



APPLICATION FOR APPEAL
BOARD OF ZONING APPEALS
CITY OF NOBLESVILLE

The Noblesville Board of Zoning Appeals (BZA) is authorized, by the Noblesville Unified Development Ordinance, Article 4, Part D, Section 2, to affirm or reverse, in whole or in part, any order, decision, or determination made by the Director Planning that brings forth an appeal application. It may also modify the order or final decision in degrees as, in its opinion, ought to be taken regarding the appeal, and, to that end, has all the powers of the officer from whom the appeal is taken.

I. Filing Requirements (*required in order to file*):

A. Fees:

1. Please make all checks payable to “The City of Noblesville.”
2. **Filing Fee:** When an applicant submits an Application for Appeal of any order, decision, or determination of the Director of Planning, a payment of a **\$200.00 filing fee** must be submitted. Cash, checks, or credit cards are accepted. The filing fee is not refundable.

B. Materials: The applicant must submit the following information unless otherwise instructed:

1. **Application:** A completed Application for Appeal filed not later than forty-five (45) days after the order, decision, or determination appealed was rendered;
2. **Narrative Statement:** A narrative statement explaining the reason for the appeal and how the applicant has been aggrieved by the order, decision, or determination;
3. **Legal Description:** An accurate legal description of the property which is the subject of the Appeal application.
 - a. In the event that the subject property is located within a recorded subdivision, the applicant shall submit the lot number, section number, and recorded name of such subdivision.
 - b. In the event that the subject property is not located within a recorded subdivision, the applicant shall submit a metes and bounds legal description of the subject property. Such legal description should be contained in the deed to the property and should be on file with the Hamilton County Recorder’s Office, located at 33 North 9th Street, Noblesville, Indiana 46060.
 - c. The recording number for, and a copy of, the most recent Deed of Record.
4. **Site Plan:** A current and accurate site plan (not to exceed 11” x 17” in size) of the subject property, drawn to scale, showing the following information:
 - a. The boundaries of the property which is the subject of the APPEAL application.
 - b. The locations and dimensions of all existing and proposed structures;
 - c. The locations and dimensions of all existing and proposed building lines, right-of-way lines, regulated drains, floodways, floodway fringe areas, and easements;

- d. The locations and dimensions of all significant infrastructure, existing and proposed, on the subject site;
- e. The locations and dimensions of all driveways and drainage areas adjacent to the subject property;
- f. The locations and dimensions of all relevant open space areas, buffer yards, landscaped areas, refuse and service areas, and signs; and
- g. Any other information the Board of Zoning Appeals may deem useful in determining if the requested appeal should or should not be upheld.

II. Notice Requirements (*required after filing, but before public hearing*):

A. Newspaper Publication:

- 1. **A legal notice of the scheduled public hearing will be prepared and submitted by the Department of Planning to the Noblesville Times and the Hamilton County Reporter in sufficient time to meet the notice deadlines as shown on the attached “Schedule of Meetings.”**
- 2. **The applicant is responsible for the payment for such publications. Your contact information will be provided to the Noblesville Times and Hamilton County Reporter upon submission of the legal notice.**
- 3. A “Proof of Publication” document will be provided to the applicant and the Department of Planning by the newspaper offices. The applicant is not required to take any further action regarding the newspaper publications.

B. Mailings to Adjoining Property Owners:

- 1. Notice to Affected Property Owners: The applicant is required to send, via Certificate of Mailing (which is different than Certified Mail), written notice to all property owners of record within a distance of two parcels in depth or 660 feet, whichever is less, of the property which is the subject of this Change of Development Plan. The Department of Planning will prepare this notice.
- 2. Within two weeks of the filing deadline, the Department of Planning will provide the prepared written notice to the applicant electronically, or the notice can be picked up at our office.
- 3. **The applicant is responsible for the following tasks prior to the public hearing:**
 - a. Identifying Affected Property Owners: The applicant shall contact the Hamilton County Office of Transfers and Mapping (located in the Old Courthouse on the Noblesville Square) in order to obtain the names and mailing addresses of all Affected Property Owners. Please allow a minimum of 5 business days to obtain this list.

Hamilton County Office of Transfers and Mapping
 33 North 9th Street
 Noblesville, Indiana 46060
 Phone: (317) 776-9624
 Fax: (317) 776-9682

b. Mailing Legal Notices:

- i. The applicant shall mail written notice of the public hearing, via Certificate of Mailing, to property owners of record within a distance of two parcels in depth or 660 feet, whichever is less, of the subject property as identified by the Office of Transfers and Mapping.

- ii. The applicant is responsible for payment of Certificate of Mailing fees.
 - iii. The applicant shall submit all Certificate of Mailing receipts to the Department of Planning at least three business days prior to the scheduled public hearing. It is acceptable to scan those items and email the information to the Department as long as the stamp indicating the date of mailing is legible.
- c. Completion of Petitioner's Affidavit:
- i. An affidavit entitled "Petitioner's Affidavit of Notice of Public Hearing" is attached to this application.
 - ii. Such affidavit shall be completed by the applicant and submitted to the Department of Planning at least three business days prior to scheduled public hearing.
- d. Submission of materials for Board:

If the applicant wishes to submit packets or additional information to the Board prior to the hearing, all information must be submitted to the Department of Planning no later than two weeks prior to the hearing. If the Board receives materials at the hearing, the matter may be continued to the next scheduled hearing to allow for sufficient time to review the material.

III. Public Hearing Procedure:

The full procedure for conduct of the public hearing may be found in the Board of Zoning Appeals Rules of Procedure at this City of Noblesville website page:

https://www.cityofnoblesville.org/egov/documents/1525184972_93109.pdf. Below is the summary of the conduct of the presentation of evidence on individual items at the hearing. Please note that the applicant may appear on their own behalf or be represented by counsel or an agent, but if no one is there to present evidence on behalf of the applicant, the item will be continued to the next meeting.

- A. The Chairman gives a restatement of the case as an introduction to the item.
- B. The Staff presents evidence and offers a recommendation.
- C. The Board members examine the Staff.
- D. The applicant presents evidence and any necessary witnesses.
- E. The Board members examine the applicant and any witnesses.
- F. Members of the public present evidence upon the opening of the public hearing.
- G. The Board members examine the members of the public.
- H. The applicant is given a rebuttal period.
- I. The Board discusses information that has been presented and asks any additional questions.
- J. The Board votes on the agenda item.

IV. After the Public Hearing (required after public hearing):

- A. A written decision on the appeal, detailing the result of the public hearing, will be provided to the applicant within thirty (30) days after the close of the public hearing.
- B. Such decision letter should be retained for the applicant's records.
- C. The written decision on the appeal may include such order or determination as, in the opinion of the Board of Zoning Appeals, is proper to be made regarding the specific action appealed.



**APPLICATION FOR APPEAL
CITY OF NOBLESVILLE
BOARD OF ZONING APPEALS**

Application Number: _____

The undersigned requests consideration of the appeal specified below. Should this request be approved, such approval shall only authorize the particular use described in this application and as further limited by reasonable conditions imposed upon such approval by the Board of Zoning Appeals.

Project Name or Occupant Name: _____

Common Address: _____

Applicant Name: _____

Applicant Address: _____

Applicant City/State/Zip: _____ E-mail: _____

Applicant Phone #1: _____ Phone #2: _____ Fax: _____

Property Location: Not located in a recorded subdivision, see legal description attached.

Subdivision Name: _____

Subdivision Section: _____ Lot Number: _____ Last Deed of Record Number: _____

Parcel Number(s): _____

Existing Land Use: _____

Common Description of Request: _____

Zoning District of Property: _____ Code Section(s) Appealed: UDO § _____

Date: _____ Applicant's Signature: _____



**City of Noblesville
Board of Zoning Appeals
Schedule of Meetings 2020**

HEARING DATE	FILING DEADLINES	LEGAL NOTICE DEADLINES
MONDAY 6:00 PM	MONDAY 12:00 PM	FRIDAY 4:00 PM
January 6	December 2, 2019	December 20, 2019
February 3	January 3 (Friday)	January 17
March 2	January 27	February 14
April 6	March 2	March 20
May 4	March 30	April 17
June 1	April 27	May 15
July 6	June 1	June 19
August 3	June 29	July 17
September 1 (1 st Tuesday)	August 3	August 14
October 5	August 31	September 18
November 2	September 28	October 16
December 7	October 26	November 20

- Mail Notices must be postmarked at least seventeen (17) days before the scheduled hearing. Allow at least five days for obtaining the addresses of affected property owners from the Hamilton County Office of Transfers and Mapping.
- Legal Ads will be prepared by the Department of Planning and Development to be published at least seventeen (17) days before the scheduled hearing. Legal ads are emailed by the Department to the newspaper.
- When a filing deadline falls on a holiday observed by City, applications must be submitted by noon the previous work day.
- Board of Zoning Appeals meetings begin at 6:00 p.m. and are generally held in the Noblesville City Council Chambers at 16 South 10th Street unless otherwise rescheduled (please confirm meeting location).

PETITIONER'S AFFIDAVIT OF NOTICE OF PUBLIC HEARING
NOBLESVILLE DEPARTMENT OF PLANNING & DEVELOPMENT

STATE OF INDIANA)
COUNTY OF _____) ss: DATE _____

I (we), _____, do hereby certify that notice of public hearing to adjoining property owners to consider the application of Board of Zoning Appeals case # _____ was sent via Certificate of Mailing at least seventeen (17) days prior to the date of the public hearing, to the last known address of each of the following persons:

Owners' Names	Addresses

STATE OF INDIANA _____ County, ss:

The undersigned, having been duly sworn upon oath, says that the above information is true and correct as they are informed and believe.

Petitioner's Signature

SUBSCRIBED AND SWORN TO BEFORE ME THIS ____ DAY OF _____, ____

Notary's Signature

MY COMMISSION EXPIRES: _____.