

VOICE YOUR OPINION

Spoken Testimony

At the public hearing, the BZA President will call on members of the public who wish to speak to the Board. This opportunity to hear from the public and ask questions is an essential part of the work of the Board. Spoken testimony is summarized in the meeting minutes, and along with the written testimony, becomes part of the official record of the proceedings (see "Citizens Speak Up!" pamphlet).

Written Testimony

If your written statement is delivered to the Dept. of Community Services or to the BZA Secretary at least 5 days prior to the BZA meeting and prior to the preparation of the Department Report, the City will duplicate your statement and distribute a copy to each BZA member before the hearing. Board members have often commented that this form of testimony is very effective because they have time to think about what you have said. You can also give written testimonies to the Board of Zoning Appeals at the public hearing, although Board members seldom have adequate time to review and assess this information before taking action.

Contact With Individual Board Members

Some issues that the Board reviews are quasi-judicial terms, which means that State law requires procedures that resemble those used in a court of law. State law prohibits Board members from discussing these types of issues outside of the public hearing so that they remain objective and do not become biased. For this reason, citizens who wish to present their views orally on a specific land use issue are restricted to testifying at the public hearing. Written testimony on a quasi-judicial issue must be submitted at least 5 days prior or during the public hearing.

Background Materials

Usually, the City's Planning/Zoning staff at the Department of Community Services will have prepared a written report, entitled the *Department Report*, for the BZA on each of the agenda items. Members of the public may obtain copies of the Department Report at the Department of Community Services, Third Floor, Carmel City Hall.

The Department of Community Services keeps written minutes and tape recordings of all BZA meetings. These are available to the public upon written request or through the City web site at www.carmel.in.gov.

CARMEL BOARD OF ZONING APPEALS



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ABOUT THE BZA

Purpose

The City of Carmel established the Board of Zoning Appeals as part of the zoning ordinance, which applies to all of Clay Township within Hamilton County. The Board of Zoning Appeals has territorial jurisdiction over all the land subject to the zoning ordinance.

Membership

The Board of Zoning Appeals is composed of five voting members, all of whom must be a resident of the jurisdiction area of the Board, Clay Township. Three members are appointed by the Mayor for a term of four years, one member is appointed by the City Council for a term of one year, and one member is appointed by the Carmel Plan Commission for a term of one year.

Findings of Fact

For reasons which exist independent of State statute, the Board of Zoning Appeals is required to set out written findings of fact which support its determination and to make possible an adequate judicial review of administrative decision, should it ever be needed. The Board determines whether or not the petitioner has an unnecessary hardship.

Burden of Proof

To obtain a variance, the petitioner must show a burden of proof. This can be accomplished with evidence of an undue hardship or practical difficulty.

Meetings

All meetings of the Board of Zoning Appeals are open to the public. The Board meets the fourth Monday of each month at 6 PM in the Council Chambers at Carmel City Hall (unless otherwise stated). The Board listens to opinions and arguments from citizens who are interested in items on the Board's agenda. At public hearings, input from the public is invited in the form of written or spoken testimony, which becomes part of the official record on the issues being considered. All citizen speakers are respected while giving his/her opinions, and they are expected to do the same when the petitioners, Department staff, or Board members are speaking.

Sometimes the Board will make a decision at the public hearing after listening to comments from interested citizens and City staff. The Board may also table a Docket to allow City staff to research questions raised at the public hearing, allow time for citizen testimony, or to deliberate among the Board members.

Land Use Matters Heard

- Appeal of a Decision or Determination of the Director of the Department of Community Services
- Appeal of an Interpretation of the Official Zoning Map
- Appeal of a Non-conforming Use Determination
- Special Use
- Development Standards Variance
- Use Variance
- Special Exception

More Information

This pamphlet was prepared by the Department of Community Services of the City of Carmel, Indiana in order to provide basic information about the Carmel Board of Zoning Appeals. If you would like more information about these types of issues heard by the Board, there are general information sheets on the specific land use and appeals processes available at the Department of Community Services or online at www.carmel.in.gov.

For more information regarding procedure on the Carmel Board of Zoning Appeals, refer to the Board of Zoning Appeals Rules of Procedure, available at the Department of Community Services.

For more information on how to testify to the Board of Zoning Appeals, see the pamphlet entitled "Citizens Speak Up!"

For more information about land use planning in Carmel and Clay Township, see other pamphlets in this series available at City Hall, One Civic Square, Carmel, IN, call the Department of Community Services at 317.571.2417 or visit the City's web site at www.carmel.in.gov.

Note: This guide is for general information purposes only. For more specific information, please consult the Board of Zoning Appeals Rules of Procedure and the Carmel Zoning Ordinances.
