

INSTRUCTIONS – BZA SPECIAL EXCEPTION APPLICATION (Non-Dwelling Short-Term Rental)

1. Please allow plenty of time for Department of Community Services (DOCS) staff review and the Board of Zoning Appeals (BZA) approval process (approximately 45-60 days). Discuss the proposed application with the DOCS staff at a pre-submittal meeting; please contact us for an appointment: 317-571-2417, jshestak@carmel.in.gov or aconn@carmel.in.gov, or 3rd Flr. Carmel City Hall, 1 Civic Square, Carmel, IN 46032.
2. Please note that only electronic submittals are accepted, and they must be submitted on the online [Application Portal](#). Then, after you receive an email invite from Avolve/ePlan, plans and documents are to be uploaded electronically through ProjectDox, Carmel's electronic plan review software. Please see the ProjectDox PC & BZA [user guide](#) for more info on the process & what needs to be submitted.
3. INFORMATION NEEDED for formal DOCS staff and BZA review:
 - a. Electronically submitted application via the online Public Portal.
 - b. Electronic copy of a location map showing location of site in question, zoning, and existing land use of adjacent properties. (See [GIS Maps](#) link on the DOCS webpage as an option.) (Via ProjectDox)
 - c. Electronic copies of all plans depicting all existing and proposed structures, all exterior architectural building elevations, landscaping, drainage, lighting, landscaping, signage, parking, and any other supporting documentation to fully understand the proposal (via ProjectDox)
 - d. Electronic copy of [adjacent property owners list](#) certified by the Hamilton County Auditor's Office. (via ProjectDox)
 - e. Submit proposal via email to all Technical Advisory Committee ([TAC members](#)). (TAC meeting attendance is not required.)
4. Once the application is submitted via the Public Portal, a docket number will be released, and you will receive an email from ePlan to upload the site plans and other drawings to ProjectDox. The above referenced information must be submitted to the DOCS at least 45 days prior to the hearing date. Within 10 days of filing, the application will be reviewed by staff and correspondence outlining the deficiencies will be emailed to the petitioner, or a docket number will be assigned, as well as a list of dates and deadlines related to the petition. (A docket number will not be assigned until all deficiencies are addressed).
5. Three modes of public notice are required:
 - a. A Public Notice Legal Ad shall be published in the **Newspaper** according to the **Chart on page 2** at least 10 days prior to the public hearing date. The certified "Proof of Publication" affidavit for the newspaper must be submitted at least 5 days prior to the hearing.
 - b. Notice of Public Hearing to all adjoining and abutting property owners is also required; 2 methods are acceptable:
 1. **First Class Mail with Certificate of Mailing** sent to adjoining property owners (not Certified Mail w/ Return Receipt). (The white receipt should be stamped by the Post Office at least 10 days prior to the public hearing date), **OR**
 2. **Hand-Delivered** to adjoining and abutting property owners (A receipt/affidavit signed by the adjoining and abutting property owners acknowledging the 10-day prior notice should be kept for verification that the notice was completed)
 - c. A **Notice of Public Hearing Sign** posted on the property is also required at least 10 days prior to the hearing (see Pg 5.)
6. After final review, the petitioner needs to pay the required filing fee by Noon 10 days prior to the BZA meeting date, before the item will be added to the official BZA meeting agenda. (See [DOCS Fees](#).)
7. At least 10 days prior to the hearing, the petitioner must submit electronic copies of their proof of publication(s), proof of adjacent property owners mailings notice, completed Petitioner's Affidavit of Notice of Public Hearing (pg. 6), and Board member's Info Packets to DOCS.

Also, **1 electronic copy** of the Info Packet is required that same day. The following is the suggested order and list of items that should be included in the BZA **Info Packet**:

a – Cover Sheet / Memo	e - Location Map and/or aerial photo
b - Findings of Facts (question sheet, pg. 7)	f - Legible plans: site, drainage, lighting, parking,
c – Statement/description of Special Exception request	aerial photo of site, architectural elevations or
d - Statement of Support (reasons supporting request)	photographs of building exterior, etc.
	g - Any supportive info, letters of support, etc.
8. Note: At least 5 days prior to the BZA meeting, Planning Staff will release the BZA Dept. Report, which includes analyses of the petition, as well as vote recommendations for the Board.
9. 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 to speak and give a presentation. This should include some type of display or exhibit, or just a copy of the BZA Info Packet to show.
10. Generally, applications are acted upon by the Hearing Officer in one meeting. However, the Hearing Officer may, at its discretion, table an item at any time.
11. The Board of Zoning Appeals Hearing Officer meetings are usually held the 4th Monday of each month (around 5/5:30p.m.) at Carmel City Hall Council Chambers, 2nd Flr, 1 Civic Sq. Carmel, IN 46032.

NOTICE OF PUBLIC HEARING – NEWSPAPER PUBLICATION (LEGAL AD)

(FOR INITIAL APPLICATIONS ONLY; PUBLICATION NOT REQUIRED FOR RENEWAL APPLICATIONS)

Per Article VI, Section 3 of the BZA Rules of Procedure, a legal notice shall be published in the Current in Carmel newspaper. However, affected areas located within a non-Carmel postal ZIP code (Westfield, Zionsville, Indianapolis) must 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. **(Please note: subject sites located on the border between a Carmel and a non-Carmel zip code must make legal ad notice to two newspapers.)**

<u>Zip Code</u>	<u>Publication</u>
46032, 46033, 46280	Current in Carmel
46074	Current in Westfield
46077	Current in Zionsville
46240 & 46260	Current in North Indy
46268 & 46290	Indianapolis Star

**(Template for published and mailed Public Notice –
Legal Ad Publication not required for Renewal Applications)**

NOTICE OF PUBLIC HEARING BEFORE THE CARMEL BOARD OF ZONING APPEALS HEARING OFFICER

Docket No. _____

Notice is hereby given that the Carmel Board of Zoning Appeals Hearing Officer meeting on the _____ of _____, 20____ at _____ p.m. in the Carmel City Hall Council Chambers, 2nd Floor, 1 Civic Square, Carmel, Indiana 46032, will hold a Public Hearing upon a Special Exception application to:

(explain your request— seeking Non-Dwelling Short Term Residential Rental approval for...)

On the property being known as: *(insert address)*

_____.

The application is identified as Docket No. _____.

The real estate affected by said application is described as follows: *(insert Legal Description OR Tax parcel ID number(s))*

The petition may be examined on the City's website, through Public Documents - Laserfiche.

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.)

ADJACENT PROPERTY OWNERS LIST

I, _____ (*Auditor's Name*), 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 Real Property Dept. (317-770-4412 or hamiltoncounty.in.gov). Please allow 3 to 5 days for Hamilton County to complete your request.

Auditor of Hamilton County, Indiana

Date

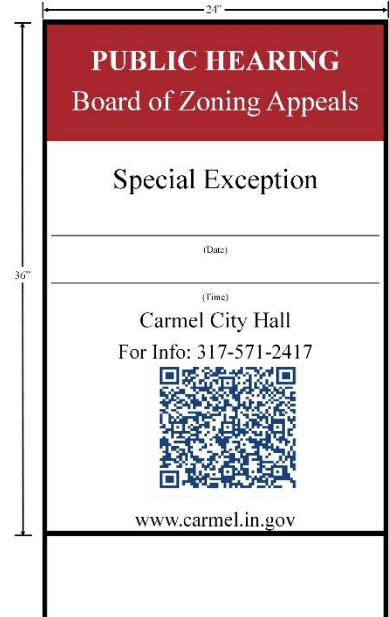
BZA Public Notice Sign Procedure & Affidavit

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 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 **10** days prior to the public hearing date.
2. Sign must follow the sign design requirements:
 - Must be 24" x 36" – vertical
 - Must be double sided
 - Must be composed of weather resistant material, such as corrugated plastic or laminated poster board
 - 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 Date* and Time of subject public hearing
 - A QR code providing a link to the GIS Map of Public Hearings
 - * The Date should be written in day, month, and date format. *Example: "Mon., Jan. 23"*
4. The sign must be removed within 72 hours of public hearing conclusion



A high definition exemplar of this sign is included on the next page

Public Notice Sign Placement Affidavit:

I (We) _____ do hereby certify that placement of the public notice sign to consider Docket No. _____ was placed on the subject property at least **10** 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, Signed Name: _____

Notary Public, Printed Name: _____

My Commission Expires: _____.

24"

36"

PUBLIC HEARING

Board of Zoning Appeals

White Letters on
PMS 1805 Red

Special Exception

(Date)

(Time)

Carmel City Hall

For Info: 317-571-2417

Black Letters
on White

Black Metal Frame



www.carmel.in.gov

PETITIONER'S AFFIDAVIT OF NOTICE OF PUBLIC HEARING
CARMEL BOARD OF ZONING APPEALS HEARING OFFICER

Adjacent Properties Notice Affidavit:

I (We) _____ do hereby certify that a legal notice of public hearing before the Carmel Board of Zoning Appeals Hearing Officer considering Docket No. _____, was given at least 10 days prior to the date of the public hearing to the attached listed adjoining and abutting property owners.

Public Notice Sign Placement Affidavit:

I (We) _____ do hereby certify that placement of the public notice sign to consider Docket No. _____, was placed on the subject property at least 10 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 - Signature

Notary Public – Printed Name

My Commission Expires: _____.

(SEAL)

FINDINGS OF FACT - SPECIAL EXCEPTION

CARMEL BOARD OF ZONING APPEALS, HEARING OFFICER

(Petitioner fills out 1-3 + first 2 blanks)

Docket No.: _____

Petitioner: _____

1. The approval of this Special Exception will not negatively affect surrounding property values because:

2. This Special Exception will be compatible with existing land uses in the neighborhood because:

3. Vehicular and pedestrian traffic in and around the premises will not be substantially affected by this Special Exception because:

DECISION

____ Yes ____ No: The Board has reviewed the requirements of UDO Section 5.74 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, Hearing Officer that Special Exception Docket No. _____ SE is granted, subject to any conditions stated in the minutes of this Hearing Officer, which are incorporated herein by reference and made a part hereof.

Adopted this _____ day of _____, 20__.

HEARING OFFICER, Carmel Board of Zoning Appeals

SECRETARY, Carmel Board of Zoning Appeals

Conditions of approval of the Board, if any, are listed in the Letter of Grant.

Checklist - Special Exception

Note: Please also review [UDO](#) Section 5.74 for Non-Dwelling Short-Term Rental Use-Specific Standards and Use-Specific Limitations.

Applications must include the following applicable materials:

- ☐ Complete Application, created and submitted in the online [Application Portal](#), at least 45 days prior to scheduled public hearing.
- ☐ Electronic copies of Verification of Permanent Residence (for Special Exception Eligibility):
Please provide a copy of at least two (2) of the following showing that the proposed Short Term Residential Rental Unit is listed as the applicant's residence.
 - *Motor Vehicle Registration*
 - *Driver's License*
 - *Voter Registration*
 - *Tax Record showing standard homestead credit*
 - *Utility Bill*

Note: Initial applicants shall have occupied the Dwelling for at least sixty (60) consecutive days with intent to establish the Dwelling as their primary residence. Renewal applicants shall have occupied the unit for at least two hundred seventy five (275) days of the proceeding calendar year.

- ☐ Electronic copy of Valid Registered Retail Merchant Certificate, if applicable. Issued by the Indiana Department of Revenue. For more information see website at <http://www.in.gov/dor/> (Note: Applicants who don't work with a facilitator, such as AirBNB, VRBO, etc., need to obtain an RRMC and handle the tax obligations directly.)
- ☐ Primary and Secondary Emergency Contact Information - List primary and secondary emergency contact information for use while the dwelling is used as a short term residential rental unit. Information to be shared with the Carmel Police Department if the special exception is granted.
- ☐ Electronic copy of 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 Real Property Dept. (317-770-4412 or hamiltoncounty.in.gov). Please allow 5 days for the County to complete your request.
- ☐ Electronic copies of Site Plan that includes:
 1. Aerial photo of the site showing existing structures and site layout.
 2. Photographs of the site and building exterior.
 3. Location of parking spaces.
- ☐ Electronic copy of Covenants and/or Commitments, if any.
- ☐ Sign on Property: Provide a written statement, that If the proposed special exception is granted, the applicant agrees to post a printed sign in the clearly-visible location within the rented space that provides information regarding the location of lifesaving equipment, fire extinguishers, gas shut off valves if gas-operated equipment is present, evacuation exits, and emergency contact information.
- ☐ Electronic Copy of explanation of requested Special Exception (e.g. proposed time period(s), intent to rent a part of the yard, the pool, etc.).
- ☐ Electronic Copy of reasons supporting the Special Exception request. (Additionally, complete the attached question sheet entitled "Findings of Fact-Special Exception.)

All documents must be legible. The omission of any of the materials indicated in the above checklist may lead to your petition being placed on a later docket, or not accepted for filing.

SPECIAL EXCEPTION APPLICATION - Non-Dwelling Short-Term Rental

Fee: \$119.75 for first year, \$60.25 for annual renewal

Office Use Only

DOCKET NO. _____ DATE RECEIVED: _____

Renewal? ☐ Previous Docket No(s). _____

APPLICANT / OWNER INFORMATION:

1) Applicant/ Permanent Resident*: _____

Address: _____

** Applicants must be a Permanent Resident (may be an owner or lessee) of the Dwelling where the proposed Non-Residential Short-Term Rental is located. Initial applicants shall have occupied the Dwelling for at least sixty (60) consecutive days with intent to establish the Dwelling as their primary residence. Renewal applicants shall have occupied the unit for at least two hundred seventy five (275) days of the proceeding calendar year.*

2) Project Name: _____

Attorney or Contact Person: _____ Phone: _____

Email: _____ Fax: _____

ProjectDox Uploader: _____ 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) Is the property: Owner occupied _____ Renter occupied _____ Other _____

6) Record of Ownership: Deed book No./Instrument No. _____

Page: _____ Purchase Date: _____

PROPERTY INFORMATION:

7) Common address of the property involved: _____

Legal Description: _____

Tax Parcel ID No.: _____

8) Zoning District: _____ Overlay Zone (if applicable): _____

9) Present use of the property: _____

- 10) Approximate size of lot/parcel in question: _____ acres
- 11) Are there any restrictions, laws, covenants, variances, special uses, or appeals filed in connection with this property that would relate or affect its use as a short term residential rental unit? If yes, give date and docket number, decision rendered and pertinent explanation.
- _____
- _____

SPECIAL EXCEPTION PROPOSAL:

Note: Please also review [UDO](#) Section 5.74 for Non-Dwelling Short-Term Rental Use-Specific Standards and Use-Specific Limitations.

- 12) State explanation of requested Special Exception (e.g. proposed time period(s), intent to rent all or a just a portion of the property, etc.).
- _____
- _____
- 13) State reasons supporting the Special Exception: (Additionally, complete the attached question sheet entitled "Findings of Fact-Special Exception").
- _____
- _____

SPECIAL EXCEPTION ELIGIBILITY:

- 14) **Permanent Residence Verification:** Please provide a copy of at least two (2) of the following showing that the proposed Short Term Residential Rental Unit is listed as the applicant's residence.
- | | |
|---|---|
| ☐ Motor Vehicle Registration | ☐ Tax Record showing standard homestead credit |
| ☐ Driver's License | ☐ Utility Bill |
| ☐ Voter Registration | |
- 15) **Registered Retail Merchant Certificate:** _____
- 16) _____ (Initial) If the proposed special exception is granted, the applicant agrees to post a printed sign in the clearly-visible location within the rented space that provides information regarding the location of lifesaving equipment, fire extinguishers, gas shut off valves if gas-operated equipment is present, evacuation exits, and emergency contact information.
- 17) **Emergency Contact Information:** List primary and secondary emergency contact information for use while the dwelling is used as a short term residential rental unit. Information to be shared with the Carmel Police Department if the special exception is granted.

PRIMARY EMERGENCY CONTACT

Name: _____

Address: _____

Phone: _____

Email: _____

SECONDARY EMERGENCY CONTACT

Name: _____

Address: _____

Phone: _____

Email: _____

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 Unified Development Ordinance and/or the legal advice of his/her attorney.

NOTE: Three modes of public notice are required.

LEGAL NOTICE shall be published in the **newspaper** according to the **Chart on page 2** a MANDATORY 10 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. Published Notice is not required for renewal applications.

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 10 days prior to the public hearing date.), **OR**
- 2) **HAND DELIVERED** to adjoining and abutting property owners (A receipt signed by the adjoining and abutting property owner acknowledging the 10 day notice should be kept for verification that the notice was completed)

LEGAL NOTICE via a Notice of Public Hearing **SIGN** posted on the property is also required.

REALIZE THE BURDEN OF PROOF FOR ALL NOTICES IS THE RESPONSIBILITY OF THE APPLICANT.

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 Name: _____
(Property Owner, Attorney, or Power of Attorney)

Printed Name: _____

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 - Signature

Notary Public – Printed Name

My Commission Expires: _____.

(SEAL)

