HOUSE BILL No. 1221

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-7-4-920.

Synopsis: Zoning variance procedures. Eliminates a requirement that a board of zoning appeals (board) must provide notice by publication before a hearing on an administrative appeal, exception, use, or variance. Prohibits a board from requiring a party by rule or ordinance to: (1) provide notice by publication; or (2) assume the cost of notice by publication and due notice to interested parties.

Effective: July 1, 2018.

Eberhart

January 9, 2018, read first time and referred to Committee on Local Government.



Introduced

Second Regular Session of the 120th General Assembly (2018)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in this style type, and deletions will appear in this style type.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in this style type. Also, the word NEW will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

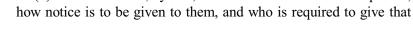
Conflict reconciliation: Text in a statute in this style type or this style type reconciles conflicts between statutes enacted by the 2017 Regular Session of the General Assembly.

HOUSE BILL No. 1221

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1	SECTION 1. IC 36-7-4-920 IS AMENDED TO READ AS
2	FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 920. (a) The board of
3	zoning appeals shall fix a reasonable time for the hearing of
4	administrative appeals, exceptions, uses, and variances. A board of
5	zoning appeals may not require a party by rule or ordinance to:
6	(1) provide notice by publication; or
7	(2) assume the cost of notice by publication and due notice to
8	interested parties.
9	(b) Public notice in accordance with IC 5-3-1-2 and IC 5-3-1-4 and
10	Due notice to interested parties shall be given at least ten (10) days
11	before the date set for the hearing.
12	(c) The party taking the appeal, or applying for the exception, use,
13	or variance, may be required to assume the cost of public notice and
14	due notice to interested parties. At the hearing, each party may appear
15	in person, by agent, or by attorney.
16	(d) The board shall, by rule, determine who are interested parties,
17	how notice is to be given to them, and who is required to give that





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notice.

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(e) The staff (as defined in the zoning ordinance), if any, may appear before the board at the hearing and present evidence in support of or in opposition to the granting of a variance or the determination of any other matter.

(f) Other persons may appear and present relevant evidence.

(g) 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. Not less than five (5) days before the
hearing, however, the staff (as defined in the zoning ordinance), if any,
may file with the board a written statement setting forth any facts or
opinions relating to the matter.

(h) The board may require any party adverse to any pending petition
to enter a written appearance specifying the party's name and address.
If the written appearance is entered more than four (4) days before the
hearing, the board may also require the petitioner to furnish each
adverse party with a copy of the petition and a plot plan of the property
involved.

