Hendricks County BZA
APPLICATION PROCESS GUIDE

MEET WITH STAFF PLANNER/DIRECTOR TO REVIEW REQUEST*

Submit with Application:

Fee (check or cash only)

- $400 Variance / $515 Special Exception

Property Inspection Release (included in the application packet)

- must be notarized

Letter of Intent

- must address specific points required for either a Variance or Special Exception

Copy of Deed

- a copy can be obtained at the Recorder's Office

Concept or Site Plans

- can be hand-drawn

Once Application has been submitted, you will be provided with:

Notification list, map and letter template

- Notification letters must be mailed at least 10 days prior to hearing date
- The original "Certificate of Mailing", along with the signed and notarized "Affidavit of Notice of Public Hearing", must also be brought in or mailed to the office prior to the hearing date.

Office will submit the following:

- *Newspaper Ad*
- *Township Notifications*

Attend BZA Hearing:

You or a representative must attend the BZA meeting

You may bring pictures, documents, etc. to present at the meeting *(all submitted materials must be left with the board and added to the official case file)*

***Affidavits can be notarized in our office*

Board of Zoning Appeals Instructions Packet

This document will answer the majority of questions stemming from the BZA application process. For any additional questions please contact Planning and Building by phone at: (317) 745-9255

Application Deadline	Written Notice Deadline	BZA Hearing
December 16, '22	January 6, '23	January 17, '23 **
January 13, 2023	February 10	February 21 **
February 17	March 10	March 20
March 17	April 7	April 17
April 14	May 5	May 15
May 12	June 9	June 19
June 16	July 7	July 17
July 14	August 11	August 21
August 18	September 8	September 18
September 15	October 6	October 16
October 13	November 10	November 20
November 17	December 8	December 18
December 15, '23	January 5, '24	January 16, '24 **

The 3 dates listed to the left are crucial to the application process. It is encouraged for all applicants to apply as early as possible before the application deadline. If the application is withdrawn ***before*** the Application Deadline, the associated fees can be refunded in full. The fees for cases kept past the Application Deadline will **NOT** be refundable.

Application Deadline: Date by which a BZA application must be completed to be heard with the corresponding BZA Hearing Date
Written Notice Deadline: Date by which the applicant must have mailed notice to nearby property owners.
BZA Hearing: Date of the BZA hearing.

Meeting Location and Time		
BZA Hearing	Meeting Rooms 4 & 5	6:30 p.m.
Unless otherwise posted, all meetings are held at the Hendricks County Government Center, 355 S Washington St, Danville, IN 46122		

Application Uniformity Standards

For the ease of processing applications, we request the following guidelines are followed as closely as is reasonably possible:

- All documents are submitted on standard 11"x8.5" paper
- All Notarized documents must have their original submitted
  - A scanned copy will suffice until the original can be mailed, or otherwise delivered
- **All due dates are final deadlines**, failure to comply may result in an incomplete application and a continuance to the following meeting

Submit by Application Deadline

FILL OUT APPLICATION PAGE 1&2

- The applicant will fill out the marked sections on Page 1 of the Packet
  - An email must be provided for communication and record keeping
- If the applicant and the owner are the same, the top section of Page 2 must be signed and notarized
- If the applicant and the owner are not the same person, the bottom section of Page 2 must be signed and notarized
- *An application will not be heard by the BZA without the property owner's consent.*

PAY FEE

Variance- $400
($345 Application fee, $55 public newspaper notification)

Special Exception- $515
($460 Application fee, $55 public newspaper notification)

Fees can be paid with cash or a single check made out to the **Hendricks County Plan Commission**. We are not able to accept credit or debit card payments.

DRAW CONCEPT OR SITE PLAN

A site plan clearly lays out the relevant detail of the subject property. The site plan must include the following to the best of your ability:

Required

- north arrow
- boundary lines of the property
- existing streets or other public ways
- buildings, parking and loading areas

By Request

- traffic access points and circulation patterns,
- open spaces, landscaping,
- service areas, utilities, signs,
- other relevant detail as specified by Staff

DRAFT THE NOTIFICATION LETTER

A notification letter must be submitted by the applicant. A draft letter is provided in the packet and can be provided digitally. After it is reviewed, the notification letter is to be sent to interested parties with proof of mailing.

WRITE LETTER OF INTENT

The letter of intent is the applicant's letter to the BZA stating why approval of the petition is necessary. The letter of intent should address the following:

- who is seeking the variance or special exception,
- the nature of the variance or special exception,
- why the variance or special exception is needed, and

Answer these questions for a Variance:

1. General Welfare- the approval will not be injurious to the public health, safety, morals, and general welfare of the community
2. Adjacent Property- the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner
3. Practical Difficulty- the strict application of the terms of this ordinance will result in a practical difficulty in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain

Answer these questions for a Special Exception:

1. Is in fact a permitted SE use as listed in each use district and appears on the Official Schedule of District Regulations adopted for the district involved,
2. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the Comprehensive Plan and Zoning Ordinance
3. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area,
4. Will not be hazardous or disturbing to existing or future neighboring uses,
5. Will be served adequately by essential public facilities and services, or that the persons or agencies responsible for the establishment shall be able to provide adequately any such services,
6. Will not create excessive additional requirements, at public cost, for public facilities and services and will not be detrimental to the economic welfare of the community
7. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors,
8. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding thoroughfares, and
9. Will not result in the destruction, loss, or damage of a natural, scenic or historic feature of major importance

Written Notice Material

MAIL NOTIFICATION LETTERS

- Notification letters must be mailed to certain property owners in the vicinity of the subject property. The applicant is responsible for obtaining the mailing addresses of the legal property owners by the method described in the packet. **Staff will review the official list of addresses to receive notification prior to mailing**. **Notification letters must be mailed with proof of mailing no later than 10 days prior to the hearing.** The mailing materials must also be sent to the Planning Commission office, and the proof of mailing can be included in that mailing.
- Note that if the subject property is within 660 feet of a state or federal highway, the Indiana Department of Transportation must get a notice. INDOT's mailing address will be provided by staff.
- Additionally, Staff shall place a notification sign upon the real estate described in the application, at least ten (10) days before the scheduled meeting, along each road frontage. We request that these signs be returned to the Planning and Building office, and can be brought to the hearing.

BZA Hearing

ATTEND HEARING

The applicant or applicant's representative is responsible for attending the hearing and explaining the variance or special exception request to the BZA.
If the applicant wishes to request their petition be continued, they must do so at least five days prior to the public hearing in order to be considered for an administrative continuance. If an administrative continuance is not granted, the request for continuance must be made at the regularly scheduled public hearing.

Post-approval follow-up and Understanding Conditions of Approval

- The applicant will receive a copy of the approved findings of fact.
- In some cases, conditions of approval are included in the findings which restrict the applicant's use of the property or require the applicant to do certain things. *It is important that the applicant carefully read the findings of fact and conditions of approval (if any) as they tell the applicant precisely what was approved and what he or she is committing to doing*. Staff is available to answer any questions the applicant may have concerning compliance with conditions of approval. It is important to note that the failure to meet all conditions of approval constitutes a violation of the Hendricks County Zoning Ordinance and may result in fines, legal action, and the revocation of the approval.
- 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 and specifying the grounds of the illegality.

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:_____

Creation Date: _____

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 _____

Appeals _____

Special Exception/ Mobile Home _____

Special Exception _____

Special Exception/ Home Occupation _____

Applicable Ordinance Section Number(s):_____

Requested Action From The Board of Zoning Appeals:
_____
_____
_____
_____

Hendricks County BZA

PROPERTY INSPECTION RELEASE

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 certficate 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 shall mail a copy of the materials to Hendricks County Plan Commission, and can include the recipets in that mailing.

4. The applicant must submit an Affidavit of Written Notification on the form available at the Planning and Building Department;

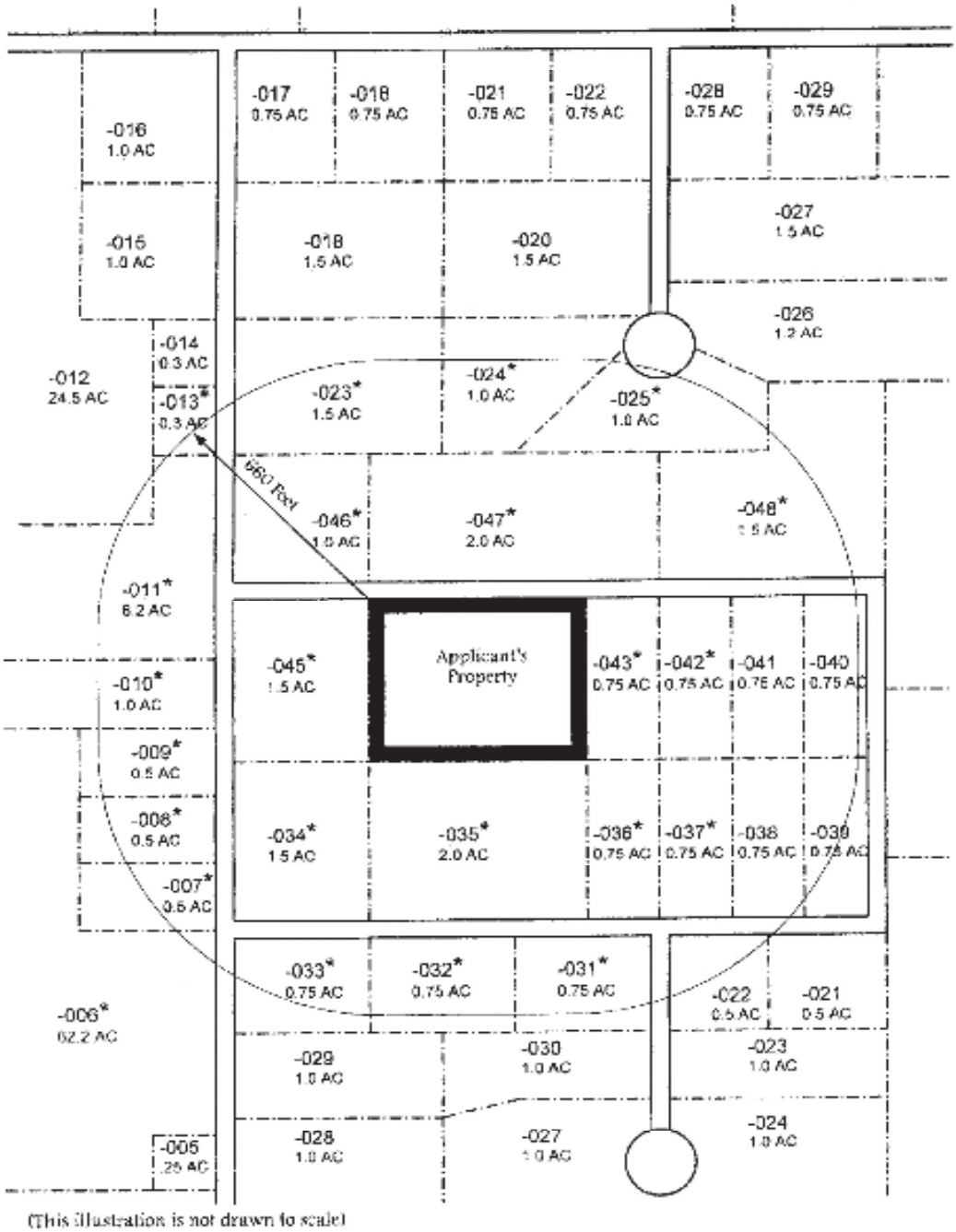
5. The affidavit must be completed in ink or typed. The affidavit must be notarized;

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:_____;

SAMPLE ILLUSTRATION

* DENOTES ADJACENT PROPERTY OWNERS THAT MUST BE MAILED WRITTEN NOTIFICATION



(This illustration is not drawn to scale)

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 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 6:30 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 6:30 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

BZA Check Off Sheet

☐ Schedule pre-application meeting with staff planner

The applicant should meet with a staff planner prior to submitting an application. This is to make sure that the applicant has complete information on what to apply for and how to apply for it at the time of application. It helps if the applicant brings all relevant information (maps, aerial photos, plot plans, documents, and so forth) to the meeting for the planner's review.

☐ Fill out application

The applicant should fill out the application found in the application packet, sign it, and have the signature notarized. If the applicant is not the property owner, then the property owner must also complete and have notarized the affidavit and consent section on the second page. *An application cannot be heard by the BZA without the property owner's consent*. The applicant's email address is required as communication between the applicant and Planning & Building Department will be exclusively through email unless other arrangements are made. Property information (parcel number, township, and so forth) can be obtained from the Auditor's Office or by using the County's Beacon online geographic information system: http://beacon.schneidercorp.com/?site=HendricksCountyIN

☐ Pay fee

The application and legal notice fees are found in the application packet. These can be paid with a single check made out to the **Hendricks County Plan Commission**. We are not able to accept credit or debit card payments.

☐ Provide a copy of the subject property's deed

With some approvals, the Board of Zoning Appeals will officially record information related to the approval of the applicant's petition. Once recorded, the information is linked to the subject property. A legal description of the property (found in the deed) is necessary so that recording can take place. We will also need the book, page, and instrument numbers of the recorded deed, which are obtained from the Recorder's Office.

☐ Print aerial location map

To accurately locate the subject property, an aerial photograph showing the property (clearly delineated) and the immediate surroundings must be submitted. This can be obtained from Google Maps, Bing, or the County's Beacon online geographic information system.

☐ Draw site plan

A site plan clearly lays out the relevant detail of the subject property. The site plan must include the following where applicable: north arrow, boundary lines of the property, locations of existing streets or other public ways, railroad and utility rights-of-way, easements, building setback lines, locations of all buildings, parking and loading areas, traffic access points, traffic circulation patterns, open spaces, landscaping, service areas, utilities, signs, yards, and other relevant detail. Although not always necessary, drawing the site plan to scale is advisable. If the site plan is oversized, an 8.5 x 11 inch reduced copy must accompany the application.

☐ Write letter of intent

The letter of intent is the applicant's letter to the BZA stating why approval of the petition is necessary. The letter of intent should address the following: (1) who is seeking the variance or special exception, (2) the nature of the variance or special exception, (3) why the variance or special exception is needed, and (4) how the request conforms to the legal standards for granting variances or special exceptions. Information on the specific legal standards is found in the application packet.

☐ Draft notification letter

The notification letter lets property owners in the vicinity of the subject property know about the applicant's petition. *Care must be taken to do this step properly as incorrect notification results in a canceled hearing*. A sample notification letter is provided in the packet as well as information to help the applicant determine which property owners must be notified. Be sure to use this precise format and make sure that you supply the correct dates. The necessary meeting dates are found in the schedule supplied in the application packet.

☐ Mail notification letters at least 10 days before the hearing

Notification letters must be mailed to certain property owners in the vicinity of the subject property *no later than **10 days** prior to the hearing*. The applicant must supply a mailing list as part of the application. Rules regarding who must be notified and how to get mailing addresses from the Auditor's Office are found in the application packet. Note that if the subject property is within 660 feet of a state or federal highway, the Indiana Department of Transportation must get a notice. INDOT's mailing address is in the application packet.

☐ Complete and submit the affidavit of notice

The affidavit serves to certify that the applicant did, in fact, notify nearby property owners of the hearing as required by law. An affidavit form is provided in the application packet. Once notification letters are sent, the applicant should complete the provided affidavit, sign it, and have it notarized. Along with the affidavit, certified mail return receipts or a first class mail certificate of mailing must be provided as proof of meeting the notification requirement. *Failure to provide complete proof of proper notification will result in cancelation of the hearing*.

☐ Be prepared for follow-up communication with staff

Please be prepared to respond in a timely manner to queries from staff as the application is reviewed and prepared for hearing. Unless otherwise arranged, communication will be via email.

☐ Attend hearing

The applicant or applicant's representative is responsible for attending the hearing and explaining the variance or special exception request to the BZA. Although not required, a short PowerPoint presentation by the applicant is usually helpful in making the case. The presentations can be submitted at the hearing on CD or thumb drive.

☐ Post-approval follow up

The applicant will receive a copy of the approved findings of fact. In some cases, conditions of approval are included in the findings which restrict the applicant's use of the property or require the applicant to do certain things. *It is important that the applicant carefully read the findings of fact and conditions of approval (if any) as they tell the applicant precisely what was approved and what he or she is committing to doing*. If there are conditions of approval to be recorded, then the property owner will sign a commitment recording form authorizing the Planning & Building Department to record the conditions.

☐ Understanding conditions of approval

Conditions of approval are commitments that the applicant is bound by, so understanding how to comply with them is very important. Staff is available to answer any questions the applicant may have concerning compliance with conditions of approval. It is important to note that the failure to meet all conditions of approval constitutes a violation of the Hendricks County Zoning Ordinance and may result in fines, legal action, and the revocation of the approval.

2023 MEETING SCHEDULE
HENDRICKS COUNTY BOARD OF ZONING APPEALS

Application Deadline	Site Visit & Sign Deadline	Written & Public Notice Deadline	Staff Notebook Deadline	BZA Hearing
December 16, 2022	January 5, 2023	January 6, 2023	January 10, 2023	January 17, 2023 **
January 13, 2023	February 9	February 10	February 14	February 21 **
February 17	March 9	March 10	March 14	March 20
March 17	April 6	April 7	April 11	April 17
April 14	May 4	May 5	May 9	May 15
May 12	June 8	June 9	June 13	June 19
June 16	July 6	July 7	July 11	July 17
July 14	August 10	August 11	August 15	August 21
August 18	September 7	September 8	September 12	September 18
September 15	October 5	October 6	October 10	October 16
October 13	November 9	November 10	November 14	November 20
November 17	December 7	December 8	December 12	December 18
December 15, 2023	January 4, 2024	January 5, 2024	January 9, 2024	January 16, 2024**
** Not a regularly scheduled day of the week due to holiday				

Application Deadline: Date by which an application must be filed to be heard the next month.

Site Visit: The date staff will visit the project site. A notice of the hearing may be posted on the site.

Written Notice Deadline: Date by which the applicant must have mailed notice to nearby property owners.

Hearing Locations and Times: BZA Hearings are held in Meeting Rooms 4 & 5 at 6:30 PM.

Unless otherwise posted, all meetings are held at the Hendricks County Government Center, 355 S. Washington St., Danville, IN 46122

For more information contact Leslie Dardeen at 317.745.9255 or ldardeen@co.hendricks.in.us