





## GENERAL INSTRUCTIONS

- A. **Right of Appeal:** The Board of Zoning Appeals may grant an appeal of any decision, interpretation, or determination made by the Director, or any other administrative official or board charged with the duty of enforcing and interpreting this Ordinance.
- B. **Stay of Enforcement:** If an appeal is filed in accordance with the applicable ordinances, then the enforcing party shall take no further action on the matter pending the Board's decision, except for unsafe circumstances which present an immediate and serious danger to the public.
- C. **Filing Petition:** A petition shall be filed with the Department within thirty (30) days of when the decision, interpretation, or determination was made, along with the required supporting information. Supporting information shall include, but not be limited to, the following:
- Completed Application
  - Copy of Property Deed
  - Property Owner Consent
  - Copies of all materials upon which the decision being appealed was based
  - Copies of any written decisions that are the subject of the appeal
  - A letter or narrative describing the reasons for the appeal (noting specific sections of the ordinance or other applicable standards upon which the appeal is based)
- D. **Filing Fee Check:** After the filing of an application, the Department will advise the applicant of the applicable filing fee amount, which is due and payable (checks made out to "City of Westfield") within two (2) weeks of filing.
- E. **Ex-parte Communication:** In no event shall applicants or other interested parties contact or attempt to communicate with members of the Board in regard to a filed variance petition prior to the public hearing.
- F. **Board Review:** The Board will then, at a meeting scheduled consistent with the adopted Schedule of Meeting and Filing Dates, hold a hearing at City Hall, 130 Penn Street, Westfield, Indiana to review the appeal and supporting information including a report from the Department and/or enforcing party and testimony from the Applicant and/or representatives and witnesses.
- G. **Public Hearing Notice:** Depending on the nature of the appeal, public notice of the hearing may be required. If required, notice shall be provided in accordance with the [Board's Rules of Procedure](#):
1. **Newspaper Publication:** Notice of the hearing will be published in the Hamilton County Reporter and The Times. The Department will handle the newspaper publication requirement.
  2. **Mailed Public Notice:** The applicant is responsible to send public notice by mail to all interested parties by certified mail with return receipt requested (green card), postmarked at least ten (10) days prior to the hearing. A list of adjacent property owners may be obtained from the **Hamilton County Auditor, Office of Transfers and Mapping** (33 North 9th Street, Noblesville, IN 46060, (317) 776-9624), and shall include all owners of property to a depth of two (2) ownerships of no direct or indirect financial or other interest to the applicant or property owner or one-eighth of a mile (1/8), whichever is less.
  3. **Public Notice Sign:** The applicant is responsible to post a public notice sign(s) on the property at least ten (10) days prior to the public hearing. The Department will determine sign locations and will make signs available for the applicant to obtain in the office of the Department.
  4. **Affidavit of Notice of Public Hearing:** The applicant shall deliver a copy of the mailed notice and a signed affidavit, verifying that the notices were mailed and the public notice sign(s) was posted on the subject property, to the Department at least four (4) calendar days prior to the public hearing.
- H. **Board Action:** Following the hearing, the Board may affirm, affirm with modifications, reverse, or continue the appeal.
- I. **Resource:** Please see the [Board's Rules of Procedure](#) for more detailed procedural information.