



# BZA Application Packet

Contact: Planning Department (317) 732-4548, [planning@whitestown.in.gov](mailto:planning@whitestown.in.gov)

*Version: September 18, 2023*

This application packet is for petitions going before the Whitestown Board of Zoning Appeals and includes:

- **Variance** - A modification of the specific requirements or standards of the zoning ordinance.
- **Special Exception** - approval of a land use that would be permitted in the subject zoning district provided it meets certain conditions.
- **Use Variance** – 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.**

At least one week prior to the intended filing of the petition, the applicant must discuss the potential application with the Planning Department for the purpose of becoming familiar with requirements, submittals, procedures, deadlines, and hearings. Contact the Planning Department by calling (317) 732-4548 or emailing [planning@whitestown.in.gov](mailto:planning@whitestown.in.gov).

## **Step 2: Making Application.**

Application submittals can be made during office hours at the Whitestown Municipal Complex Building and Planning Department; Monday-Friday from 8:30am-5pm. Please provide an electronic copy of all checklist items via email or USB and payment to the Whitestown Municipal Complex. **Please have submittal turned in by 3:00pm on submittal day.**

### Step 3: Submittal Checklist

	Variance	Special Exception	Use Variance	Use Classification	Appeals
1. Application Fee	\$745	\$745	\$745	\$450	\$450
2. Electronic Copy	✓	✓	✓	✓	✓
3. Application Form	✓	✓	✓	✓	✓
4. Aerial Map	✓	✓	✓	✓	✓
5. List of Adjacent Property Owners	✓	✓	✓		✓
6. Site Plan	✓	✓	✓	✓	✓
7. Narrative	✓	✓	✓	✓	✓
8. Legal Description and Drawing	✓	✓	✓	✓	✓
Attachment A: Consent of Property Owner	✓	✓	✓		✓
Attachment B: Notice for Newspapers	✓	✓	✓		✓
Attachment C: Notice for Property Owners	✓	✓	✓		✓
Attachment D: Standards for Evaluating a Variance	✓				
Attachment E: Standards for Evaluating a Special Exception		✓			
Attachment F: Standards for Evaluating a Use Variance			✓		
Attachment G: Standards for Classifying a Use				✓	
Attachment H: Information for Appeal					✓

1. Application Fee. Make checks payable to "Town of Whitestown".
2. Electronic Copy. **Submit a USB or via email** with ALL of the items on the submittal checklist, including the application, maps, lists, plans, narratives, and other required attachments. File format should be PDF. The Drive should be labeled with the date and name of the project. If sent via email, attachments should be separated or included as a downloadable link.
3. Application Form. All items must be fully completed and either typewritten or printed in ink. The application must be signed by the applicant(s) and notarized.
4. Aerial Map. Submit an aerial map of the subject parcel, showing all properties within 660 feet of subject parcel. The map can be obtained from Google Earth or other similar aerial mapping programs. Be sure to highlight the subject parcel.
5. List of Adjacent Property Owners. Obtain a list of all surrounding property owners whose property is within 660 feet or at least two (2) parcels deep from all portions of the subject parcel (whichever is least). The list can be obtained from the Boone County Auditor's Office, 201 Courthouse Square, Lebanon, IN 46052, (765) 482-2940.
6. Site Plan. Submit a basic site plan, showing the basic layout of the proposed development for duplication purposes.
7. Narrative. A Narrative describing the nature of the application, land use, and proposed development including number of lots, hours of operation, number of employees, anticipated traffic generation, and the dates/details of previous construction/permits if applicable.
8. Legal Description and 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.

Attachments A - H. Complete necessary attachments per the respective instructions contained on each form.

## **Step 4: Notifying the Public**

State Law and the Rules and Procedures for Whitestown's BZA require you to notify the public of the hearing in two different ways: by newspaper and by notifying property owners that surround the subject property.

### ***Notification by Newspaper***

Complete Attachment B: Notice for Newspapers.

Publish the approved attachment and legal description one time in one of the newspapers listed below at least 10 days prior to the Hearing (see Application Schedule). Failure to meet the publishing deadlines 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 newspaper clipping must be turned in to the Planning Department at least three days prior to the hearing (see Application Schedule).

- Lebanon Reporter. Published on Tuesdays, Thursdays, and Saturdays. Deadlines for publishing on Tuesday is Thursday at noon, for publishing on Thursday is Monday at noon, and for publishing on Saturday is Wednesday at noon. Jenny Hensley at [Jennifer.hensley@indianamediagroup.com](mailto:Jennifer.hensley@indianamediagroup.com) or (765) 640-2318.
- The Current. Published on Tuesdays. Information must be submitted the Tuesday prior to publishing by 2:30pm. Jen Proch at [jproch@youarecurrent.com](mailto:jproch@youarecurrent.com) or (317) 489-4444 ext.104.

### ***Surrounding Property Owner Notification***

Complete Attachment C: Notice for Property Owners.

The Petitioner must notify all surrounding property owners within 660 feet or two properties in depth of the subject property (whichever is least). If the petitioner owns adjacent parcels, then go 660 feet and two properties beyond those parcels (whichever is least). Contact Boone County Auditor's Office for list of property owners.

Notification must be mailed by either First Class Certificate of Mailing or Certified Mail.

- Certificate of Mailing provides evidence that mail has been presented to the post office for mailing. Use Form 1 for listing those notified (copy enclosed). Proof of Mailing will be Form 1 that has been stamped by the Post Office.
- Certified Mail or "green cards" provides the sender with a mailing receipt and proof of delivery. Visit the Post Office for special cards and stickers for addressing letters sent by Certified Mail. Proof of Mailing is a combination of the "green cards" that have been sent back to you and your Certified Mail Receipt for letters that were not claimed.

All letters must be postmarked at least 10 days prior to the hearing (see Application Schedule). Proof of mailing must be submitted to the Planning Department at least three days prior to the hearing (see Application Schedule). Include the following information to each person notified:

- A copy of the approved Attachment C
- Legal description and drawing
- Narrative
- Site Plan
- Attachment D, E, F, G and H if part of your application

## 2023/2024 Application Schedule

Application Submittal	Deadline for Submitting Info to the File	Public Notice Deadline	Agenda & Staff Report Published	Submit Proof of Public Notice	WBZA Hearing Date
Nov 2, 2023	Nov 20, 2023	Nov 27, 2023	Nov 30, 2023	Dec 4, 2023	Dec 7, 2023
Nov 30, 2023	Dec 18, 2023	Dec 25, 2023	Dec 28, 2023	Jan 1	Jan 4
Jan 4	Jan 15	Jan 22	Jan 25	Jan 29	Feb 1
Feb 1	Feb 19	Feb 26	Feb 29	Mar 4	March 7
Feb 29	March 18	March 25	March 28	April 1	April 4
April 4	April 15	April 22	April 25	April 29	May 2
May 2	May 20	May 27	May 30	June 3	June 6
May 30	June 24	July 1	July 4	July 8	July 11
July 3	July 15	July 22	July 25	July 29	Aug 1
Aug 1	Aug 19	Aug 26	Aug 29	Sept 2	Sept 5
Sept 5	Sept 16	Sept 23	Sept 26	Sept 30	Oct 3
Oct 3	Oct 21	Oct 28	Oct 31	Nov 4	Nov 7
Oct 31	Nov 18	Nov 25	Nov 28	Dec 2	Dec 5

- **Application Submittal:** Application submittals can be made during office hours at the Whitestown Municipal Complex Planning Department; Monday-Friday from 8:30am-5pm and by **3pm on submittal day**.
- **Deadline for Submitting Info/Revisions to the File:** Revisions or additions to the plans and/or file must be submitted by 5:00pm on the date indicated in order to remain on the current application schedule. Plans shall be submitted to the Planning Department and can be sent via email or USB.
- **Public Notice Deadline:** Deadline to publish public notice in the newspaper and postmark certified mailings to surrounding property owners.
- **Agenda & Staff Report:** On the date indicated, Agendas will be emailed to the Whitestown BZA, Applicant/Owner, and required media for public notice requirements. Staff Reports will be emailed directly to the Whitestown BZA and Applicant/Owner.
- **Submit Proof of Public Notice:** Submit Form 1 or green cards, affidavit of publication and newspaper clipping as proof of adequate public notice of the hearing to the planning staff.
- **WBZA Hearing:** Unless otherwise noticed, BZA Meetings are held at 6:30pm at the Whitestown Municipal Complex, 6210 Veterans Dr, Whitestown, IN 46075, (317) 732-4548.

# BZA Application

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

- Variance                       Special Exception  
 Use Variance                   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

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

## 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 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 _____, _____	

# Attachment A: Consent of Property Owner

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*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: Notice for Newspapers

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## *Attach: 1) Legal Description*

Notice is hereby given that I have, as the owner (or with the owner's consent) of the property commonly described as the address of

\_\_\_\_\_, and legally described

by the attached legal description, have filed a petition before the Whitestown Board of Zoning Appeals, which

petition requests a/n  Variance  Special Exception  Use Variance  Appeal

for the said property in order to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

This petition, File # \_\_\_\_\_, will come for hearing at 6:30pm in the Whitestown Municipal Complex, 6210 Veterans Dr, Whitestown, IN 46075, on \_\_\_\_\_, \_\_\_\_\_.

In accordance with the Americans with Disabilities Act, if anyone wishes to attend the public hearing on the above referenced matter and is in need of reasonable accommodation in order to hear, present evidence, or participate in the proceedings at the public hearing on this matter, please contact the Planning Department so an accommodation can be made. The petition and file on this matter is available for examination by contacting the Planning Department at (317) 732-4548 or email at [planning@whitestown.in.gov](mailto:planning@whitestown.in.gov). Comments regarding this petition may be submitted at any time to [planning@whitestown.in.gov](mailto:planning@whitestown.in.gov) or Whitestown BZA, Whitestown Municipal Complex, 6210 Veterans Dr, Whitestown, IN 46075.

Petitioner: \_\_\_\_\_



# Attachment C: Notice for Property Owners

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*Include with the mailing: 1) Legal Description, 2) Site Plan, 3) Attachment D, E, F, or H*

Notice is hereby given that I have, as the owner (or with the owner's consent) of the property commonly described as the address of

\_\_\_\_\_, and legally described

by the attached legal description, have filed a petition before the Whitestown Board of Zoning Appeals, which

petition requests a/n  Variance  Special Exception  Use Variance  Appeal

for the said property in order to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

This petition, File # \_\_\_\_\_, will come for hearing at 6:30pm in the Whitestown Municipal Complex, 6210 Veterans Dr, Whitestown, IN 46075, on \_\_\_\_\_, \_\_\_\_\_.

In accordance with the Americans with Disabilities Act, if anyone wishes to attend the public hearing on the above referenced matter and is in need of reasonable accommodation in order to hear, present evidence, or participate in the proceedings at the public hearing on this matter, please contact the Planning Department so an accommodation can be made. The petition and file on this matter is available for examination by contacting the Planning Department at (317) 732-4548 or email at [planning@whitestown.in.gov](mailto:planning@whitestown.in.gov). Comments regarding this petition may be submitted at any time to [planning@whitestown.in.gov](mailto:planning@whitestown.in.gov) or Whitestown BZA, Whitestown Municipal Complex, 6210 Veterans Dr, Whitestown, IN 46075.

Petitioner: \_\_\_\_\_

# Attachment D: Standards for Evaluating a Variance

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Use the following form or attach a separate sheet(s) to explain the Variance 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 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 continue the unusual and unnecessary hardship as applied to the property for which the variance is sought because...

# Attachment E: Standards for Evaluating a Special Exception

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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.
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.
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 district.
4. Adequate utilities, access road, drainage, and other necessary facilities have been or are being provided.
5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion on the public roadways.
6. The special exception will be located in a district where such use is permitted, and all other requirements set forth in the Ordinance that are applicable to such use will be met.

# Attachment F: Standards for Evaluating a Use Variance

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Use the following form or attach a separate sheet(s) to explain the Use Variance 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.):

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## ***Standards for Evaluation***

1. The approval of the Use Variance 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 Use Variance will not be affected in a substantially adverse manner because...
3. The need for the Use Variance 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 approval does not interfere substantially with the Comprehensive Plan because...

# Attachment G: Standards for Classifying a Use

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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

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Use the following form or attach a separate sheet(s) to explain the nature of the Appeal.

The WBZA shall hear and determine appeals from and review any order, requirement, decision, or determination made by the Administrator in the enforcement of the Zoning Ordinance. In exercising its powers the WBZA may reverse or affirm, wholly or partly, or may 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 shall be stayed, unless the official or board from whom the appeal was taken shall certify to the WBZA 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 Zoning Ordinance citations where applicable:

Citation/Requirement	Administrator's Interpretation	Applicant's Position

# Form 1: Adjacent Property Owners Notified by Mail

*If property owners are to be notified by mail, either 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"/> Certified Mail <input type="checkbox"/> Certificate of Mailing ONLY	
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, per <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 _____	