

**CITY OF CARMEL - BOARD OF ZONING APPEALS**  
**APPLICATION FOR DEVELOPMENT STANDARDS VARIANCE**

FILING FEES: **Single Family** (Primary Residence) \$324.00 for the first variance, plus \$99.00 for each additional section of the ordinance being varied. **All Other** \$1,286.00 for the first variance, plus \$607.00 for each additional section of the ordinance being varied. **OR**, see Hearing Officer Option & Fees.

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

- 1) Applicant: \_\_\_\_\_  
Address: \_\_\_\_\_
- 2) Project Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Engineer/Architect: \_\_\_\_\_ Phone: \_\_\_\_\_  
Attorney: \_\_\_\_\_ Phone: \_\_\_\_\_  
Contact Person: \_\_\_\_\_ Phone: \_\_\_\_\_  
Email: \_\_\_\_\_
- 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 Parcel ID No.: \_\_\_\_\_
- 7) State explanation of requested Development Standards Variance: (State what you want to do and cite the section number(s) of the Carmel/Clay Zoning Ordinance that applies and/or creates the need for this request).  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 8) State reasons supporting the Development Standards Variance: (Additionally, complete the attached question sheet entitled "Findings of Fact-Development Standards Variance").  
\_\_\_\_\_  
\_\_\_\_\_

- 9) Present zoning classification of the property: \_\_\_\_\_
- 10) Size of lot/parcel in question: \_\_\_\_\_ acres
- 11) Present use of the property: \_\_\_\_\_
- 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, instrument no., 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 variance 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)      Date

\_\_\_\_\_  
(Please Print)

STATE OF INDIANA

SS:

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\_\_\_\_\_

(SEAL)

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

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

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

## DEVELOPMENT STANDARDS VARIANCE -- 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 Variance with the DOCS staff at a pre-submittal meeting (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 variance application (available from the Office of DOCS), with legal description(s) attached.
  - b. Two (2) copies of location map showing location of site in question, zoning, and existing land use of 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, lighting, signage, and any other supporting documentation to fully understand the proposal.
  - d. One copy of adjacent property owners certified by the Hamilton County Auditor's Office.
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 filing 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 **First Class mail with a Certificate of Mailing** to all adjacent property owners and published in 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 pg. 6.) Note: Public notice is 10 days for a Hearing Officer item.
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 the each Board Member's packet:

- |   |   |
|---|---|
| 1-Finding of Facts (ballot sheet, pg. 9)    | 4-Statement of Support (short paragraph)  |
| 2-Finding of Facts (question sheet, pg. 10) | 5-Location Map  |
| 3-Statement of Variance (short paragraph)   | 6-Reductions of all 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 BZA 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. (Hearing Officer presentations are more informal, where only info packets are required.)
9. Generally, variance applications are acted upon by the Board in one meeting. However, the Board at its discretion may table an item at any time.
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, 1 Civic Square, Carmel, Indiana. (BZA Hearing Officer meetings are held immediately prior to the regular meeting, in the Caucus Rooms of City Hall.)

**NOTICE OF PUBLIC HEARING – NEWSPAPER 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 based upon the corresponding ZIP code.

<b><u>Zip Code</u></b>	<b><u>Publication</u></b>
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



**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.

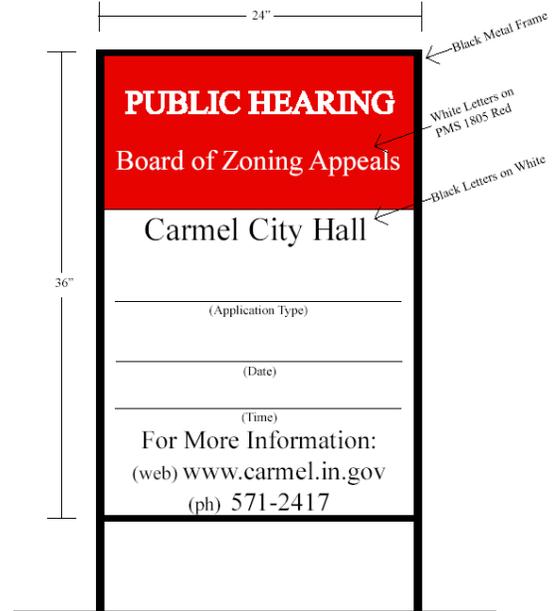
The public notice sign shall meet the following requirements:

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



**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 ADVISORY BOARD OF ZONING APPEALS**

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

Notice is hereby given that the Carmel Board of Zoning Appeals meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2016 at \_\_\_\_\_ pm in the City Hall Council Chambers **or** Caucus Rooms (*choose one*), 1 Civic Square, Carmel, Indiana 46032 will hold a Public Hearing upon a Development Standards Variance application to: \_\_\_\_\_

*(Explain your request--see question numbered seven (7))*

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property being known as (address) :

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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 ADVISORY 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 NO.

\_\_\_\_\_, 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:

<u>OWNER</u>	<u>ADDRESS</u>

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.

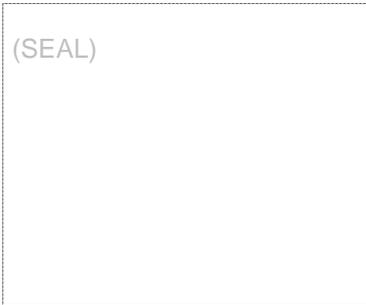
\_\_\_\_\_  
(Signature of Petitioner)

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: \_\_\_\_\_

*\* 10 days prior notice for a BZA Hearing Officer Meeting*

CARMEL ADVISORY BOARD OF ZONING APPEALS  
**BALLOT SHEET: FINDINGS OF FACT, DEVELOPMENT STANDARDS VARIANCE**

**Carmel, Indiana**

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

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

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

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

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

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

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

CARMEL ADVISORY BOARD OF ZONING APPEALS  
**FINDINGS OF FACT - DEVELOPMENT STANDARDS VARIANCE**

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

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

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

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

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

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

3. The strict application of the terms of the Zoning Ordinance to the property will result in practical difficulties in the use of the property because:

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

**DECISION**

IT IS THEREFORE the decision of the Carmel Board of Zoning Appeals that Development Standards 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 are listed on back. Petitioner or representative to sign.*

**Development Standards Variance Application**  
**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](http://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. Lighting Plan, if applicable
  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.
- Photos and/or architectural building elevations of subject site and/or buildings.
- When applicable, 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, at 317-571-2441.)
- Covenants and commitments, if any.
- When applicable, 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.**