BOARD OF ZONING APPEALS

EVANSVILLE | VANDERBURGH COUNTY, INDIANA

APPEAL

INFORMATION PACKET AND FORMS

APPEAL FEE SCHEDULE:

Appeal filing fee	$500.00
Amendments and/or continuances	Half of (original) filing fee for each amendment and/or continuance

FORMS

1.	Application for Appeal	APC Form 1101APL
2.	Affidavit of Notice for an Appeal	APC Form 1201APL
3.	Notice of Public Hearing for an Appeal	APC Form 1301APL

PROCEDURE FOR FILING 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.

1. 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 to scale (i.e. 1"=10', 20', 30', 40', 50', 60') 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 application. If the size of your project requires the original (larger) site plan to be reduced 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 appeal application. See attached sample site plan and instruction sheet to be sure that all the items listed are included on your site plan.

2. Complete the Application for Appeal. The application asks for basic information about the property that is the subject of the appeal. All questions must be answered on the application; if you are unsure of any part of the forms, staff will be happy to assist. On page 2 of the application, you need to state the circumstances of the appeal. If you need additional space to explain or make a statement about your appeal, please attach a separate sheet for your comments. By signing the application, you are affirming that all of the information is accurate. It is suggested that you bring in your completed forms into the Area Plan Commission office to be checked before you file your application to insure that all required information is included in your application.

3. Bring to the Area Plan Commission office:
   A. Three completed applications, each with an attached site plan (if applicable) as detailed in step 1 above.
   B. The required filing fee.
   C. A list of all abutting property owners, including official mailing addresses and tax codes.

4. Upon receipt of an application for appeal, the Area Plan Commission Staff shall:
   A. Assign a docket number for the project which shall be referenced by both the applicant and staff on all subsequent documents/communications for the project;
   B. Review the sufficiency/completeness of the submittals, and within 3 working days from the filing date, inform the applicant of the sufficiency status of the application based on the evaluation of the information provided.
   C. If the application is determined to be sufficient, assign a meeting date for the application to be considered by the Board of Zoning Appeals.
   D. If the application is determined to be insufficient, the applicant shall be notified of the required information that is lacking, and the application must be resubmitted and pass a sufficiency review, before a hearing date is assigned.

5. After Filing, and you have been notified that a hearing date has been assigned by the Area Plan Commission staff after the sufficiency/completeness review, on or before the deadline shown on the Application Deadlines and Meeting Schedule attached, a notice (Notice of Public Hearing for an Appeal) must be mailed by CERTIFIED MAIL, RETURN RECEIPT REQUESTED to each of the owners whose property is abutting the property including in whole or in part in the application for appeal.

   You must send a certified letter (notice) (with a green return receipt) to the owners of all abutting properties. This is a requirement for appeals. A sample letter of notice is included in the appeal packet. DO NOT SEND THE LETTER OF NOTICE UNTIL AFTER YOUR APPLICATION HAS BEEN OFFICIALY ACCEPTED FOR FILING AND ASSIGNED A DOCKET NUMBER AND YOU HAVE OBTAINED THE DATE ON WHICH THE APPLICATION WILL BE HEARD BY THE BOARD OF ZONING APPEALS!! The certified letters (notice) must be postmarked on or before the deadline shown on the Application Deadlines and Meeting Schedule attached. 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 members of the administrative board or Site Review Committee must be notified. You are also required to send a certified letter of notice to any registered neighborhood association that includes or is adjacent to the site which is the subject of the appeal. You must check with the City Clerk's office or County Commissioner's office for this information. (The neighborhood association(s) are 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. Names and addresses of abutting property owners may be obtained by several means:

   - It is now possible to obtain up-to-date information about a property on-line by identifying the property on the GIS map and clicking the link titled "Property Page", which will take you to the Assessor's web page for that property. Each Property Page contains tabs below the Owner's Address; when you click on the "taxes" tab, it will provide a link called "Current Tax Information", and clicking that link will take you directly to the Treasurer's website where you can obtain the official and most recent OWNER AND MAILING ADDRESS OF RECORD.

   - In person, you may obtain the tax codes and official owner of record at the Assessor's office, and then take the tax codes to the Treasurer's Office for the owner's official mailing address of record. When doing your list in this manner, you will find that 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, obtain information on both parties. (Please bring any irregularities or problems to the attention of APC staff.)

6. Submit the notarized Affidavit of Notice for an Appeal along with one copy of the notice and the green return receipts (explain any un-returned receipts) to the Area Plan Commission Office **by 12:00 noon the Monday before the Board of Zoning Appeals meeting**. It is suggested that the copy of the certified letter receipt be filled out completely and stamped by the Post Office at the time the notice is mailed. In the event that the green card is not returned to you prior to the meeting, bring your white receipt and/or the returned letter itself to the Area Plan Commission office as proof that the letter was sent by you. **THIS IS IMPORTANT!** If these requirements are not met, the application for appeal will be postponed until the next regularly scheduled meeting, and the notification process must be repeated for that meeting. The applicant shall also pay a continuance fee to get back on the Board of Zoning Appeals agenda.

7. You, or someone representing you, will be required to attend the Board of Zoning Appeals meeting at which your application for appeal will be heard. If no representative is present for the applicant at the scheduled meeting date, the application for appeal will be continued until the next month's meeting, and a continuance fee will be required. If your application for appeal is approved at the BZA meeting, you will receive a letter of verification. If the appeal is denied or withdrawn by the Board of Zoning Appeals, there is a one year waiting period before re-filing.

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 shall result in denial of or delay in acting on the application.

BOARD OF ZONING APPEALS RULES OF PROCEDURE

All matters coming before the Board of Zoning Appeals will be handled in accordance with the Rules of Procedure, which you may view online at BZA RULES OF PROCEDURE.pdf or at the Area Plan Commission office.

APPLICATION FOR APPEAL

APC FORM **1101**APL

STATE OF INDIANA)
) SS:
COUNTY OF VANDERBURGH)

Date: _____

Appeal Docket No.: _____

BZA Meeting Date: _____

OWNER'S CERTIFICATE:

I, THE UNDERSIGNED APPLICANT, HEREBY AFFIRM, under penalty of perjury, that the information and representations within this application are true and correct. All attachments are adopted by reference as part of the application for the appeal.

_____ _____ _____
(Printed Name Of Applicant) (Phone Number) (E-mail Address)

_____ _____ _____ _____
(Mailing Address Of Applicant) (City) (State) (Zip)

_____ _____
(Signature Of Applicant) (Date Signed)

APPLICANT'S ACKNOWLEDGEMENT OF AUTHORIZED AGENT: (optional)

I DO HEREBY FURTHER ACKNOWLEDGE that by signing this affidavit below, that the following named person will be my legal council or professional representative and has been authorized to act and engage with this application on my behalf.

_____
(Signature Of Applicant)

_____ _____ _____
(Printed Name Of Authorized Agent) (Phone) (E-mail Address)

_____ _____ _____ _____
(Mailing Address Of Authorized Agent) (City) (State) (Zip)

APPLICATION FOR APPEAL

APC FORM **1101APL**

(Continued Page 2 of 2)

INFORMATION REGARDING THE AFFECTED PREMISES:

Address of property for the appeal: _____

Parcel Identification Number: _____

Subdivision: _____ Block No.: _____ Lot No.:_____

Legal Description: _____

_____

_____

_____, situated in Vanderburgh County, Indiana.

Current Zoning: _____ Lot Size: _____
(Specify Acreage)

Current Use of Property: _____

A site plan, drawn to scale, has been submitted with this application: _____ Yes _____ No

REGISTERED NEIGHBORHOOD ASSOCIATIONS: _____

_____

CIRCUMSTANCES FOR THE APPEAL: _____

_____

_____

_____

_____

_____

NOTARY CERTIFICATE:

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

_____ _____
(Signature Of Notary) (Printed Name Of Notary)

My Commission Expires _____ Notary Resides in _____ County, State of _____.

(Notary Seal)

DUTY TO DISCLOSE: the Area Plan Commission 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 owner, 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 Area Plan Commission or its staff at or before beginning the public hearing on the application. Failure to make such disclosure shall result in denial of or delay in acting on the application in addition to other consequences, and shall subject the applicant to legal (including civil and criminal) remedies, penalties, and fines which the Area Plan Commission or other governmental agencies may pursue against the applicant as provided by law.

AFFIDAVIT OF NOTICE FOR AN APPEAL

APC FORM **1201APL**

STATE OF INDIANA)
) SS:
COUNTY OF VANDERBURGH)

Appeal Docket No.: _____

BZA Meeting Date: _____

I, _____, hereby affirm under the penalties of perjury that I have mailed letters
(Printed Name Of Owner, Authorized Agent, Applicant)
containing required information about an appeal located at _____,
(Street Address Of Subject Property)
to the following property owners on _____. I hereby certify that, to the best of my knowledge, the following
(Date Letters Were Mailed)
list, or the attached list, is complete and accurate for all abutting property owners whose properties touch at any point, in whole or in part, in the application for appeal identified 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 _____. The certified letters were sent to the following adjoiner's:
(Date)

Adjoiner's Name	Complete Mailing Address	State Tax Code (PIN)
Registered Neighborhood Associations		

The letters were sent **CERTIFIED MAIL, RETURN RECEIPT SERVICE**. The green receipts and ONE copy of the sample letter are attached.

_____
(Signature Of Owner, Authorized Agent, Applicant)

NOTARY CERTIFICATE:

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

_____ _____
(Signature Of Notary) (Printed Name Of Notary)

My Commission Expires _____ Notary Resides in _____ County, State of _____.

(Notary Seal)

Notice Requirements: This completed affidavit, along with all required information, must be filed in the Office of the Area Plan Commission by 12:00 noon, the Monday before the Board of Zoning Appeals hearing.

Approved by the Area Plan Commission on 01/04/2018

NOTICE OF PUBLIC HEARING FOR AN APPEAL

APC FORM **1301**APL

TO: **ADJOINING PROPERTY OWNER**

FROM: _____
(Printed Name Of Applicant Or Authorized Agent)

DATE: _____
(Date Of This Letter)

SUBJECT: **APPLICATION FOR APPEAL**

APPEAL DOCKET NO.: _____

This letter will serve notice to you of scheduled hearing of an appeal which has been filed with the Area Plan Commission of Evansville and Vanderburgh County to be heard by the Board of Zoning Appeals.

Address of property for the appeal: _____

Description of appeal request: _____
(Attach Additional Sheets If More Space Is Required)

_____

_____

_____

_____

_____

_____

Notice is hereby given that the **Board of Zoning Appeals**, on Thursday, the _____ day of _____, _____ at 3:00 p.m. in the City Council Chambers, Room 301 of the Civic Center Complex, Evansville Indiana, will hold a public hearing to consider the proposed application for an appeal, at the location identified above.

If you have any questions regarding this application please contact the following:

Applicant:

_____ _____ _____
(Signature Of Owner, Authorized Agent, Applicant) (Phone Number) (E-mail Address)

NOTE: If you have comments or concerns regarding this application and are unable to attend the meeting, you may send an email to the Area Plan Commission at contactus@evansvilleapc.com, or send a letter to the Area Plan Commission at 1 N.W. Martin Luther King Jr. Blvd, Room 312, Evansville, Indiana 47708 stating your concerns or comments and it will be made part of the record.