

BZA Application Packet

Town of Fairland Board of Zoning Appeals

This application packet is for petitions under the jurisdiction of the Town of Fairland BZA and includes:



- **Special Exception** - approval of a land use that would be permitted in the subject zoning district provided it meets certain conditions.
- **Variance** - A modification of the specific requirements or standards of the zoning ordinance.
- **Variance of Use** – approval of a specific land use that is not otherwise permitted in the subject zoning district.
- **Use Classification** – the classification of a land use that is neither listed nor similar to any use listed in the zoning ordinance.
- **Appeals** – an appeal of the Administrator’s review, decision, or determination in the enforcement of the zoning ordinance.

Step 1: Pre-Application Discussion.

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 (317) 258-8046 or emailing dluzier@INcodecrafters.com.

Step 2: Making Application.

The applicant must make an appointment with the Administrator in order to file an application by calling (317) 258-8046 or emailing dluzier@INcodecrafters.com. A complete application and all required attachments are to be submitted by the date shown on the Application Schedule. The Administrator will review the application to determine whether the application is complete. 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

| | Variance | Special Exception | Variance of Use | Use Classification | Appeals |
|---|----------|-------------------|-----------------|--------------------|---------|
| 1. Application Fee (<i>*add \$50 for each variance requested</i>) | \$1,060* | \$1,110* | \$1,110* | \$0 | \$0 |
| 2. Application Form | ✓ | ✓ | ✓ | ✓ | ✓ |
| 3. Town Location Map | ✓ | ✓ | ✓ | ✓ | ✓ |
| 4. Aerial Map of Site | ✓ | ✓ | ✓ | ✓ | ✓ |
| 5. List of Adjacent Property Owners | ✓ | ✓ | ✓ | ✓ | ✓ |
| 6. Basic Site Plan | ✓ | ✓ | ✓ | ✓ | ✓ |
| 7. Narrative | ✓ | ✓ | ✓ | ✓ | ✓ |
| 8. Legal Description with Drawing | ✓ | ✓ | ✓ | ✓ | ✓ |
| 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 Evaluating a Variance of Use | | | ✓ | | |
| Attachment E: Standards for Classifying a Use | | | | ✓ | |
| Attachment F: Information for Appeal | | | | | ✓ |

PC Submittal Checklist Details

1. Application Fee. Make checks payable to "Town of Fairland."
2. Application Form. All items must be fully completed and signed by the applicant(s) and notarized.
3. Town Location Map. Submit a map of the town formatted for 8 ½"x11" in size, showing where the property is generally located in Fairland, making sure major streets are labeled. The map can be obtained from Google Maps or another similar program. Be sure to highlight the subject parcel.
4. Aerial Map of Site. Submit 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 or other similar aerial mapping programs. Be sure to outline the subject parcel.
5. List of Adjacent Property Owners. Obtain a list of all surrounding property owners whose property is within 600 feet and at least two (2) parcels deep from all portions of the subject parcel. The list can be obtained from:
 - Shelby County Auditor's Office, 25 W Polk St, Rm 104, Shelbyville, IN 46176; (317) 392-6310.
6. Site Plan. Submit a basic site plan formatted for 8 ½" x 11" in size, showing the basic layout of the proposed development for duplication purposes.
7. Narrative. A Narrative describing the nature of the application, 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 (annexation, rezoning, platting, amendments, approvals, etc.)
8. Legal Description with Drawing. A land description of 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.
9. Attachments A - F. Complete necessary attachments per the respective instructions contained on each form.

Step 4: Notifying the Public (*not applicable to Use Classifications or Appeals*)

State Law and the Rules and Procedures for Fairland's 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 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 one time in the newspaper 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.

- The Shelbyville News, 123 E Washington St, Shelbyville, IN 46176, (317) 398-6631, web-support@shelbynews.com

Surrounding Property Owner Notification

The Petitioner must notify all property owners within 600 feet of the subject property.

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 BZA Application Schedule

The following table depicts the deadlines for petitions before the Fairland BZA for this calendar year. Deviations from this schedule are not permitted.

| Application Submittal | Deadline for Submitting Additional Info/Revisions to the File | Public Notice Deadline | Staff Report Published | BZA Hearing |
|-----------------------|---|------------------------|------------------------|---------------|
| Nov 26, 2024 | Dec 20, 2024 | Dec 23, 2024 | Dec 30, 2024 | Jan 7 |
| Dec 23, 2024 | Jan 17 | Jan 20 | Jan 28 | Feb 4 |
| Jan 21 | Feb 14 | Feb 17 | Feb 25 | Mar 4 |
| Feb 18 | Mar 14 | Mar 17 | Mar 25 | Apr 1 |
| Mar 25 | Apr 18 | Apr 21 | Apr 29 | May 6 |
| Apr 22 | May 16 | May 19 | May 27 | Jun 3 |
| May 20 | Jun 13 | Jun 26 | Jun 24 | Jul 1 |
| Jun 24 | Jul 18 | Jul 21 | Jul 29 | Aug 5 |
| Jul 22 | Aug 15 | Aug 18 | Aug 26 | Sept 2 |
| Aug 26 | Sept 19 | Sept 22 | Sept 30 | Oct 7 |
| Sept 23 | Oct 17 | Oct 20 | Oct 28 | Nov 4 |
| Oct 21 | Nov 14 | Nov 17 | Nov 25 | Dec 2 |

- **Application Submittal:** The filing deadline is 3:00pm on the date indicated. Call (317) 258-8046 or email dluzier@INcodecrafters.com to make an appointment to file your application. Application meetings are generally done electronically.
- **TAC Meeting:** When required and conducted in person, the Technical Advisory Committee Meetings are held at the Fairland Town Hall, 105 S Walnut St, Fairland, IN 46126.
- **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 3:00pm 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 dluzier@INcodecrafters.com.
- **Public Notice Deadline:** Deadline to publish public notice in the newspaper and postmark mailings to surrounding property owners.
- **Staff Report Published:** On the date indicated, Staff Reports will be emailed directly to the Fairland BZA and the Applicant/Owner.
- **Submit Proof of Public Notice:** 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 dluzier@INcodecrafters.com.
- **BZA Hearing:** Unless otherwise noticed, BZA Meetings are held at 6:00pm (or immediately following the Town Council Meeting) at the Fairland Town Hall, 105 S Walnut St, Fairland, IN 46126.

BZA Application

This application is being submitted for (check all that apply):

- Special Exception Variance
 Variance of Use Use Classification
 Appeal

Applicant Info

| For Office Use Only | |
|--|--|
| <i>File #</i> | <i>Fee</i> |
| <i>Filing</i> | <i>TAC</i> |
| <i>Hearing/Meeting</i> | |
| <input type="checkbox"/> <i>Approved</i> | <input type="checkbox"/> <i>Denied</i> <input type="checkbox"/> <i>w/ conditions</i> |

| | |
|--|--------|
| Name | |
| Street Address | |
| City, State, Zip | |
| Primary Contact Person regarding this petition | |
| Phone | E-Mail |
| Other Contact Name | 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

| | | | | |
|---|-------------------------|--------|---------------|-------|
| 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 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 if 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 D: Standards for Evaluating a Variance

Use the following form or attach a separate sheet(s) to explain the Variance request. Use a new sheet for each variance requested. The BZA's decision shall be based upon how each of the following statutory requirements is justified in the request.

Petition Information

Describe the proposed use of the property (type of use, hours of operation, access, necessary construction, employees, etc.):

Standards for Evaluation

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 result in practical difficulties in the use of the property because...

Attachment E: 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 shall be based upon how each of the following statutory requirements is justified in the request.

Petition Information

Describe the proposed use of the property (type of use, hours of operation, access, necessary construction, employees, etc.):

| |
|--|
| |
|--|

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 because...

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 because...

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 because...

4. Adequate utilities, access road, drainage, and other necessary facilities have been or are being provided, such as...

5. Adequate measures have been or will be taken to provide entrance/exit to the property to minimize traffic congestion on the public roadways, and described as...

6. The special exception is permitted in and will be located in the _____ zoning district. I have reviewed all of the applicable development standards for this district and for this particular use.

YES - All of the standards will be met.

UNSURE – At this time, I am unsure if all of the standards will be met. Applicable variances may be requested under a separate application at a later date.

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

Attachment F: Standards for Evaluating a Variance of Use

Use the following form or attach a separate sheet(s) to explain the Variance of Use request. The BZA's decision shall be based upon how each of the following statutory requirements is justified in the request.

Petition Information

Describe the proposed use of the property (type of use, hours of operation, access, necessary construction, employees, etc.):

| |
|--|
| |
|--|

Standards for Evaluation

| |
|--|
| 1. The approval of the Variance of Use will not be injurious to the public health, safety, morals, and general welfare of the community because... |
|--|

| |
|---|
| 2. The use and value of the area adjacent to the property included in the Variance of Use will not be affected in a substantially adverse manner because... |
|---|

| |
|---|
| 3. The need for the Variance of Use arises from some condition peculiar to the property involved, and is more clearly described as... |
|---|

| |
|---|
| 4. The strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought, and is more clearly described as... |
|---|

| |
|--|
| 5. The Comprehensive Plan describes this area as _____ |
|--|

The approval does not interfere substantially with the Comprehensive Plan because...

I have reviewed all of the applicable development standards for this district and for this particular use.

YES - All of the standards will be met.

UNSURE – At this time, I am unsure if all of the standards will be met. Applicable variances may be requested under a separate application at a later date.

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

Attachment G: Standards for Classifying a Use

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

Petition Information

Describe the proposed use of the property (type of use, hours of operation, access, necessary construction, employees, etc.):

Standards for Evaluation

1. The subject use and its operations are compatible with the uses permitted in the district wherein it is proposed to be located, and are further described as...

2. The subject use is similar to one or more uses permitted in the district within which it is proposed to be located. The best example of a similar use is _____

and it is similar in the following ways...

3. The subject use will not cause substantial injury to the values of property in the neighborhood or district within which it is proposed to be located because...

4. The subject use will be designed, located, and operated to protect the public health, safety, and general welfare in the following ways...

Attachment H: 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 600-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 the date of _____, at 6:00pm; 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: _____

Form 2: Adjacent Property Owners Notified by Mail

Complete this form or provide a list with the same information. Make additional copies if necessary.

| Name and Address of Sender | | | Type of Mail: <input type="checkbox"/> Certificate of Mailing | |
|--|----------------|---|--|---|
| Line | Name & Address | Postage | Fee | Remarks |
| 1 | | | | |
| 2 | | | | |
| 3 | | | | |
| 4 | | | | |
| 5 | | | | |
| 6 | | | | |
| 7 | | | | |
| 8 | | | | |
| 9 | | | | |
| 10 | | | | |
| Total number of pieces listed by sender: | | Total number of pieces received at Post Office: | | POSTMASTER (<i>name of receiving employee</i>): |
| Affix stamp here if issued as certificate of mailing or for additional copies of this bill. POSTMARK AND DATE OF RECEIPT: | | | | |
| Page _____ of _____ | | | | |