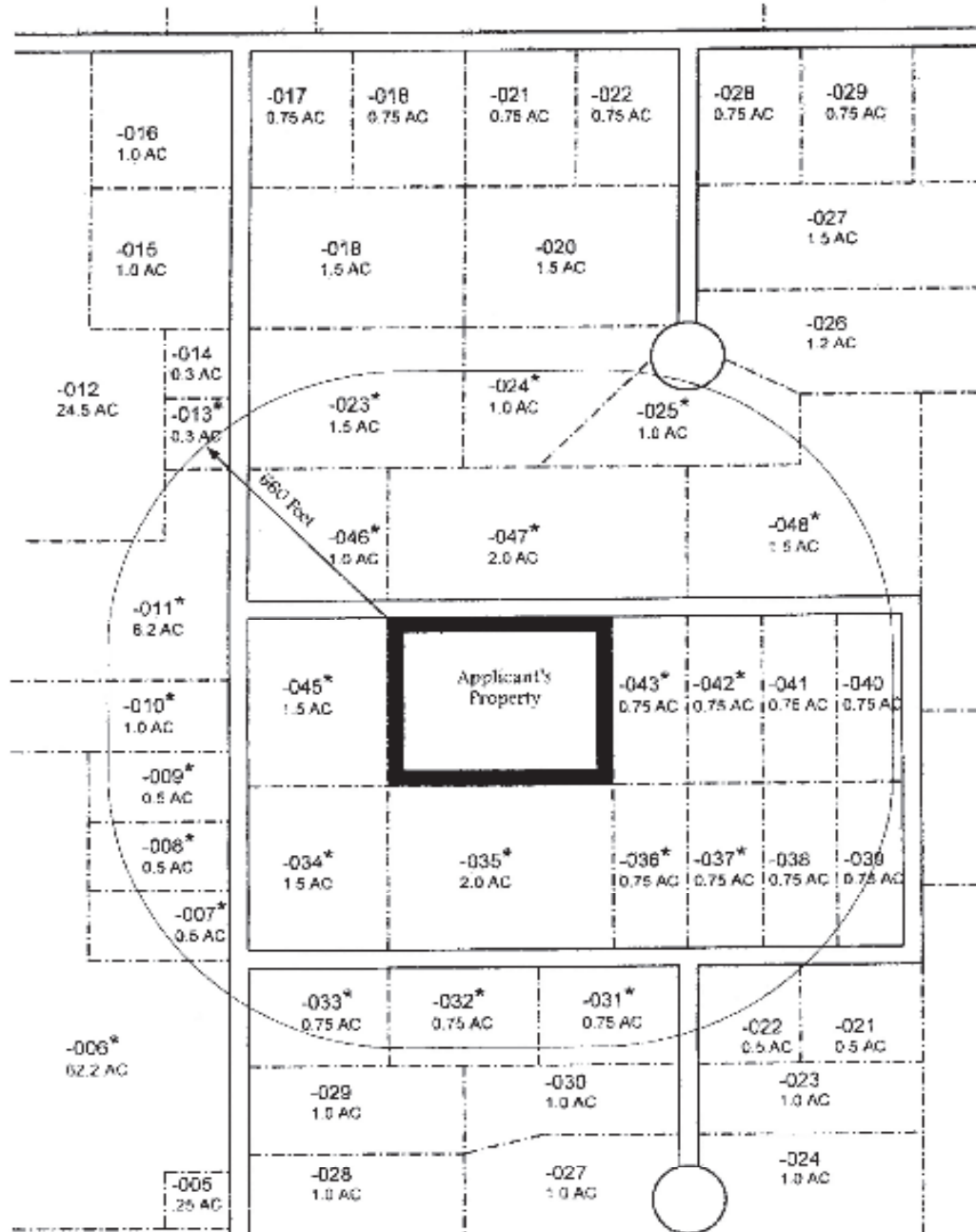
All applicants should contact the Indiana Department of Transportation as follows:

ATTENTION: PERMIT DEPARTMENT  
Regulatory Department  
Indiana Department of Transportation  
41 W 300 N  
Crawfordsville, Indiana 47933

If affidavit of notification and green cards are not filed with the Planning and Building Department on or before the Friday preceding the scheduled Public Hearing, the petition will automatically be continued to the next monthly meeting.

# SAMPLE ILLUSTRATION

\* DENOTES ADJACENT PROPERTY OWNERS THAT MUST BE MAILED WRITTEN NOTIFICATION



(This illustration is not drawn to scale)



SAMPLE NOTIFICATION LETTER  
BOARD OF ZONING APPEALS  
HENDRICKS COUNTY, INDIANA

Date (DATE LETTERS MAILED)

Name (MAILING ADDRESS OF PROPERTY  
Address OWNER TO BE NOTIFIED)  
City, State, Zip

Dear:

Please be advised that the undersigned property owner or agent has petitioned the  
Hendricks County Board of Zoning Appeals for a TYPE AND NATURE OF REQUEST,  
in NAME OF CIVIL TOWNSHIP Township, Section \_\_\_, Township \_\_\_, Range \_\_\_,  
Hendricks County, Indiana located on the property known as GIVE LOCATION OF  
SUBJECT PROPERTY TO NEAREST COUNTY ROAD INTERSECTION AND/OR  
PROPERTY ADDRESS.

A copy of this application, legal description and all development plans pertaining thereto are on file and available for examination, prior to the hearing, in the office of the Planning and Building Department at the Hendricks County Government Center, 355 South Washington Street #212, Danville, Indiana 46122, between the hours of 8:00 A.M. and 4:00 P.M., Monday through Friday. Written comments to a proposal may be filed with the Secretary of the Board of Zoning Appeals (Planning and Building Department) prior to the date set for hearing and such comments will be considered.

A public hearing will be held at the Hendricks County Government Center, 355 South  
Washington Street, Danville, Indiana in Meeting Rooms 4 and 5 on DATE OF SCHEDULED  
PUBLIC HEARING, 20\_\_\_ at 7:30 P.M.

Yours Truly,

(NAME OF APPLICANT)



AFFIDAVIT OF NOTICE OF PUBLIC HEARING  
BOARD OF ZONING APPEALS  
HENDRICKS COUNTY, INDIANA  
FOR VARIANCE/SPECIAL EXCEPTION

STATE OF INDIANA            )  
  
  )   SS:

COUNTY OF HENDRICKS)

I/We \_\_\_\_\_ do hereby certify that notice of public hearing by the Board of Zoning Appeals of the County of Hendricks to consider Case No. \_\_\_\_\_ being the application of \_\_\_\_\_ Was registered and mailed to the last known address of the following persons:

ATTACH A LIST OF THE SURROUNDING PROPERTY OWNERS  
NOTIFIED BY NAME AND ADDRESS

AND THAT SAID NOTICES WERE SERVED BY CERTIFIED MAIL (WITH RETURN RECEIPTS) OR REGISTERED OR FIRST CLASS MAIL (WITH A USPS CERTIFICATE OF MAILING FOR EACH LETTER) on or before the \_\_\_\_ day of \_\_\_\_\_ 20\_\_, being at least TEN (10) days prior to \_\_\_\_\_ 20\_\_, the date of the Public Hearing in the Hendricks County Government Center, 355 South Washington Street #212, Danville, Indiana at 7:30 P.M.

\_\_\_\_\_  
Signature of Applicant

State of Indiana

SS:

County of \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

My Commission expires: \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC