

CHAPTER 832

ZONING ORDINANCE: APPEALS

832-1. Authority

The Board of Zoning Appeals shall hear and determine appeals from and review any order, requirement, decision or determination made by an administrative official, Hearing Officer, or staff member under this Zoning Ordinance.

The Board shall also hear and determine appeals from and review any order, requirement, decision, or determination made by an administrative board or other body, except the Plan Commission, in relation to the enforcement of this Zoning Ordinance or to the enforcement of any other titles of the Monroe County Code requiring procurement of a building permit or occupancy permit.

832-2. Initiation

An appeal may be filed with the Board of Zoning Appeals by any person aggrieved by the order, requirement, decision or determination described in Section 832-1. An appeal filed with the Board must specify the grounds of the appeal and must be filed in the form and within the time limit established by rule of the Board, except that a decision of a Hearing Officer must be appealed within fourteen (14) days after the decision is made.

832-3. Processing

An appeal shall be filed with the planning staff, who shall forward such appeal to the Board of Zoning Appeals for processing in accordance with this Zoning Ordinance and applicable statutes of the State of Indiana.

832-4. Public Hearing

A public hearing shall be conducted by the Board of Zoning Appeals in conformance with IC 5-3-1-2 and IC 5-3-1-4 and the Monroe County Board of Zoning Appeals Rules of Procedure. The party making the appeal shall be required to assume the cost of public notice and due notice to interested parties.

832-5. Decisions

The Board of Zoning Appeals shall hear testimony and evidence concerning appeals, and prepare findings of fact and shall render a final decision on all appeals. A written copy of such decision, as described in the Rules of Procedure, shall be available in the Planning Department within five (5) days after making such decision.

832-6. Additional Considerations

- (A)** The administrative official, hearing officer, administrative board, or other body from whom the appeal is taken shall, on the request of the Board, transmit to the Board certified copies of all documents, plans, and papers constituting the record of the action from which an appeal was taken.
- (B)** When an appeal from the decision of an official or board has been filed with the Board, proceedings and work on the premises affected shall be stayed unless the

official or board certifies to the Board that, by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property. In that case, proceedings or work may not be stayed except by court order.

[end of chapter]