

**9.1 MEMBERSHIP**

- A. The Board of Zoning Appeals shall consist of and continue as a five- (5) member Board. Members shall be appointed pursuant to I.C. 36-7-4-902, as amended.

**9.2 TERMS OF OFFICE**

- A. Each Board member shall be appointed for a term of four (4) years. Each term shall expire at midnight on December 31 of the fourth year of the four- (4) year term; however, members of the Board of Zoning Appeals shall serve until his successor is appointed and seated.

**9.3 JURISDICTION**

- A. The Board of Zoning Appeals shall have jurisdiction over lands subject to the provisions of this Ordinance as specified in Section 1.3 herein.

**9.4 RULES AND PROCEDURES**

- A. The Board of Zoning Appeals shall have sole authority to adopt any and all rules under Indiana Code Section 36-7-4-916 and any and all procedures concerning organization, selection of officers, forms of applications, filing requirements, procedures, notices for and conduct of meetings and public hearings.
- B. The Town of Ashley shall provide suitable facilities for the holding of Board of Zoning Appeals meetings and hearings and the storage of its records, documents, and accounts, and in its annual budget provide sufficient funds for the functioning of said Board and its staff.
- C. All applications for variances, special exceptions, and requests for appeal shall be filed by the applicant with the Board of Zoning Appeals and in the form prescribed by said Board.

**9.5 DUTIES AND POWERS**

- A. The Board of Zoning Appeals shall have exclusive subject matter jurisdiction for:
  - 1. Variances from Development Standards (dimensional variances);
  - 2. Variances of use (use variances);
  - 3. Special exceptions; and
  - 4. Administrative appeals.

**9.6 CONFLICT OF INTEREST**

Pursuant to I.C. 36-7-4-909, a member of an Advisory Board of Zoning Appeals may not participate in a hearing or decision of that Board concerning a zoning matter in which he has a direct or indirect financial interest. The Board shall enter in its records the fact that its member has such a disqualification.

**9.7 HEARINGS**

- A. The Board shall fix a reasonable time for the hearing of administrative appeals, special exceptions, and variances.
- B. Public notice in accordance with I.C. 5-3-1-2 and I.C. 5-3-1-4 and due notice to interested parties shall be given at least ten (10) days before the date set for the hearing.
- C. The party pursuing the appeal or applying for the special exception or variance shall be required to assume costs of public notice and notice to interested parties.\*
- D. The Board may, by rule, determine who are interested parties, how notice is to be given to them, and who is required to give that notice.
- E. Other persons may appear and present relevant evidence at such public hearing.
- F. A person may not communicate with any member of the Board before the hearing with intent to influence the member's action on a matter pending before the Board.

\*Interested parties shall include, but are not limited to, all properties adjacent to the subject site boundaries.

**9.8 APPEALS**

- A. Any decision of the Zoning Administrator or designated agent made in the enforcement of this Ordinance may be appealed to the Board by any person claiming to be adversely affected by such decision.
- B. Every decision of the Board of Zoning Appeals shall be subject to review by a writ of certiorari as prescribed in I.C. 36-7-4-1000 series. Such appeals shall be presented to a court or jurisdiction within thirty (30) business days of the Board's decision and not thereafter.