



BZA Application Packet

Contact: Planning Department (317) 324-1371, planning@whitestown.in.gov

Version: December 2024

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

- **Development Standards Variance** - A modification of the specific requirements or standards of the Unified Development 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.

Applicant must discuss the potential application with the Planning Staff for the purpose of becoming familiar with requirements, submittals, procedures, application deadlines, and hearings. Please see attached schedule for monthly pre-file meeting dates. Please see the [Prefile Meeting Booking Site link](#) on our website to schedule your meeting at least one-week prior to the scheduled date.

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 one (1) full size set of plans, application, application fee, and all applicable materials indicated in the submittal checklist and one (1) electronic copy on USB or via Email. **Please have submittal turned in by 3:00pm on submittal day.**

Step 3: Submittal Checklist

| | Development Standards 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 highlighted and showing all properties within 660 feet of subject parcel. The map can be obtained from Google Earth or other similar aerial mapping programs.
5. List of Adjacent Property Owners. Create 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 at <http://whitestown.in.gov/noticelist>
6. Site Plan. Submit a basic site plan showing the layout of the proposed development.
7. Narrative. Submit 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. Submit a land description delineating the property and a corresponding drawing with dimensions and bearings. Please submit both a pdf and word doc version.

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 PC require you to notify interested parties of the public hearing in two different ways: by newspaper and by direct mailing to property owners that surround the subject property.

Notification by Newspaper

Complete Attachment B: Notice for Newspapers.

The Petitioner must publish the approved attachment and legal description in one or both of the newspapers listed below **at least 10 days prior to the Hearing** (see Application Schedule). The applicant should publish in the Lebanon Reporter unless directed otherwise by the Planning Staff. 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 must be turned in to the Planning Staff 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. Send notice to publicnotices@indianamediaigroup.com
- The Current Published on Tuesdays. Information must be submitted to the paper the prior Tuesday by 2:30pm. Jen Information can be submitted online at <https://youarecurrent.com/adv-customers-dashboard/#> or emailed to office@youarecurrent.com.

Notification of Surrounding Property Owners

Complete Attachment C: Notice for Property Owners.

The Petitioner must notify all surrounding property owners within 660 feet or two (2) 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). The list can be obtained at whitestown.in.gov/noticelist

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 Staff 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

Neighbor Meeting

For petitioners requesting a Special Exception or Use Variance, it is highly recommended to hold a Neighbor Meeting. The petitioner should hold the neighbor meeting at least five (5) days prior to the public hearing. Notice of such neighbor meeting shall be made in the same manner as the public hearing notice to all interested parties at least ten (10) days prior to the neighbor meeting. Petitioners must provide an attendance list and summary of the neighbor meeting to staff prior to the public hearing.

2024/2025 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 |
|-----------------------|--|------------------------|---------------------------------|-------------------------------|-------------------|
| 12/05/2024 | 12/12/2025 | 12/23/2024 | 12/26/2025 | 12/30/2025 | 1/9/2025 |
| 1/2/2025 | 1/9/2025 | 1/27/2025 | 1/30/2025 | 2/3/2025 | 2/6/2025 |
| 1/30/2025 | 2/6/2025 | 2/24/2025 | 2/27/2025 | 3/3/2025 | 3/6/2025 |
| 2/27/2025 | 3/6/2025 | 3/24/2025 | 3/27/2025 | 3/31/2025 | 4/10/2025 |
| 3/27/2025 | 4/3/2025 | 4/21/2025 | 4/24/2025 | 4/28/2025 | 5/1/2025 |
| 5/1/2025 | 5/8/2025 | 5/26/2025 | 5/29/2025 | 6/2/2025 | 6/5/2025 |
| 5/29/2025 | 6/5/2024 | 6/23/2025 | 6/26/2025 | 6/30/2025 | 7/10/2025 |
| 7/2/2025 | 7/10/2025 | 7/28/2025 | 7/31/2025 | 8/4/2025 | 8/7/2025 |
| 7/31/2025 | 8/7/2025 | 8/25/2025 | 8/28/2025 | 8/29/2025 | 9/4/2025 |
| 8/28/2025 | 9/4/2025 | 9/22/2025 | 9/25/2025 | 9/29/2025 | 10/2/2025 |
| 10/2/2025 | 10/9/2025 | 10/27/2025 | 10/30/2025 | 11/3/2025 | 11/6/2025 |
| 10/30/2025 | 11/6/2025 | 11/24/2025 | 11/26/2025 | 12/1/2025 | 12/4/2025 |
| 11/26/2025 | 12/4/2025 | 12/22/2025 | 12/29/2025 | 12/29/2025 | 1/8/2026 |

- **Application Submittal:** Application submittals can be made during office hours at the Whitestown Municipal Complex Planning Department, Monday-Friday from 8:30am-5pm or 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 electronically on the date indicated to remain on the current application schedule.
- **Public Notice Deadline:** Deadline to publish public notice in the newspaper and postmark certified mailings to surrounding property owners.
- **Agenda & Staff Report Published:** Planning Staff will post the agenda and staff reports on the Town of Whitestown Planning department website. A link will be emailed to the Whitestown PC, Petitioner, and required media for public notice requirements.
- **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:** BZA Meetings are held at 6:30pm at the Whitestown Municipal Complex, 6210 Veterans Dr, Whitestown, IN 46075. Please notify staff if any member of your team would like to attend via zoom. Bring a laptop with project information if you plan to provide a presentation.

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 |

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 | | |
| Zoning of Adjacent Properties | North: | South: | East: | West: |
| Land Use of Adjacent Properties | North: | South: | East: | West: |
| Specific Section(s) of UDO requesting Development Standards Variance from | | | | |

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

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

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 Sri Venugopalan at sveugopalan@whitestown.in.gov so accommodation can be made. The petition and file on this matter is available for examination by contacting the Planning Staff at (317) 324-1371 or email at planning@whitestown.in.gov. Comments regarding this petition may be submitted at any time to planning@whitestown.in.gov or Whitestown WPC, Whitestown Municipal Complex, 6210 Veterans Dr, Whitestown, IN 46075.

Attach: 1) Legal Description

Attachment C: Notice for Property Owners

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 Sri Venugopalan at sveugopalan@whitestown.in.gov so accommodation can be made. The petition and file on this matter is available for examination by contacting the Planning Staff at (317) 324-1371 or email at planning@whitestown.in.gov. Comments regarding this petition may be submitted at any time to planning@whitestown.in.gov or Whitestown WPC, Whitestown Municipal Complex, 6210 Veterans Dr, Whitestown, IN 46075.

- Attach: 1) Legal Description
2) Site/Concept Plan
3) Attachment D, E, F, or H

Attachment D: Standards for Evaluating a Variance

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

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

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.):

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

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

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 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 (name of receiving employee) | |
| Affix stamp here if issued as certificate of mailing or for additional copies of this bill. POSTMARK AND DATE OF RECEIPT: | | | Page _____ of _____ | |