

## **EXHIBIT E – APPEAL OF ADMINISTRATIVE OR HEARING OFFICER DECISION APPLICATION REQUIREMENTS**

### **A. FILING PROCEDURE**

1. The application shall be filed in the office of the Department of Public Services, 4230 Elkhart Road, Goshen, IN 46526. An Appeal of a Hearing Officer decision must be filed within five days from the date of the decision. All other Appeals must be filed within 10 days from the date of the order, requirement, decision or determination.
2. The application shall be accompanied by a non refundable fee of \$\_\_\_\_\_.
3. The owner(s) of property included in any petition before the Board of Zoning Appeals must consent to the filing of the application. Such consent may be evidenced by the owner's signature on said application or by signature of a duly authorized agent. In the case of property which is being purchased under a land contract or an option to buy, the signatures of both the purchasers and sellers or the duly authorized agents shall be required. Staff shall be entitled to rely upon the representations made and the documents submitted by the person filing the application as to ownership. This requirement shall not apply to an appeal filed by an "interested party"/neighboring property owner or their authorized representative.

### **B. INFORMATION ON THE APPLICATION**

1. All information requested on the attached application, questionnaire, and any supporting documentation must be complete and shall be as accurate as reasonably possible. If the application, questionnaire, and supporting documentation are not complete and accurate as reasonably possible the staff may return the application to the petitioner and shall not set a date for the application's hearing.
2. The staff will notify the applicant, the property owner, the property owner's agent, individual, official, officer, board or body whose action you are contesting.
3. A complete and proper legal description of the property **must** be submitted. The legal description may be taken from your Abstract or Deed to the property, may be obtained in the County Recorder's Office, or may be prepared by a licensed attorney or surveyor.
4. If your supporting documentation includes a drawing of the property ("site plan"), include on the drawing the size and location of all existing and proposed structures, signs, parking areas, open storage and/or display areas, and existing and/or proposed buffering; setbacks for all existing and proposed structures, signs, parking areas, open storage and/or display areas, and existing and/or proposed buffering from all property lines and roads; the location and name of adjacent streets and roads, and a North point arrow.

### **C. PRESENTATION TO THE BOARD OF ZONING APPEALS**

1. Each Appeal application shall be presented to the Board. Presentations may be made by the petitioner or petitioner's representative.
2. Prior to the public hearing, the Elkhart County Zoning Administrator will make a written report on your Appeal to the Board of Zoning Appeals. A copy of this report will be mailed to you along with notice of the Public Hearing date and time as well as the property owner.
3. The Board of Zoning Appeals is here to carefully consider your request. In acting on any Appeal application, the Board of Zoning Appeals has all the powers of the official, officer, board or body from which the appeal is taken.
4. The Public Hearing Procedure is generally as follows:
  - a. Staff report and analysis presented.
  - b. Petitioner's presentation.
  - c. Questions from the Board.
  - d. Public comments (in support of and in opposition to).
  - e. Questions from the Board.
  - f. Petitioner's rebuttal.
  - g. Public hearing is closed.
  - h. Decision by the Board of Zoning Appeals.
5. The possible actions the Board can take on any appeal are generally as follows:
  - a. Granting the appeal (reversing the requirement, order, decision or determination appealed from).
  - b. Granting in part the appeal (modifying the requirement, order, decision or determination appealed from).
  - c. Denying the appeal (affirming the requirement, order, decision or determination appealed from).
6. The Recording Secretary will mail a copy of the results of the hearing to you.
7. If you have any questions concerning the presentation of your application or property filing procedure, please ask for assistance from the Staff as they are here to assist you in any reasonable way possible.