CITY OF CARMEL BOARD OF ZONING APPEALS

APPLICATION FOR DEVELOPMENT STANDARDS VARIANCE

FILING FEES: **Single Family** (Primary Residence) $341.00 for the first variance, plus $103.00 for each additional section of the ordinance being varied. **All Other** $1,357.00 for the first variance, plus $640.00 for each additional section of the ordinance being varied. (**Or,** see Hearing Officer Option & Fees.)

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 the property involved: _____

Legal description: _____

Tax Parcel ID No.:_____

7) State explanation of requested Development Standards 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 request).

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

9) Zoning District classification of property: _____

9a) Overlay Zone of property (if applicable):_____

10) Size of lot/parcel in question:_____acres

11) Present use of the property: _____

12) Describe the 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, 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: LEGAL NOTICE shall be published in the newspaper **according to the Chart on page 5** a MANDATORY 20 days prior to the public hearing date. The certified "Proof of Publication" affidavit for the newspaper must be available for inspection 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.)

2) HAND DELIVERED to adjoining and abutting property owners (A receipt signed by the adjoining and abutting property owner acknowledging the 20 day notice should be kept for verification that the notice was completed.)

REALIZE 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_____

_____
Notary Public--Signature

(SEAL)

_____
Notary Public—Printed Name

My commission expires: _____

DEVELOPMENT STANDARDS VARIANCE – INSTRUCTION SHEET

1. Allow plenty of time for the Department of Community Services (DOCS) staff review and Board of Zoning Appeals (BZA) approval Process (approximately 45-60 days). Discuss proposed Variance with the DOCS staff at a pre-submittal meeting (please call for an appointment; 317-571-2417, Third Floor, Carmel City Hall, 1 Civic Square, Carmel).

2. INFORMATION NEEDED for formal DOCS staff and BZA review:
   a. The original and one copy of the completed variance application (available from the Office of DOCS), with legal description(s) attached.
   b. Two (2) copies of location map showing location of site in question, zoning, and existing land use of adjacent properties. (See GIS Maps: http://www.carmel.in.gov/about-the-city/geography-and-gis-maps)
   c. Two (2) copies of all plans drawn to scale with all dimensions and depicting all existing and proposed structures, elevations, landscaping, drainage, lighting, signage, and any other supporting documentation to fully understand the proposal.
   d. One copy of adjacent property owners list certified by the Hamilton County Auditor's Office.

3. The above referenced information must be submitted to the DOCS at least forty-five (45) days prior to hearing date. Within ten (10) days, the application will be reviewed by staff and a letter outlining the deficiencies will be mailed to the petitioner or a docket number will be assigned (a docket number will not be assigned until all deficiencies are addressed).

4. After final review the petitioner will need to pay the required filling fee before the item will be added to the official BZA meeting agenda.

5. At this time, the Notice of Public Hearing must be mailed by **First Class mail with a Certificate of Mailing** to all adjacent property owners and published in the newspaper **according to the Chart on page 5** a MANDATORY twenty (20) days prior to the public hearing date. Also, a public hearing sign must be posted on the property (see pg. 6.) Note: Public notice is 10 days for a Hearing Officer item.

6. At least ten (10) days prior to the hearing, the petitioner must submit their proof of publications, proof of adjacent property owners notice (green cards), a completed Petitioner's Affidavit of Notice of Public Hearing (pg. 8), and the Board member's packets to the DOCS (a minimum of nine (9) copies).

   The following is the order & list of items that should be included in the each Board Member's **Info Packet**:

   1-Finding of Facts (ballot sheet, pg. 9)
   2-Finding of Facts (question sheet, pg. 10)
   3-Statement of Variance (short paragraph)
   4-Statement of Support (short paragraph)
   5-Location Map
   6-Reductions of all plans (site, drainage, landscaping, signage, lighting, etc...) and elevations

7. 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/present.

8. A presentation must be given at the BZA public hearing. 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. (Hearing Officer presentations are more informal, where only info packets are required.)

9. Generally, variance applications are acted upon by the Board in one meeting. However, the Board may at its discretion may table an item at any time.

10. The Board of Zoning Appeals meets the fourth Monday of each month at 6:00 p.m. in the City Council Chambers, 2nd floor of City Hall, 1 Civic Square, Carmel, Indiana. (BZA Hearing Officer meetings are held immediately prior to the regular meeting, in the Caucus Rooms of City Hall.)

NOTICE OF PUBLIC HEARING – NEWSPAPER PUBLICATION (LEGAL AD)

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.)**

Zip Code	Publication
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's Name*)____ _____, Auditor of Hamilton County, Indiana, certify that the attached list is a true and complete listing of the adjoining and adjacent property owners of the property described herewith.

OWNER	ADDRESS

Board of Zoning Appeals Public Notice Sign 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
2. The sign must follow the sign design requirements:
   - Sign must be 24” x 36” – vertical
   - Sign must be double sided
   - Sign must be composed of weather resistant material, such as corrugated plastic or laminated poster board
   - The sign 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., January 23”*
4. The sign must be removed within 72 hours of the Public Hearing conclusion

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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 ADVISORY 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 Hall Council Chambers (**or** Caucus Rooms (*choose one*)), 1 Civic Square, Carmel, IN 46032 will hold a Public Hearing upon a Development Standards Variance application to:

(Explain your request--see question numbered seven (7))

_____

_____

_____

_____

_____

_____

_____

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 ADVISORY 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 20* 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)

(SEAL)

_____
Notary Public--Signature

_____
Notary Public—Printed name

My commission expires: _____

**10 days prior notice for a BZA Hearing Officer Meeting*

CARMEL ADVISORY BOARD OF ZONING APPEALS

BALLOT SHEET: FINDINGS OF FACT, DEVELOPMENT STANDARDS VARIANCE

Carmel, Indiana

Docket No.: _____

Petitioner: _____

1.

_____

_____

_____

_____

_____

2.

_____

_____

_____

_____

_____

3. _____

_____

_____

_____

_____

DATED THIS _____ DAY OF _____, 20 _____.

_____

Board Member

CARMEL ADVISORY BOARD OF ZONING APPEALS

FINDINGS OF FACT SHEET - DEVELOPMENT STANDARDS VARIANCE

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 Ordinance 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 _____.

_____ _____

CHAIRPERSON, Carmel Board of Zoning Appeals

_____ _____

SECRETARY, Carmel Board of Zoning Appeals

Conditions of the Board are listed on back;
Petitioner or representative to sign.

Development Standards Variance Application
CHECKLIST

Applications must include the following applicable materials:

- ☐ Completed application (typewritten), 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 – two (2) copies.
- ☐ Owner Affidavit (page 3)
  - ☐ 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.
- ☐ Scaled Site plan (two copies) that includes:
  1. Existing and proposed principal structures and accessory structures.
  2. Parking plan (car & bike).
  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;
  9. Existing and proposed utility structures and systems.
- ☐ Photos and/or architectural building elevations of subject site and/or buildings.
- ☐ When applicable, prepare an
- ☐ Covenants and commitments, if any.
- ☐ When applicable, service reports from TAC (Technical Advisory Committee) members.
- ☐ Electronic copies of the plans and applications.

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.