RULES OF PROCEDURE

WARRICK COUNTY

AREA BOARD OF ZONING APPEALS
(2013

BOARD OF ZONING APPEALS

RULES OF PROCEDURE

The Board of Zoning Appeals of Warrick County, Indiana is established by, and the appointment and terms of members shall be in accordance with I.C. 36-7-4-900 et seq.

The following rules are adopted in accordance with I.C. 36-7-4-916. If anything in these rules conflicts with the zoning codes, the latter shall prevail.

RULE 1

DEFINITIONS AND CITATION FORM

1.1 Definitions:

These definitions apply to each provision of the rules.

1.2 Board – Defined:

Board means the Warrick County Board of Zoning Appeals.

1.3 Executive Director – Defined:

Executive Director means the duly appointed Executive Director of the Board.

1.4 Chairman – Defined:

Chairman means the Chairman of the Board.

1.5 Vice – Chairman – Defined:

Vice – Chairman means the Vice – Chairman of the Board.

1.6 Attorney – Defined:

Attorney means the Attorney appointed by the Board.

1.7 Citation:

These rules shall be cited as "Warrick County Board of Zoning Appeals rule(s) 0.0"

RULE 2

OFFICERS AND STAFF

2.1 Election of Officers:

(a) The officers of the Board are the Chairman and Vice – Chairman.

(b) The officers of the Board shall be elected at the first regular meeting of the Board in each year.

(c) The person serving as presiding officer of the Board at the last meeting of the proceeding year shall entertain nominations for each office chosen under these rules.

(d) Whenever a candidate receives a majority vote of the entire membership of the Board, that person shall be declared elected.

(e) Each officer elected under these rules shall enter into office immediately upon being declared elected and shall serve until his successor is declared elected and shall serve until his successor is declared elected at the first meeting of the following year, or until the officer is no longer a member of the Board.

(f) Whenever any office becomes vacant, the Board shall elect a successor at its next regular meeting to complete the remainder of the unexpired term.

2.2 Chairman:

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

(b) The Chairman may participate in the discussion of all matters before the Board, make a motion and vote on any question before the Board.

(c) The Chairman shall sign all official documents on behalf of the Board.

2.3 Vice-Chairman and Chairman Pro Tempore:

(a) The Vice – Chairman shall act as Chairman during the absence or disability of that officer.

(b) The Board shall elect a Chairman pro tempore from among its members if both the Chairman and Vice – Chairman are absent or disabled.

2.4 Executive Director:

(a) The Board shall appoint the Executive Director of the Area Plan Commission to serve as Executive Director of the Board and who is not a member of the Board.

2.5 Employees:

(a) The Board shall appoint the staff under employment in the Area Plan Commission office. The Board can delegate authority to the employees to perform ministerial acts in all cases except where final acting of the Board is required by the Area Planning Law.

2.6 Committees:

(a) The Chairman may appoint special committees for any purpose and for any term subject to the approval of the Board.

2.7 Attorney:

(a) The Attorney shall be appointed by the Area Plan Commission and with the approval of the Executive Director and shall serve for both the Area Plan Commission Board Members and Board of Zoning Appeals.

RULE 3

MEETINGS AND PUBLIC HEARINGS

3.1 Application:

This rule applies to all public hearings required by State Law or by the Warrick County Area Comprehensive Zoning Ordinance and Subdivision Control Ordinance and to all regular and special meetings of the Board.

3.2 General Rules:

(a) No action taken by the Board is official unless authorized by a majority of the membership of the Board at a regular or properly called special meeting.

(b) All meetings at which official action is taken shall be open to the general public.

(c) 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 staff. No items 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 by written request.

(d) The Agenda shall be sent by U.S. Mail or Via E-Mail to all members of the Board and shall be available for public inspection at the Area Plan Commission office no later than two days before any meeting.

3.3 Quorum and Voting:

(a) A majority of the entire membership of the Board constitutes a quorum.

3.4 Regular Meetings:

(a) The Board shall conduct its regular meetings on the 4th Monday of each month at 6:00 P.M. in the Commissioners Meeting Room, 3rd Floor, Courthouse, Boonville, Indiana.

(b) If the date of a regular meeting falls on a legal holiday recognized by Warrick County, or if it is impossible to conduct the meeting at that time or place, the Chairman may set an alternative date, time or place for regular meeting or may cancel the meeting with the unanimous consent of the members of the Board, so long as the Chairman complies with the requirements of the State Open Door Law (IC5-14-1.5).

3.5 Special Meetings:

(a) Special meetings may be called by the Chairman or by any two members of the Board upon written request to the Executive Director.

(b) The notice for the meeting shall specify its purpose. No other business may be considered at that meeting except by unanimous consent of the Board.

(c) The Executive Director shall notify all members of the Board in writing or Via E-Mail not less than two days in advance of any special meeting and shall arrange for all notice required under the State Open Door Law.

(d) The order of business for special meetings shall be:
(1) Call to order;
(2) Roll call;
(3) Determination of quorum;
(4) The business for which the special meeting was called;
(5) Adjournment

3.6 Public Hearings:

(a) 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.

(b) In addition to those required by law, the Board, may at its discretion, hold public hearings when it decides that hearings will be in the public interest.

(c) Notice of all hearings shall be published in the Boonville Standard at least ten (10) days before the date of the hearing (IC-5-3-1).

(d) Per Article XXXII, Section 5 of the Comprehensive Zoning Ordinance, an alternate procedure by which a more expedient disposition can be had of (1) Variance from the development standards such as height, bulk, area and yard requirements, and (2) Special Uses, the Executive Director of the Area Plan Commission is hereby appointed as Hearing Officer with the power of a Board of Zoning Appeals to approve the same, provided that the applicant for such Variance or Special Use files with such application on forms approved by the Executive Director written consents of all adjoining property owners to the proposed request and provided further that the granting of such proposed request meets all other requirements of the Comprehensive Zoning Ordinance the same as if such application had been presented to and been granted by the Board of Zoning Appeals. The Hearing Officer shall maintain minutes and records of all proceedings had under this alternate procedure and shall file the same as public records. If, in the opinion of the Hearing Officer, the public health, safety, morals, and general welfare of the community may be adversely affected, even though consents of all adjoining property owners have been obtained, the application may be transferred to the Board of Zoning Appeals for hearing and determination.

3.7 Procedure for Debate and Presentations:

(a) The Chairman may impose reasonable limits upon the time for consideration of any item upon the Board Agenda or upon the presentation by any individual so that adequate time is affordable to opponents and proponents of any petition or other item before the Board.

(b) The Chairman shall preserve order and may warn any member or 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.

(c) Except as provided below with respect to an application for SU-13, the petitioner and owner of record or legal representative, either an Attorney at Law or an Attorney in Fact (provided the power of attorney has been recorded in the Office of the Warrick County Recorder and a copy provided to the Board) must appear before the Board for the case to be considered. In the event the application is for SU-13 and there are two (2) or more surface owners of the subject property, then only the petitioner shall be required to appear before the Board, provided that the surface owners of the subject property have been given notice pursuant to Rule 6.1(5)B or have signed the SU-13 Application."

(d) The Board staff must be informed in writing prior to the meeting if the petitioner or property owner desires an extension of time. The Board shall determine at the hearing whether the petitioner's request should be granted. If a petitioner or property owner fails to appear without sufficient reason, the Board may dismiss the petition.

(e) Any person may appear in person or counsel to participate in a discussion of an item before the Board or to present a petition or remonstrance to the Board.

(f) Any person wishing to speak for or against an application must step to the podium and state their name and address. The Chairman may require any person wishing to speak for or against an application to register with the Executive Director.

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

(h) The hearing on each item shall be conducted in the following order:

(1) The Chairman reads the application from the Agenda and asks that the petitioner, owners of record or their legal representatives come forward to the podium and state their names for the record.

(2) The applicants must submit to the Executive Director the green return receipts from the certified mailing return receipt requested to the abutting property owners which was a notice of the petition having been filed and the date, time, and place of the public hearing. Any unclaimed certified mail return receipt requested may also be submitted. If return receipt or unclaimed mail has not yet been returned from the Post Office, applicant may submit receipt of mailing of certified mail return receipt requested, provided copies of the Real Estate Transfer Card from County Auditor's Office is also provided as proof of correct mailing per their records. This shall suffice as proof of providing adequate notice and the application shall be considered; however, the applicant must submit to the Area Plan Commission Office any return receipt or unopened, returned certified mail once it is returned to the applicant to be placed in the permanent file. THIS IS IMPORTANT. If the above requirements are not met, the application will be postponed until the next regularly scheduled meeting.

(3) The Executive Director reports on whether or not all return receipts have been submitted and the Chairman determines if the petition is to proceed, proof being furnished of proper notice.

(4) The Executive Director gives a staff report and explains the size of the parcel being considered and its general location; explains the nature of the case and provided to the Board any information felt relevant to the consideration of the petition.

(5) The petitioner presents facts relating to the case. The Board's guideline is to limit the presentation to twenty (20) minutes.

(6) The Board members direct questions to the petitioner. There is no time limit on this phase of the hearing.

(7) The Chairman asks for remonstrators. The Board's guideline is to limit the remonstrance to twenty (20) minutes and no repetitive comments will be entertained.

(8) The Executive Director reads any written letters in support and/or objection received prior to the public hearing. Written objections and/or letters of support to be read are not to be duplicated orally at the hearing by the same individual having submitted the written objection or letter of support.

(9) The petitioner may rebut the testimony of those against the proposal. The rebuttal is limited to five (5) minutes.

(10) The Chairman shall conclude the public hearing and call for a motion on the item before the Board.

3.8 Continuances:

(a) The Board may continue any item from one meeting to another. No notice shall be required for the continued consideration of any item except that required by State Law.

(b) Any application not receiving official action due to not receiving a majority vote of the membership will automatically carry over to the next Board regular meeting unless the applicant requests to withdraw the petition. This action shall be limited to no more that two (2) carry overs and if official action is still not received the application shall be considered not approved and taken off the agenda.

3.9 Procedural Rules:

The most recent edition of Robert's Rules of Order shall govern the conduct of all meetings, public hearings except to the extent that it conflicts with Warrick County Law or these rules.

RULE 4

4.1 Docket:

(1) Each application to be publicly heard before the Board shall be filed in proper form with the required data and within the time as prescribed by the instructions furnished to the applicant. The case will then be serially numbered and placed on the docket/agenda of the Board. Docket numbers shall include the year and shall begin a new on January 1 of each year.

(2) When an application receives a docket number, it shall be placed on the agenda for hearing.

RULE 5

5.1 Variance

(1) A person requesting a variance must submit an application to the Board of Zoning Appeals at the Area Plan Commission Office. The application must be filed

within such time and in such form as prescribed by the office of the Area Plan Commission in the document, Instructions for Variance Application.

(2) The Board shall consider the following factors in relation to the Variance request,

a. That a Variance is a means of relief which is available only when some peculiar circumstance as to SIZE OR SHAPE of the parcel of land (and sometimes its LOCATION is such that literal application of the provisions of the Article would impair the owner's rights to some reasonable use of the property. A VARIANCE shall not be granted unless, in the first place, there are such peculiar circumstances.

b. That the circumstance which cause the HARDSHIP must be peculiar to the property in question, or to such a small number of properties that they clearly constitute marked exceptions to the property in the neighborhood. If the circumstances cited as a basis for applying for the Variance are common to the property in the neighborhood the VARIANCE shall not be granted.

c. That after establishing the peculiar circumstance applying to the property in question, it is next necessary to show that the VARIANCE is required in order to preserve a substantial property right of the petitioner. It is of no moment whatever that the denial of the Variance might deny to the property owner some opportunity to use his property in a more profitable way or to sell it at a profit than is possible under the terms of the Article. The owner is entitled only to a reasonable use of his property.

d. That any alleged hardship is not self-created by any person having an interest in the property nor is the result of mere disregard for or ignorance of the provisions of this Article.

e. That the REGULATIONS to which the Variance is sought shall be modified as little as possible so that the substantial intent and purpose of the regulations shall be preserved. The granting of the VARIANCE should be made subject to such conditions as will constitute to this end.

f. That the VARIANCE will not result in substantial determent to adjacent property or the surrounding neighborhood, and will not be materially detrimental to the public welfare.

3. After a public hearing on the variance, the Board shall act on the petition.

4. No variance may be granted except on a finding of all the following factors:

(a) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;

(b) The use and value of the area adjacent to the property included in the Variance will not be affected in a substantially adverse manner; and

(c) The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of property.

5.2 Grant of Variance:

(1) The grant of a Variance by the Board of Zoning Appeals in a proper case where practical difficulty and unnecessary hardship shall have been found shall be by RESOLUTION. The granting of a VARIANCE, SHALL NOT BE BY AN ORDINANCE amending the Comprehensive Zoning Ordinance.

5.3 Conditions and Limitations:

(1) In connection with any approval by the Board of Zoning Appeals for the granting of a VARIANCE, the Board shall include any conditions, requirements or limitations to be attached to the VARIANCE, which the Board may believe to be necessary and desirable to protect adjacent properties and the surrounding neighborhood, and to carry out the purposes and objectives of this Article. The Board shall incorporate such conditions, requirements and limitations in any grant of a VARIANCE which the Board in its judgment deems reasonable and appropriate to effectuate the principles and purposes of the Comprehensive Zoning Ordinance.

5.4 Time Limit:

(1) Any VARIANCE granted by the Board of Zoning Appeals shall expire six (6) months after the effective date of such action by the Board unless a permit based upon and incorporating the VARIANCE is obtained within the six (6) months period, or unless the provisions of the VARIANCE are adhered to within the aforesaid six (6) months period. However, upon application, the Executive Director of the Commission may renew said VARIANCE for one additional period of six (6) months, provided good cause is shown, and the application for extension shall be filed with the Executive Director two weeks prior to the expiration of the aforesaid six (6) months period.

RULE 6

6.1 Special Uses:

(1) Objective

Certain uses are necessary to the life and economic health of the community, but have characteristics of operation that do not readily permit classification in the usual residential, commercial, or industrial districts. Because of the various types of uses and locations requiring this special consideration, the specific conditions under which each use may be permitted must be considered. These uses are specifically listed in Section 5 conditions for the approval of a special use are enumerated in Section 3.

(2) Special Uses As Secondary Classifications

Special uses are secondary classifications. If an application is approved by the Board of Zoning Appeals the special use designation shall be placed on the zoning map in addition to its primary zoning classification.

(3) Special Use Designations

The following uses are subject to the requirements of this chapter:

SU-1 Commercial and private non-commercial recreational areas, uses and facilities including country clubs, social centers, swimming pools, golf courses, and golf driving ranges.

SU-2 Riding stables, dude and guest ranches and riding trails, fair ground, riding academy, or stable.

SU-3 Borrow pit and earth storage areas.

SU-4 Commercial baseball or athletic fields, stadium or racetrack, auditoriums, or arenas.

SU-5 Commercial facilities for the sale of livestock, animal breeding, research laboratory and confined feeding operations.

SU-6 Gun clubs, skeet shoots or target ranges and paint ball facilities (indoor & outdoor).

SU-7 Airports or heliports.

SU-8 Electronic message boards and/or signs with flashing, moving, rotating or intermittent lights or animated messages.

SU-9 Hospitals. (Note: Nursing homes, convalescent or custodial care centers would be uses allowed within the classification.)

SU-10 Cemeteries, mausoleums, columbaria or crematoria.

SU-11 Public parks or public recreational facilities.

SU-12 Home occupations.

SU-13 Mineral extraction, storage, and processing, and/or oil/gas productions.

SU-14 Temporary Mobile Offices.

SU-15 Colleges, universities and schools (public and private) and libraries.

SU-16 Accessory living quarters clearly complementary to main use and not for rental purposes.

SU-17 Adult businesses including adult arcades, adult bookstores, adult novelty stores or adult video stores, adult cabaret or juice bars, adult motion picture theaters, adult theaters, nude model studios, sexual encounter centers, and peep show facilities, or other forms of visual or audio

representations which meet the definition of "harmful to minors", under I.C. 35-49-2-2.

SU-18 Radio or television towers, wireless communication facilities and/or towers, and installation of cellular antenna towers and similar uses excluding exempt public utilities; amateur radio antennas which exceed the height regulations of the district in which it is proposed to be located.

SU-19 Churches and church-operated incidental/accessory facilities (on same site) and religious facilities.

SU-20 Hazardous Waste processing and autoclave and other similar facilities.

SU-21 Private Aircraft landing facilities.

SU-22 Mobile Homes (Single Site).

SU-23 Self-Storage Warehouse Facilities with outside storage ***except in "M-1" Light Industrial and "M-2" General Industrial zoning districts.***

SU-24 Kennel (without veterinary clinic or other accessory businesses)

SU-25 Drive In Restaurant and/or outside entertainment

SU-26 Road Side Stand (temporary location for sale of agricultural products.)

SU-27 Child Care Center which has at least seven (7) and no more than twelve (12) children not related to the provider.

SU-28 Home Workshop

(4) District Limitations.

Only those special uses which are indicated on Table "A" shall be permitted in the zoning districts indicated.

(5) Procedure

A. A person desiring a special use classification must submit an application to Board of Zoning Appeals at the Area Plan Commission office. The application must contain a site plan showing the following:

1. The proposed use of the land;

2. The location and size of all buildings and structures, including signs;

3. The location of streets, access drives, and off-street parking and loading facilities;

B. After receipt of the application, the Board of Zoning Appeals shall conduct a public hearing pursuant to I.C. 36-7-4 for which twenty-one (21) days prior notice has been given by the applicant by certified mail, return receipt requested, to (i) abutting surface property owners; (ii) in the case of a SU-13 Application if there are two (2) or more owners of the surface of the subject property, to the owners of the surface of the subject property, unless such owners have signed the SU-13 Application, and (iii) to the public by legal advertisement. Also, no less than ten (10) days prior to the hearing, a notice containing the date, time, place and purpose of the hearing must be posted conspicuously on the property by the petitioner.

1. Whether the specific site is appropriate location for the uses;

2. Whether the use as developed will adversely affect the surrounding area;

3. Whether there will be nuisance or serious hazard to vehicles, pedestrians, or residents;

4. Whether adequate and appropriate facilities will be provided for proper operation of the uses;

5. Whether the use is in harmony with the Warrick County Comprehensive Plan and;

6. Whether the use is essential or desirable to the public convenience and welfare.

C. The Board of Zoning Appeals approval or modification of a special use classification may include whatever reasonable conditions, limitations, or temporary uses necessary for the protection of the public interest including the following:

1. Greater front, side, and rear yards than the minimums for the area;

2. More off-street parking and screening;

3. Modifications of exterior design or materials;

4. Limitations on the lot coverage and occupancy of the building or structure;

5. Limitations on signs and sign coverage; and

6. Time limitations.

D. To protect the public interest and to ensure compliance with requirements to be included in the site plan, the Board of Zoning Appeals may require whatever evidence and guarantees are necessary to assure compliance with conditions, limitations, and temporary uses.

E. All SU 12 Special Uses shall be subject to the following requirements:

1. No identifying or business sign shall be erected or placed on any site for which an SU 12 has been granted by the Board of Zoning Appeals.

2. Except for the shipment and receipt of goods, products or items necessary for the SU 12, the use shall not be visible from the exterior of the premises.

3. No person or persons may be employed in the SU 12 home occupation at the site other than the resident (or residents) of the site for which the SU 12 has been granted.

4. The use may not be varied from the specified home occupation identified by the applicant for which it is granted.

F. All SU-17 Special Uses shall be subject to the following requirements:

1. No such use shall be located within 1,000 feet of any dwelling unit, duplex, or other building used for residential use or any recorded residential subdivision in the A zoning district.

2. No such use shall be located within 1,000 feet of any residential zoned district.

3. No such use shall be located within 1,000 feet of any religious institution or public or private school.

4. No such use shall be located within 1,000 feet of any public park.

All distance measurements shall be confirmed by a land surveyor registered by the State of Indiana confirming that there are no residential properties, public or private schools, public park, or pre-existing non-conforming uses which are Adult Bookstore, Adult Novelty Store, Adult Arcade, Adult Cabaret, Adult Motion Picture Theater, Adult Theater, Nude Model Studio, Sexual Encounter Center or Peep Show Facility within the distance limitations set forth herein.

G. In addition to all other procedures listed above, the petitioner for a SU-17 shall send notice as called for in Subsection (B) above to not only the abutting property owners, but the applicant shall send notice by certified mail, return receipt requested, to all property owners of property within 1,000 feet of the property requested for Special Use. A list of all such property owners shall be given to the Area Plan Commission at the time of filing the application.

H. The distance provided in (F) and (G) above shall be measured by the following; a straight line, without regard to intervening buildings, structures, or other obstacles, from the nearest point of the property or the land use district boundary line from which the land use is to be separated.

I. All SU-18 Special Uses shall be subject to the following requirements:

1. Commercial site plan meeting the requirements for review by the Site Review Committee, including a surveyor certification of the exact location of tower from property lines; center lines of abutting streets or right-of-way; distance to the nearest residential district, residence, or recorded residential subdivision.

2. Structural plans including elevation and plan views showing height above grade level and dimensions is required in addition to site plan.

3. Information regarding the number of antennas that the proposed new tower or structure is designed to or can safely accommodate.

4. Evidence demonstrating that no existing tower or structure can accommodate applicant's proposed antenna, either because there are no existing towers or structures meeting the applicant's engineering requirements within the geographic area that the antenna is intended to service, or if there are towers or structures in the geographic area, evidence that such structures do not have sufficient height or structural strength to meet the applicant's engineering requirements. This section shall not be interpreted to mandate, but rather only to encourage co-location.

5. The set back requirements from any residentially dwelling property or undeveloped residentially district or recorded residentially subdivision shall a distance of two (2) feet for each foot of height of the tower or three hundred (300) feet whichever is greater.

6. Wireless communications facilities that include towers are not permitted in residential districts. However, in these districts, commercial telecommunications antennas attached to existing buildings or structures are permitted on any property with a commercial use or an institutional use such as church, park, library, government, school, hospital, utility or similar use. Commercial antennas mounted on roofs, walls, and existing structures may be approved by Site Review Committee, providing the antennas meet the requirements of the district in which they are located and do not exceed the building height by more than twenty (20) feet.

7. The use of a wireless telecommunications facility by more than one wireless telecommunications provider (co-location) is encouraged, and when new towers are necessary, construction should accommodate multiple users. Co-location of antennas on a single tower antenna attached to existing structures/buildings, or replacement towers to be constructed at the site of a current tower are permitted uses and will not be subject to the Special Use permitting process.

8. Each operator of a telecommunications facility must send to the Area Plan Commission a copy of any notice sent to the FCC of intention to cease operations. All abandoned or unused towers and associated facilities shall be removed within six (6) months of the cessation of

operations at the site unless a time extension is approved by the Board of Zoning Appeals. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted prior to issuance of the required improvement location permit, shall be incorporated as part of the permit, and permit approval shall be conditioned upon removal of the structures(s) within six (6) months after cessation of the use. In the event that the tower is not removed within six (6) months of the cessation of operations at a site, the tower and associated facilities may be removed by the County and the costs of removal assessed against the property.

J. In addition to all other limitations and provisions contained in this Article, any single mobile home site permitted as SU-22 special use shall be subject to the following conditions:

1. Subject parcel must have at least one hundred (100) feet of frontage on a dedicated public right of way.

2. No other residential structure shall be located on the subject parcel.

3. Applicant must obtain an Improvement Location Permit from the Warrick County Area Plan Commission.

(6) Discontinuance Of Special Use

A. If a special use is abandoned for one year or has not been completely established within one (1) year of the date granted, the special use shall be null and void ***unless specified elsewhere in this Article.***

B. A special use may not be altered to become any other use ***nor expanded*** than that which was approved by the Board of Zoning Appeals. ***If the special use approval is altered or expanded the approval shall be null and void unless the applicant/owner comes into compliance, amends his application or files a rezoning petition (if necessary) within forty-five (45) days from the notice of violation.***

RULE 7

7.1 Ethics:

(1) No member of the Board shall participate in the hearing or decision upon any matter in which he is directly or indirectly interested in a financial sense. In the event of such disqualification, such fact shall be entered on the records.

(2) A person may not communicate with any member of the board before the hearing with intent to influence the member's action on a matter pending before the board. Not less than five (5) days before the hearing, however, the staff (as defined in the zoning ordinance), if any, may file with the board a written statement setting forth any facts or opinions relating to the matter.

RULE 8

8.1. Final Disposition of Case:

(1) All decisions of the Board on matters heard in public hearings shall be made by record vote. The vote of each member shall be a matter of permanent record.

(2) The Board shall in all cases heard by it make written findings of fact which, when approved by the Board, shall be filed in the office of the Area Plan Commission to be made available for public inspection.

(3) Every decision of the Board shall be subject to exclusive review by certiorari under I.C. 36-7-4-1002 et seq.

RULE 9

9.1 Amendments:

These rules may be amended by a majority vote of the membership of the Board.

9.2 Suspension:

These rules or any portion of them may be suspended by a majority 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.

9.3 Effective Date:

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

ADOPTION

Rules of Procedure of the Board of Zoning Appeals of Warrick County, Indiana, approved by the affirmative vote of 5 members of said Board at the regular meeting of the Board held on the 24 day of JANUARY, 2011.

Larry K. Willis chairman
Chairman

ATTEST:
Sherri L. Baxter
Executive Director