

Administrative Appeal

8.15 Administrative Appeal

- A. Authority and Purpose: The Board of Zoning Appeals is charged with hearing administrative appeals from a requirement, decision, or determination made by an administrative official charged with the enforcement of any part of the Zoning Ordinance.
- B. Procedure: A written request for an administrative appeal shall follow the following procedures.
1. *Eligible Petitioners*. A written request for an administrative appeal may be filed by the owner, his agent, or any person having a legal or equitable interest in the subject property, but the written authorization of any owner who is not an applicant shall be required.
 2. *Filing of Forms*. A written request for an administrative appeal shall be filed with the Board of Zoning Appeals. The petitioner shall submit a written statement specifying the grounds for the appeal, the name and/or title of official or board from which the appeal stems and any applicable supporting material within 30 days of the decision. The administrative official from the which appeal is taken shall transmit to the Board of Zoning Appeals all documents, plans and papers constituting the record of action from which the appeal is taken.
 3. *Public Notice*. Administrative appeals require public notice in the newspaper per Indiana Codes.5-3-1-2 and 5-3-1-4
- C. Review: The Board of Zoning Appeals shall review:
1. The written statement and supportive material submitted by the petitioner;
 2. The record of action supplied by the administrative official from the which appeal is taken;
 3. The testimony of the petitioner; and
 4. The testimony of the administrative official from which the appeal is taken.
- D. Decision: The Board of Zoning Appeals may reverse, affirm or modify the order, requirement, decision or determination from which the appeal stems. The Board of Zoning Appeals may add conditions to any application which was approved at the appeal stage.
- E. Duration: An administrative appeal shall be effective from the date of the Board of Zoning Appeals final decision pursuant to Indiana Code.