

Administrative Appeal

9.07 Administrative Appeal

- A. **Applicability:** An Administrative Appeal applies to an applicant or interested party that wants a decision, interpretation, order determination, or action of the Zoning Administrator and/or enforcement officer to be overturned or corrected by the Board of Zoning Appeals. Any decision, interpretation, order determination, or action of the Plan Commission shall not be the subject of an Administrative Appeal.
- B. **Filing Requirements:**
1. *Petition:* Petition for Administrative Appeal shall be made on a form provided by the Zoning Administrator. Supporting information shall be submitted as per the requirements described below.
 2. *Information to be Submitted:* The following information shall be provided on the petition form.
 - a. Petitioner's name, mailing address, phone number, and/or email address.
 - b. Petitioner's standing (i.e. legal right to initiate a petition).
 - c. The Zoning Administrator or Enforcement Official that rendered the decision, interpretation, order determination, or action.
 - d. Written statement describing the administrative decision, interpretation, order determination, or action; and the reason and facts supporting action by the Board of Zoning Appeals.
 - e. Date submitted and signed.
 - f. Signature of the applicant.
 - g. Any other information requested on the application form.
 3. *Deadline:* A petition for an Administrative Appeal shall be filed with the Board of Zoning Appeals within thirty (30) days of the decision, interpretation, order determination, or action that is the subject of the appeal.
 4. *Suspension of Work:* Work related to the decision, interpretation, order determination, or action being appealed shall be suspended until the Administrative Appeal is complete, or until the Board of Zoning Appeals authorizes full or partial work to resume prior to a Board of Zoning Appeals decision.
 5. *Fees:* The applicable fee shall be paid at the time the petition for Administrative Appeal is filed.
- C. **Appeal Procedure:**
1. *Substantially Complete Petition:* A petition for an Administrative Appeal shall not be issued a docket number or be scheduled for hearing by the Board of Zoning Appeals until it is determined to be substantially complete by the Zoning Administrator. The Zoning Administrator shall verify that the petition form and required supplemental information has been submitted correctly, and the applicable petition fee is paid.
 2. *Assignment:* Once a petition for an Administrative Appeal has been determined substantially complete, the Zoning Administrator shall assign a case number and place the appeal on the agenda of the Board of Zoning Appeals. The Zoning Administrator shall inform the petitioner, in writing, of the date and time of the Board of Zoning Appeals meeting at which the appeal is to be heard.
 3. *Public and Interested Party Notice:* The petitioner shall be responsible for providing public notice in accordance with the Board of Zoning Appeals Rules of Procedure. The applicant shall also be responsible for returning proof of public notice to the Zoning Administrator at least three (3) business days before the meeting at which the appeal is to be heard. Failure to submit proof of notice may result in the Administrative Appeal being continued to the following month's Board of Zoning Appeals meeting.
 4. *Transfer of Information:*
 - a. The Zoning Administrator shall provide the petitioner for an Administrative Appeal any additional information which is being conveyed to the Board of Zoning Appeals in preparation for the meeting.
 - b. The Zoning Administrator or Enforcement Official that is the subject of the appeal shall transmit the documents, plans, and papers constituting the record regarding the case to the Board of Zoning Appeals.
 - c. The Zoning Administrator or the Enforcement Official that is the subject of the appeal may provide a written report explaining the final decision or action on the case.
 5. *Review:* The Board of Zoning Appeals shall hear the Administrative Appeal at a regularly scheduled public meeting according to their Rules of Procedure. The Board of Zoning Appeals may consider information conveyed to them in writing and testimony during the hearing in making a decision.

Administrative Appeal

6. *Decision:* Following the hearing and review, the Board of Zoning Appeals may reverse, affirm, or modify the decision, interpretation, order determination, or action from which the appeal stems. The Board of Zoning Appeals may also add conditions to its decision when warranted.
7. *Appeal:* Any person aggrieved by the decision of the Board of Zoning Appeals may appeal such decision to the Circuit or Superior Court of Wayne County.