



BOARD OF ZONING APPEALS

WHAT TO EXPECT: REQUIREMENTS & MILESTONES THROUGH THE PROCESS

I. Notice Requirements (*required after filing, but before public hearing*):

A. Newspaper Publication:

- 1. A legal notice of the scheduled public hearing will be prepared and submitted by the Department of Planning to the Noblesville Times and the Hamilton County Reporter in sufficient time to meet the notice deadlines as shown on the attached “Schedule of Meetings.”**
- 2. The Applicant is responsible for the payment for such publications. Your contact information will be provided to the Noblesville Times and Hamilton County Reporter upon submission of the legal notice.**
- 3. A “Proof of Publication” document will be provided to the Applicant and the Department of Planning by the newspaper offices. The applicant is not required to take any further action regarding the newspaper publications.**

B. Mailings to Adjoining Property Owners:

- 1. Notice to Affected Property Owners:** The applicant is required to send, via Certificate of Mailing (which is different than Certified Mail), written notice to all property owners of record within a distance of two parcels in depth or 660 feet, whichever is less, of the property which is the subject of this variance request. The Department of Planning will prepare this notice.
- 2. Within two weeks of the filing deadline, the Department of Planning will provide the prepared written notice to the applicant electronically, or the notice can be picked up at our office.**
- 3. The applicant is responsible for the following tasks prior to the public hearing:**
 - a. Identifying Affected Property Owners:** The applicant shall contact the Hamilton County Real Property Department (located in the Old Courthouse on the Noblesville Square) in order to obtain the names and mailing addresses of all Affected Property Owners. Please allow a minimum of 5 business days to obtain this list.

Hamilton County Real Property Department
33 North 9th Street
Noblesville, Indiana 46060
Phone: (317) 776-9624
Fax: (317) 776-9682

b. Mailing Legal Notices:

- i. The applicant shall mail written notice of the public hearing, via Certificate of Mailing, to property owners of record within a distance of two parcels in depth or 660 feet, whichever is less, of the subject property as identified by the Real Property Department.
- ii. The applicant is responsible for payment of Certificate of Mailing fees.
- iii. The applicant shall submit all Certificate of Mailing receipts to the Department of Planning at least three business days prior to the scheduled public hearing. It is acceptable to scan those items and email the information to the Department as long as the stamp indicating the date of mailing is legible.

c. Completion of Petitioner's Affidavit:

- i. An affidavit entitled "Petitioner's Affidavit of Notice of Public Hearing" is attached to this application.
- ii. Such affidavit shall be completed by the applicant and submitted to the Department of Planning at least three business days prior to scheduled public hearing.

d. Submission of materials for Board:

If the applicant wishes to submit packets or additional information to the Board prior to the hearing, all information must be submitted to the Department of Planning no later than two weeks prior to the hearing. If the Board receives materials at the hearing, the matter may be continued to the next scheduled hearing to allow for sufficient time to review the material.

C. Public Hearing Sign:

1. A member of the Noblesville Department of Planning staff will prepare a sign advertising the public hearing at which the requested variance will be considered.
2. Such sign will be installed on the subject property by a Department of Planning staff member some time prior to the scheduled public hearing, and removed by same after the hearing is completed. The applicant should not remove the sign from where it is placed.

3. During the period that such sign is present on the subject property, it is the applicant's responsibility to maintain the sign in good condition and to maintain the visibility of said sign.

II. Public Hearing Procedure:

The full procedure for conduct of the public hearing may be found in the Board of Zoning Appeals Rules of Procedure at this City of Noblesville website page:

https://www.noblesville.gov/egov/documents/1525184972_93109.pdf. Below is the summary of the conduct of the presentation of evidence on individual items at the hearing. Please note that the applicant may appear on their own behalf or be represented by counsel or an agent, but if no one is there to present evidence on behalf of the applicant, the item will be continued to the next meeting.

- A. Chairman gives a restatement of the case as an introduction to the item.
- B. The Staff presents evidence and offers a recommendation.
- C. The Board members examine the Staff.
- D. The applicant presents evidence and any necessary witnesses.
- E. The Board members examine the applicant and any witnesses.
- F. Members of the public present evidence upon the opening of the public hearing.
- G. The Board members examine the members of the public.
- H. The applicant is given a rebuttal period.
- I. The Board discusses information that has been presented and asks any additional questions.
- J. The Board votes on the agenda item.

III. After the Public Hearing (*required after public hearing*):

- A. Letter of Grant:
 1. A follow up Letter of Grant detailing the result of the public hearing shall be sent to the applicant after the public hearing.
 2. Such letter should be retained for the applicant's records.
 3. The Letter of Grant may include further instructions for additional tasks that must be completed by the applicant. Any instructions included in such letter should be strictly followed.
- B. "Acknowledgement of Variance" Form:
 1. Along with the Letter of Grant, an "Acknowledgement of Variance" form will be mailed to the applicant only if the variance was approved by the Board.

2. In order for approved variances to become effective, the "Acknowledgement of Variance" form must be:
 - a. Signed by the applicant in the presence of a notary;
 - b. Recorded in the Hamilton County Recorder's Office (located at 33 North 9th Street in downtown Noblesville, in the Old Courthouse on the Square); and
 - c. A file stamped copy of the recorded document must be returned to the Department of Planning. Mail or deliver such document to: Department of Planning and Development, 16 South 10th Street, Suite 150, Noblesville, IN 46060.
- C. The "Letter of Grant" and the "Acknowledgement of Variance" form are typically mailed to the applicant at the same time after the public hearing.