



## Board of Zoning Appeals Application Policy and Procedure

### *Administrative Appeals*

#### **General Information**

The Lizton Board of Zoning Appeals meets on the 4th Monday of every Month. The meetings start at 6:00 PM in the Town Hall, 106 Lebanon Street Lizton, IN 46149.

Applications **MUST BE FILED** with the Zoning Administrator according to the "Calendar of Filing and Meeting Dates". Petitions are heard in the order in which they are filed.

#### **THE FOLLOWING INFORMATION, DOCUMENTS AND FEES ARE REQUIRED WHEN FILLING A PETITION FOR ADMINISTRATIVE APPEALS TO BE HEARD BY THE LIZTON BOARD OF ZONING APPEALS:**

1. Completed Application: Original and 7 copies
2. Application fee: See Official Schedule of Fees. (NON-REFUNDABLE fee must be paid when the petition is filed)

*Assistance can be sought in preparation of the application from the Zoning Administrator; however, the major execution rests with the applicant. Applicants may choose to have an attorney, or their consultant prepare the application and represent them at the hearing, though this is not a requirement.*

#### **Administrative Appeal**

The Board of Zoning Appeals may grant an appeal of any decision, interpretation, or determination made by the Zoning Administrator, other Plan Commission staff members, or any other administrative official or board charged with the duty of enforcing and interpreting this Ordinance. The following procedure shall apply to all appeals of administrative decisions:

##### **(1) Application**

The appellant shall submit an administrative appeal application within thirty (30) days of a decision along with the required supporting information. Supporting information shall include, but not be limited to, the following:

##### **a) Original Submittals**

Copies of all materials upon which the decision being appealed was based.

##### **b) Notification**

Notification for the scheduled public hearing regarding the variance request shall be completed consistent with *Section 10.3* of the Zoning Ordinance.

##### **c) Written Decisions**

Copies of any written decisions that are the subject of the appeal.

##### **(d) Appeal Basis**

A letter describing the reasons for the appeal noting specific sections of this Ordinance or other standards applicable in the Town of Lizton upon which the appeal is based.

## **(2) Board Review and Action**

The Board of Zoning Appeals will then, at a regularly scheduled meeting, review the administrative appeal application and supporting information.

### **a) Representation**

The appellant, or applicant's representative, must be present at the meeting to present the appeal.

### **b) Testimony**

The Board shall consider a report from the Zoning Administrator and testimony from the applicant, or the applicant's representative, at the meeting.

### **c) Procedures**

The presentation of reports and testimony and all other aspects of the meeting shall be consistent with the Rules and Procedures of the Board of Zoning Appeals.

### **d) Possible Action**

The Board of Zoning Appeals may grant, grant with modifications, deny, or continue the appeal by a majority vote of the Board.

#### **1. *Granted***

The appeal shall be granted if the determination is made consistent with the requirements of this Ordinance.

#### **2. *Granted with Modifications***

The appeal shall be granted with modifications if the Board of Zoning Appeals determines that the proper interpretation of the provision(s) that are subject to the appeal is consistent with neither the administrative decision nor the requested interpretation of the applicant.

#### **3. *Denied***

The appeal shall be denied if the determination is made supporting the administrative decision.

#### **4. *Continued***

The appeal shall be continued based on a request by the Zoning Administrator or applicant; an indecisive vote wherein the item is essentially tabled; or a determination by the Board that additional information is required prior to action being taken on the request. The continuing of all applications shall be consistent with the adopted Rules and Procedures of the Board of Zoning Appeals.

## **(3) Decision Criteria**

The Board of Zoning Appeals shall only grant an appeal of such an administrative decision based on a determination that the decision of the administrative staff or board was inconsistent with the provisions of this Ordinance.

## **Board of Zoning Appeals**

Every decision of the Board of Zoning Appeals shall be subject to review by a court of competent jurisdiction (writ of certiorari) as prescribed by the 1000 Series of IC 36-7-4.