

BZA APPLICATION PACKET

NEW CASTLE BOARD OF ZONING APPEALS (BZA)

Contact: Janet Davis | (765) 521-6823 | janet-davis@cityofnewcastle.net
New Castle Building Commission
227 N Main St, New Castle, IN 47362
www.cityofnewcastle.net

USE THIS APPLICATION FOR THE FOLLOWING:

APPEAL OF ADMINISTRATIVE DECISION

WHEN DOES THIS APPLY?

- Appealing an administrative decision, order, requirement, and/or determination by the Administrator or an administrative board as it relates to the UDO
- Note this does not include appeals of Plan Commission and/or BZA decisions

DEVELOPMENT STANDARDS VARIANCE

WHEN DOES THIS APPLY?

- Requesting to vary from (or not follow/comply with) a specific development standard in Chapter 2: Zoning Districts, Chapter 3: Standards for Specific Uses, or Chapter 4: Site Development Standards of the UDO (e.g., setbacks, minimum lot size, building height)

SPECIAL EXCEPTION

WHEN DOES THIS APPLY?

- Requesting to approve a land use listed as "Special Exception Uses" in Chapter 2: Zoning Districts in the UDO

USE VARIANCE

WHEN DOES THIS APPLY?

- Requesting to approve a specific land use that is not permitted in a zoning district outlined in Chapter 2: Zoning Districts of the UDO as either a permitted use or special exception use

USE CLASSIFICATION

WHEN DOES THIS APPLY?

- Requesting to classify a land use that is not listed in the UDO and that the Administrator determines not sufficiently similar to a listed land use included in the UDO

BZA APPLICATION INSTRUCTIONS

STEP 1

PRE-APPLICATION CONFERENCE

STEP 1: Schedule a meeting with the Administrator.

A pre-application meeting is required for all Board of Zoning Appeals (BZA) applications. These can be held in-person, by phone, by email, or by video conferencing at the discretion of the Administrator. This meeting gives the applicant the opportunity to discuss the procedures for application with the Administrator, as well as requirements, submittals, deadlines, and hearings. Contact the Administrator at (765) 521-6823 or by email at janet-davis@cityofnewcastle.net.

STEP 2

PROVIDE REQUIRED ITEMS IN BZA CHECKLIST

STEP 2: Provide required application documents and forms included on pages 4 and 5 of this packet by the deadline.

Identify your application type on the tables on pages 4 and 5 of this packet and provide all of the Required Documents and Required Forms that have a checkmark for your application type. Digital copies of all documents are required. Hard copies of any applicable drawings are required as identified in the tables on pages 4 and 5.

A complete application and all required forms and attachments, including non-refundable application fee, must be submitted in the required format by 3:00 pm at least 30 calendar days prior to the regularly scheduled BZA meeting date. For example, if the regularly scheduled meeting date is scheduled for February 14th, a complete application must be submitted by 3:00 pm on January 16th for the application to be placed on the February 14th meeting agenda.

When an application is submitted, the Administrator will review the materials to determine if the application is complete. If the application is not complete, the applicant will be provided with a list of deficiencies and may resubmit the missing items. *A hearing date and application number will not be assigned until the Administrator determines that the application is complete.*

NOTIFY THE PUBLIC

STEP 3: Send notice to adjoining property owners.

Two forms of public notice are required for DEVELOPMENT STANDARDS VARIANCES, SPECIAL EXCEPTION USES, and USE VARIANCES. Appeals and Use Classifications do NOT need to provide public notice.

PUBLIC NOTICE 1: The applicant must publish a legal notice, at their expense, in The Courier-Times at least 10 calendar days prior the public hearing. The applicant must request the required public notice language from the Administrator. The applicant should be aware that the newspaper has deadlines for submittal of public notices and it is the sole responsibility of the applicant to meet these deadlines. Failure to meet the publishing deadlines will delay the hearing of your petition. The applicant shall submit "proof of publication" from the newspaper and *BZA Form 2: Proof of Public Notice* of this application at least five calendar days prior to the hearing.

PUBLIC NOTICE 2: The APPLICANT MUST SEND NOTICE VIA CERTIFIED MAIL TO ALL PARCELS OUTLINED BELOW at least 10 calendar days prior to the hearing. The applicant MUST:

1. Mail a copy of the legal notice for the application to all parcels that abut the subject property in all directions of the parcel boundaries, including across a public right-of-way or private street, and all properties within 100 feet of all parcel boundaries. All notices must be mailed with Certified Mail Return Receipt Requested through the USPS. At the Administrator's discretion, the Administrator can help with this process if requested by the applicant.
 - The list of property owner names and addresses are determined by the property owner's last known address as listed in county tax records. These records can be obtained at the Henry County Auditor's Office (101 S Main St, New Castle, IN 47362).
 - All notifications must be postmarked at least 10 calendar days prior to the public hearing date.
2. Submit proof of mailing (e.g., Green Cards from USPS) at least five calendar days prior to the BZA meeting date. Failure to submit the documentation on time may delay the hearing of your application.

PUBLIC NOTICE 3: The applicant shall place a public notice sign at least every 500 feet along all parcel boundary lines that abut a public or private street. A maximum of two signs will be provided by the Administrator as part of the application fee; additional signs that are needed can be purchased from the Administrator. Signs shall be placed in a conspicuous place and in plain view for all interested parties. The signs shall be placed at least 10 calendar days prior to the hearing date, and a photo of the sign(s) posted on the subject property shall be provided to the Administrator at least five calendar days prior to the public hearing date.

REQUIRED DOCUMENTS

	APPEAL OF ADMIN DECISION	DEVELOPMENT STANDARDS VARIANCE	SPECIAL EXCEPTION	USE VARIANCE	USE CLASSIFICATION
1: Application Fee <ul style="list-style-type: none"> See the Fee Schedule Make checks payable to the City of New Castle 					
2: Description of Request <ul style="list-style-type: none"> Short description of the request, land use, reason for request, and/or the proposed development Include as many details as possible and any information that would be considered necessary to support the application 					
3: Legal Description and Warranty Deed These can be found at the Henry County Recorder's office					
4: Recorded Restrictions and Covenants (if applicable) Any recorded restrictions or covenants					
5: Intent to Serve Letters Letter or email from the water and sewer provider (or county health department/ISDH if on septic/well) confirming capacity and willingness to serve the proposed development (or feasibility if on septic)					
5: Site Plan Drawings Basic site plan or development plan drawings showing the basic layout of the proposed development. For simple requests, this can be hand drawn but should be to scale and dimensioned.					
6: Approval from New Castle Historic Preservation Commission (HPC) - ONLY DC DISTRICT & DGOD Approval letter or Certificate of Appropriateness from the New Castle HPC if within the DC zoning district or DGOD					

REQUIRED FORMS

	APPEAL OF ADMIN DECISION	DEVELOPMENT STANDARDS VARIANCE	SPECIAL EXCEPTION	USE VARIANCE	USE CLASSIFICATION
BZA Form 1: Application & Consent <ul style="list-style-type: none"> • All items must be fully and legibly completed • Application must be signed by the applicant(s) • <u>All</u> property owners must sign the consent form • All signatures must be notarized • If the applicant or property owner is a business, entity must be registered with the Secretary of State and forms must be signed by a person authorized to legally bind the entity 					
BZA Form 2: Proof of Public Notices <ul style="list-style-type: none"> • Proof of mailings to adjoining property owners • Affidavit signed by applicant (must be notarized) 					
BZA Form 3: Appeals Request Information Explanation of the administrative decision that is being appealed					
BZA Form 4: Development Standards Variance Evaluation Criteria Justification by the applicant to explain how the variance request meets the required standards of evaluation					
BZA Form 5: Special Exception Evaluation Criteria Justification by the applicant to explain how the special exception request meets the required standards of evaluation					
BZA Form 6: Use Variance Evaluation Criteria Justification by the applicant to explain how the variance request meets the required standards of evaluation					
BZA Form 7: Use Classification Information Information regarding the land use that is being requested to be classified					

BZA FORM 1: APPLICATION & CONSENT

PAGE 1 OF 2

If additional space is needed, please attach separate sheets to this application

APPLICATION TYPE (check all that apply)

- | | |
|--|---|
| <input type="checkbox"/> Appeal of Administrative Decision | <input type="checkbox"/> Use Variance |
| <input type="checkbox"/> Development Standards Variance | <input type="checkbox"/> Use Classification |
| <input type="checkbox"/> Special Exception Use | |

APPLICANT & PROPERTY OWNER INFORMATION

	APPLICANT	PROPERTY OWNER(S)
Full Legal Name		
Mailing Address (street, city, state, zip code)		
Primary Contact Person (name, phone, email)		
Is the applicant and/or property owner(s) a business?		

PROPERTY INFORMATION

18-Digit Parcel ID Number	
Property Address	
Total Acreage	
Current Zoning & Current Use	
Proposed Use (if applicable)	

FOR OFFICIAL USE ONLY

Application Number:	BZA Staff Reviewer Name:
Fee:	Checkpoint Agency / HPC Review:
Filing Date:	BZA Hearing Date:
Final Decision:	<input type="checkbox"/> Approved <input type="checkbox"/> Approved with Commitments or Conditions <input type="checkbox"/> Denied

BZA FORM 1: APPLICATION & CONSENT

PAGE 2 OF 2

If additional space is needed, please attach separate sheets to this application

APPLICANT SIGNATURE

I, _____, affirm, under the penalties of perjury, that the information supplied and exhibits are true and correct.

Applicant Signature	
Date	

NOTARIZATION

Notary Public's Name (printed)	
Notary Public's Signature / Stamp	

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

CONSENT OF PROPERTY OWNER(S)

I/we, _____, affirm, under the penalties of perjury, that I/ we are the owner(s) of the real estate located at the address/parcel number included on Form 1 of this application; that I/we have read and examined the application (including all information supplied and exhibits) and are familiar with its contents; that I/we have no objection to and consent to such request as set forth in the application.

	PROPERTY OWNER 1	PROPERTY OWNER 2
Name		
Signature		
Date		

NOTARIZATION

Notary Public's Name (printed)	
Notary Public's Signature / Stamp	

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

BZA FORM 2: PROOF OF PUBLIC NOTICE

Note: This form is only required for Development Standards Variances, Special Exception Uses, and Use Variances. Do not complete this form if you are requesting an Administrative Appeal or Use Classification.

APPLICANT VERIFICATION OF PUBLIC NOTICE

☐ Proof of Public Notice has been completed as required and provided to the BZA and/or Administrator

I, _____, affirm, under the penalties of perjury, that the information supplied are true and correct, and adequate public notice has been completed in conformance of the minimum standards required by the New Castle Board of Zoning Appeals.

Applicant Signature	
Date	
NOTARIZATION	
Notary Public's Name (printed)	
Notary Public's Signature / Stamp	

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

BZA FORM 3: APPEALS

Note: This form is only required for appeals of an administrative decision. Do not complete this form if you are not requesting an appeal.

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.

APPEAL REQUEST INFORMATION

Citation/Decision/Requirement Being Appealed:

(List the specific administrative decision, order, etc. that is being appealed. Include the ordinance section and the administrative decision that was made)

Applicant's Reason / Justification for the Appeal:

(Include justification or reasoning for why the administrative decision is incorrect, inaccurate, not applicable, etc.)

BZA FORM 4: DEVELOPMENT STANDARDS VARIANCE

Note: Submit this form to the Administrator to explain the Development Standards Variance request. The BZA's decision shall be based upon how each of the following standards of evaluation and the BZA must find that all standards have been satisfied in order to approve the variance.

STANDARDS OF EVALUATION	
Standard 1: The approval will not be injurious to the public health, safety, morals, and general welfare of the community.	
Standard 2: The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.	
Standard 3: The strict application of the terms of the ordinance will result in a practical difficulty in the use of the property. This practical difficulty cannot be based upon a personal financial hardship, personal inconvenience, or be self-created.	

BZA FORM 5: SPECIAL EXCEPTION USE

Note: Submit this form to the Administrator to explain the Special Exception Use request. The BZA's decision shall be based upon how each of the following standards of evaluation and the BZA must find that all standards have been satisfied in order to approve the variance.

STANDARDS OF EVALUATION

Standard 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.	
Standard 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.	
Standard 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.	
Standard 4: Adequate utilities, access road, drainage, and other necessary facilities have been or are being provided;	
Standard 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; and	
Standard 6: The special exception will be located in a district where such use is permitted, and all other requirements set forth in this UDO that are applicable to such use will be met.	

BZA FORM 6: USE VARIANCE

Note: Submit this form to the Administrator to explain the Use Variance request. The BZA's decision shall be based upon how each of the following standards of evaluation and the BZA must find that all standards have been satisfied in order to approve the variance.

STANDARDS OF EVALUATION

Standard 1:

The approval will not be injurious to the public health, safety, morals, and general welfare of the community;

Standard 2:

The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

Standard 3:

The need for the variance arises from some condition particular to the property involved.

Standard 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.

Standard 5:

The approval does not interfere substantially with the Comprehensive Plan.

BZA FORM 7: USE CLASSIFICATION

Note: This form is only required for a request to classify a use that is not included in Chapter 2: Zoning Districts.

USE CLASSIFICATION INFORMATION

Name of Land Use to be Classified:

Description of Land Use to be Classified:

(List details regarding the land use, intensity, character, accessory uses, intent, and other information to better understand the use)

NOTICE IS HEREBY GIVEN THAT THE BOARD OF ZONING APPEALS OF THE CITY OF NEW CASTLE, INDIANA
ON THE _____ DAY OF _____ 20_____ AT 6:00 PM E.S.T. IN THE CITY COUNCIL
CHAMBERS, CITY BUILDING, WILL HOLD A PUBLIC HEARING ON THE PETITION FOR A VARIANCE UNDER
THE MASTER PLAN ZONING ORDINANCE #3946, AS AMENDED, FOR THE CITY OF NEW CASTLE, INDIANA.

BY _____

ADDRESS _____

WRITTEN SUGGESTIONS OR OBJECTIONS TO THIS VARIANCE MAY BE FILED WITH THE SECRETARY AT
OR BEFORE SUCH MEETING AND WILL BE HEARD BY THE BOARD OF ZONING APPEALS AT THE TIME AND PLACE
SPECIFIED.

A COPY OF THE PROPOSED VARIANCE IS ON FILE IN THE OFFICE OF THE SECRETARY OF THE BOARD
OF ZONING APPEALS, CITY BUILDING, NEW CASTLE, INDIANA FOR PUBLIC EXAMINATION.

THE NATURE OF THIS VARIANCE IS:

AT _____
(SHOW RFE # OR HOUSE NUMBER, & STREET & CITY)

AND MORE FULLY DESCRIBED AS _____
(METES & BOUNDS DESCRIPTION)

(OR) LOT # _____ BLOCK _____ IN THE _____ ADDITION

OF THE CITY OF NEW CASTLE, INDIANA. BY THE ORDER OF THE BOARD OF ZONING APPEALS OF THE CITY
OF NEW CASTLE, INDIANA.

ATTEST Kenny Melton
SECRETARY

Dave Barker
CHAIRMAN

NOTICE TO PUBLISHER: THE COST OF THE PUBLICATION OF THIS NOTICE IS THE RESPONSIBILITY OF THE
APPLICANT. **NOTICE TO APPLICANT:** A PUBLIC HEARING, AS PRESCRIBED BY LAW, REQUIRES AN INSERT OF
LEGAL ADVERTISEMENT **AT LEAST TEN 10) DAYS PRIOR TO THE DATE OF THE HEARING. PROOF OF
PUBLICATION TO BE FURNISHED TO THE SECRETARY OF THE BOARD OF ZONING APPEALS.**

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BY _____

ADDRESS _____

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OR BEFORE, SUCH MEETING AND WILL BE HEARD BY THE NEW CASTLE BOARD OF ZONING APPEALS AT THE TIME AND
PLACE SPECIFIED.

A COPY OF THE PROPOSED SPECIAL EXCEPTION IS ON FILE IN THE OFFICE OF THE SECRETARY OF THE BOARD OF
ZONING APPEALS, CITY BUILDING, NEW CASTLE, INDIANA FOR PUBLIC EXAMINATION.

GIVE FULL STATEMENT OF SPECIAL EXCEPTION APPLIED FOR WITH REASON

AT: _____
(SHOW HOUSE NUMBER, & STREET & CITY)

AND MORE FULLY DESCRIBED AS _____

(OR) LOT # _____ BLOCK _____ IN THE _____ ADDITION
(METES & BOUNDS DESCRIPTION)

IN THE CITY OF NEW CASTLE, INDIANA. BY THE ORDER OF THE BOARD OF ZONING APPEALS OF THE CITY OF NEW CASTLE,
INDIANA.

ATTEST _____
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SECRETARY

Dave Barker
CHAIRMAN

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Calendar for Year 2026 (United States)

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COURIER TIMES PRINTS PUBLICATIONS ONLY ON WEDNESDAY & SATURDAY.

PAYMENT DUE BY NOON MONDAY FOR WEDNESDAY'S PAPER.

PAYMENT DUE BY NOON THURSDAY FOR SATURDAY'S PAPER.

The Courier Times is owned by The Herald Palladium, 3450 Hollywood Rd, PO Box 128, St Joseph, MI 49085-0128. Email at legals@pmginmi.com . Contact at 765-671-2213 (Heather or Nicaya).

2026

BOARD OF ZONING APPEALS (2ND THURSDAY EACH MONTH)

<u>MEETING DATE</u>	<u>FILING DEADLINE</u>	<u>LEGAL NOTICE DEADLINE</u>
1/8/26	12/10/25	12/29/25
2/12/26	1/14/26	2/2/26
3/12/26	2/11/26	3/2/26
4/9/26	3/11/26	3/30/26
5/14/26	4/15/26	5/4/26
6/11/26	5/12/26	6/1/26
7/9/26	6/10/26	7/1/26
8/13/26	7/14/26	8/3/26
9/10/26	8/12/26	8/31/26
10/8/26	9/8/26	9/28/26
11/12/26	10/13/26	11/2/26
12/10/26	11/10/26	11/30/26
1/14/26	12/15/26	1/4/27

PLAN COMMISSION (3RD WEDNESDAY EACH MONTH)

<u>MEETING DATE</u>	<u>FILING DEADLINE</u>	<u>LEGAL NOTICE DEADLINE</u>
1/21/26	12/22/25	1/11/26
2/18/26	1/16/26	2/8/26
3/18/26	2/13/26	3/8/26
4/15/26	3/16/26	4/5/26
5/20/26	4/20/26	5/10/26
6/17/26	5/18/26	6/7/26
7/15/26	6/15/26	7/5/26
8/19/26	7/20/26	8/9/26
9/16/26	8/17/26	9/6/26
10/21/26	9/21/26	10/11/26
11/18/26	10/19/26	11/8/26
12/16/26	11/16/26	12/6/26
1/20/27	12/21/26	1/10/27

LICENSE BOARD (3RD THURSDAY EACH MONTH)

<u>MEETING DATE</u>	<u>FILING DEADLINE</u>
1/15/26	1/5/26
2/19/26	2/9/26
3/19/26	3/9/26
4/16/26	4/6/26
5/21/26	5/11/26
6/18/26	6/8/26
7/16/26	7/6/26
8/20/26	8/10/26
9/17/26	9/4/26
10/15/26	10/5/26
11/19/26	11/9/26
12/17/26	12/7/26
1/21/27	1/11/27

NEW CASTLE PC AND BZA FEE SCHEDULE

Application Type		Fee
PC APPLICATIONS	Major Subdivision*	Primary Plat \$500 + \$20 / Lot
		Secondary Plat \$500
	Minor Residential Subdivision (Minor Plat)* \$400	
	Replat (Major or Minor Subdivision) See Primary, Secondary, and/or Minor	
	Waiver \$50 / Waiver	
	Vacation of Recorded Plat* \$350	
	Rezoning*	Zone Map Change \$500
		Planned Unit Development \$1,000
	Development Plan / Amended Development Plan \$350	
BZA APPLICATIONS	Appeal of Administrative Decision \$175	
	Development Standards Variance*	Agriculture, Single/Two-Family & Accessory Uses: \$200 / Variance
		Commercial, Industrial, Institutional & Multi-Family Uses: \$400 / Variance
	Special Exception* \$250	
	Use Variance* \$500	
	Use Classification \$175	
MISC	Application Item Resubmittal (such as missing information, non-compliant site plans, etc.) Resubmittal #1-#3: \$0 Resubmittal #4+: \$150 each	
	Other Requests \$25/hour for staff labor requests \$150 for all other PC / BZA applications	
	Additional Public Notice Sign \$20/sign	

*A maximum of two public notice signs are included in the application fee