

CITY OF CARMEL - BOARD OF ZONING APPEALS
APPLICATION FOR ACTION - APPEAL REQUEST

Fee: \$163.00

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 property involved: _____

Legal description: _____

Tax Map Parcel No.: _____

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

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

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. AGAIN, THIS TASK MUST BE COMPLETED AT LEAST TWENTY-FIVE (25) DAYS PRIOR TO PUBLIC HEARING DATE.

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: _____

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.

APPEAL OF A DECISION OF THE DIRECTOR
-- 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). Discuss proposed Sign 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. Need the original and one copy of the completed variance application (available from the Office of DOCS), with legal description(s) attached.
 - b. Need two (2) copies of location map showing location of site in question, zoning, and existing land use of all adjacent properties.
 - c. Need 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. Need two (2) copies (one with each application form) 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 at which time the docket number will be released.
5. At this time, the Notice of Public Hearing must be mailed **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 next page).
6. At least ten (10) days prior to the hearing, the petitioner must submit their proof of publications, proof of adjacent property owners notice, a completed Petitioner's Affidavit of Notice of Public Hearing, 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) | 4-Statement of Support (short paragraph) |
| 2-Finding of Facts (question sheet) | 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/Clay 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, variance applications are 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, 1 Civic Square, Carmel, Indiana. (BZA Hearing Officer meetings usually take place immediately prior to, in the Caucus Rooms.)

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.

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

AFFIDAVIT

I, being duly sworn depose and say 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.

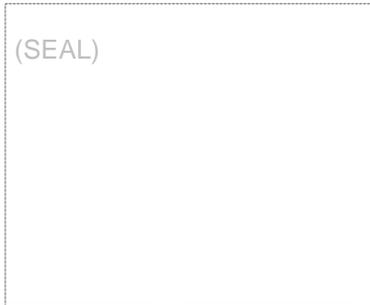
(Signature of Petitioner)

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)



Notary Public--Signature

Notary Public--Please Print

My commission expires: _____

**NOTICE OF PUBLIC HEARING BEFORE THE
CARMEL/CLAY BOARD OF ZONING APPEALS**

Docket No. _____

Notice is hereby given that the Carmel/Clay Board of Zoning Appeals meeting on the _____ day of _____, 2016 at 6:00 pm in the City Hall Council Chambers, 2nd floor of City Hall, One (1) Civic Square, Carmel, Indiana 46032 will hold a Public Hearing upon an Appeal of a decision rendered by the Director of the Department of Community Services to _____

property being known as _____.

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/CLAY BOARD OF ZONING APPEALS**

I (WE) _____ DO HEREBY CERTIFY THAT A LEGAL
(Petitioner's Name)
NOTICE OF PUBLIC HEARING BEFORE THE CARMEL/CLAY 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 OF 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.

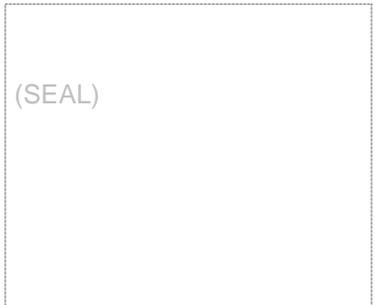
(Signature of Petitioner)

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)



Notary Public--Signature

Notary Public--Please Print

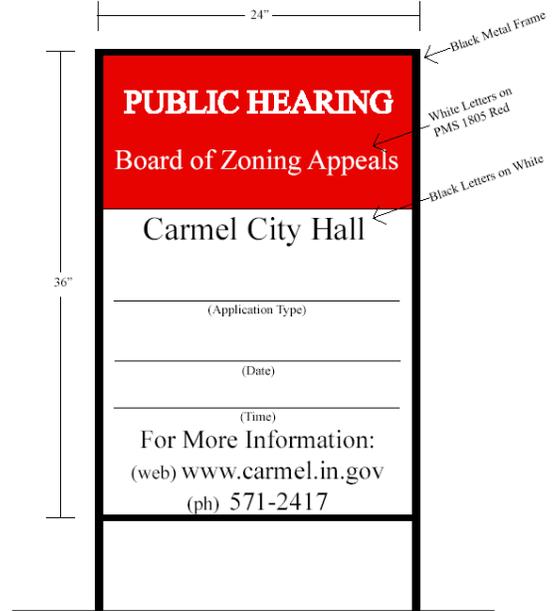
My commission expires: _____

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: _____.

CARMEL/CLAY BOARD OF ZONING APPEALS
Carmel, Indiana

Docket No. : _____

Petitioner: _____

FINDINGS OF FACT - APPEAL (Ballot Sheet)

1. _____

2. _____

3. _____

4. _____

5. _____

6. _____

DATED THIS _____ DAY OF _____, 20 ____.

Board Member

CARMEL/CLAY BOARD OF ZONING APPEALS, CARMEL, INDIANA

Docket No.: _____

Petitioner: _____

FINDINGS OF FACT - APPEAL

1. The Petitioner has (has not) properly followed the Appeals Procedures outlined in Ordinance Z-160, Section 30.2, et seq. except as follows:

2. Nature of action appealed from:

Agency: _____

Date of Agency Decision: _____

3. Attached copy of Ordinance or materials which is subject of Appeal as Petitioner because:

4. The written materials submitted to the Board does support the Petitioner because:

5. The Agency, Official, Board or Zoning District boundary should be affirmed.

6. The work on the premises upon which appeal has been filed shall not be stayed because:

DECISION

IT IS THEREFORE the decision of the Carmel/Clay Board of Zoning Appeals that Appeal 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/Clay Board of Zoning Appeals

SECRETARY, Carmel/Clay Board of Zoning Appeals

Conditions of the Board shall be listed on back.
(Petitioner or his representative to sign).