

ARTICLE XXI

BOARD OF ZONING APPEALS

SECTION 6. APPLICATIONS.

1. The procedure for requesting a hearing before the Board shall be as follows:

- a. All applications to the Board shall be in writing on forms provided by the Zoning Administrator. Said application shall be completed in its entirety and filed in the office of the Zoning Administrator with all supporting data.
- b. All applications shall be accompanied by an ownership list, certified by a registered abstractor, listing the legal description and the name and address of the owners of all property located within two hundred (200) feet of the boundaries of the property included in the application, for property inside the City, and one thousand (1,000) feet of the boundaries for property outside the City limits.
- c. The Board shall fix a reasonable time for the hearing of an application and notice of the time, place and subject of each hearing shall be published in the official newspaper (designated by the governing body) at least twenty (20) days prior to the date fixed for the public hearing. A copy of the notice of public hearing shall be sent to each party of interest, and each person on the ownership list fifteen (15) days prior to the hearing.
- d. An application shall be accompanied by a filing fee in accordance with a schedule of fees adopted and maintained by the Governing Body. A separate filing fee shall be required for each request.
- e. Applicant or authorized representative must be present for hearing.
- f. LIMITATIONS ON SUCCESSIVE APPLICATIONS. Provisions for a limitation on successive applications to the Board of Zoning Appeals shall be as follows:
 1. No application for an appeal to these regulations including the zoning map shall be accepted by the Board of Zoning Appeals if an application for the same appeal has been denied by the Board of Zoning Appeals within the preceding twelve (12) months. The withdrawal of an application after it has been advertised for public

hearing shall constitute a denial of the application just as if the public hearing had been held and concluded.

2. Irrespective of the preceding subsection, an application for a rehearing may be accepted by the Board of Zoning Appeals, if in the judgment of the Board of Zoning Appeals substantial justification is given. All such applications for a rehearing must be submitted to the Secretary at least fifteen (15) days in advance of the next regularly scheduled meeting of the Board of Zoning Appeals, and shall be included on the agenda as a non-public hearing item. If the Board of Zoning Appeals determines that there has been substantial change or justification for a rehearing, the item will be advertised and a Public Hearing held at the next regular scheduled meeting of the Board of Zoning Appeals.

2. In addition to the above requirements, certain applications require additional information as follows:

a. Appeals:

- (1) An application for an appeal shall be filed within sixty (60) days after a ruling has been made by the Zoning Administrator.
- (2) A copy of the order, requirement, decision or determination of the Zoning Administrator, which the applicant believes to be in error, shall be submitted.
- (3) A clear and accurate, written description of the proposed use, work or action in which the appeal is involved and a statement justifying the appellant's position shall be submitted with the application.
- (4) Where necessary, a plot plan, drawn to scale, in duplicate showing existing and proposed plans for the area in question shall be submitted.

b. Variances:

- (1) The applicant shall submit a statement, in writing, justifying the variance requested, indicating specifically the enforcement provisions of the zoning regulations from which the variance is requested, and outlining in detail the manner in which it is believed that this application will meet each of the five (5) conditions set out in Section 5.2.b of this Article.

- (2) The applicant shall submit a sketch, in duplicate, drawn to scale and showing the lot or lots existing in the application; the structures existing thereon; and the structures contemplated necessitating the variance requested. All appropriate dimensions and any other information, which would be helpful to the Board in consideration of the applications, should be included.

c. Exceptions:

- (1) The applicant shall submit a statement in writing justifying the exception applied for, and indicating under which Article and Section of the Zoning Regulations the Board of Zoning Appeals is believed to have jurisdiction.
- (2) The applicant shall prepare and submit in duplicate at the time of filing the application, a detailed plot plan drawn to scale, showing all existing and proposed structures, property lines with dimensions, parking spaces, points of ingress and egress, driveways, and any other information which would be helpful to the Board in consideration of the application.