



## BOARD OF ZONING APPEALS

### Appeal Application

#### Purpose:

- I) The appeal procedure is provided as a safeguard against arbitrary, ill-considered, or erroneous administrative decisions. It is intended to avoid the need for legal action by establishing local procedures to review and correct administrative errors. It is not, however, intended as a means to subvert the clear purposes, meanings, or intent of the Unified Development Code of the Town of Pendleton or the rightful authority of the Planning Director to enforce the requirements of this Code.
- II) The filing of an appeal shall stay all proceedings in furtherance of the action appealed from, unless the Planning Director certifies to the Board of Zoning Appeals, after the notice of appeal has been filed, that by reason of facts stated in the certificate, a stay would cause, in her or his opinion, imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order that may be granted by the Board of Zoning Appeals or by a court of record, on application, of notice to the Planning Director and on due cause shown.
- III) The Board of Zoning Appeals may reverse or affirm, wholly or partly, or may modify the order or final decision as in its opinion ought to be made in the premises, and to that end has all the powers of the officer from whom the appeal is taken.

#### Provisions for Filing:

- I) Filing Requirements (required in order to file):
  - A) Application
    - 1) Applicant must submit a completed Appeals Application not later than thirty (30) days after the action being appealed.
    - 2) This application must be signed and notarized prior to submission to the Planning and Zoning Administrator.
  - B) Materials
    - 1) Legal Description: An accurate legal description of the property which is the subject of the request.
      - (a) Please provide the recording number and a copy of the most recent Deed of Record.
    - 2) Copies of all materials upon which the decision being appealed was based.
    - 3) Copies of any written decisions that are the subject of the appeal.
    - 4) A letter or narrative describing the reasons for the appeal (noting specific sections of the Code or other applicable standards upon which the appeal is based).
- II) Notice Requirements (required 10-30 days before public hearing):
  - A) Newspaper Publication
    - 1) A legal notice of the scheduled public hearing will be prepared and submitted by the Planning and Zoning Administrator for publication to the *Anderson Herald Bulletin* (or such other paper allowed by law) in sufficient time to meet the notice deadlines.
  - B) Certified Mail Notification
    - 1) A notification letter shall be prepared by the Planning and Zoning Administrator and shared with the applicant.
    - 2) The applicant is responsible for the following tasks prior to the public hearing:
      - (a) Identifying Affected Property Owners: The applicant shall create a list of the names and mailing addresses of all property owners within 300 feet of the subject property (if in a subdivision) or 150 feet of the subject property (if not in a subdivision). Owner names and addresses shall be identical to those on file with the Madison County Recorder, or as shown on county tax records. This list may be obtained from the Madison County Auditor.

- (b) Mailing Legal Notices
  - (i) The applicant shall mail the prepared notification letter, via certified mail with return receipt, to all affected property owners at least 10 days before the public hearing.
  - (ii) The applicant is responsible for payment of certified mailing fees.
- (c) Completion of Petitioner’s Affidavit: An affidavit entitled “Petitioner’s Affidavit of Notice of Public Hearing” is attached to this application. The affidavit shall be completed by the applicant and submitted to the Planning and Zoning Administrator prior to the scheduled public hearing, along with receipts of mailing and any undeliverable letters (such letters should remain unopened).

III) Public Hearing

- A) Meetings start promptly at 7 p.m. at the Pendleton Town Hall, located at 100 West State Street.
- B) Applicant may appear on their own behalf or be represented by counsel or an agent.
- C) The public hearing procedure is as follows:
  - 1) The Chairman gives a restatement of the case as an introduction to the item.
  - 2) The Staff presents evidence.
  - 3) The Board members question the Staff.
  - 4) The Applicant presents evidence and any necessary witnesses.
  - 5) The Board members question the Applicant and any witnesses.
  - 6) The Chairman asks for any Objectors to present evidence.
  - 7) The Board members question the Objectors.
  - 8) The Applicant is given a rebuttal period.
  - 9) The Board discusses information that has been presented and asks any additional questions.
  - 10) Board decides to reverse, affirm, or modify the appealed action.

IV) After the Public Hearing

- A) Findings of Fact
  - 1) A Findings of Fact detailing the result of the public hearing shall be sent to the Applicant after the public hearing.
  - 2) This document should be retained by the applicant for his/her records.
  - 3) The Findings of Fact document may include further instructions on additional tasks that must be completed by the applicant. Any instructions included in this document should be strictly followed.

**Board of Zoning Appeals  
2021 Meeting Schedule  
7 p.m. at Town Hall**

<b>MEETING DATES</b>	<b>FILING DEADLINES</b>
January 19, 2021	December 21, 2020
February 16, 2021	January 19, 2021
March 16, 2021	February 16, 2021
April 20, 2021	March 22, 2021
May 18, 2021	April 19, 2021
June 15, 2020	May 17, 2021
July 20, 2021	June 21, 2021
August 17, 2021	July 19, 2021
September 21, 2021	August 22, 2021
October 19, 2021	September 20, 2021
November 16, 2021	October 18, 2021
December 21, 2021	November 22, 2021



## Application for Appeal

The undersigned requests an Appeal of an administrative decision made by the Planning Director, or any other administrative official or board charged with the duty of enforcing and interpreting the Unified Development Code, as specified below.

Property Address

Zoning

Description of Appeal

Name of Applicant

Applicant Email Address

Applicant Phone Number

Applicant Address

City/Town

State

Zip code

Name of Business Owner (if applicable)

Business Owner Email Address

Business Owner Phone Number

Business Owner Address

City/Town

State

Zip code

Name of Property Owner

Property Owner Email Address

Property Owner Phone Number

Property Owner Address

City/Town

State

Zip code

The Pendleton Board of Zoning Appeals (BZA) is authorized to reverse, affirm, or modify, in whole or in part, the action being appealed in accordance with the terms of the Pendleton Unified Development Code. The BZA may impose reasonable conditions as part of its approval (see Indiana Code 36-7-4-918.2).

1. Explanation of requested appeal (attach additional documents if necessary):

2. Related Code Citations:

3. Reasons supporting the appeal (attach additional documents if necessary):

The above information, to my knowledge and belief, is true and correct.

Signature of Applicant

Signature of Property Owner

State of Indiana, County of Madison

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

My Commission expires:

Notary's Signature

A resident in the County of:

Type or Print Name

*Planning Department Use Only*

*Petition Number*

*Date Filed*

*Meeting Date*



**Petitioner's Affidavit of Notice of Public Hearing**

STATE OF INDIANA )  
COUNTY OF MADISON )

I, \_\_\_\_\_, being first duly sworn upon oath according to law, deposes and says that after a diligent search of the records of Madison County, Indiana, a list was compiled of the names and addresses of all property owners of the real estate within a distance of 300 feet (if subject property is in a subdivision) or 150 feet (if subject property is not in a subdivision) of the perimeter of the land for which an Appeal is sought; that said legal owners of the land are the persons set forth on the transfer book in the office of the Recorder of Madison County, that a notice of public hearing was sent to all of said property owners by certified mail, that receipts for said certified mail and list of legal owners are listed below and made a part hereof.

Owner's Names

Addresses

Table with 2 columns: Owner's Names, Addresses. Multiple empty rows for data entry.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Signature of Petitioner or Authorized Representative

Type or Print Name

Signature box

Name box

SUBSCRIBED AND SWORN TO ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

MY COMMISSION EXPIRES:

NOTARY'S SIGNATURE

Commission expiration box

Notary signature box

A RESIDENT IN THE COUNTY OF:

TYPE OR PRINT NAME

Resident county box

Notary name box