

Submission of Petition to Board of Zoning Appeals:

1. A complete Board of Zoning Appeals Application is to be submitted by the close of business day on the filing date of the BZA Calendar.
2. Only complete applications will be docketed for the next Board of Zoning Appeals meeting. If the application is incomplete on the filing date of the BZA Calendar, the request will be docketed for the following Board of Zoning Appeals meeting to allow the applicant time to submit a complete application.
3. The following information is to be submitted with the notarized Consent Form and Completed Application:
 - ◆ Legal description of property (**Most Current Deed**)
 - ◆ Site plan, drawn to scale, showing property dimensions, existing and proposed improvements with front, side and rear setback distances, county roads marked, as required by the Madison County Land Use & Development Code. **Architectural Scale Not Accepted!**
 - ◆ Letter of intent detailing request
 - ◆ Application Fee

Public Hearing Notification

Notice of Public Hearing for the Board of Zoning Appeals is to be completed as set forth in the Rules and Procedures for the Madison County Board of Zoning Appeals. The procedures related to public hearings notification contained in the packet are provided for convenience purposes only.

1. *Notice by Publication:* The Plan Reviewer shall prepare a legal notice for publication in the Herald Bulletin. The legal notice shall appear in the newspaper no less than 1 time at least 10 days prior to the date of the public hearing and no more than 20 days and is to be delivered to the newspaper office by the Planning Commission Office.
2. *Notice by Mailing:* The Petitioner shall mail written notice of the public hearing to each interested party and provide proof of mailing by certified mail or certificate of mailing receipts from the post office to the Planning Commission (list prepared by the Plan Reviewer). Mailing to go out no less than 10 days and no more than 20 days prior to the scheduled meeting. Mailing receipts must be delivered to the Planning Commission Office no less than 3 days prior to the scheduled meeting.
3. *Posted Notice:* The petitioner shall allow the staff to post on the subject property a sign giving notice of the hearing. The sign shall remain on the property until the final decision on the request is made by the Plan Commission at which time the Plan Commission will pick up the sign from the property.

Petition Review Procedures

1. The Petition will be reviewed for completeness. Once complete, the Petition will be docketed for the next Board of Zoning Appeals meeting.
2. The Petitioner may request, in writing, a one (1) month continuation of the public hearing prior to the Board of Zoning Appeals meeting.
3. The Board of Zoning Appeals at the public hearing may approve, deny or continue the Petition.

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Determination of Request:

Below is a brief description of each type of Board of Zoning Appeals Petition. Please review each to determine which type of procedure you need.

Variance of Development Standards

A deviation from the development standards of the Madison County Land Use & Development Code.

The Board may only approve a variance from development standards (such as height, bulk, area) upon a determination that (a) the approval will not be injurious to the public health, safety, morals and general welfare of the community; (b) the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and (c) the strict application of the terms of this Ordinance will result in a practical difficulty in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.

Special Use (Exception)

There shall be no cases or application therefore, nor any particular situation in which this Ordinance authorizes special uses without the approval of the Board of Zoning Appeals. Further, no decisions on previous applications shall serve to set precedence for any other application before the Board of Zoning Appeals. For a use listed as such in the appropriate zoning district in the Madison County Land Use & Development Code.

The Board may only grant a Special Use upon determination that (a) the proposal will not be injurious to the public health, safety, morals, and general welfare of the community; (b) the requirements and development standards for the request special use as prescribed by the ordinance will be met; (c) granting the special use will not subvert the general purposes served by the ordinance and will not permanently injure other property or uses in the same district and vicinity; and (d) the proposed use will be consistent with the character of the zoning district in which it is located and the Madison County Comprehensive Plan.

Administrative Appeal

An appeal of any decision, interpretation, or determination made by the Planning Director, other Plan Commission staff members, or any other administrative official or board charged with the duty of enforcing and interpreting the Madison County Land Use & Development Code.

The Board shall only grant an appeal of such an administrative decision based on a finding, in writing, that the decision of the administrative person or board was inconsistent with the provision of the Madison County Land Use & Development Code.

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