

ADMINISTRATIVE APPEAL APPLICATION PROCEDURES



DEFINITION: An administrative appeal is the process by which any person aggrieved by an order, requirement, decision, or determination made by an administrative official, staff member, an administrative board, or other body, except the Plan Commission, in relation to the enforcement of the Town of Avon Unified Development Ordinance (UDO) can seek an appeal of such order, requirement, decision or determination. Administrative Appeals are heard by the Board of Zoning Appeals in accordance with Chapter 8.6 of the UDO.

APPLICATION: The application will not be considered until all information is received. All applications must be submitted in accordance with Chapter 8.1 of the UDO. All applications will be reviewed for completeness and accuracy prior to acceptance. The following information must be submitted with the application:

1. A **notarized application** filed at least twenty-nine (29) days before the date of the Board of Zoning Appeals public hearing;
2. A **written statement** indicating why the applicant feels they have been aggrieved by the order, requirement, decision or determination made by the party whose action(s) are being appealed;
3. A **list of adjacent property owners** within six hundred sixty (660) feet but no more than two (2) property owners in depth;
4. A **sample letter** for the written notification requirements;
5. An **application fee** payable by check to the Town of Avon.

FEES: ***Fees are nonrefundable*** The following fees apply to an administrative appeal:

(Please see fee schedule)

1. Application Fee by check made payable to the **Town of Avon.**
2. Legal Advertisements Fee by check made payable to the **Town of Avon.**

PUBLIC NOTIFICATION: The following public notification is required for an administrative appeal:

1. **NEWSPAPER NOTIFICATION:** The Town Staff will submit legal notices for publication at least ten (10) days prior to the date of the Board of Zoning Appeals' public hearing.
2. **WRITTEN NOTIFICATION:** The applicant must mail letters by first class US Mail to all interested parties at least ten (10) days prior to the date of the Board of Zoning Appeals' public hearing. Interested parties are defined as all persons with a legal interest in the property and all owners of real property within six-hundred and sixty (660) feet or a depth of two (2) ownerships, whichever is less, of the subject property. The applicant may follow the sample written notification letter. The provided Affidavit of Notice to Interested Parties must be signed and notarized attesting to the mailings and submitted to the Town with a copy of a sample mailing at least seven (7) days prior to the public hearing. (See attached sample letter and affidavit form.)
3. **POSTING OF PROPERTY:** Town staff will post a public hearing sign at the subject property at least ten (10) days prior to the date of the Board of Zoning Appeals' public hearing. Applicants should advise the property owner/manager and/or tenants not to remove or obscure the sign and to notify staff if it is removed or damaged prior to the hearing.

BOARD OF ZONING APPEALS MEETING: The Board of Zoning Appeals meetings are held on the third Tuesday of every month in the Avon Town Hall, located at 6570 East U.S. Highway 36, Avon, Indiana 46123, unless indicated otherwise.

ACTION BY THE BOARD OF ZONING APPEALS: Any person aggrieved by a decision of the Board of Zoning Appeals may present to the circuit of Superior Court of Hendricks County a verified petition setting forth that the decision is illegal in whole or in part and specifying the grounds of the illegality. All appeals must be filed within thirty (30) days from the date of the Board of Zoning Appeals decision.

APPLICATION FOR AN ADMINISTRATIVE APPEAL



Applicant(s): _____
Address: _____

Telephone: _____
Fax: _____

Owner(s): _____
Address: _____

Telephone: _____
Fax: _____

Applicant's Attorney

Name: _____
Address: _____
Telephone: _____

Property Location (subject property resulting in appeal)

Street Address: _____
Nearest Street Intersection: _____
Parcel Number(s): _____
Area: _____ acres

The Zoning Administrator's interpretation, notice of violation, or written order, requirement, decision, or determination for which an administrative appeal is being sought shall be attached to this application.

Requested Action from the Board of Zoning Appeals _____

The undersigned, having been duly sworn on oath states the above information is true and correct as (s) he is informed and believes.

I (We) also understand that the application fee does not include the fees associated with design review and/or construction management review. Fees for design review and/or construction management review are the direct responsibility of the applicant payable directly to the engineering firm(s) specified by the Town at rates set out by various agreements and/or ordinances of the town, for services, inspection, reports, and the like required by the Town.

Date

Signature of Owner(s) or Agent

STATE OF INDIANA }
 } SS:
COUNTY OF HENDRICKS }

Printed Name & Title / Company (if applicable)

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

Notary Public: Signature

Printed Name

My Commission Expires: _____

Residing in _____ County

CONTACT INFORMATION

The person indicated below will receive all correspondence between the Plan Commission Staff and the applicant. It shall be the responsibility of the contact person to provide copies of information to other interested parties.

Indicate the Contact Person to be notified to request additional information, schedule meetings, receive Board of Zoning Appeals Staff Letters and Recommendations, and to receive the Board of Zoning Appeals' Findings-of-Fact:

Please type or print legibly.

Business Name: _____

Contact Person: _____

Address: _____

Phone Number: _____

E-mail: _____

Case #: _____

**AFFIDAVIT OF NOTICE TO INTERESTED PARTIES
ADMINISTRATIVE APPEAL
AVON BOARD OF ZONING APPEALS
TOWN OF AVON, INDIANA**

Affidavit must be submitted seven (7) days prior to the scheduled public hearing.

STATE OF INDIANA)
) SS:
COUNTY OF HENDRICKS)

RE: Request for an Administrative Appeal before the Avon Board of Zoning Appeals

I, _____, do hereby certify that notice to
(Name of Person Mailing Letters)

Interested Parties of the date, time, and place of the public hearing on the above referenced administrative appeal, **Case Number** _____, has been mailed to the last known address of each of the following interested persons owning property affected by this petition as defined in the Town of Avon Unified Development Ordinance (attach additional sheets, if necessary):

	<u>OWNER(S)</u>	<u>ADDRESS</u>
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

And, that said notices were sent by first class mail on or before the _____ day of _____, 20 _____, being at least ten (10) days prior to the date of the public hearing.

(Applicant or Agent)

STATE OF INDIANA)
) SS:
COUNTY OF HENDRICKS)

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

Notary Public: Signature

Notary Public: Printed Name

My Commission Expires: _____

Residing in _____ County

SAMPLE NOTIFICATION LETTER

Date **(Date Letters Mailed)**

Name

Address **(Mailing Address of Adjacent Property Owner)**

City, State, and Zip Code

Dear **(Name of Adjacent Property Owner):**

Please be advised that the undersigned property owner or agent for the property owner has made application to the Avon Board of Zoning Appeals for an administrative appeal project to be known as **(Case Number, Case Name and a brief description of the Project)** to appeal the decision of **(name of administrative official, staff member, an administrative board, or other body)** regarding their decision that **(order, requirement, decision, or determination which is being appealed)**. The site of the property for which the appeal is being sought is located at **(insert address if known, or parcel number)** in the Town of Avon, Indiana, located near **(Give the Location of the Property in Relationship to the Nearest Street Intersection)**.

A copy of this application for administrative appeal is on file and available for examination prior to the public hearing in the office of the Planning Department at the Avon Town Hall located at 6570 East U.S. Highway 36, Avon, Indiana, 46123, between the hours of 8:00 AM-11:30 AM and 12:30PM-4:00 PM, Monday through Friday. Written objections to a proposal may be filed with the Planning Staff up to and including the date/time of the public hearing at the Avon Town Hall at the above address and such objections will be considered.

The Avon Board of Zoning Appeals will hold a public hearing on this administrative appeal in the Avon Town Hall located at 6570 East U.S. Highway 36, Avon, Indiana, 46123 on **(Date of the Public Hearing)** at 7:00 PM.

Very truly yours,

**(Name and Signature of Applicant
Or Agent for the Applicant)**