

CARMEL BOARD OF ZONING APPEALS
DEVELOPMENT STANDARDS VARIANCE APPLICATION – HEARING OFFICER

FEES: **Single Family** (Primary Residence) \$180 for the first variance plus \$105 for each additional section of the ordinance being varied. **Commercial and Other** \$730 for the first variance plus \$362 for each additional section of the ordinance being varied.

Office Use Only

DOCKET NO. _____ DATE RECEIVED: _____

- 1) Applicant: _____
Address: _____
- 2) Project Name: _____ Phone: _____
Engineer/Architect: _____ Phone: _____
Attorney: _____ Phone: _____
Contact Person: _____ Phone: _____
Email: _____
- 3) Applicant's Status: (Check the appropriate response)
_____ (a) The applicant's name is on the deed to the property _____ (b) The applicant is the contract purchaser of the property. (c) Other: _____
- 4) If Item 3) (c) is checked, please complete the following:
Owner of the property involved: _____
Owner's address: _____ Phone: _____
- 5) Record of Ownership: Deed Book No./Instrument No. _____
Page: _____ Purchase date: _____
- 6) Common Address of subject property: _____
Legal Description: _____
Tax Parcel ID No.: _____
- 7) Explanation of Development Standards Variance request: (State what you want to do and cite the section number(s) of the Unified Development Ordinance that applies and/or creates the need for this request).

- 8) State reasons supporting the Variance: (Additionally, complete the attached question sheet entitled "Findings of Fact-Development Standards Variance").

- 9) Present zoning classification of the property: _____
- 9a) Overlay Zone of property (if applicable): _____
- 10) Size of lot/parcel in question: _____ acres/sq. ft.
- 11) Present use of property: _____
- 12) Describe proposed use of property: _____

- 13) Is the property: Owner occupied _____ Renter occupied _____ Other _____
- 14) Are there any restrictions, laws, covenants, variances, special uses, or appeals filed in connection with this property that would relate or affect its use for the specific purpose of this application? If yes, give date and docket number, instrument no., decision rendered and pertinent explanation. _____

- 15) Has work for which this application is being filed already started? If answer is yes, give details:
 Building Permit Number: _____
 Builder: _____
- 16) If proposed appeal is granted, when will the work commence?

- 17) If the proposed variance is granted, who will operate and/or use the proposed improvement for which this application has been filed?

NOTE: Three modes of public notice are required.

LEGAL NOTICE shall be published in the **NEWSPAPER according to the Chart on page 5 a** MANDATORY 10 days prior to the public hearing date. The certified "Proof of Publication" affidavit for the newspaper must be available for inspection by the night of the hearing.

LEGAL NOTICE to all adjoining and abutting property owners is also MANDATORY, two methods of notice are recommended:

1) **FIRST CLASS MAIL with CERTIFICATE OF MAILING** sent to adjoining property owners. (The white receipt should be stamped by the Post Office at least 10 days prior to the public hearing date), **OR**

2) **HAND DELIVERED** to adjoining and abutting property owners (A receipt signed by the adjoining and abutting property owner acknowledging the 10 day prior notice should be kept for verification that the notice was completed)

LEGAL NOTICE via a Notice of Public Hearing **SIGN** posted on the property is also required; see **Page 7**.

THE BURDEN OF PROOF FOR ALL NOTICES IS THE RESPONSIBILITY OF THE APPLICANT.

The applicant understands that docket numbers will not be assigned until all supporting information has been submitted to the Department of Community Services.

Applicant Signature: _____ Date: _____

The applicant certifies by signing this application that he/she has been advised that all representations of the Department of Community Services are advisory only and that the applicant should rely on appropriate Unified Development Ordinance and/or the legal advice of his/her attorney.

AFFIDAVIT

I hereby swear that I am the owner/contract purchaser of property involved in this application and that the foregoing signatures, statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of my knowledge and belief. I, the undersigned, authorize the applicant to act on my behalf with regard to this application and subsequent hearings and testimony.

Signed Name: _____
(Property Owner, Attorney, or Power of Attorney)

Printed Name: _____

STATE OF INDIANA

SS:

County of _____ Before me the undersigned, a Notary Public
(County in which notarization takes place)

for _____ County, State of Indiana, personally appeared
(Notary Public's county of residence)

_____ and acknowledge the execution of the foregoing instrument
(Property Owner, Attorney, or Power of Attorney)

this _____ day of _____, 20_____.
(date) (month) (year)

(SEAL)

Notary Public--Signature

Notary Public--Please Print

My commission expires: _____

INSTRUCTIONS - DEVELOPMENT STANDARDS VARIANCE HEARING OFFICER

1. Please allow plenty of time for Department of Community Services (DOCS) staff review and the Board of Zoning Appeals (BZA) approval process (approximately 25-45 days). Discuss the proposed Variance with the DOCS staff at a pre-submittal meeting; please contact us for an appointment: 317-571-2417, or Third Floor Carmel City Hall, 1 Civic Square, Carmel.
2. **NEW:** As of January 1, 2019, electronic-only submittals are accepted. Plans are to be submitted electronically through ProjectDox, Carmel's ePlan review software. Please see the *Electronic Plan Review* handout for more information on the process and what needs to be submitted. (Initially, only the filled out application needs to be emailed to DOCS.)
3. INFORMATION NEEDED for formal DOCS staff and BZA review:
 - a. Electronic copy of the filled out and completed application (available from the [DOCS website](#)), with legal description(s) included or attached. The file format can be a PDF, JPG, or similar. (Emailed to DOCS staff)
 - b. Electronic copy of a location map showing location of site in question, zoning, and existing land use of adjacent properties. See [GIS Maps](#) link on the DOCS webpage as an option. (Submitted through ProjectDox)
 - c. Electronic copies of all plans depicting all existing and proposed structures, all exterior architectural building elevations, landscaping, drainage, lighting, signage, and any other supporting documentation to fully understand the proposal (Submitted through ProjectDox)
 - d. Electronic copy of adjacent property owners list certified by the Hamilton County Auditor's Office. (Submitted through ProjectDox)
4. Once the application is emailed to DOCS, a docket number will be released and you will receive an email from ePlans ProjectDox to upload the site plans and other drawings. The above referenced information must be submitted to the DOCS at least 28 days prior to the hearing date. Within 10 days of filing, the application will be reviewed by staff and correspondence outlining the deficiencies will be emailed to the petitioner, or a docket number will be assigned, as well as a list of dates and deadlines related to the petition. (A docket number will not be released until all deficiencies are addressed).
5. The Notice of Public Hearing must be mailed by **First Class mail via Certificate of Mailing** to all adjacent property owners. A public notice legal ad must also be published in the required newspaper **according to the Chart on Pg. 5** a mandatory minimum of 10 days prior to the public hearing date. Lastly, a public hearing sign must be posted on the property (see pg. 7.)
6. After final review, the petitioner will need to pay the required filing fee before the item will be added to the official BZA Hearing Officer meeting agenda. The filing fee is due at least 10 days prior to the meeting.
7. At least 10 days prior to the hearing, the petitioner must submit electronic copies of their proof of publication(s), proof of adjacent property owners mailings notice, completed Petitioner's Affidavit of Notice of Public Hearing (pg. 9), and Board member's Info Packets to DOCS.

Also, **8 paper copies** of the Info Packet are required that same day. The following is the suggested order and list of items that should be included in the each Board Member's **Info Packet**:

a- Finding of Facts (ballot sheet, pg. 10)	d- Statement of Support (short paragraph)
b- Finding of Facts (question sheet, pg. 11)	e- Location Map
c- Statement of Variance (short paragraph)	f- Reductions of all plans (site, drainage, landscaping, signage, lighting, architecture, etc...)
8. Note: At least 5 days prior to the BZA meeting, Planning Staff will release the BZA Dept. Reports which includes analyses of the petitions, as well as vote recommendations.
9. The property owner, property owner's Attorney, or someone with the property owner's Power of Attorney must be present at the Carmel Board of Zoning Appeals Hearing Officer public hearing to speak and make a presentation. This should include some type of display or exhibit, such as a copy of the Info Packet. The meeting setting is more informal and face-to-face, occurring at a conference room table.
10. Generally, variance applications are acted upon by the Board in one meeting. However, the Hearing Officer may, at its discretion, table an item at any time.
11. The full Board of Zoning Appeals (usually) meets the fourth Monday of each month at 6:00pm in the Council Chambers, 2nd floor of Carmel City Hall, 1 Civic Square, Carmel, Indiana 46032. And, BZA Hearing Officer meetings are held on the same evening, immediately prior to the regular meeting (usually at 5 / 5:30 pm), and in the City Hall Caucus Rooms.

NEWSPAPER PUBLICATION (LEGAL AD) - NOTICE OF PUBLIC HEARING

Per Article VI, Section 3 of the BZA Rules of Procedure, a legal notice shall be published in the Current in Carmel newspaper. However, affected areas located within a non-Carmel postal ZIP code (Westfield, Zionsville, Indianapolis) must place a legal notice in the corresponding city's newspaper. Refer to the chart below to find what publications to notify based upon the corresponding ZIP code. **(Please note: subject sites located on the border between a Carmel and a non-Carmel zip code must make legal ad notice to two newspapers – The Current & The Indianapolis Star.)**

<u>Zip Code</u>	<u>Publication</u>
46032 or 46033	Current in Carmel
46074	Current in Westfield
46077	Current in Zionsville
46240, 46260, 46268, 46280, or 46290	Indianapolis Star

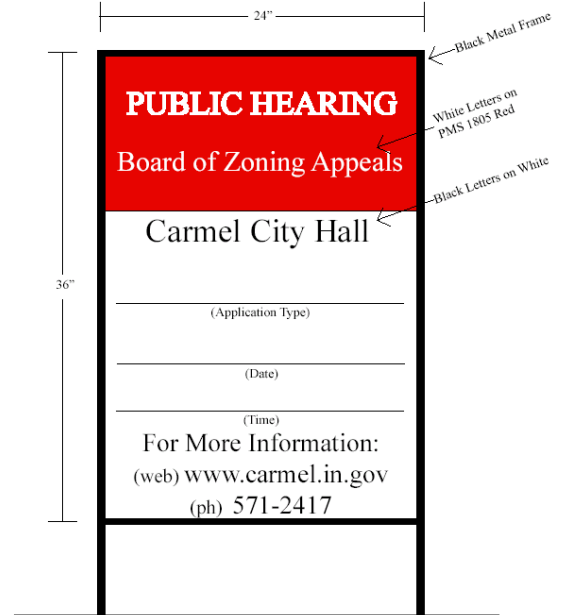
BZA Public Notice Sign Procedure & Affidavit:

Procedure:

The petitioner shall incur the cost of the purchasing, placing, and removing the sign. The sign must be placed in a highly visible and legible location from the road on the property that is involved with the public hearing.

The public notice sign shall meet the following requirements:

1. Must be placed on the subject property no less than 10 days prior to the public hearing date.
2. Sign must follow the sign design requirements:
 - Must be 24" x 36" – vertical
 - Must be double sided
 - Must be composed of weather resistant material, such as corrugated plastic or laminated poster board
 - Must be mounted in a heavy-duty metal frame
3. The sign must contain the following:
 - 12" x 24" PMS 1805 Red box with white text at the top
 - White background with black text below.
 - Text used in example to the right, with Application Type, Date*, and Time of subject public hearing
 - * The Date should be written in day, month, and date format. *Example: "Mon., Jan. 23"*
4. The sign must be removed within 72 hours of public hearing conclusion



Public Notice Sign Placement Affidavit:

I (We) _____ do hereby certify that placement of the public notice sign to consider Docket No. _____ was placed on the subject property at least 10 days prior to the date of the public hearing, at the address listed below:

STATE OF INDIANA, COUNTY OF _____, SS:

The undersigned, having been duly sworn, upon oath says that the above information is true and correct as he is informed and believes.

(Petitioner's Signature)

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

Notary Public, Signed Name: _____

Notary Public, Printed Name: _____

My Commission Expires: _____.

(Useable template for published and mailed Public Notice)

NOTICE OF PUBLIC HEARING
BEFORE THE CARMEL BOARD OF ZONING APPEALS

Docket No. _____

Notice is hereby given that the Carmel Board of Zoning Appeals Hearing Officer meeting on the _____ day of _____, 20__ at ____:____ p.m. in the City Hall Caucus Rooms, 1 Civic Square, Carmel, IN 46032 will hold a Public Hearing upon a Development Standards Variance application to:

(Explain your request - see question number 7 on page 1)

At property being known as (*address*): _____.

The application is identified as Docket No. _____.

The real estate affected by said application is described as follows: (*Insert Legal Description OR Tax ID parcel number(s)*) _____

All interested persons desiring to present their views on the above application, either in writing or verbally, will be given an opportunity to be heard at the above-mentioned time and place.

PETITIONERS

(Note: When mailing out public notices to adjacent property owners, it is recommended that you include a location map, as well.)

PETITIONER'S AFFIDAVIT OF NOTICE OF PUBLIC HEARING

CARMEL BOARD OF ZONING APPEALS

I (WE) _____ DO HEREBY CERTIFY THAT NOTICE OF
(Petitioner's Name)

PUBLIC HEARING BEFORE THE CARMEL BOARD OF ZONING APPEALS CONSIDERING DOCKET NO.

_____, WAS REGISTERED AND MAILED AT LEAST 10* DAYS PRIOR TO THE DATE OF
THE PUBLIC HEARING TO THE BELOW LISTED ADJACENT PROPERTY OWNERS:

OWNER

ADDRESS

STATE OF INDIANA

SS:

The undersigned, having been duly sworn upon oath says that the above information is true and correct and he is informed and believes.

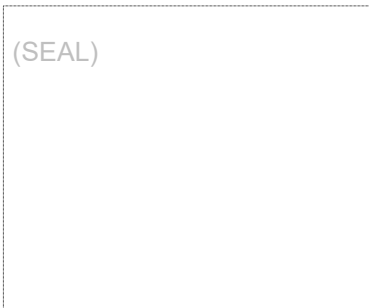
(Signature of Petitioner)

County of _____ Before me the undersigned, a Notary Public
(County in which notarization takes place)

for _____ County, State of Indiana, personally appeared
(Notary Public's county of residence)

_____ and acknowledge the execution of the foregoing instrument
(Property Owner, Attorney, or Power of Attorney)

this _____ day of _____, 20_____.
(day) (month) (year)



Notary Public--Signature

Notary Public--Please Print

My commission expires: _____

**Only 10 days prior public notice required for a BZA Hearing Officer Meetings*

BALLOT SHEET: FINDINGS OF FACT, DEVELOPMENT STANDARDS VARIANCE

CARMEL ADVISORY BOARD OF ZONING APPEALS

(Petitioner to fill out 1st two blanks only)

Docket No.: _____

Petitioner: _____

1. _____

2. _____

3. _____

DATED THIS _____ DAY OF _____, 20 _____.

Board Member

FINDINGS OF FACT SHEET - DEVELOPMENT STANDARDS VARIANCE

CARMEL ADVISORY BOARD OF ZONING APPEALS

(Petitioner to fill out 1-3 + first two blanks)

Docket No.: _____

Petitioner: _____

1. The approval of this 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 variance will not be affected in a substantially adverse manner because:

3. The strict application of the terms of the Unified Development to the property will result in practical difficulties in the use of the property because:

DECISION

IT IS THEREFORE the decision of the Carmel Board of Zoning Appeals that Development Standards Variance Docket No. _____ is granted, subject to any conditions stated in the minutes of this Board, which are incorporated herein by reference and made a part hereof.

Adopted this _____ day of _____, 20 _____.

HEARING OFFICER, Carmel Board of Zoning Appeals

SECRETARY, Carmel Board of Zoning Appeals

Conditions of approval of the Board, if any, are listed on the Letter of Grant.

CHECKLIST

Development Standards Variance *Hearing Officer* Application

Applications must include the following applicable materials:

- Electronic copy of completed application (with legible text), signed by the owner of the subject property or an authorized agent, notarized, and filed at least 45 days prior to the next scheduled public hearing.
- Electronic copy of Owner Affidavit (page 3)
- Electronic copy of Adjacent Property Owners list certified by the Hamilton County Auditor's Office. Formal list request sheet & official list may be acquired from the Hamilton County Real Property Dept. (317-770-4412 or hamiltoncounty.in.gov). Please allow 3 to 5 days for Hamilton County to complete your request.
- Electronic copy of Site Plan (with dimensions) that includes:
 1. Existing and proposed principal structures and accessory structures.
 2. Parking plan (automobiles & bicycles).
 3. Signage plan.
 4. Lighting plan, if applicable
 5. Existing and proposed public rights of way (internal and adjoining).
 6. Location of easements (utility, drainage, landscape, access, etc.)
 7. Building setback lines.
 8. Building coverage calculation, and
 9. Existing and proposed utility structures and systems.
- Electronic copy of exterior architectural building elevations and/or photo examples of subject site and/or buildings.
- When applicable, prepare an electronic copy of an estimated construction cost to comply with the Transportation Plan per UDO Section 1.07(E) (Contact City Engineering Dept. for more detail, at 317-571-2441.)
- Electronic copy of Covenants and Commitments, if any.
- When applicable, electronic copies of service reports/correspondence from TAC (Technical Advisory Committee) members.

All documents must be legible and of the required size and scale. The omission of any of the material indicated in the above checklist may lead to your petition being placed on a later docket or not accepted for filing.