

**RULES OF THE JEFFERSON COUNTY
INDIANA BOARD OF ZONING APPEALS**

WHEREAS, the Jefferson County, Indiana Board of Zoning Appeals is authorized and required by I. C. 36-7-4-916(a), 919(a), 920(b), and 921 to supervise and make rules for the filing of appeals, the application for variances and special exceptions, special uses, contingent uses, the giving of notice, the conduct of hearing and the determination of whether a variance application is for a variance of use or for a variance from the development standards such as height, bulk, or area and the creation, form, recording, modification, enforcement, and termination or commitments; and

WHEREAS, the Board of Zoning Appeals determines that its rules should be printed and organized in a coherent fashion and be made readily available to all applicants and other interested persons.

NOW, THEREFORE, BE IT RESOLVED, BY THE JEFFERSON COUNTY, INDIANA, BOARD OF ZONING APPEALS, THAT THE FOLLOWING RULES BE ADOPTED AS REQUIRED BY I. C. 36-7-4-916(a), 919(a), 920(b) and 921.

**RULE 1
DEFINITIONS AND CITATION FORM**

1.1 Definitions

These terms shall be defined as follows for the purposes of these rules.

1.2 Board - Defined:

Board means the Board of Zoning Appeals of Jefferson County, Indiana.

1.3 Chairman - Defined:

Chairman means the Chairman of the Board of Zoning Appeals of Jefferson County, Indiana.

1.4 Director - Defined:

Director means the County Surveyor of Jefferson County, Indiana.

1.5 Secretary - Defined:

Secretary means the Secretary of the Board of Zoning Appeals of Jefferson County, Indiana.

1.6 Vice-Chairman - Defined:

Vice-Chairman means the Vice-Chairman of the Board of Zoning Appeals of Jefferson County, Indiana.

1.7 Citation:

These rules shall be cited as "Jefferson County Board of Zoning Appeals Rule(s) 0.0."

RULE 2
OFFICERS AND STAFF

2.1 Presiding Officer:

The Chairman shall preside over all regular and special meetings of the Board.

The Vice-Chairman shall act as Chairman during the absence or disability of that officer. The Board shall elect a Chairman pro tempore from among its members if both the Chairman and Vice-Chairman are absent or disabled.

The Chairman shall appoint committees, execute contracts and rules on all points of procedure. The Chairman shall sign all official documents on behalf of the Board.

2.2 Secretary:

The Board shall appoint a Secretary who shall serve at its pleasure. The Secretary shall keep a complete and accurate record of all proceedings and votes of the Board, record and file all bonds and contracts and assume all responsibility for the custody of and preservation of all papers and documents of the Board, and shall prepare, publish and distribute reports, ordinances and other material relating to Board activities.

RULE 3
MEETINGS AND PUBLIC HEARINGS

3.1 Application:

This Rule shall apply to all public hearings required by State law or by the Jefferson County UDO (Unified Development Ordinance) and to all regular and special meetings of the Board.

3.2 Regular Meetings:

The Board shall conduct regular meetings on the first Tuesday of each month at five o'clock post meridian (5:00 p.m.) local time at the Jefferson County Surveyor's Office, Courthouse Annex Building, 315 Jefferson Street, Madison, Indiana. If the date of the regular meeting falls on a legal holiday recognized by Jefferson County, or if it is inconvenient to conduct the meeting at the time or place, or if there is no business to conduct before the board, the Chairman may set an alternative date, time or place for the regular meeting or may cancel the meeting.

3.3 Public Hearings:

The Board may conduct a public hearing as a part of any regular or special meeting or at any other place or time if the notice required by state law is given.

3.4 Appearances:

Any person may appear in person or by counsel to present a petition or remonstrance to the Board. If no person shall appear on behalf of a petition, the petition shall be tabled until the following meeting.

3.5 Limits to Debate and Presentations:

The Chairman may impose reasonable limits upon the time for consideration of any item upon the Board agenda. The Chairman shall insure that equal time is afforded to opponents and proponents of any item before the Board.

3.6 Order and Courtesy:

The Chairman shall preserve order and may warn any member or other person present that particular conduct is a breach of courtesy. If any member persists in this conduct following the warning, the Board may vote to censure the offending member. If any other person present persists in this conduct following the warning, the Chairman may order that person to be expelled from the meeting.

3.7 Evidence:

The Chairman shall determine the admissibility of any evidence before the Board.

3.8 Presentations:

The Chairman shall begin consideration of an application or appeal by ordering its reading. The location of the area proposed to be affected shall then be described. The person or persons charged with investigating the proposed application or appeal shall submit his report.

The Chairman shall recognize the proponents of any petition or appeal and shall allow those persons to present evidence to the Board. The Chairman shall then recognize the opponents of any petition or appeal and shall allow those persons to present evidence to the Board. The Chairman shall then recognize the proponents for the purpose of rebuttal and the opponents for counter-rebuttal. The Chairman shall recognize Board members for the purpose of questioning any proponent or opponent of the petition or appeal following any presentation. Upon the conclusion of questioning and discussion the Chairman may entertain a motion to conclude the public hearing or conclude debate on the motion.

3.9 Continuances:

The Board may continue any item from one meeting to another on its own motion or for good cause shown. No notice shall be required for the continued consideration of any item except that required by state law.

3.10 Order of Business:

The order of business at any regular meeting shall be:

- (a) Roll call
- (b) Determination of quorum
- (c) Consideration of minutes
- (d) Reading of communications
- (e) Current business (continued or tabled items)
- (f) New business
- (g) Adjournment

The order of business for special meetings shall be:

- (a) Roll call
- (b) Determination of quorum
- (c) The business for which the special meeting was called
- (d) Adjournment

3.11 Agenda:

The agenda shall list all items to be considered by the Board at the regular or special meeting. The items shall be listed on the agenda in the order in which the petition or other document was filed with the Secretary. No item shall be considered by the Board unless it appears on the agenda. Any petitioner may withdraw any petition prior to the meeting at which it was to be considered.

The agenda shall be sent by U.S. Mail or email to all members of the Board and shall be available for public inspection at the Board office no later than seven (7) days before any regular meeting.

RULE 4

VARIANCE AND EXCEPTIONS, APPEALS, NOTICE AND PROCEDURE

4.1 Applications:

Every petitioner for an appeal, variance, use or exception shall complete an application supplied by the Secretary. The application shall be as in the form attached hereto. In addition, the applicant may submit proposed findings and conclusions unless this requirement is waived by the Board of Zoning Appeals

4.2 Filing Requirements:

(a) Every petition for an appeal, use, exception or variance shall be filed with the Secretary no later than twenty-one (21) days prior to its consideration by the Board.

(b) Any appeal to the Board shall be filed within thirty (30) days following the decision/interpretation that is subject to appeal.

(c) Any party adverse to any petition shall enter a written appearance specifying the party's name and address.

(d) The Administrator or designee shall determine if an application for a variance is a variance of use or a variance from development standards.

4.3 Notice of Requirements:

The Secretary shall cause to be published public notice of the meetings of the Board of Zoning Appeals in accordance with I. C. 5-3-1-2, and I. C. 5-3-1-4. Due notice to interested parties shall also be given by the applicants sending the required notice by certified mail, return receipt requested, to landowners adjoining the land subject to the application at least ten (10) days before the hearing date. Land that would be contiguous to the land subject to the application if there were no roadway intervening between the two tracts shall be considered to be adjoining land for the purpose of this notice requirement.

4.4 Commitments:

(a) The Board may require the owner of a parcel of property to make a written commitment concerning the use or development of that parcel.

(b) For the purpose of I. C. 36-7-4-921(b), any person claiming to be specially affected by any commitment is entitled to enforce the commitment.

(c) A commitment shall be created by the owner of the property affixing his or her signature to a written statement of the terms of the Commitment. The signed commitments shall be attached to the petition, and entered into the minutes of the Board by the Secretary.

(d) Commitments shall be recorded in the office of the county Recorder and take effect upon the approval of the exception, use, or variance. Unless modified or terminated by the Board of Zoning Appeals, a commitment is binding on:

1. The owner of the parcel.
2. A subsequent owner of the parcel.
3. A person who acquires an interest in the parcel.

A commitment is binding on the owner of the parcel even if it is unrecorded. However, an unrecorded commitment is binding on a subsequent owner or other person acquiring an interest in the parcel only if that subsequent owner or other person has actual notice of the commitment.

(e) A commitment may be modified or terminated only by a decision of the Board made at a public hearing after notice is give in accordance with the requirements set forth in Board of Zoning Appeals Rule 4.3.

(f) If any person fails to abide by a commitment, that person commits a violation of the zoning ordinance, and shall be enforced in accordance with the provisions of the zoning ordinance.

RULE 5

AMENDMENTS AND SUSPENSION

5.1 Amendments:

These Rules may be amended by a two-thirds (2/3) vote of the membership of the Board.

5.2 Suspension:

These Rules or any portion of them may be suspended by a two-thirds (2/3) vote of the membership of the Board. No suspension shall continue beyond the adjournment of the meeting at which the motion to suspend was passed

5.3 Effective Date:

These Rules shall enter into effect immediately upon the adoption of this Resolution.

ADOPTED THIS 6th DAY OF June, 2023

BOARD OF ZONING APPEALS,
JEFFERSON COUNTY, INDIANA

David B Ferguson
David Ferguson, President

ATTEST:

Lynette M Anderson
Lynette M. Anderson, Secretary

Darrell E Ginn
Darrell Ginn, Vice-President

Jenny Beverly
Jenny Beverly, Member

Jim Kleopfer
Jim Kleopfer, Member

ABSENT
Kellen Cronen, Member

BZA FORM 1: APPLICATION

This application is being submitted for (check all that apply):

Special Exception Use Use Classification
 Use Variance Appeal
 Development Standards Variance

For Office Use Only	
Petition # _____	Fee _____
Filing Date _____	Hearing Date _____
<input type="checkbox"/> Staff Review	<input type="checkbox"/> Checkpoint Agency Review
<input type="checkbox"/> Approved	<input type="checkbox"/> Commitments/Conditions <input type="checkbox"/> Denied

Applicant & Property Owner Information

Applicant Full Legal Name:			
Applicant Street Address:			
Applicant City, State, Zip:			
Property Owner Full Legal Name:			
Property Owner Street Address:			
Property Owner City, State, Zip:			
Primary Contact Person	Name:	Phone:	Email:

Property Information

18-digit Parcel Number:				
Property Address (if addressed):				
Township Name:	Total Acreage:	Section:	Township:	Range:
Legal Description from property tax card or attach copy of deed:				
Current Zoning of Subject Property:	Current Use of Subject Property:			

Detailed Description of Request or Appeal (attach additional sheets if needed)

Applicant Signature: * If consent is needed, fill out BZA Form 2

I (we), _____, attest that the above information and attached exhibits/forms, to my knowledge and belief, are true and correct.

Signature of Applicant:	Date:
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BZA MEETING DATE & TIME

TUESDAY, _____, 20____ AT 5:00 O'CLOCK P.M.

JEFFERSON COUNTY SURVEYOR/PLANNING & ZONING OFFICE, 315 JEFFERSON STREET, ANNEX BLDG.,
MADISON, IN 47250; 812-274-3928

Administrator Review:

Reviewed By: _____

Date: _____

BZA Approval or Denial: To be decided @ BZA Meeting

Approved & Recommended/Denied this _____ day of _____, 20____, by the Jefferson County Board of Zoning Appeals.

Conditions/Commitments if applicable: _____

Signature of BZA Chairman: _____

Date: _____

ATTEST: _____

Date: _____

BZA FORM 2: CONSENT OF PROPERTY OWNER(S)

Instructions: Only complete this form if the applicant is not the property owner.

Signature / Consent of Property Owner(S): Complete if the applicant is not the property owner(s)

I (we), _____, after being first duly sworn, depose and say that I/we are the owner(s) of the real estate located the above address; that I/we have read and examined the Application and are familiar with its contents; that I/we have no objection to and consent to such request as set forth in the application; and that such request being made by the applicant (____ is) (____ is not) a condition to the sale or lease of the above referenced property.

Signature of ALL Property Owner(s):

Date:

Notary Public's Name (printed) & Signature:

State/County of Residence:

My Commission Expires:

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