



BZA APPLICATION

** Required sections to fill out*

Application type*:

- ☐ Variance of Development Standard(s)
☐ Special Use
☐ Administrative Appeal

For office use only:

App No: _____
Date received: _____
App fee: _____
Fee paid by: ☐ Cash ☐ Check
Check #: _____

PROPERTY INFORMATION*

Address/Location: _____
Parcel(s)' ID(s): _____

Current use: _____ Current zoning: _____
Request code reference: _____ Project total size: _____ Acres
Request description: _____

PROPERTY OWNER INFORMATION*

Name: _____
Mailing address: _____
City/Town: _____ Zip code: _____
Email: _____ Phone #: _____

APPLICANT INFORMATION* ☐ Same as owner

Name: _____ Title: _____
Company name: _____
Mailing address: _____
City/Town: _____ Zip code: _____
Email: _____ Phone #: _____

NOTE: The person listed as **applicant** will be contacted regarding all applications steps and payments, including being contacted by the newspaper publisher for Legal Notice payment.

The Lapel Board of Zoning Appeals (BZA) is authorized to approve or deny Variances of Development Standards from the terms of the Unified Development Ordinance. The BZA may impose reasonable conditions as part of its approval. A Variance of Development Standards may be approved only upon a determination in writing that the following three (3) statements are true (see Indiana Code § 36-7-4-918.5):

- Last revised on: 05/15/2025

COMPLIANCE WITH SPECIAL USE CRITERIA*

The Lapel Board of Zoning Appeals (BZA) is authorized to approve or deny Special Use in accordance with the terms of the Unified Development Ordinance, V 1.6.8. The BZA may impose reasonable conditions as part of its approval (see Indiana Code 36-7-4-918.2).

The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed Special Use request in terms of the following four (4) standards. The BZA shall determine whether there is adequate evidence showing the truth of the following statements:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because:
2. The requirements and development standards for the requested special use as prescribed by this Ordinance will be met in the following way:
3. Granting the special use will not subvert the general purposes served by this Ordinance and will not permanently injure other property or uses in the same district and vicinity because:
4. The proposed use will be consistent with the character of the zoning district in which it is located and the Town of Lapel Comprehensive Plan in the following way:

APPLICANT AFFIDAVIT

STATE OF _____

COUNTY OF _____ S.S.

The undersigned, having been duly sworn on oath, states that the information in the Application is true and correct as they are informed and believe.

Applicant printed name: _____

Applicant signature: _____

Subscribed and sworn to before me this _____ day of _____, 20 ____.

Notary printed name: _____

Notary signature: _____

My commission expires: _____

OWNER AFFIDAVIT

STATE OF _____

COUNTY OF _____ S.S.

The undersigned, having been duly sworn on oath, states that they are the Owner of the Property involved in this application and that they hereby acknowledge and consent to the forgoing Application.

Owner printed name**: _____

Owner signature**: _____

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the Property Owner, who having been duly sworn acknowledged and consents to the execution of the foregoing Application. Subscribed and sworn to before me this _____ day of _____, 20 ____.

Notary printed name: _____

Notary signature: _____

My commission expires: _____

*** A signature from each party having interest in the property involved in this application is required. If the Property Owner's signature cannot be obtained on the application, then a notarized statement by each Property Owner acknowledging and consenting to the filing of this application is required with the application.*



BZA APPLICATION INFORMATION

REQUIRED DOCUMENTS AT FILING

Submit a complete application packet that includes the following:

- ☐ **Application.** A completely filled out application including the pages with notarized signatures of the applicant.
- ☐ **Property Owner Consent.** If the applicant is different than the owner of the property, then property owner's consent is required found on page 5 of the application form.
- ☐ **Legal description of the property.** If the project site includes several parcels, the legal description of every parcel shall be included.
- ☐ **Copy of the Deed.** A copy of the latest recorded deed for every parcel within the project shall be provided.
- ☐ **Narrative.** A written letter that explains why the request is necessary and what the project will be shall be provided.
- ☐ **Location (Vicinity) Map.** A general location or area map indicating (in a reproducible manner) the location of the property and the surrounding area. Maps created using internet mapping sites are acceptable.
- ☐ **Site Plan.** A site plan showing proposed improvements shall be provided. Plan must be legible and drawn to a scale of 1"= 10', 1"=20', 1"=30', or 1"=40'.
- ☐ **Septic/Sewer verification.** A letter verifying that proper waste disposal will be available to the property shall be provided *for a Special Use application for an undeveloped site. For a Special Use application on existing septic*, submit a letter from the Madison County Board of Health indicating that the special use will make acceptable use of an existing or proposed septic system. *For a variance* on a property with septic, submit a letter from the Madison County Board of Health indicating that the variance will not negatively affect the operation of a septic system.
- ☐ **Other documents.** Depending on the type of the application, other documents may be required to be submitted.
- ☐ **Filing fee payment.** A non-refundable fee shall be paid according to the [Fee Schedule](#). Acceptable methods of payment include cash, check, or MasterCard, VISA, Discover or American Express credit card. Checks must be made payable to "Town of Lapel." Credit cards are accepted; however, the credit card processing agency assesses a fee ~3% of the transaction amount.
- ☐ **On-site hearing notice sign fee.** The On-Site Notice must be posted in a conspicuous location along each street frontage of the affected property. There is a non-refundable fee of \$10 per sign required.
- ☐ **Surrounding property owners address list.** The petitioner must obtain a list of surrounding property owners from the Madison (or Hamilton) County Assessor's Office's map *not earlier* than 40 days before the public hearing and submit it with the application. If the applicant would like the Town of Lapel to prepare the list instead, please submit a \$25 payment with the application fee. The list shall contain names and last known mailing address of the property owners of property adjacent to the subject property to a depth of two parcels or 660 feet, whichever is smaller.

REQUIRED DOCUMENTS DURING REVIEW PROCESS

- ☐ **Revisions.** Any documents revised during the review process shall be submitted electronically at least two (2) weeks before the public hearing date.
- ☐ **Affidavit of mailed notices.** The applicant shall submit a notarized affidavit of mailing the notices to the surrounding property owners at least three (3) days before the public hearing.
- ☐ **Certificates of Mailing.** The applicant shall provide copies of the certificates of mailing together with the affidavit mentioned above at least three (3) days before the public hearing.
- ☐ **Proof of newspaper publication.** The applicant shall provide a copy of the proof of publication from the newspaper(s) before the public hearing.

PROCEDURE

A. Pre-Filing

Prior to applying, the petitioner shall meet with the Planning Administrator to review information about the project, development standards, and procedures for the correct type of application. The Planning Administrator will advise the petitioner regarding the preparation of the application and supportive documents as necessary.

B. Filing

Submit a filled-out application, application packet and payment to the BZA's office in Lapel Town Hall. Please, find the filing deadlines in the *Calendar of Meetings and Filing Dates*. Also, email the application packet to planadmin@lapelindiana.org. When emailing the packet, please send scanned files of the documents that are signed and notarized. A list of the required documents can be found in this document under the "Required Documents at Filing" section.

C. Review

The Planning Administrator and other applicable town and county staff will review the application and communicate with the applicant regarding the completeness of the application, revisions, the date of the public hearing (if applicable) and any other matters related to the submittal.

D. Public Hearing Notice

Newspaper Notice

Once the Planning Administrator sets a public hearing date, (s)he will write and send a notice to the newspaper(s) or request that the applicant corresponds with the newspaper(s) regarding its publishing. The notice must be published once, at least 10 days before the hearing date. The notice publishing request should be sent to the newspaper(s) at least 3 weeks in advance to ensure ample time for the newspaper(s) to publish the notice per its publishing schedule. Applicant's contact information will be provided to the newspaper(s), so that the latter can contact the applicant regarding the payment. The applicant is responsible for the payment of the published notice.

Mailed Notice

Once the Planning Administrator sets a public hearing date, (s)he will provide a notice to the applicant or a notice template for the applicant to fill out and mail to the adjoining property owners. The notice must be mailed at least 10 days prior to the public hearing date via Certificate of Mailing.

E. Public Hearing

Board of Zoning Appeals shall review the submittal at a public hearing meeting and make a decision at the meeting. The BZA may continue the hearing of the petition to its next scheduled meeting.

F. Recording

If the petition is approved, the applicant will be asked to sign an Acknowledgement of Variance of Development Standards or Special Use form (and any commitments and /or conditions of the approval) to be recorded at Madison County Recorder's Office against the property. A copy of the recorded ordinance shall be provided to the applicant and the Town of Lapel for BZA record.