CITY OF CARMEL - BOARD OF ZONING APPEALS

APPLICATION FOR SPECIAL EXCEPTION

Fee: $1,687 plus $134 per acre

DOCKET NO. _____ DATE RECEIVED: _____

1) Applicant: _____

Address: _____

2) Project Name: _____ Phone & Fax: _____

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 property involved: _____

Legal description: _____

Tax Map Parcel No.: _____

7) State explanation of requested Special Exception:

_____

_____

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

_____

_____

9) Present zoning of the property (give exact classification): _____

10) Present use of the property:_____

11) Size of lot/parcel in question:_____acres

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, 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 special exception is granted, when will the work commence?

_____

17) If the proposed special exception 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 Noblesville Times a MANDATORY twenty-five (25) 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) CERTIFIED MAIL - RETURN RECEIPT REQUESTED sent to adjoining property owners. (The white receipt should be stamped by the Post Office at least twenty-five (25) 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 twenty-five (25) 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 subdivision and zoning 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: _____
(Property Owner, Property Owner's Attorney, or Property Owner's Power of Attorney) (Date)

_____
(Please Print)

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 this (Property Owner, Attorney, or Power of Attorney)

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

(SEAL)

_____
Notary Public--Signature

_____
Notary Public--Please Print

My commission expires: _____

SPECIAL EXCEPTION -- INSTRUCTIONS

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 Special Exception with the DOCS staff (please call for an appointment; 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 Special Exception application (available from the DOCS).
   b. Two (2) copies of location map showing location of site in question, zoning, and existing land use of all adjacent properties. (http://gis.carmel.in.gov/Zoning/index.html)
   c. Two (2) copies of all plans drawn to scale with all dimensions and depicting all existing and proposed structures, elevations, landscaping, drainage, signage, and any other supporting documentation to fully understand the proposal.
   d. One copy of the list of adjacent property owners certified by the Hamilton County Auditor's Office.
   e. Submit plans to all Technical Advisory Committee (TAC) members. (Member List)

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 certified mail **with return receipt** (green cards) to all adjacent property owners and published in the Noblesville Times a **MANDATORY** twenty-five (25) days prior to the public hearing date. Also, a public hearing sign must be posted on the property (see page 6).

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 DOCS (a minimum of nine [9] packets are needed).

   The following is the order and list of items that should be included in each Board Member's packet:

   1—Finding of Facts (ballot sheet, pg. 9)
   2—Finding of Facts (question sheet, pg. 10)
   3—Statement of Special Exception (description of request)
   4—Statement of Support (reasons supporting request)
   5—Location Map
   6—Legible 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.

8. A presentation must be given at the 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.

9. Generally, special exception applications can be acted upon by the Board in one meeting. However, the Board at its' discretion at any time may table an item.

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, One Civic Square, Carmel, Indiana.

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. _____.

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 25 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 Number _____, was placed on the subject property at least twenty-five (25) 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

My Commission Expires: _____.

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 _____ of _____, 20___ at _____ p.m. in the City Council Chambers, 2nd floor of City Hall, One (1) Civic Square, Carmel, Indiana 46032 will hold a Public Hearing upon a Special Exception application to:

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

_____

_____

_____

_____

_____

_____

_____

_____

_____

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 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 A LEGAL
(Petitioner's Name)
NOTICE OF PUBLIC HEARING BEFORE THE CARMEL BOARD OF ZONING APPEALS CONSIDERING

DOCKET NUMBER _____, WAS GIVEN AT LEAST TWENTY-FIVE (25)* DAYS PRIOR

TO THE DATE OF THE PUBLIC HEARING TO THE BELOW LISTED ADJOINING AND ABUTTING 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 this (Property Owner, Attorney, or Power of Attorney)

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

(SEAL)

_____
Notary Public--Signature

_____
Notary Public--Please Print

My commission expires: _____

10 days prior notice for a BZA Hearing Officer meeting.

FINDINGS OF FACT - SPECIAL EXCEPTION (Ballot Sheet)
CARMEL BOARD OF ZONING APPEALS
Carmel, Indiana

Docket No. : _____

Petitioner: _____

1._____

_____

_____

2._____

_____

_____

3._____

_____

_____

4._____

_____

_____

5._____

_____

_____

6._____

_____

_____

DATED THIS _____ DAY OF _____, 20 ____.

_____
Board Member

CARMEL BOARD OF ZONING APPEALS

FINDINGS OF FACT - SPECIAL EXCEPTION

Docket No.: _____

Petitioner: _____

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community, in relation to Ordinance, Section 21.3 (1-26) concerning the special exception because:

_____

_____

2. The use and value of the area adjacent to the premises under consideration will not be affected in a substantially adverse manner because:

_____

_____

3. The need for the special exception arises from the applicant's responsibility to provide public utility service, and not from any condition peculiar to the premises under consideration because:

_____

_____

4. It will constitute an unnecessary hardship for the applicant if the special exception is denied, in that there are no existing or approved towers or other structures in the vicinity of the premises under consideration which would be suitable for the collation of the equipment that the applicant needs to locate in such vicinity, having regard to the following factors
   (a) Whether the needed equipment would exceed the structural capacity of such existing or approved towers or structures, as documents by a qualified professional engineer, and whether such towers or structures could be reinforced, modified, or replaced to accommodate the needed or equivalent equipment at a reasonable cost
   (b) Whether the needed equipment would cause interference materially impacting the usability of existing or planned equipment at such existing or approved towers or structures, as documented by a qualified professional engineer, and whether such interference could be prevented at a reasonable cost (Please attach appropriate statements)

_____

_____

5. The approval of the special exception does not interfere substantially with the Comprehensive Plan, in that there are no alternative sites suitable (having regard to the factors listed above in item 4 for the equipment that the applicant needs to locate in the vicinity which are located either in Business, Industrial, or Manufacturing Districts, or on property outside of the jurisdiction or otherwise exempt from the requirements and procedures of the Zoning Ordinance because:

_____

_____

DECISION

_____Yes _____No: The Board has reviewed the requirements of Ordinance, Section 21.04.02 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 Number _____ 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 the back.
(Petitioner or his representative to sign).

Special Exception 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 Transfer and Mapping Office (317-776-9624 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.
  3. Signage plan.
  4. Landscaping plan.
  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.
- ☐ Map showing area coverage
- ☐ Map showing distance of nearest towers.
- ☐ Prepare an estimated construction cost to comply with the Thoroughfare Plan & Alternative Transportation Plan per Section 2.09. (Contact City Engineering Dept for more detail.)
- ☐ Covenants and commitments, if any.
- ☐ Service reports from TAC 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.