

**SUBDIVISION REGULATIONS WAIVER  
REQUEST APPLICATION**

Fee: **\$1,014** for first waiver, plus **\$470** for each additional.

Docket No: \_\_\_\_\_ Date Received: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Telephone No. \_\_\_\_\_

Fax No. \_\_\_\_\_ Email: \_\_\_\_\_

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

PROJECT NAME: \_\_\_\_\_

PROJECT ADDRESS: \_\_\_\_\_

APPLICANT NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

Section (Section Number, Page, Item) of Subdivision Control Ordinance for which waiver is being requested:

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State explanation of why waiver is being requested:

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State reasons supporting waiver request:

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Present zoning: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Property Owner*

**NOTE: THIS APPLICATION MUST BE SUBMITTED AT THE TIME OF THE PRIMARY PLAT APPLICATION. WAIVER REQUEST MUST BE INCLUDED WITH THE PUBLIC NOTICE FOR THE PRIMARY PLAT.**

**SUBDIVISION WAIVER  
FINDINGS OF FACT**

**CARMEL PLAN COMMISSION  
Carmel, Indiana**

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

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

Subdivision Control Ordinance Section Varied from: \_\_\_\_\_

Brief Description of Waiver: \_\_\_\_\_

In deciding whether or not the applicant has presented sufficient proof to permit the granting of a waiver, the Plan Commission should consider the following:

- The grant of a waiver will not be injurious to the public health, safety, morals and general welfare of the community.
- The use and value of area adjacent to the property included in the proposed plat will not be affected in a substantially adverse manner.
- The need for the waiver arises from some condition peculiar to the property and such condition is not due to the general conditions of the neighborhood.
- The strict application of terms of the ordinance to the property will constitute an unusual and unnecessary hardship if applied to the property for which the waiver is sought.
- The grant of the waiver does not interfere substantially with the Comprehensive Plan.

\_\_\_\_\_ Based on all the evidence presented by the petitioner, I approve of the requested subdivision waiver.

\_\_\_\_\_ I hereby disapprove of the subdivision waiver request for the following reasons:

1. \_\_\_\_\_  
\_\_\_\_\_
2. \_\_\_\_\_  
\_\_\_\_\_
3. \_\_\_\_\_  
\_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Commission Member

**OPEN SPACE MODIFICATION - FINDINGS OF FACT**  
**CARMEL PLAN COMMISSION**  
**Carmel, Indiana**

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

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

Ordinance Section Varied from: \_\_\_\_\_

Brief Description of Waiver: \_\_\_\_\_

The Commission may, after a public hearing, permit the modification of the provisions of Chapter 7 of the Subdivision Control Ordinance.

Any approval to permit such a modification shall be subject to the following criteria:

- The design and modifications shall be in harmony with the purposes and the land-use standards contained in this Chapter;
- The design and modifications shall enhance the subdivision plan, the central core area, the streetscapes, and the neighborhoods, or at least not be any less desirable than the plan that could be created in conformance with this Chapter;
- The design and modifications shall not produce lots or street systems that would be impractical or detract from the appearance of the subdivision plan, and shall not adversely affect emergency vehicle access or deprive adjoining noncommercial properties of adequate light and air; and,
- The applicant shall demonstrate that the proposed modifications will produce equal or better results, from the Commission's perspective, and represent the minimum modification necessary.

If the Commission determines that the applicant has met his/her burden, it may grant a modification of the requirements of this article. In granting modifications, the Commission may impose such Conditions that will, in its judgment, secure the objectives and purposes of Chapter 7.

\_\_\_\_\_ Based on all the evidence presented by the petitioner, I vote to Approve of the requested subdivision waiver.

\_\_\_\_\_ I hereby vote to Disapprove of the subdivision waiver request for the following reasons:

1. \_\_\_\_\_  
\_\_\_\_\_
2. \_\_\_\_\_  
\_\_\_\_\_
3. \_\_\_\_\_  
\_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Commission Member

**Plan Commission 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.

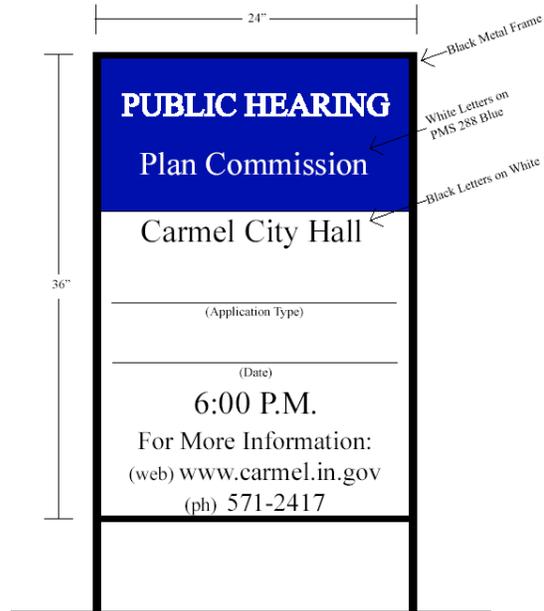
The public notice sign shall meet the following requirements:

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 288 Blue box with white text at the top.
  - White background with black text below.
  - Text used in example to the right, with Application type and Date\* of subject public hearing
  - The Date should be written in day, month, and date format. *Example: Tuesday, January 17*

4. The sign must be removed within 72 hours of the Public Hearing conclusion



**Public Notice Sign Placement Affidavit:**

I (We) \_\_\_\_\_ do hereby certify that placement of the notice public 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: \_\_\_\_\_.

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**PETITIONER'S AFFIDAVIT OF NOTICE OF PUBLIC HEARING**

I (We) \_\_\_\_\_ do hereby certify that notice of public hearing of the Carmel Plan Commission to consider Docket Number \_\_\_\_\_ was registered and mailed at least twenty-five (25) days prior to the date of the public hearing to the below listed adjacent property owners:

OWNER(S) NAME

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)



\_\_\_\_\_  
Notary Public--Signature

\_\_\_\_\_  
Notary Public--Please Print

My \_\_\_\_\_ commission expires:

*(Tip: Actual signatures of adjacent property owners must be submitted on this affidavit if the public notice was hand delivered to an adjacent property owner. Otherwise the names can be typed/written in.)*



**NOTICE OF PUBLIC HEARING  
BEFORE THE  
CARMEL PLAN COMMISSION**

Docket Number: \_\_\_\_\_

Notice is hereby given that the Carmel Plan Commission meeting on \_\_\_\_\_  
(Date)

at \_\_\_\_\_ PM in the City Hall Council Chambers, 1 Civic  
(Time)

Square, Carmel, Indiana 46032 will hold a Public Hearing upon a/an \_\_\_\_\_  
(Application Type)

in order to:

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

The application is identified as Docket No. \_\_\_\_\_.

The property address is: \_\_\_\_\_.

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.

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

*(Note: When mailing out public notices to adjacent property owners, you must include a location map, too.)*

## SCO Waiver Request – Review/Approval Process

The following is a chronological listing of the steps required for processing a waiver from the Subdivision Control Ordinance:

1. Initial discussion with staff regarding applicable zoning ordinances, design standards, condition/capacity of infrastructure, and availability of utilities.
2. Developer presents plat for review by staff. All documents must be legible and of the required size and scale, but no larger than 24" x 36".
3. Developer files required material to be placed on the Plan Commission docket.
4. Submit plans to TAC (Technical Advisory Committee members) for their review.
5. Administrative review by the Department of Community Services staff.
6. The Technical Advisory Committee reviews the plan and offers review comments and recommendations.
7. Petitioner obtains list of all property owners within a 660 foot radius of the subject property from the Hamilton County Transfer & Mapping Office (in Noblesville).
8. Petitioner prepares legal notices for property owner notification, for newspaper advertisement, and advises staff. (See Plan Commission Rules of Procedure Article VII, as well as the Plan Commission Calendar's Public Notice Requirements page 2.)
9. Petitioner submits newspaper advertisement to The Current (and/or Indianapolis Star) to be published at least 25 days prior to the public hearing. (See Plan Commission Rules of Procedure Article VII, as well as the Plan Commission Calendar's Public Notice Requirements page 2.) Petitioner mails first class mail (with Certificate of Mailing) notice to all property owners within a lying within 660 feet of the subject property, or a depth of two property ownerships, whichever is less, at least 25 days prior to the public hearing. Petitioner also places notice of public hearing sign on his/her site.
10. Petitioner mails certified mail notice to all property owners within a lying within 660 feet of the subject property, or a depth of two property ownerships, whichever is less, at least 25 days prior to the public hearing and places public hearing sign on his/her site.
11. Petitioner prepares information packets for the Plan Commission, to be submitted no later than 10 days prior to the first docketed hearing.
12. \* Fee to be paid 10 days prior to meeting date.
13. Plan Commission Agenda is posted. Staff analysis reports are released 5 days prior to meeting.
14. Plan Commission holds public hearing and gathers information from public.
15. The Commission refers project to the Subdivision Committee for further review & recommendations.
16. The Subdivision Committee will forward the project back to the full Plan Commission with a recommendation. Upon return, the Plan Commission will either approve/deny at this time.
17. The Planning Dept. issues a Letter of Decision to the Petitioner noting the Commission's vote.
18. The next step is to file the Secondary Plat (final plat) application. This is an administrative review/approval process, along with review/approval by the Carmel BPW (Board of Public Works & Safety), for the final plat that will ultimately be recorded.