

CARMEL BOARD OF ZONING APPEALS
USE VARIANCE APPLICATION

Filing Fee: \$1,829 plus \$144 per acre

Office Use Only

DOCKET NO. _____ DATE RECEIVED: _____

- 1) Applicant: _____
Address: _____
- 2) Project Name: _____ Phone: _____
Engineer/Architect: _____ Phone: _____
Attorney: _____ Phone: _____
Contact Person: _____ Phone: _____
Email: _____ Fax: _____
- 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 the subject property: _____
Legal description: _____
Tax ID Parcel No.: _____
- 7) Explanation of requested Use Variance: (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 appeal).

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

- 9) Present zoning classification of the property: _____
- 9a) Zoning Overlay (if applicable): _____
- 10) Present use of the property: _____
- 11) Size of lot/parcel in question: _____ acres/sq. ft.
- 12) Describe proposed use of the 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, 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 appeal 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 twenty (20) 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 20 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 20 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 sections 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:

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

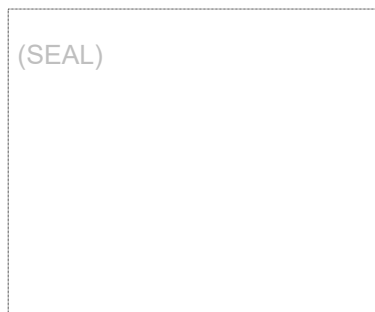
(Signature of Petitioner)

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: _____

INSTRUCTIONS - USE VARIANCE

1. Please allow plenty of time for Department of Community Services (DOCS) staff review and the Board of Zoning Appeals (BZA) approval process (approximately 45-60 days). Discuss the proposed Use 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. (Email 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)
 - e. Submit plans to all Technical Advisory Committee ([TAC members](#)); based on their plan receipt preference.
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 45 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 twenty (20) 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 meeting agenda. The filing fee is due at least 10 days prior to the BZA 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 Use 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 public hearing to speak and give a presentation. This should include some type of display or exhibit; an opaque paper overhead projector and laser pointer will be available the night of the hearing, as well as computer laptop hookups.
10. Generally, applications are acted upon by the Board in one meeting. However, the Board may, at its discretion, table an item at any time.
11. The Board of Zoning Appeals (usually) meets the fourth Monday of each month at 6:00 p.m. 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, 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

ADJACENT PROPERTY OWNERS LIST

I, _____, Auditor of Hamilton County, Indiana, certify that the attached affidavit is a true and complete listing of the adjoining and adjacent property owners concerning Docket No. _____.

<u>OWNER</u>	<u>ADDRESS</u>

EXAMPLE ONLY:
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.

AUDITOR OF HAMILTON COUNTY, INDIANA

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 20 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 20 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.

(Signature of Petitioner)

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 meeting on the _____ day of _____, 20____ at _____ p.m. in the City Council Chambers, City Hall 2nd floor, 1 Civic Square, Carmel, IN 46032 will hold a Public Hearing upon a Use Variance application to allow:

With the 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 NUMBER
_____, WAS REGISTERED AND MAILED AT LEAST TWENTY (20) DAYS PRIOR TO THE DATE
OF THE PUBLIC HEARING TO THE BELOW LISTED ADJACENT PROPERTY OWNERS:

<u>OWNER</u>	<u>ADDRESS</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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.

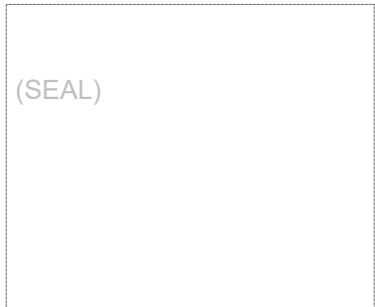
(Signature of Petitioner)

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: _____

BALLOT SHEET for USE VARIANCE FINDINGS OF FACT
CARMEL BOARD OF ZONING APPEALS

(Petitioner to fill out first 2 blanks)

Docket No.: _____

Petitioner: _____

1. _____

2. _____

3. _____

4. _____

5. _____

DATED THIS _____ DAY OF _____, 20 ____.

Board Member

FINDINGS OF FACT - USE VARIANCE
CARMEL BOARD OF ZONING APPEALS

(Petitioner to fill out first 1-5 + first 2 blanks)

Docket No.: _____

Petitioner: _____

1. The grant of this variance will not be contrary to the public interest, due to the existence of special condition(s) such that enforcement of the Unified Development Ordinance will result in unnecessary hardship because:

2. The grant of this variance will not be injurious to the public health, safety, morals and general welfare of the community because:

3. The use or value of the area adjacent to the subject property will not be substantially affected in any adverse manner because:

4. The need for the variance arises from a natural condition peculiar to the subject property because:

5. The granting of this variance does not substantially interfere with the Carmel Comprehensive Plan because:

DECISION

IT IS THEREFORE the decision of the Carmel Board of Zoning Appeals that Use 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 _____.

CHAIRPERSON, 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 - Use Variance Application

Application must include the following applicable materials:

- Electronic copy of completed Application; 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. Locations of existing and proposed principal structures and accessory structures.
 2. Parking plan (automobiles & bicycles).
 3. Signage Plan.
 4. Lighting/Photometric 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/site coverage calculation, and
 9. Existing and proposed utility structures and systems.
- Electronic copy of Exterior Architectural Building Elevations, also labeling height, proposed materials/colors, etc.
- Electronic copy of Landscape Plan with perimeter bufferyards, parking lot plantings, etc., as required in UDO Sections 5.19 or 5.20.
- Electronic copy of Signage design details and locations proposed.
- Prepare an estimated construction cost to comply with the Transportation Plan per Unified Development Ordinance 1.07(E). (Contact City Engineering Dept. for more detail, at 317-571-2441.)
- Electronic copy of Covenants and commitments, if any.
- Electronic copies of correspondence to/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. Please refer to UDO (Unified Development Ordinance) Section 9.15 for further detail on items reviewed.