



CITY OF RUSHVILLE ADVISORY BOARD OF ZONING APPEALS RULES OF PROCEDURES

330 N MAIN STREET
RUSHVILLE, INDIANA 46173

Effective Date: November 16, 2022

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ARTICLE I – AUTHORITY; DUTIES

Section 1. Authority.

The City of Rushville Board of Zoning Appeals (Board) is an Advisory Board of Zoning Appeals under the Advisory Planning Law as set forth in IC 36-7-4-900 Series – BOARD OF ZONING APPEALS and any amendments thereto.

These rules are adopted in accordance with the requirements set forth in IC 36-7-4-916.

Section 2. Duties.

The duties of the Board shall be those set out in IC 36-7-4-900 – Series – BOARD OF ZONING APPEALS and as set out in the City of Rushville Zoning Ordinance, and any amendments thereto.

Section 3. General Description of Role.

The role of the Rushville Board of Zoning Appeals is to hear appeals, permit special exception, land use and to hear variances from the Rushville Zoning Ordinance and hear Flood Hazard Area Variances. [See Appendix]

Section 4. Membership; Restrictions; Vacancy; Removal; Attendance.

A. Board Members.

The Board shall consist of five (5) voting members in accordance with IC 36-7-4-902 and appointed in accordance with IC 36-7-4-902 through IC 36-7-4-907 as follows:

1. Three (3) citizen members appointed by the executive of the municipality, of whom one (1) member must be a member of the Plan Commission and two (2) must not be members of the Plan Commission.
2. One (1) citizen appointed by the fiscal body of the municipality who must not be a member of the Plan Commission.
3. One (1) member appointed by the Plan Commission from the Plan Commission's membership who must be a citizen member of the Plan Commission other than the member appointed under subdivision 1 above.

B. Alternate Board Members.

1. An alternate member shall serve as a voting member of the Board of Zoning Appeals and may be entitled to vote when the regular member appointed by the same appointing authority (Mayor, Common Council, or Plan Commission) as the regular member who is absent, abstains, or is disqualified from participating in consideration of a matter before the BZA.
2. When entitled to vote, the alternate members shall have all the rights and privileges of members of the BZA and may participate in the discussion and evaluation of the Application before the BZA.

C. Board Members; Restrictions.

No Member or Alternate Member of the Board as set out in IC 36-7-4-905 may not hold:

1. An elected office (as defined in IC 3-5-2-17); or
2. Any other appointed office, except as permitted by IC 36-7-4 902, in municipal, county, or state government.
3. A member of the Board must meet one (1) of the following requirements:
 - a. Must be a resident of the jurisdictional area of the Board.
 - b. Member must be a resident of the County and also an owner of real property located in whole or in part in the City of Rushville.
4. At least a majority of the total number of citizen members appointed to the Board must be resident of the City of Rushville.
5. The Board shall determine whether a member complies with the applicable residency requirements for the appointment.

D. Board Member Term of Appointment.

1. Term of appointment is for four (4) years.
2. Terms expires in January of the fourth (4th) year.
3. The Board member serves until the member's successor is appointed and qualified.
4. A Member is eligible for reappointment.

E. Vacancy within Board.

1. If vacancy occurs, in accordance with IC 36-7-4-907, the appointing authority shall appoint a member to fulfill the unexpired term of the vacating member.

F. Removal of Board Member.

1. The appointing authority, in accordance with IC 36-7-4-906, may remove a member from the Board for cause.
2. The appointing authority must:
 - a. Mail a notice of removal, including written reason(s) for the members removal.
 - b. Notice shall be delivered to the members residence address either by United States Postal Service or in Person.
 - i. If delivered in person, the members shall sign a statement the Notice was delivered in person and include the date of delivery.
3. A member who is removed may, within thirty (30) days after receiving notice of removal, may appeal the removal to the circuit or superior county of the county.

ARTICLE II – OFFICERS AND STAFF.

Section 1. Board Officers.

At the first regular meeting of the year, the Board shall elect from its members a chair, and vice-chair [IC 36-7-4-912]

Section 2. Duties of Board Officers.

A. Chairperson.

The Chair shall preside over all Board meetings and on behalf of the Board shall exercise general supervision over the affairs of the Board, determine all points of order and procedures and signing of all official documents.

B. Vice Chairperson.

The Vice Chair shall have the authority to act as Chair of the Board during the absence or disability of the Chair.

C. Absents of Chairperson and Vice Chairperson.

In the event that both the Chairperson and Vice Chairperson are absent from the meeting, a temporary chairperson shall be elected from the membership in attendance to act as Chair of that meeting.

D. Secretary.

1. The Board may appoint a Secretary and other such employees as are necessary for the discharge of the duties.
2. The Secretary shall:
 - a. Attend all meeting of the Board.
 - b. Certify all official acts of the Board.
 - c. Prepare Board's Written Finding of Facts.
 - d. Prepare minutes; and,
 - e. Any correspondence as directed by the Board and the Chair.

Section 3. Board Staff and Planning Director.

The City of Rushville Planning and Zoning Office shall serve as the staff and primary technical advisory to the Board.

A. Planning Director.

1. The administration of the Board Office, employment of employees, and administration of any funds allocated to the Board.
2. The keeping of accurate records of all Board proceedings, including maintaining all records and approved minutes, the custody and preservation of all papers and documents of the Board.
3. Maintaining a current roster of Board members, including the appointing authority, date term expires, and records of attendance.
4. The reviewing of all applications before the Board, for accuracy and completeness.
5. Maintain all Board's records.

6. Responsible for all Board correspondence.
7. Supervise all work of the Board.

B. Staff:

1. Staff shall be delegated authority to perform ministerial acts in all cases, except where final action of the board is necessary.
2. Prepare Staff Report for all applications before the Board.
3. Shall prepare an annual report of the Board's activities.

C. Code Enforcement.

The City of Rushville Code Enforcement Department shall serve as supplementary Staff to the Board, to provide information that may not be readily available to the City of Rushville Planning and Zoning Office.

D. Board Legal Counsel.

The Board Legal Counsel shall serve as legal counsel to the Board.

ARTICLE III. – FILING OF PROCEDURES.

Section 1. Application(s).

- A. Each Application Packet for a Variance, Special Exception or Administrative Appeal shall be on the application form prescribed by staff and shall be available from the City of Rushville's Official Website for the Rushville Planning and Zoning Office.
- B. Each Application Packet for the specific Variance, Special Exception or Administrative Appeals, are provided with step-by-step instructions to complete the specific application.
- C. If the Applicant wishes to make any modifications to the specific applications or supporting documentation, the Applicant shall submit amended or modified application or supporting documentation not later than one (1) week prior to the Applicant's scheduled Board Meeting date.
- D. Failure or refusal to submit a complete application, any required information, may delay the application being docketed to the Board's Agenda.

Section 2. Eligible Applicants.

- A. If the Applicant is not the deeded owner of the subject property of an Application before the Board, the deed owner shall consent to the filing of the Application.
- B. Consent may be evidenced by the deed owner's executing the "Owners Consent" section on the appropriate Application, or by a person having power of attorney authorizing such signature. If power of attorney is used to execute the Owner's Consent, a copy of the Power of Attorney document is required to be submitted.
- C. In the case of real property purchased under a land contract, the owner of record is deemed to be the names appearing on the recorded deed.

Section 3. Filing Deadline.

- A. Staff shall prepare a schedule of the filing deadlines for each year that coordinates with the Boards schedule of regular meetings.
- B. The filing deadline for Applications before the Board shall provide adequate time for Staff to review the Application and offer technical advice to the Applicant and Board.
- C. The filing deadlines shall provide adequate time for the issuance of required notices to “Interested Parties” and legal advertising.

Section 4. Application Docketed.

- A. Each complete application filed shall be given a Docket Number and placed on the Board Agenda corresponding to the filing deadline the completed application is filed.
- B. Docket Number shall begin anew with the first meeting of the Board held in January.
- C. Docket Numbers shall be hyphenated with the last two (2) digits of the calendar year, the initials indicating the type of Application filed, followed by a sequential number.

The following table describes the Docket format and abbreviations in item “C” above.

TYPE OF APPLICATION FILED	DOCKET NUMBER FORMAT
Variance – Development Standards	YYYY-DSV-## (2022-DV-01)
Variance – Use	YYYY-UV-## 20(22-UV-01)
Variance – Flood Hazard	YYYY-FHV-## (2022-FV-01)
Special Exception	YYYY-SE-## (2022-SE-01)
Administrative Appeals	YYYY-AA-## (2022-AA-01)
Variance Hearing Officer Variance – Development Standards	YYYY – VHO-DSV-## (2022 VHO-DSV-01)

- D. Applications shall be placed on the Board Docket Agenda in the order in which completed Applications were filed with the Planning and Zoning Office.

Section 5. Filing Fees.

- A. Applicable filing fees and any fees that are the responsibility of the Applicant, paid by the City of Rushville shall be paid when a complete application is submitted.
- B. Fees shall be paid to the City of Rushville Clerk-Treasurer.

ARTICLE IV. – NOTICE.

Section 1. General.

- A. No notice other than the notice provided for in these rules shall be required to be given to an interested party for public hearings conducted by the Board.
- B. An Applicant making an Application before the Board shall assume the cost of the legal advertisement and the mailing of notices to interested parties. [IC 36-7-4-920]

Section 2. Interested Party – Defined.

An Interested Party is the legal (deeded) landowner whose property is located within one hundred (100) feet or two (2) property owner depth, whichever is greater of the property in the Application before the Board, whether properties are separated by street(s), alley, easement, or any other public right-of-way.

Section 3. Notice Requirements.

The contents of the Legal Advertisement and Notice to Interested Party shall contain at a minimum the following information:

- A. Docket Number and the substance (description) of the matter to be heard.
- B. General location by address or other identifiable geographic characteristic of the subject property.
- C. Name of the Applicant initiating the matter to be heard.
- D. Date, time, and address of the location the public hearing.
- E. Statement that the Application File may be examined in the Office of the Board.
- F. Statement that interested parties may offer an oral opinion at the hearing or may file written comments concerning the Application to be heard prior to the hearing date.

Section 4. Publication – Legal Advertisement.

- A. The Board is required by law to publish in a newspaper of general circulation in Rush County, Indiana, not less than ten (10) days before the public hearing,
- B. Staff shall cause such notice (legal advertisement) to be published not later than the date as set out in the adopted published meeting and filing deadline schedule.
- C. Notice (legal advertisement) shall be published to the newspaper's web site.
- D. Proof of publication must be made by an affidavit of the publisher attached to a copy of the notice taken from the newspaper in which the legal notice was published.
 1. The publisher's affidavit shall be submitted to the Rushville Planning and Zoning Office not less than seven (7) days before the scheduled meeting of the Board.

Section 5. Notice to Interested Parties.

- A. The Applicant is responsible for providing Interested Party information to the Rushville Planning and Zoning Office for the mailing of notices to Interested Parties.
- B. The Applicant may obtain the legal property owners name and legal mailing address from the:
 1. Rush County Auditor's Office; or,
 2. On-line public access Geographic Information System (eGIS) known as Beacon.
- C. The Interested Party Information shall be provided to the Planning and Zoning Office not less than fifteen (15) days prior to the date of the Board's Public Hearing Date for Staff to mail the required notice.

Section 6. Website Posting.

- A. Staff shall cause the information regarding upcoming public hearings to be placed on the City of Rushville's, Planning and Zoning website before the Boards meeting.
- B. At a minimum the information on the Planning and Zoning Office's website shall provide the type of Application, location of the subject property and a brief description of the request and that the file may be viewed at the Planning and Zoning Office.
- C. The inability of the staff to provide the information on the website due to factors such as technical problems, etc. shall not be deemed improper public notice and shall not result in any mandatory delay in the consideration of the Application by the Board.

Section 7. Posting of Public Hearing Sign.

- A. The applicant shall post a notice of the public hearing sign on-site at least ten (10) days before the scheduled Board hearing meeting date.
- B. The hearing sign shall remain on-site until final action on the application by the Board.
- C. The sign shall be placed on the subject property no closer than five (5) feet of the public right-of-way line of the public street.
- D. If street frontage is greater than three hundred (300) feet, at least one (1) additional sign is required.
- E. If the subject property is a corner lot, there shall be one (1) sign per street frontage.
- F. Sign(s) shall not obscure vision clearance at driveways or corners.
- G. Sign text shall be visible from the public street.
- H. A deposit in the amount of \$50.00 for each sign may be required at the time the Application is filed.
 - 1. Sign(s) to be returned to the Planning and Zoning Officer within seven (7) days of the date of the Board final action.
 - 2. Sign(s) returned in good reusable conditions, will have the deposit refunded.
 - 3. Signs returned more than seven (7) of the date of the final action of the Board and/or are not in a good reusable condition forfeit the deposit.

ARTICLE V. – CONDUCT OF MEETINGS.

Section 1. General.

- A. All meetings of the Board shall be conducted in accordance with IC 5-14-1.5, the Indiana Open Door Law, and all amendments thereto. All meetings shall be open to the public, except where otherwise permitted by law.
- B. Onsite inspections by individual Board Members, of property involved in petitions before the Board, shall not be considered meetings. Board members shall pay special attention to Article II, Section 8; Conflict of Interest.

Section 2. Quorum.

- A. Three (3) members of the Board shall constitute a quorum.
- B. No business may be transacted, and no public hearing may be opened at any meeting of the Board unless a quorum of the Board is in attendance. [IC 36-7-4-910; IC 36-7-4-911]

Section 3. Regular Meeting.

- A. A schedule of all regular meetings for each calendar year shall be approved by the Board at the first meeting of the calendar year. [IC 36-7-4-920]
- B. The calendar shall indicate the time and place of the meetings and may be amended during the course of the year as necessary. [IC 36-7-4-914]

Section 4. Special Meeting.

- A. Special meetings of the Board may be called at any time by the Chair or by two (2) members upon request of the Board's Staff.
- B. Staff shall notify Board Member of such special meeting at least ten (10) days in advance of such meeting.
- C. Written notice of a Special Meeting shall not be required if the Special Meeting is announced by the Chair at a Regular Meeting, stating the date, time and location of said Special Meeting, provided that all Board Members are present at the Regular Meeting.
- D. Only those topics pertaining to the reason for the called Special Meeting shall be considered at the called Special Meeting.

Section 5. Cancellation.

A. Regular Meeting.

Regular Meeting may be cancelled due to lack of business for the Board to consider. Where a Regular meeting is cancelled, due to lack of business for the Board of consider, Staff shall provide notice to all Board Members, and Legal Counsel of the meeting's cancellation.

B. Disaster or Weather Related.

The Chair of the Board may cancel a scheduled Regular or Special Meetings in the event of a natural disaster, declared snow emergency or similar cases. Staff shall give written notice, via electronic mail, with read receipt or oral notification to Board Members, Legal Counsel and to those having business before the Board.

C. Notice to Interested Person(s).

In the event of cancellation for any reason, interested person shall be provided with renotification of the date, time, and location of the next Regular Schedule Meeting.

Section 6. Attendance of Board Members.

A. In Person Attendance.

1. As set out in IC 36-7-4-907 any Board Member who misses three (3) consecutive regular meetings of the Board may be treated as if the Member has resigned.
2. It is the discretion of the appointing authority to appoint a replacement Board Member.

B. Electronic Participation.

Attendance by Electronic Participation shall apply to both Regular and Special Meetings as setout below as authorized by IC 5-14-1.5-3.5; 5-14-1.5-3.7, and all associated provision of Indiana Code.

1. In the ordinary course of business, the following policy shall govern remote/electronic participation:
 - a. Subject to subsection (i), a member of the Board who is not physically present at a meeting of the Board may participate in a meeting by any electronic means of communication that does the following:
 - i. Allows all participating members of the Board to simultaneously communicate with each other.
 - ii. Allows the public to simultaneously attend and observe the meeting. However, this subdivision does not apply to a meeting held in executive session.
 - b. A Board Member who participates in the meeting by an electronic means of communication shall be considered present for purposes of establishing a quorum but may participate in any final action taken at the meeting only if the member can be seen and heard.
 - c. A technological failure in an electronic means of communication that disrupts or prevents:
 - i. the simultaneous communication between a Board Member who is not physically present at the meeting and the remainder of the Board; or
 - ii. a member of the public who is not present at the meeting from attending and observing the meeting.
 - iii. does not prevent the Board from conducting the meeting or affect the validity of an action taken by the Board at the meeting if the sum of the Board Members physically present at the meeting and the Board Members participating by electronic communication without technological failure satisfy the quorum and (if a final action is taken) the voting requirements of the Board.
 - d. All requirements under Indiana state law must be followed whether or not referenced herein, but no more restrictive measures are adopted.
 - e. For any meeting conducted with electronic participation the meeting minutes shall include a statement of:
 - i. the name of each Board Member who:

1. was physically present at the place where the meeting was conducted.
 2. participated in the meeting by using any electronic means of communication; and
 3. was absent; and
- ii. identify the electronic means of communication by which:
 1. members of the Board participated in the meeting; and
 2. the public attended and observed the meeting if the meeting was not held in executive session.
- f. Members participating remotely shall be included in any roll call and shall announce that they are participating remotely.
- g. All votes taken during a meeting under this section must be taken by roll call vote.
- h. At least fifty percent (50%) of the members of the Board must be physically present at a meeting.
- i. A member of the Board may not attend more than fifty percent (50%) of the Board's meetings in a calendar year by means of electronic communication, unless the member's electronic participation is due to:
 - i. military service.
 - ii. illness or other medical condition.
 - iii. death of a relative; or,
 - iv. an emergency involving actual or threatened injury to persons or property.
- j. A Board Member may not participate in a meeting of the Board by electronic communication if the Board is acting on an Administrative Appeal.
- k. The Board may not prohibit a member of the Board from attending consecutive meetings by electronic communication. A member may attend two (2) consecutive meetings (a set of meetings) by electronic communication. A member shall physically attend at least one (1) meeting between sets of meetings that the member attends by electronic communication, unless the member's absence is due to:
 - i. military service.
 - ii. illness or other medical condition.
 - iii. death of a relative; or
 - iv. an emergency involving actual or threatened injury to persons or property.
2. In an Emergency the following shall apply:
 - a. This section applies only if:
 - i. the Mayor (as defined in IC 36-1-2-5) of the City of Rushville declares a local disaster emergency under IC 10-14-3-29.
 - b. Notwithstanding anything herein to the contrary, the members of the Board are not required to be physically present at a meeting until the disaster emergency or local disaster emergency is terminated. The members of the

Board may meet by any means of electronic communication, if the following are satisfied:

- i. At least a quorum of the members of the governing body participate in the meeting by means of electronic communication or in person.
 - ii. The public is able to simultaneously attend and observe the meeting. However, this subdivision does not apply to a meeting held in executive session.
 - iii. The minutes of an emergency meeting so held must include:
 1. the name of each Board Member who:
 - (a) participated in the meeting by using any electronic means of communication; and
 - (b) was absent; and
 2. identify the electronic means of communication by which:
 - (a) members of the Board participated in the meeting; and
 - (b) the public attended and observed the meeting if the meeting was not held in executive session.
 - c. Members participating remotely shall be included in any roll call and shall announce that they are participating remotely.
 - d. All votes taken during a meeting under this section must be taken by roll call vote.
3. Substantial compliance with the provisions shall be sufficient to establish that the provisions hereof have been met. Minor or inadvertent deviations shall not be sufficient to invalidate any action to the fullest extent allowed under Indiana law.

Section 7. Attendance of Applicant and the Public.

A. Attendance in Person.

1. Applicant.
 - a. The Applicant and their hired attorney, design professional, or authorized agent are to appear in person to the extent possible.
 - b. In the first instance of absence by the Applicant or their hired attorney, design professional, or authorized agent, the public hearing for said Application will be continued to the next regularly scheduled meeting of the board.
 - c. For subsequent absences the application may be disposed of in the manner determined by the Board.

B. Electronic Participation by the Applicant.

1. Applicants wishing to participate in the Board's Meeting electronically shall provide to Staff, said request no later than one (1) week prior to the scheduled meeting date at which their application(s) is scheduled to be considered by the Board.
2. The request to participate electronically shall provide the reason for the Applicant's request to participate electronically.
3. The Board Staff shall submit the Applicant's request and reason to participate electronically to the Chair for approval.

4. If approved by the Chair, the Applicant will be notified, and arrangements will be made to allow the Applicant to participate electronically.
5. If the Chair denies the request for electronic participation, the Application(s) will be continued to the next regularly scheduled meeting.
6. Applicants who participate electronically shall have electronic equipment which permits the Applicant to be seen and heard by all participants.

C. Electronic Participation by the Public.

1. Electronic participation by the Public shall be permitted, at a minimum, at meetings where any Board Member and/or an Applicant is participating electronically.
2. Electronic participation by the public may be limited, where Board Staff controls the public participant's audio and/or video capabilities, to prevent disruptions or inappropriate behavior during the public hearing/meeting.
3. Members of the public participating electronically shall be permitted the ability to, during the public hearing, to make verbal comments or through written means, with any written comments read into the record during the public hearing.
4. The public participating electronically shall be provided with equal access to the meeting and the participating public's electronic equipment shall allow the member of the public to be seen and heard.
5. Any special accommodations or access, such as the ability to be seen or share presentation materials electronically, made available to any one member of the public shall also be made available to all others participating in the same meeting.
6. Public participating electronically shall be called upon by the Chair to speak after those who are attending the public hearing in person.

Section 8. Conflict of Interest.

- A. A member of the Board is disqualified and may not participate in a hearing if the member is unable to be impartial or if the member has a direct or indirect financial interest in the outcome of the hearing or decision as set out in IC 36-7-4-909.
- B. Other such conflicts of interest may include proximity of the Board Member's property to the subject property.
- C. Any member may determine they have a conflict of interest that could cause the member to be biased, partial, or unrepresentative as to what is in the best interest of the City of Rushville's interest.
- D. Questions as to whether such conflict of interest exists, may be determined by the Board's Legal Counsel.
- E. Members are expected to disclose any personal, non-financial interest in any matter before the Board and may abstain from participation and voting on such matter.
- F. A Board Member who has a conflict of interest shall leave the room and may not participate in the:
 1. Hearing
 2. Finding of Fact; or
 3. Decision of said Application.

- G. Nothing in this Section shall prevent a Board Member from presenting an Application on his own behalf.
- H. Board members shall not appear before the Board on behalf of others.
- I. Ex-Parte Communication.
 - 1. A person may not communicate with any member of the Board before the hearing with the intent to influence the Board Member's action on an Application pending before the Board, with the exception of Staff, that provides a staff report setting forth any facts. Said staff report may provide preliminary recommendations relating to the Application. [IC 36-7-4-920].
 - 2. Board Members may have discussion with Staff in preparation for the hearing.
 - 3. If a Board Member is contacted by anyone prior to the hearing with the intent to influence the Board Member's actions on an Application pending before the Board, the Board Member shall disclose to the other members of the Board the content of such contact during the public hearing.

Section 9. Voting.

- A. Majority.

No action of the Board is official unless it is authorized by a majority of the Board Members present at a regular or special meeting. [IC 36-7-4-911}.
- B. Method.

The Board Members shall vote by a voice vote. If the outcome of the vote is unclear, the Chair or any Board Member may request a roll call vote. No voting is permitted to be by secret ballot.
- C. Recorded.

All decisions of the Board, on matters heard in the public hearing shall be a recorded vote of each member for the permanent record.
- D. Required.

All Board Members, whether present in person or by electronic means, shall vote on each Application for which a public hearing is held.
- E. Absentee.
 - 1. Absentee or proxy voting shall not be permitted. Members must be present for the public hearing, either in person or by electronic means in order to be eligible to vote on any application before the Board.
 - 2. In the event of a continuance, only members who are present in person, or by electronic means, for the entire public hearing and the Board consideration of the Application shall be eligible to vote.

F. Abstention.

1. A Board Member who abstains from voting, is formally declining to vote either for or against the motion.
2. A Board Member's name who abstains from voting shall be recorded in the minutes followed by the statement, "Abstained from Voting."
3. A vote on the motion, shall be based on the majority number of voting Board Members, to determine the outcome of the motion. For example, if one (1) Board Member Abstains, the majority vote of the remaining four (4) Board Members is required to determine the action of the Board.

Section 10. Order of Business.

A. The Order of Business at all regular meetings of the Board shall be as listed below:

1. Roll Call
2. Approval of minutes from previous meeting.
3. Finding of Fact, from previous meeting, if applicable.
4. Administration of Oath
5. Old Business
6. New Business
7. Communications, if applicable
8. Reports:
 - a. Planning and Zoning Office.
 - b. Legal Counsel
 - c. Consultant, if applicable
9. Adjournment

B. The Chair may alter the order of the Agenda, upon a consenting vote of the majority of the Board Members present.

C. Request by an Applicant to alter the position of their Application(s) on the Meeting Agenda, may be made to the Board, for just cause and only upon a consenting vote of the majority of the members present permitting the alteration to the Meeting Agenda.

ARTICLE VI – PUBLIC HEARING.

Section 1. Procedure.

A. Opening the Public Hearing.

1. The Chair shall call the docket number of the first item scheduled for the public hearing, to open the public hearing.
2. The Chair shall ask if any Board Member has a Conflict of Interest. If any Board Member declares a Conflict of Interest, that Board Member shall leave the hearing room.

B. Order of Testimony.

1. Presentation of Application by staff.
2. Presentation of Application by Applicant. Applicant's initial presentation: Maximum 15 minutes.
3. Questions and comments by the Board Members. No time limit.

4. The Chair declares the public hearing open.
5. Public testimony/comments. Maximum of twenty (20) minutes.
 - i. Individual speakers
Each individual speaker is allotted two (2) minutes.
 - ii. Representing Groups
Each group shall have one (1) speaker and each group is allotted five (5) minutes.
6. After all public testimony/comments have been heard as set out in this Section, the Chair shall declare the hearing closed.
 - i. No additional public testimony/comments shall be permitted after the hearing is closed, unless the Chair specifically states the Public Testimony/Comments is re-opened to allow new testimony/comments.
 - ii. The Chair shall close the hearing.
7. Applicant's rebuttal. Maximum five (5) minutes.
8. Comments and questions by Board Members and Staff.
9. Board deliberation and action.
10. Vote. The motion maker shall clearly state the action (approval, approval with conditions, or denial).
 - i. The Motion maker shall state the Finding of Fact reason for each Finding of Fact for the action (approval, approval with conditions, or denial) of the Board.
11. Chair shall report the vote and it shall be so recorded. The vote of each member shall become a part of the record on the petition.

Section 2. Conduct.

A. Representation.

1. The Applicant may appear in person, by an agent or legal counsel and present any supporting witnesses, evidence, statements, and arguments in favor of the Application.
2. Remonstrators and persons in favor of the Application may appear in person, by agent or legal counsel and present witnesses, evidence, statements, and arguments.
3. Any person interested in any Application shall have the right but shall not be required to enter a written appearance in the hearing.

B. Board Participation.

1. The Board Members shall be provided adequate opportunity to examine witnesses and question any evidence, statements, and arguments in the interest of a fair hearing.
2. The Board may ask question of any presenter/speaker at any time. If the question is asked during the timed presentation, the question and response will not count against the speaker's allotted time.

C. Identification.

All persons wishing to speak and address the Board in the public hearing shall stand before the Board, if physically able, and provide their name and address for the record.

D. Testimony/Comments Addressed to Board.

1. All testimony/comments at the public hearing, shall be addressed to the Board through the Chair.
2. Testimony/comments shall be relevant information regarding the Application being heard by the Board.
3. Testimony/comments between the Applicant and opposing parties is not permitted unless the Chair consents.

E. Authority of the Chair or Presiding Officer.

The Chair shall have the authority to prohibit repetitious and irrelevant testimony/comments and shall have the authority to limit the length of testimony by each speaker as deemed appropriate to a fair public hearing.

F. Orderly Conduct.

1. Every person appearing before the Board shall abide by the order and direction of the Chair and these Rules.
2. Discourteous, disorderly, contemptuous conduct, or personal accusation shall not be tolerated, and the Chair may take such action as is deemed necessary to prevent such conduct, including stopping any further testimony/comments.

Section 3. Exhibits.

- A. All exhibits, whether submitted by a petitioner or the public, shall become the property of the Board and shall remain and become a part of the permanent for said application before the Board.
- B. If exhibits are presented at the meeting by either the Applicant or the public shall provide a minimum of ten (10) copies.
- C. Exhibits presented at the meeting shall be given an exhibit number.

ARTICLE VII. – ACTION AND DISPOSITION OF APPLICATIONS.

Section 1. Motions – Special Exception Uses; Use Variance; Development Standards Variance Applications.

- A. The final disposition of a Use Variance [IC 36-7-4-918.4] or Development Standards Variance [IC 36-7-4-918.5] Application before the Board shall be in the form of a motion, setting forth the Findings of Fact and determination of the Board, together with any modification, condition, specifications, or limitation.
- B. The final disposition of Special Exception Uses [IC 36-7-4-918.2] Application before the Board shall be in the form of a motion, setting forth the Finding of Fact and determination of the Board together with any modifications, conditions, specification, or limits.
- C. The Board may impose reasonable conditions as part of any approval for a Special Exception [IC 36-7-4-918.2], Use Variance [IC 36-4-7-918.4] or Development Standards Variance [IC 36-7-4-918.5].
- D. Written Finding of Fact shall be acted upon by the Board at the next regularly scheduled meeting.

- E. A petition for Judicial review cannot be filed until final adoption of the Board's Written Finding of Facts. [IC 36-7-4-1600 et. seq.]

Section 2. Continuance of Application.

A. Requested by Applicant.

1. The Applicant may request a continuance in writing prior to the hearing and/or orally at the beginning of the hearing.
2. The Applicant shall show good and sufficient cause for such continuance, and it shall be within the discretion of the Board of grant or deny the request for continuance.
3. Applications continued where the continuances exceed two (2) months, the Application shall be re-noticed to Interested Parties and Legal Advertisement.

B. Motion by the Board.

1. Board Member may at any time make a motion to continue the hearing of any Application. Such a motion duly seconded and adopted shall continue the hearing to the time specified in the motion. Board may include in the motion specific instruction for re-notification of the interested parties.
2. Applications continued from meeting to meeting by the Board do not require re-notification.

C. Improper Notice.

1. If Proper notice in accordance with applicable law and these Rules has not been given, the Board shall continue the Application to allow for proper notice to be given.

Section 4. Withdrawal of Application.

A. Withdrawal Without Prejudice.

1. Any Application may be withdrawn without prejudice provided a written request for withdrawal signed by the Applicant or an authorized representative is received by staff prior to public notice being provided for the Application.
2. The Application shall not appear on the Board's agenda and may be resubmitted at any time.

B. Withdrawal With Prejudice.

1. An Application may be withdrawn by the Applicant at any time, after public notice has been provided, by oral request at the scheduled Board meeting or in writing.
2. Any Application which is withdrawn after the public notice has been provided, shall not again be placed on the Board Docketed Agenda for a hearing before the Board, within a period of six (6) months from the date of the originally scheduled hearing.
3. An Application withdrawn with Prejudice, may be re-docketed to the Board's Agenda, if a motion made and duly adopted by a majority of the Board Members permitting said re-docketing.

C. Withdrawal Not Permitted.

1. No Application may be withdrawn after a motion has been made and seconded and a vote has been ordered by the Chair.

Section 5. Indecisive Vote on an Application.

- A. If the Board does not achieve the required three (3) votes to approve or deny an Application, such vote shall be declared indecisive, and the matter shall be continued to the next regular meeting of the board.
- B. If an Application is continued for three (3) consecutive public hearings, due to an indecisive vote, the Application shall be treated as a denial unless the Applicant elects to formally withdraw the Application.
- C. Indecisive Vote process outlined above is not applicable to an Administrative Appeal.

Section 6. Approval of Application.

Approvals shall be in accordance with IC 36-7-4-918.2, IC 36-7-4-918.4, IC 36-7-4-918.5, and the Rushville Zoning Ordinance.

A. Special Exception Application.

Applicant(s) requesting a special exception use shall have the burden to demonstrate that each of the following review criteria is satisfied, in addition to any specific requirements for the particular use specified in this ordinance.

1. Compatibility: The proposed Special Exception Use is in harmony with adjacent land uses.
2. Traffic. The Special Exception Use will not affect public street or right-of-way will not interfere with traffic flow or restrict access for emergency vehicles.
3. Parking: Off-street parking and loading areas are provided on the property of the Special Exception Use as set out in Article VIII Off-Street Parking Requirements of this Ordinance.
4. Refuse and service areas shall be located on the property of the Special Exception Use.
5. Impact to adjacent area: The Special Exception Use will not affect the value of adjacent properties in a substantially adverse manner.

B. Variance from Development Standards Application.

The Board may approve a request for a variance from the development standards (such as height, bulk, or area) of the zoning ordinance only upon a determination in writing that all of the following decision criteria have been satisfied.

1. The approval will not be injurious to the public health, safety, and general welfare of the community.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

C. Variance of Use Application.

The Board may approve a request for a variance of use from the terms of the zoning ordinance only upon a determination in writing that all of the following decision criteria have been satisfied:

1. The approval will not be injurious to the public health, safety, and general welfare of the community.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
3. The need for the variance arises from some condition peculiar to the property involved.
4. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship as they are applied to the property for which the variance is sought.
5. The granting of the variance approval does not interfere substantially with the comprehensive plan.

Section 7. Denial of Application.

A. Special Exception and Variance Applications.

1. The Board shall deny any request for a special exception or variance for which the petitioner fails to show to the Board's satisfaction that all required criteria for approval have been met.
2. The Board shall make written findings on each of the criteria.

B. Re-filing of an Application.

No Application for a special exception or variance which has been denied by the Board shall be placed on the Board's Docketed Agenda for a public hearing within a period of one (1) year from the date of disapproval, unless the Board, by majority vote of all members present, allows a re-docketing within the one (1) year period.

Section 8. Termination of Special Exception.

A Special Exception may be terminated by the Board in accordance with the Rushville Zoning Ordinance.

Section 9. Expiration of Approvals

A Special Exception or Variance ceases to be authorized and is expired consistent with the provisions of IC 36- 7-4-1109 if the execution of the approval has not been completed.

Section 10. Administrative Appeal.

- A. An appeal from any order, requirement, decision, or determination made by the Planning Director, or other official in the enforcement of the Zoning Ordinance, will be reviewed by the Board.
- B. The appeal shall be submitted on the form prescribed by the Board and shall specify the grounds thereof in such a manner that the Board may be fully informed of the facts and elements involved and a clear statement of the reasons why the appellant deems the appeal to be justified.
- C. The Planning and Zoning Office Staff, or other official shall, upon request of the Board, submit to the Board the complete record including any documents, plans or drawings, leading to the decision being appealed.
- D. Upon receipt of the Appeal Application, the Planning Director shall set a date, time and place for a hearing thereon, and shall notify the appellant of such date, time and place.
- E. Any communication purporting to be an appeal shall be regarded as a mere notice or intention to seek relief and shall be of no force or effect until the Administrative Appeals is made in the form required.
- F. Board Action
 - 1. The Board action on an Appeal may be to:
 - a. Uphold the decision of the Planning Director or designee.
 - b. Reverse the decision of the Planning Director or designee; or,
 - c. Modify the decision of the Planning Director or designee.
- G. The Board may continue an Administrative Appeal based upon a request for the Planning Director, or designee, the applicant, or by the Board for additional information prior to acting on said Administrative Appeal.
- H. The Board may dismiss an Administrative Appeal for lack of prosecution or lack of jurisdiction. If an applicant fails to appear at the scheduled public meeting, the Administrative Appeal may be dismissed for lack of prosecution.
- I. The final disposition of the Administrative Appeal before the Board, shall be in the form or an order, providing written findings, supporting the decision to either uphold, reverse, or modify the requirements, order, decision, or determination appealed.

Section 11 – Judicial Review.

- 1. Petition for Judicial Review shall be filed thirty (30) days after the final Board decision. [IC 36-7-4-1600 et. seq.]
- 2. If such petition for Judicial Review is filed, any work being done pursuant to the decision must cease until the petition for review is processed.
- 3. Any work done pursuant to the Board's final decision within that thirty (30) day appeals period is at the sole liability of the petitioner/applicant.

ARTICLE VIII. – BOARD RECORDS.

Section 1. Responsibility.

- A. It shall be the duty of the Board's Staff to maintain all Board files and records, including the official minutes of all meetings. [IC 36-7-4-915]
- B. The Board Docketed Agenda and minutes may be combined into one (1) hard copy file for the convenience of the public to review.

Section 2. Docket.

- A. The Board's Staff shall maintain a Docket of all Applications Docketed the Board Agenda.
- B. The following shall be entered in the Docket of all Application:
 - 1. Docket Number.
 - 2. Applicant Name.
 - 3. Owner's Name.
 - 4. Address of Property that is the subject of the Application.
 - 5. Article and Section number from the City of Rushville Zoning Ordinance.
 - 6. Brief description of the requested action to be taken by the Board.
 - 7. Dates of Notice to Interested Parties mailed.
 - 8. Date Legal Notice (legal advertisement) appeared in the newspaper of general circulation.
 - 9. All continuances, postponements of the Application.
 - 10. Final disposition of the Application.

Section 3. Minutes.

- A. The Board's Staff shall prepare an accurate record of all hearings and official actions of the Board.
- B. The minutes representing such record shall be made available within a reasonable time after the Board meeting or action to all Board Members.
- C. Minutes shall record the Board decision on each Application, including the vote of each Board member present.
- D. Board minutes are not official minutes until said minutes are voted upon by the Board and the vote recorded.
- E. Upon approval by the Board, copies of such minutes shall be made available to interested parties. [IC 36-7-4-915]

Section 4. Digital, Audio, Video Recordings.

- A. Board's staff may record by digital, audio, or video recording of all Board proceedings (Regular Meeting, Special Meetings, Training Meetings, etc.)
- B. If Board proceedings are recorded, said recordings shall remain accessible in the Board's Office for a period of five (5) years from the date of the Board's proceeding.
- C. Board's recorded proceedings shall not be removed from the Board's Office, except as order by a court of competent jurisdiction.
- D. If a Third-Party provider makes recordings of Board proceeding, the recording shall be available to the Board's Staff for a period of five (5) years from the date of the recording.

- E. Interested parties may listen to the Board's recorded proceedings in the Board's Office, under the direct supervision of the Board's Staff, after making an appointment to listen to said Board's recorded proceedings.

Section 5. Board Case Files.

- A. Case file for each docketed Application before the Board shall be maintained in the Board's Office.
- B. The Board's Docketed Application file shall contain as a minimum:
 - 1. Signed and Notarized Original Application.
 - 2. Supporting Documentation/Material.
 - 3. Any Exhibits
- C. Any other materials pertinent to the decision, or conditions, related to the binding effects of the Board's actions.

Section 6. Public Record.

- A. Records of the Board shall be made available to the public under the Indiana Access to Public Records law, and as amended. [IC 5-14-3].
- B. Public who wish to inspect and copy public records may do so during regular business hours, except as set out in IC 5-14-3.
- C. Request to view and copy public records is to be presented in writing.
- D. When Board Staff receives a written request to view and copy any public record, Board's Staff shall contract the Board Legal Counsel for assistance procedure and for guidance if any records are exempt from public access.

ARTICLE IX. BOARD OF ZONING APPEALS VARIANCE HEARING OFFICER.

Section 1. Establishment and Appointment of Variance Hearing Officer.

- A. There is hereby established an alternate procedure whereby a Variance Hearing Officer was created by an amendment to the City of Rushville Zoning Ordinance, as set out in IC 36-7-4-923 and IC 36-7-4-924 and as either or both are amended hereafter.
- B. The Variance Hearing Officer will be a Board Staff member as appointed by the City of Rushville Advisory Plan Commission. [IC 36-7-4-923(a)].

Section 2. Powers of the Variance Hearing Officer.

- A. The Variance Hearing Officer shall conduct public hearings for Variance from Development Standards to vary the required dimensions set out in the City of Rushville Zoning Ordinance.
- B. The Variance Hearing Officer may place reasonable conditions upon any approval.
- C. The Variance Hearing Officer shall provide written Finding of any Approval or Denial of any Variance.
- D. The Variance Hearing Officer shall not conduct a public hearing on Variance of Use, Special Exception Use or Administrative Appeal of any decision of the Board Staff.
- E. The Variance Hearing Officer may not modify or terminate any conditions of approval previously enacted by the City of Rushville Board of Zoning Appeals.

Section 3. Schedule Public Hearing before the Variance Hearing Officer.

- A. Public Hearing before the Variance Hearing Officer are not set by a published meeting schedule.
- B. Public Hearings before the Variance Hearing Officer will be scheduled with Board Staff, to ensure that all required timeframes set out in IC 36-7-4-920 are not violated.
- C. Scheduling of Public Hearing date shall allow sufficient time for:
 - 1. Staff to prepare Legal Notice (legal advertisement) and sufficient time for the newspaper to place said required Legal Notice.
 - 2. Applicant if choosing the Alternate method of notifying Interested Parties to obtain the required signatures.

Section 4. Notice for Hearing Before the Variance Hearing Officer.

- A. Rules adopted by Rules adopted by the Board regarding notice requirements for public hearings (including legal ad publication) shall apply to hearings before the Variance Hearing Officer, with the following exceptions:
 - 1. Individual notice needs to be given only to an Interested Parties (property owner) of property immediately adjoining the property so stated in the Application. Properties separated from subject property by streets, alley, railways, easement, or other types of public right-of-way are considered adjoining property.
 - 2. Legal Notice (legal advertisement) and Notice to Interested Parties shall contain the same information for notices before the Board, as set out in Article IV of these Rules.
 - 3. The Applicant may notify Interested Parties of the hearing before the Variance Hearing Officer by:
 - a. By certificate of mailing prepared by Board Staff, or,
 - b. As an alternative, present a list prepared by Board Staff, bearing the printed name and signature of all property owners, acknowledging notice of the Application and hearing, date, time and place.
 - i. If the Applicant chooses the alternate procedure, the list presented to Board Staff shall have the affidavit attesting to the validity of the list, with the Applicant's signature notarized.
 - ii. Said list shall be considered evidence of notice to Interested Parties.
 - iii. Notarized List shall be presented to the Board's office no later than five (5) days before the scheduled hearing.
 - 4. The Applicant shall post hearing yard sign as set out in Article IV of these Rules.
- B. If the Docketed Application is transferred to the Board, no notice of transfer or scheduling of the public hearing before the Board need be given by the Variance Hearing Officer, except for notice by publication in the Newspaper of general circulation, posting to the newspaper's website [IC 5-3-1] and posting on the City of Rushville's Official website.

Section 5. Hearing Before the Variance Hearing Officer.

A. Rules.

All Rules adopted by the City of Rushville Advisory Board of Zoning Appeals for the conduct of public hearing shall apply to the hearing and proceedings of the Variance Hearing Officer, except for Notice to Interested Parties as set out in this Article.

B. Conflict of Interest.

1. The Variance Hearing Officer may not participate in a public hearing or decision of an Application which the Variance Hearing Officer has an economic interest as described in Article V, or a personal interest.
2. In the event such a conflict of interest occurs, the Variance Hearing Officer shall enter the disqualification on record.
3. In such case the Planning Director may refer the Application to the Chairperson of the Board or the Variance Hearing Officer or may refer the Application to the Board.

C. Unavailability of Variance Hearing Officer.

In the event the Variance Hearing Officer is not available, due to sickness or unavailability, to conduct a public hearing for Application which are scheduled before the Variance Hearing Officer, the Planning Director may refer the Application to the Chairperson or the Board or the Variance Hearing Officer may refer the Application to the Board.

D. Records.

The Variance Hearing Officer shall prepare and maintain a record of all public hearings in as set out in Article VIII of these Rules of Procedures.

E. Notice of Decision.

1. Within five (5) calendar days of the decision, the Variance Hearing Officer shall issue written notice of decision, including written Finding of Facts.
2. A copy of the written decision and Finding of Fact shall be provided to the Applicant.

Section 6. Transfer of Application from Variance Hearing Officer to the City of Rushville Advisory Board of Zoning Appeals.

A. Limitation on Transfer Request.

Once an Application has been filed for consideration before the Variance Hearing Officer; the Application may not be transferred to the Board for public hearing upon request by either the remonstrator(s) or the Applicant(s), unless otherwise allowed by law.

B. Transfer by Variance Hearing Officer.

1. The Variance Hearing Officer may transfer an Application scheduled to heard by the Variance Hearing Officer to the Board without first conducting a public hearing or before making a decision, when the Variance Hearing Officer determines that it would be in the best interest of all parties and/or the public for the Board to conduct the public hearing and render a decision.
2. In any case where there appears to be conflicting interests or controversy, the Variance Hearing Officer shall automatically transfer the Application to the Board.

3. In any case where the Variance Hearing Officer imposes reasonable condition(s) and if the Applicant does not accept the reasonable condition(s) the Applicant shall:
 - a. Be considered withdrawn, or
 - b. Transferred to the Board, if requested by the Applicant. [IC 36-7-4-924]
4. If Staff issues written objections to the Application, the Application is considered:
 - a. Withdrawing; or
 - b. Transferred to the Board, if requested by the Applicant. [IC 36-7-4-924]
5. If Staff does not object to approval of Application if specified conditions are attached and the Applicant does not accept the conditions, the Application shall:
 - a. Be considered withdrawn; or
 - b. Transferred to the Board, if requested by the Applicant. [IC 36-7-4-924]

C. Notice.

1. In the event the Variance Hearing Officer determines that a pending Application should be transferred to the Board,
 - a. If decision to transfer is made prior to the issuance of the Legal Notice and Interested Party Notice, the Variance Hearing Officer shall provide written notification s the Applicant of the decision to transfer the Application to the Board.
 - b. If the decision to transfer the Application toe Board is made after the Leal Notice and Notice to Interested Parties have been issued, the Variance Hearing Officer shall make an oral announcement at the scheduled public hearing of the Application that said Application have been transferred to the Board. The oral announcement shall include the date and time the public hearing will be held before the Board.
 - i. Except for notice by publication under I.C. 5-3-1, no other notice of the transfer or scheduling of the public hearing before the Board needs to be given by the Variance Hearing Officer.

Section 7. Appeal – Decision of Variance Hearing Officer

A. Appeals.

1. The Variance Hearing Officer’s decision made under the alternate procedures [IC 36-7-4-923 & 36-7-4-924], may not be a basis for judicial review.
2. The decision of the Variance Hearing Officer may be appealed to the Board.

B. Appeal.

1. An Interested Party may file a written appeal with the Board within five (5) days after the decision of the Variance Hearing Officer is provided in writing. [IC 36-7-4-924]
2. The written appeals shall contain:
 - a. A concise and plain statement of the nature of the matter involved and describe the reasons why such a decision is believed to have been arbitrary and capricious, illegal, or contrary to law or the provisions of the ordinance or these rules, as the case may be.

- b. Such written request shall also be verified and signed by the aggrieved Interested Party.
 - i. Interested Party requesting the Appeal shall be required to pay any filing fee imposed by these rules or Fee Ordinance of the Board.
 - 3. The appeal will be scheduled for the next available Board Meeting.
 - 4. Any written request for an appeal that is not timely filed shall not be accepted for filing and the Interested Party otherwise aggrieved shall be construed as having waived their right to appeal such decision.
- C. Notice.
 - 1. Notice of an appeal of the Variance Hearing Officer shall be given by publication as set out in IC 5-3-1, to Interested Party(ies), as is required for any public hearing before the Board.
 - 2. Notice shall be given to interested parties as set out in this Article.
- D. Hearing.

The Board shall conduct a new hearing on the Application as set out in Article VI of these rules of the Board.
- E. Action by the Board.
 - 1. At the conclusion of the public hearing, the Board shall:
 - a. Affirm.
 - b. Reverse, or
 - c. Modifythe decision of the Variance Hearing Officer from which the appeal is made.
 - 2. Board action shall be considered as a final decision from which a further appeal may be prosecuted, in as set out in State Law.

ARTICLE X. AMENDMENTS, AND SUSPENSIONS.

Section 1. Prior Rules

Any Rule which may have been previously passed and approved, setting forth the procedures and duties of the City of Rushville Advisory Board of Zoning Appeals, are hereby repealed.

Section 2. Amendments

Amendments to these Rules of Procedures may be made by the Board at any regular or special meeting, upon which a majority of the members present vote in the affirmative.

Section 3. Suspension of Rules.

- 1. The Board at any regular or special meeting, by a vote of the majority of the Board Members present may vote to suspend these Rules of Procedures.
- 2. The suspension of the Rules of Procedures does not suspend compliance with any law, federal, state, or local.

ARTICLE XI. SEVERABILITY.

If any section, clause, provision, or portion of these Rules shall be deemed invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of any other section, clause, provision, or portion of these Rules.

ARTICLE XII. CERTIFICATION OF ADOPTION.

These Rules of Procedure of the City of Rushville Advisory Board of Zoning Appeals are hereby approved by the affirmative vote of the majority of the Board at their meeting this 16th day of November, 2022.

CITY OF RUSHVILLE ADVISORY BOARD OF ZONING APPEALS.
RUSHVILLE, INDIANA

APPROVED THIS 16th DAY OF November, 2022.



Joe, Rathz, Chairperson



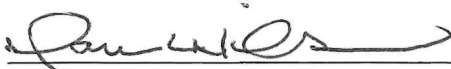
Jeff Houser, Member



Lisa Winship, Member

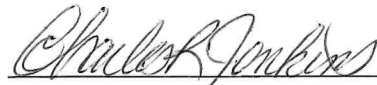


JR Williams, Member



Dan Wilson

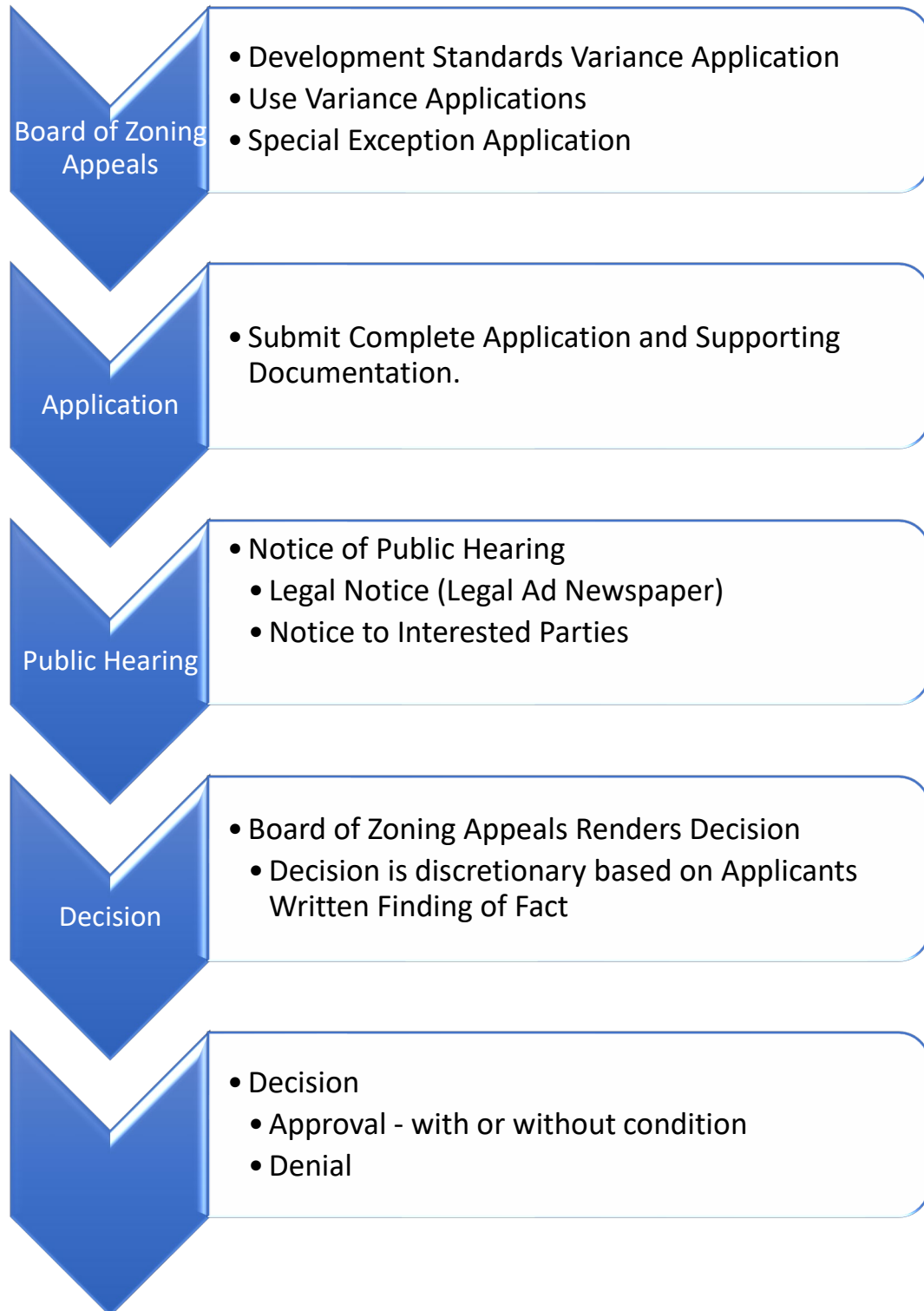
ATTEST:



Charles R. Jenkins, Secretary.

APPENDIX

Process Board of Zoning Appeals



Process Variance Hearing Officer for Board of Zoning Appeals

