

CITY OF CARMEL BOARD OF ZONING APPEALS  
**SPECIAL EXCEPTION APPLICATION - Short Term Residential Rental Units**

**Fee:** \$102 for first year, \$51 for annual renewal

**Office Use Only**

DOCKET NO. \_\_\_\_\_ DATE RECEIVED: \_\_\_\_\_

Renewal?  Previous Docket No(s). \_\_\_\_\_

**APPLICANT / OWNER INFORMATION:**

1) Applicant/ Permanent Resident\*: \_\_\_\_\_

Address: \_\_\_\_\_

*\* Applicants must be a Permanent Resident (may be an owner or lessee) of the proposed Short Term Residential Rental Unit. Initial applicants shall have occupied the Dwelling for at least sixty (60) consecutive days with intent to establish the Dwelling as their primary residence. Renewal applicants shall have occupied the unit for at least two hundred seventy five (275) days of the proceeding calendar year.*

2) Project Name: \_\_\_\_\_

Attorney or 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) Is the property: Owner occupied \_\_\_\_\_ Renter occupied \_\_\_\_\_ Other \_\_\_\_\_

6) Record of Ownership: Deed book No./Instrument No. \_\_\_\_\_

Page: \_\_\_\_\_ Purchase Date: \_\_\_\_\_

**PROPERTY INFORMATION:**

7) Common address of the property involved: \_\_\_\_\_

Legal description: \_\_\_\_\_

Tax Parcel ID No.: \_\_\_\_\_

8) Zoning District: \_\_\_\_\_ Overlay Zone (if applicable): \_\_\_\_\_

9) Present use of the property: \_\_\_\_\_

10) Approximate size of lot/parcel in question: \_\_\_\_\_ acres

- 11) Are there any restrictions, laws, covenants, variances, special uses, or appeals filed in connection with this property that would relate or affect its use as a short term residential rental unit? If yes, give date and docket number, decision rendered and pertinent explanation.
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**SPECIAL EXCEPTION PROPOSAL:**

*Note that Special Exception approval is not necessary for specific dates (up to 30 days per calendar year) on which the Mayor has suspended the requirements of UDO Section 5.72. See annual Council Resolution for more details.*

- 12) State explanation of requested Special Exception (e.g. proposed time period(s), intent to rent an individual room(s) or the entire Dwelling).
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- 13) State reasons supporting the Special Exception: (Additionally, complete the attached question sheet entitled "Findings of Fact-Special Exception").
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**SPECIAL EXCEPTION ELIGIBILITY:**

- 14) Permanent Residence Verification: Please provide a copy of at least two (2) of the following showing that the proposed Short Term Residential Rental Unit is listed as the applicant's residence.
- |  |  |
|--|--|
| <input type="checkbox"/> <i>Motor Vehicle Registration</i> | <input type="checkbox"/> <i>Tax Record showing standard homestead credit</i> |
| <input type="checkbox"/> <i>Driver's License</i>           | <input type="checkbox"/> <i>Utility Bill</i>                                 |
| <input type="checkbox"/> <i>Voter Registration</i>         |  |
- 15) Registered Retail Merchant Certificate: \_\_\_\_\_
- 16) \_\_\_\_\_ (Initial) If the proposed special exception is granted, the applicant agrees to post a clearly printed sign on the inside of the front door of the Dwelling that provides information regarding the location of any fire extinguishers and any utility shut-off valves, fire exits or pull fire alarms.
- 17) Emergency Contact Information: List primary and secondary emergency contact information for use while the dwelling is used as a short term residential rental unit. Information to be shared with the Carmel Police Department if the special exception is granted.

PRIMARY EMERGENCY CONTACT

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

SECONDARY EMERGENCY CONTACT

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

*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.

**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 the night of the hearing. Published Notice is not required for renewal applications.

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 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 8**.

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

**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, 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 - Signature

\_\_\_\_\_  
Notary Public – Printed Name

My Commission Expires: \_\_\_\_\_.



## INSTRUCTIONS - SPECIAL EXCEPTION

1. Allow plenty of time for the Department of Community Services (DOCS) staff review and Board of Zoning Appeals (BZA) approval Process (approximately 25-45 days). Discuss the proposed petition with DOCS staff at a pre-submittal meeting; please contact us for an appointment: 317-571-2417, or 3<sup>rd</sup> 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 copy of the completed Special Exception 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 all adjacent properties. (See [GIS Maps](#) link on the DOCS webpage.) (Submit via ProjectDox)
  - c. Electronic copy of an aerial photo of the site, as well as scanned/digital photographs of the site and building exterior to show the layout and character of the property. (Submit via ProjectDox)
  - d. Electronic copy of the [list of adjoining property owners](#) certified by the Hamilton County Auditor's Office. (Submit via ProjectDox)
  - e. Submit proposal via email to all Technical Advisory Committee ([TAC members](#)). (Attendance at a TAC meeting is not required.)
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. At this time, the Notice of Public Hearing must be mailed by First Class mail with Certificates of Mailing to all adjacent property owners and published in the newspaper according to the [Chart on page 5](#) a MANDATORY 10 days prior to the public hearing date. 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. 8).
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 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 - Findings of Facts (ballot sheet, pg. 10)	e - Location Map
b - Findings of Facts (question sheet, pg. 11)	f - Legible plans (site, drainage, lighting, parking, etc.),
c - Statement of Special Exception (description of request)	aerial photo of site, and architectural elevations or
d - Statement of Support (reasons supporting request)	photographs of building exterior
	g - Any supportive info, letters of support, etc.
8. At least 5 days prior to the hearing, the petitioner must submit their proof of publication (not required for renewal applications), proof of adjacent property owners notice (Certificates of Mailing), and completed Petitioner's Affidavit of Notice of Public Hearing (pg. 9). Also at this time, Planning Staff releases 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 give a presentation. The Hearing Officer presentations are more informal, where only info packets are required. You will sit at the same conference room table as the Hearing Officer.
10. Generally, Special Exception applications can be acted upon by the Hearing Officer in one meeting. However, the Board, at its' discretion, may table an item at any time.
11. The Hearing Officer (usually) meets the fourth Monday of each month at 5/5:30 p.m. in the City Council Caucus Rooms, 2<sup>nd</sup> floor of City Hall, One Civic Square, Carmel, IN 46032.

**NOTICE OF PUBLIC HEARING – NEWSPAPER PUBLICATION (LEGAL AD)**

*INITIAL APPLICATIONS ONLY; PUBLICATION NOT REQUIRED FOR RENEWAL APPLICATIONS*

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.)**

<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

*(Useable Template for published and mailed Public Notice;  
Note: Publication not required for Renewal Applications)*

**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 \_\_\_\_\_ of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ p.m. in the Carmel City Hall Caucus Rooms, 2nd Floor, One Civic Square, Carmel, Indiana 46032 will hold a Public Hearing upon a Special Exception application to:

*(Explain your request--see question numbered twelve (12) on application)*

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On 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 parcel ID number(s))*

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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.)***

**ADJACENT PROPERTY OWNERS LIST**

I, \_\_\_\_\_ (*Auditor's Name*) \_\_\_\_\_ 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. \_\_\_\_\_.

OWNER

ADDRESS

<u>OWNER</u>	<u>ADDRESS</u>
<b>EXAMPLE ONLY:</b> Formal list request sheet & official list may be acquired from the Hamilton County Real Property Dept. (317-770-4412 or <a href="http://hamiltoncounty.in.gov">hamiltoncounty.in.gov</a> ). Please allow 3 to 5 days for Hamilton County to complete your request.	

\_\_\_\_\_  
Auditor of Hamilton County, Indiana

\_\_\_\_\_  
Date

## **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 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





**PETITIONER'S AFFIDAVIT OF NOTICE OF PUBLIC HEARING**  
**CARMEL BOARD OF ZONING APPEALS**

**Adjacent Properties Notice Affidavit:**

I (We) \_\_\_\_\_ do hereby certify that a legal notice of public hearing before the Carmel Board of Zoning Appeals considering Docket No. \_\_\_\_\_, was given at least 10 days prior to the date of the public hearing to the attached listed adjoining and abutting property owners.

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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 10 days prior to the date of the public hearing at the address listed below:

\_\_\_\_\_

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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 - Signature

\_\_\_\_\_  
Notary Public – Printed Name

My Commission Expires: \_\_\_\_\_.



**(BALLOT SHEET) FINDINGS OF FACT - SPECIAL EXCEPTION**

CARMEL BOARD OF ZONING APPEALS

Carmel, Indiana

*(Petitioner only fills out first 2 blanks)*

Docket No. : \_\_\_\_\_

Petitioner: \_\_\_\_\_

1. \_\_\_\_\_

\_\_\_\_\_

2. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Board Member

**FINDINGS OF FACT - SPECIAL EXCEPTION**

CARMEL BOARD OF ZONING APPEALS

*(Petitioner fills out 1-3 + first 2 blanks)*

Docket No.: \_\_\_\_\_

Petitioner: \_\_\_\_\_

1. The approval of this Special Exception will not negatively affect surrounding property values because:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. This Special Exception will be compatible with existing land uses in the neighborhood because:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Vehicular and pedestrian traffic in and around the premises will not be substantially affected by this Special Exception because: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**DECISION**

\_\_\_ Yes \_\_\_ No: The Board has reviewed the requirements of UDO, Section 5.72 as they relate to this Special Exception, and does not find that those criteria prevent the granting of the Special Exception.

IT IS THEREFORE the decision of the Carmel Board of Zoning Appeals that Special Exception 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 - Special Exception

*Note: Special Exception approval is not necessary for specific dates (up to 30 days per calendar year) on which the Mayor has suspended the requirements of UDO Section 5.72 – Please see the annual City Council Resolution for specific dates.*

### **Applications 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 Verification of Permanent Residency (see application):  
*Note: Initial applicants shall have occupied the Dwelling for at least sixty (60) consecutive days with intent to establish the Dwelling as their primary residence. Renewal applicants shall have occupied the unit for at least two hundred seventy five (275) days of the proceeding calendar year.*
- Electronic copy of Valid Registered Retail Merchant Certificate. Issued by the Indiana Department of Revenue. For more information see website at <http://www.in.gov/dor/>
- Primary and Secondary Emergency Contact Information to be shared with the Carmel Police Department (if the special exception is approved).
- 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](http://hamiltoncounty.in.gov)). Please allow 5 days for the County to complete your request.
- Electronic copies of Site Plan that includes:
  1. Aerial photo of the site showing existing structures and site layout.
  2. Photographs of the site and building exterior.
  3. Location of parking spaces.
- Electronic copy of Covenants and Commitments, if any.

All documents must be legible. 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.