



ADMINISTRATIVE APPEAL

Guide to Administrative Appeal Review

Background

The City of Auburn Unified Development Ordinance (UDO) is intended to guide the growth and development of Auburn, in accordance with the Auburn Comprehensive Plan. The UDO has many purposes, including the establishment of standards and minimum requirements for development within the City. While every effort has been made to provide clear definitions and code provisions throughout the UDO, there are instances when interpretations of the UDO need to be made.

The UDO provides that the Zoning Administrator shall have the primary responsibility for administration and enforcement (or coordination of enforcement) of the UDO within the City's zoning jurisdiction. The UDO defines the Zoning Administrator as the officer appointed by and/or delegated the responsibility for the administration of the Auburn UDO's regulations by the Plan Commission. The term "Administrator" includes his/her authorized representative. The Administrator of the Department of Building, Planning and Development is the Plan Commission's duly designated Zoning Administrator.

An Administrative Appeal applies to an applicant or interested party that wants a decision, interpretation, order determination, or action of the Zoning Administrator and/or enforcement officer to be overturned or corrected by the Board of Zoning Appeals.

Process

Any applicant, property owner, or interested party has the right to file a petition for Administrative Appeal. Section 9.04 of the UDO provides the process for filing an appeal.

A petition for an Administrative Appeal shall be filed with the Board of Zoning Appeals within thirty (30) days of the date of the decision, interpretation, order determination, or action that is the subject of the appeal. Work related to the decision, interpretation, order determination, or action being appealed shall be suspended until the Administrative Appeal is complete, or until the Board of Zoning Appeals authorizes full or partial work to resume prior to a Board of Zoning Appeals decision.

When the Building, Planning and Development Department accepts an appeal petition, staff reviews it for completeness and compliance with applicable filing requirements. If the petition is substantially complete, the petition will be submitted to the Board of Zoning Appeals for review and final action.

In addition to review by City staff and officials, the application is subject to comment from the general public. A public hearing is required at the Board of Zoning Appeals meeting when the petition is presented.

Public Notices

City staff prepares a legal notice in The Star newspaper for the public hearing to be held on the application.

City staff prepares and mails the notice to all adjacent property owners for the public hearing.

Costs for the legal notice and neighbor notices are included in the application filing fee.

Decision

The granting of an appeal in Auburn is the responsibility of the Board of Zoning Appeals. The Board is comprised of 5 members: three who are appointed by the Mayor, one who shall be a member of the Plan Commission; one appointed by the Common Council; and one who is appointed by the Plan Commission from its members that represent the Extra-Territorial Jurisdiction. The Board meets on the fourth Tuesday of every month, as needed.

At the meeting the Board will allow the applicant and the Zoning Administrator to present documents, plans and papers regarding the case. A public hearing is also required. The Board then makes Findings of Fact supported by the presented evidence. Approval of the Findings of Fact may be in the form of a general statement. Disapproval of findings shall be specific. The findings of fact shall be case specific.

The Board's decision is final as far as the City's process is concerned. The Mayor and Common Council cannot overrule or alter the Board's decision. Any person aggrieved by the decision of the Board of Zoning Appeals may appeal such decision to the Circuit or Superior Court of DeKalb County.

Timeline

- **30 days before Board of Zoning Appeals hearing**
 - Filing deadline
 - Submit a completed application
 - Submit documents, plans and papers regarding the case
 - Pay filing fee
 - Staff Review
 - Transmit all documents, plans and papers regarding the case to the Board
 - Prepare Report
- **At least 10 days prior to Board of Zoning Appeals hearing**
 - Notices of the public hearing mailed
 - Legal notice published in newspaper
- **Board of Zoning Appeals hearing**
 - Held on 4th Tuesday of month, as necessary

ADMINISTRATIVE APPEAL APPLICATION CHECKLIST



A completed application must include the following:

- A completed petition form.** The petition form is available in the Building, Planning and Development Office located on the 2nd floor of City Hall or at www.ci.auburn.in.us.
- A filing fee of two hundred dollars (\$325.00)** payable to the City of Auburn.
- Written statement describing the administrative decision, interpretation, order determination, or action; and the reason and facts supporting action by the Board of Zoning Appeals.**

Applicant may also submit the following:

- Any written statement, documents, photographs, plans or supporting information justifying the appeal requested.**
- Proposed Findings of Fact to support the appeal request.**



BOARD OF ZONING APPEALS – ADMINISTRATIVE APPEAL

Department of Building, Planning, & Development

210 S Cedar St PO Box 506 Auburn IN 46706 | 260.925.6449 | 260.920.3342 fax | bpd@ci.auburn.in.us

PETITIONER INFORMATION

Provide Contact Name, Company Name (if applicable), Mailing Address, Phone, and Email for each individual.

Petitioner _____

Petitioner Address _____

Petitioner Phone _____ Email _____

Petitioner's Standing _____

ADMINISTRATIVE APPEAL INFORMATION

Zoning Administrator or Enforcement Official _____

Location _____

Statement of Appeal _____

Requested Action by BZA _____

CERTIFICATION

By signing below, I certify the following:

- I am the owner or legal agent of the subject property;
- The information provided in this application is true and accurate to the best of my knowledge;
- I understand the application will be routed to applicable government and utility agencies;
- I understand fees associated with this application are non-refundable once paid;
- I understand my presence (or my legal counsel's presence) is required at the Board of Zoning Appeals meeting concerning this project.

Applicant Signature

Applicant Printed Name

Date

Applicant Signature

Applicant Printed Name

Date

OFFICE USE ONLY

Received Date: _____ LOGOS#: BZA- _____

Received By: _____ LOGOS Address: _____

Payment Type: _____ Receipt Number: _____

