

BZA Application Packet

Town of Fairland Board of Zoning Appeals

Contact: Administrator (317) 258-8046, DLuzier@INcodecrafters.com



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.
- **Modification of 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 PC applications. Please email your entire draft application, forms, and attachments by the Pre-App Review date on the Application Schedule to the Administrator at dluzier@INcodecrafters.com. Be sure to note “PC Application for <applicant>” in the subject line. You will receive a written review of your application by email. Questions can be sent to the Administrator at this same email or by calling (317) 258-8046. Note that the application DOES NOT have to be notarized at this time.

Step 2: Completing the Filing of the 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 paying the application fee. Once paid, you will receive the date/time for your TAC meeting as well as instructions for mailing/publishing your public notices. Filings completed after the posted submittal deadline may be placed on the next application schedule. Questions can be sent to the Administrator at dluzier@INcodecrafters.com or by calling (317) 258-8046.

Step 3: BZA Submittal Checklist

	Variance	Special Exception	Variance of Use	Use Classification	Appeals	Modifications of Commitments
1. Application Fee (<i>*add \$50 for each variance requested</i>)	\$1,060*	\$1,110*	\$1,110*	\$0	\$0	\$700
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. Deed and Legal Description	✓	✓	✓	✓	✓	✓
9. Existing and Proposed Modifications 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 Evaluating a Variance of Use			✓			
Attachment E: Standards for Classifying a Use				✓		
Attachment F: Information for Appeal					✓	✓

Explanation and Format 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. (For example: 02 Application.pdf; 04 Aerial Map; etc.) Image files cannot be accepted (jpg, tiff, etc.).

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. Using the map on page 14 of this packet, indicate where the property is generally located within the town with a star.
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. Provide 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. Deed and Legal Description.
 - Deed - This is evidence of property ownership as well as any restrictions associated with the property. The Deed can be obtained from the Shelby County Recorder's Office.
 - Legal Description - **Only required if the lot does not have its own tax parcel ID number yet.* The legal description 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.
9. Existing and Proposed Commitments. Provide a copy of the existing commitments as well as a separate mark-up copy clearing showing the requested modifications.
10. Attachments A - F. Complete necessary attachments per the respective instructions contained on each form.

Step 4: Notifying the Public

State Law and the Rules and Procedures for Fairland's PC 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 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 *USPS Form 3665: Certificate of Mailing* on pages 15-16 and follow the instructions for mailing.

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

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 Fairland BZA for this calendar year. 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
Nov 25, 2025	Dec 2, 2025	Dec 9, 2025	Dec 19, 2025	Dec 23, 2025	Dec 30, 2025	Jan 6
Dec 23, 2025	Dec 30, 2025	Jan 6	Jan 16	Jan 19	Jan 27	Feb 3
Jan 30	Jan 27	Feb 3	Feb 13	Feb 16	Feb 24	Mar 3
Feb 24	Mar 3	Mar 10	Mar 20	Mar 23	Mar 31	Apr 7
Mar 24	Mar 31	Apr 7	Apr 17	Apr 20	Apr 28	May 5
Apr 21	Apr 28	May 5	May 15	May 18	May 26	Jun 2
May 26	Jun 2	Jun 9	Jun 19	Jun 22	Jun 30	Jul 7
Jun 23	Jun 30	Jul 7	Jul 17	Jul 20	Jul 28	Aug 4
Jul 21	Jul 28	Aug 4	Aug 14	Aug 17	Aug 25	Sep 1
Aug 25	Sep 1	Sept 8	Sep 18	Sep 21	Sep 29	Oct 6
Sep 22	Sep 29	Oct 6	Oct 16	Oct 19	Oct 27	Nov 3
Oct 20	Oct 27	Nov 3	Nov 13	Nov 16	Nov 24	Dec 1

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- Application Submittal: See “STEP 1” on page 1 of this application packet.
- Filing Completion: See “STEP 2” on page 1 of this application packet.
- 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 an 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 PC and the Applicant/Owner.
- Submit Proof of Public Notice: Submit Form 1, the stamped USPS Form 3665, and the Newspaper Proof of Publication as proof of adequate public notice of the hearing. Information shall be submitted electronically with a cover letter to the attention of the Administrator at dluzier@INcodecrafters.com.
- BZA Hearing/Meeting: Unless otherwise noticed, PC Meetings are held at 6:30pm (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

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 ID or Alternate ID Number		Acreage		
Actual/approximate address				
Subdivision Name		Lot Number(s)		
Zoning of Subject Property		Use of Subject Property		
Proposed Zoning		Use of Subject Property		Flood Zone on Site?
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____.

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

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 B: 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.

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 town 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(s) 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 shall be based upon how each of the following statutory requirements is justified in the 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 zoning district. Explain how allowing the use in this location will not affect the town 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 zoning district, explain in detail why allowing your use in this location will not affect how your neighbors currently use and access their property. What are you specifically doing to minimize 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 zoning district, explain in detail why allowing your use in this location will not affect how properties in this area that do comply with the ordinance will not be negatively impacted. What are you specifically doing to minimize potential impacts?)*

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 for the area. What are you specifically doing to minimize potential impacts?)*

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 D: 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.

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. *(Your proposed use is not typically permitted in this zoning district. Explain how allowing the use in this location will not affect the town and residents in general. What are you specifically doing to minimize potential impacts?)*

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. *(Since your use is not typically permitted in this zoning district, explain in detail why allowing your use in this location will not affect how your neighbors currently use and access their property. What are you specifically doing to minimize impacts?)*

3. The need for the Variance of Use arises from a condition peculiar to the property involved. *(Since your use is not permitted in this zoning district, describe in detail why your use should be allowed on this particular site as opposed to a site that is properly zoned for the use.)*

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. *(Since your use is not permitted in this zoning district, describe in detail why this particular site is best suited for your use as opposed to a use already permitted per the ordinance.)*

5. The Comprehensive Plan describes this area as _____

The approval does not interfere substantially with the Comprehensive Plan. *(Describe in detail how your proposed use on this particular site complies with the Comprehensive Plan for this area.)*

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 E: 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.):

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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...
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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 6:30pm; 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: _____

Town 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 <i>Postmark with Date of Receipt.</i>	
		Postmaster, per (name of receiving employee)					
USPS® Tracking Number Firm-specific Identifier		Address (Name, Street, City, State, and ZIP Code™)		Postage	Fee	Parcel Airfit	
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®, Priority Mail®, Media Mail®, Library Mail, Bound Printed Matter and Parcel Return Service (for NSAs only).
- 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).