CARMEL BOARD OF ZONING APPEALS

USE VARIANCE APPLICATION

FEE: $1,687 plus $134 per acre

DOCKET NO. _____ DATE RECEIVED:_____

1) Applicant: _____

Address: _____

2) Project Name: _____ Phone: _____

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 subject property: _____

Legal description: _____

Tax Map Parcel No.: _____

7) State explanation of requested Use Variance: (State what you want to do and cite the section number(s) of the Carmel Zoning Ordinance that applies and/or creates the need for this appeal).

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

9) Present zoning classification of the property: _____

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 appeal is granted, when will the work commence?

_____

17) If the proposed appeal 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 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) **FIRST CLASS MAIL WITH CERTIFICATE OF MAILING** 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, Attorney, or Power of Attorney

_____
(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: _____

USE 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).

2. INFORMATION NEEDED for formal DOCS staff and BZA review:

   a. The original and one copy of the completed Use Variance 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 **First Class mail with Certificate of Mailing** to all adjacent property owners and published the newspaper **according to the Chart on Page 5** 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 the 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—Findings of Fact (ballot sheet, pg. 9)
2—Findings of Fact (question sheet, pg. 10)
3—Statement of Use Variance (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 overhead opaque paper projector and laser pointer will be available the night of the public hearing.

9. Generally, Use Variance 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.

NOTICE OF PUBLIC HEARING PUBLICATION

As per the Amendment of Article VI, Section 3 of the BZA Rules of Procedure: a legal notice shall be published in the Current in Carmel. However, affected areas located within or adjacent to a non-Carmel postal ZIP code must also place a legal notice in the corresponding city's newspaper. Refer to the chart below to find what publications to notify

Zip Code	Publication
46032 or 46033	Current in Carmel
46074	Current in Westfield & Current in Carmel
46077	Current in Zionsville & Current in Carmel
46240, 46260, 46268, 46280, or 46290	Indianapolis Star & Current in Carmel

based upon the corresponding ZIP code.

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

EXAMPLE ONLY:
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.

AUDITOR OF HAMILTON COUNTY, INDIANA

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 _____day 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 Use Variance application to allow.

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

PETITIONER'S AFFIDAVIT OF NOTICE OF PUBLIC HEARING

CARMEL 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 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	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: _____

CARMEL BOARD OF ZONING APPEALS

BALLOT SHEET for FINDINGS OF FACT - USE VARIANCE

Docket No.: _____

Petitioner: _____

1._____

_____

_____

_____

2._____

_____

_____

_____

3._____

_____

_____

_____

4._____

_____

_____

_____

5._____

_____

_____

_____

DATED THIS _____ DAY OF _____, 20 ____.

_____

Board Member

CARMEL BOARD OF ZONING APPEALS
FINDINGS OF FACT for USE VARIANCE

Docket No.: _____

Petitioner: _____

1. The grant of this variance will not be contrary to the public interest, due to the existence of special condition(s) such that enforcement of the zoning ordinance will result in unnecessary hardship because:

2. The grant of this variance will not be injurious to the public health, safety, morals and general welfare of the community because:

3. The use or value of the area adjacent to the subject property will not be substantially affected in any adverse manner because:

4. The need for the variance arises from a natural condition peculiar to the subject property because:

5. The granting of this variance does not substantially interfere with the Carmel Comprehensive Plan because:

DECISION

IT IS THEREFORE the decision of the Carmel Board of Zoning Appeals that Use 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, if any, are listed on the back.)

Use Variance Checklist

Applications must include the following applicable materials:

- ☐ Completed application (legible), 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. Locations of existing and proposed principal structures and accessory structures.
  2. Parking plan.
  3. Lighting Plan, if applicable.
  4. Existing and proposed public rights of way (internal and adjoining).
  5. Location of easements (utility, drainage, landscape, access, etc.)
  6. Building setback lines.
  7. Building/site coverage calculation;
  8. Existing and proposed utility structures and systems.
- ☐ Preliminary architectural building elevations, labeling height, proposed materials/colors.
- ☐ Preliminary landscape plan, labeling perimeter bufferyards as required in Chapter 33.
- ☐ Signage details and locations proposed.
- ☐ Prepare an estimated construction cost to comply with the Thoroughfare Plan & Alternative Transportation Plan per Zoning Ordinance Section 2.09. (Contact City Engineering Dept for more detail, at 571-2441.)
- ☐ Covenants and commitments, if any.
- ☐ Service reports from TAC members.
- ☐ Digital copies of all the plans, elevations, and application.

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.