

INSTRUCTIONS FOR FILING APPLICATION FOR APPEAL

The Board of Zoning Appeals shall hear and determine APPEALS from and review any order, requirement, decision, or determination made by an administrative official or staff member under the zoning ordinance or any order, requirement, decision or determination made by an administrative board or other body except the Evansville and Vanderburgh County Area Plan Commission in relation to the enforcement of an ordinance requiring the procurement of an improvement location permit or occupancy permit.

An appeal filed with the Board of Zoning Appeals must specify the grounds of the appeal and must be filed within such time and in such form as prescribed by the Board of Zoning Appeals by rule.

Upon appeal, the Board may reverse, affirm, or modify the order, requirement, or decision, or determination appealed. For this purpose, the Board has all the powers of the official, officer, board, or body from which the appeal was taken.

- Step 1. It is suggested that you bring your completed forms into the Area Plan Commission office to be checked before you file your petition to insure that all required information is included in your petition.
- Step 2. If the nature of your appeal pertains to specific development, you will need to include with your application a detailed site plan. Draw a site plan on 8 ½" x 11" or 8 ½" x 14" paper, showing all existing and/or proposed conditions on the property which is the subject of your petition. If the size of your project requires the original (larger) site plan to be "shrunk" to the smaller size to fit in the packets, then you will need to include with your application one copy of the original scaled drawing in addition to the 8 ½" x 11" or 8 ½" x 14" copy which is part of the variance application. See attached sample site plan and instruction sheet to be sure that all the items listed are included on your site plan.
- Step 3. Names and addresses of abutting property owners must be obtained by looking up the tax codes and official owner of record at the Assessor's office, and then taking tax codes to the Treasurer's Office for the mailing address. For clarification, abutting property is defined as any property which would touch at any point the property included in whole or in part in the application for appeal, including across streets, alleys, and easements, etc. Therefore, owners across streets, alleys, easements, must also be notified. Additionally, the administrative official or staff member and/or the members of the administrative board or Site Review Committee must be notified. By ordinance, these notices MUST be postmarked no less than 12 days before the Board of Zoning Appeals meeting at which the application will be heard. (Occasionally, the names of the owners of record in the Assessor's office do not correspond with the names on the Treasurer's records; if this situation occurs, send notices to both parties. Please bring any irregularities or problems to the attention of APC staff PRIOR to mailing said notice(s).) Additionally, you must check with the City Clerk's office to determine if the subject property lies within or contiguous to a Registered Neighborhood Association. (This is noted on the appeal application and added to your list of abutting property owners to which you will mail notice of the hearing.)

EXCEPTION: When an appeal is filed by a member of the Site Review Committee regarding a decision made by that committee, notice shall only be sent to all other members of that Review Committee.

Step 4. Bring to the Area Plan Commission office:

- A. Three completed applications, each with an attached site plan as detailed in step 1 above or other documents and/or supporting information pertaining to the appeal which is being filed.
- B. \$200 filing fee.
- C. A list of all abutting property owners, including official mailing addresses and tax codes.

At this time you will be placed on the agenda for the next Board of Zoning Appeals (BZA) meeting and assigned a docket number. The BZA holds its regular meeting on the third Thursday of each month, at 4:00 p.m. in Room 301, and your petition for APPEAL must be filed by the deadline for that month; see attached meeting and filing schedule.

Step 5. AFTER FILING, but at least 12 days before the BZA meeting, a notice must be mailed by the petitioner by CERTIFIED MAIL, RETURN RECEIPT REQUESTED (see attached sample letter/instruction) to each of the owners whose property is abutting the owner's property included in whole or in part in the petition for appeal and to the staff or administrative official and/or the members of Site Review or other administrative board. (Refer to Step 3 above for information regarding abutting property owners.)

Step 6. Submit a notarized affidavit (use the attached form), along with one copy of the notice which you mailed, and the green return receipts (and explanation for any un-returned receipts) to the Area Plan Commission Office by noon the Wednesday before the Board of Zoning Appeals meeting. It is suggested that you have your copy of the certified letter receipt filled out completely and stamped by the Post Office at the time that you mail the notice. In the event that the green copy is not returned to you prior to the meeting, bring your receipt and/or the returned letter itself to the Plan Commission office as proof that the letter was sent by you. THIS IS IMPORTANT! If the above requirements are not met, the appeal petition will be postponed until the next regularly scheduled meeting, and you must complete (or repeat) the notification process for that meeting, and pay an additional CONTINUANCE and/or AMENDMENT FEE of \$100.00.

Step 7. You, or someone representing you, will be required to attend the Board of Zoning Appeals meeting at which your petition for APPEAL will be heard. If your petition is approved at the BZA meeting, you will receive a letter of verification. If the application is denied or withdrawn by the Board of Zoning Appeals, there is a one year waiting period before re-application.

DUTY TO DISCLOSE

The Board of Zoning Appeals may rely on the truth of all representations in the application. If any condition exists or arises or if any event occurs after filing the application which makes any representation false, inaccurate, misleading or incomplete, and such fact is known by the applicant, his attorney or other representative, if any (collectively, the "applicant"), it is the responsibility of the applicant to disclose such fact promptly to the Board of Zoning Appeals or its staff at or before beginning the public hearing on the application. Failure to make such disclosure may result in denial of or delay in acting on the application.

Docket No: _____ -APPEAL

Date Filed: _____

Tax Code: _____

Meeting Date: _____

BOARD OF ZONING APPEALS OF
EVANSVILLE AND VANDERBURGH COUNTY
VERIFIED APPLICATION FOR **APPEAL** OF STAFF DECISION

STATE OF INDIANA, COUNTY OF VANDERBURGH, SS:

APPLICANT STATES:

APPLICANT _____ PHONE _____

ADDRESS _____ ZIP CODE _____

OWNER _____ PHONE _____

ADDRESS _____ ZIP CODE _____

PREMISES AFFECTED _____ ON THE _____ SIDE OF THE STREET
(STREET AND NUMBER) (N.E.S.W.)

BETWEEN _____ STREET AND _____ STREET

NAME OF SUBDIVISION, BLOCK #, AND LOT # _____

NOTE: If not in a subdivision, attach one copy of the COMPLETE legal description of the property per deed, abstract, or other document.

ZONE _____ LOT SIZE _____

NATURE AND SIZE OF STRUCTURES AND/OR USES ON LOT _____

ORDER, REQUIREMENT, DECISION, OR DETERMINATION BEING APPEALED _____

ADMINISTRATIVE BOARD, ADMINISTRATIVE OFFICIAL OR STAFF MEMBER WHICH IS

THE SUBJECT OF THIS APPEAL _____

STATEMENT BY APPLICANT OF CIRCUMSTANCES OF APPEAL

(Attach additional pages if necessary)

ALL ATTACHMENTS TO THIS APPLICATION ARE ADOPTED BY REFERENCE.

I AFFIRM UNDER THE PENALTIES FOR PERJURY THAT THE FOREGOING REPRESENTATIONS ARE TRUE.

SIGNATURE OF APPLICANT

DATE _____
(WHEN SIGNED)

PRINTED NAME

REPRESENTATIVE FOR PETITIONER

NAME: _____

ADDRESS: _____

ZIP CODE: _____

PHONE: _____

SAMPLE

****** APPEAL NOTIFICATION LETTER ******

DATE: _____

RE: Applicant's Name
 Verified Application For Appeal of Staff Decision
 Docket Number:

Dear _____:

Board of Zoning Appeals of Evansville and Vanderburgh County Public Hearing for an Appeal of Staff Decision: Hearing to be held at 4:00 p.m., Thursday, **(Date, Month, and Year)**, in the City Council Chambers (Room 301), City-County Building, Civic Center Complex, Evansville, Indiana.

This letter will serve notice to you that **(Property Owner and/or Applicant)** has applied for an appeal of staff decision to the Board of Zoning Appeals of Evansville and Vanderburgh County. **(Insert statement of circumstances of appeal)**. The property is located at **(insert description of property – legal and common address)**.

Yours Truly,

(Property Owner and/or Applicant)

APPEAL AFFIDAVIT OF NOTICE

STATE OF INDIANA)
) SS: Date: _____
COUNTY OF VANDERBURGH)

Docket Number: _____

I, (PRINTED name) _____, hereby affirm under the penalties of perjury that I have mailed letters containing required information about an APPEAL of staff decision request at (Address) _____, to the following property owners on (Date) _____. I hereby certify that, to the best of my knowledge, the following (or attached) is a complete and accurate list of all abutting property owners whose properties touch at any point the owner's property, included in whole or in part in the petition for variance stated above. I obtained said list by looking up the tax codes and abutting property owners on the records and/or plat maps in the office of the Assessor and receiving a printout of the current owners of record and their most recent mailing addresses as listed on the records in the office of the Treasurer of Vanderburgh County on (Date) _____.

Letters were sent to:

Name	Address	Tax code

The letters were sent CERTIFIED MAIL, RETURN RECEIPT SERVICE. The green receipts **AND ONE SAMPLE LETTER** are attached.

Affiant's signature (Petitioner, attorney, or representative)

Subscribed and sworn to before me, a Notary Public in and for said County and State this

_____ day of _____, 20_____.

(Notary Public)

My Commission expires: _____

Residence of Notary: _____ County, Indiana

NOTE: THIS AFFIDAVIT MUST BE FILED IN THE OFFICE OF THE AREA PLAN COMMISSION BY NOON OF THE DAY BEFORE THE BOARD OF ZONING APPEALS HEARING.