



Board of Zoning Appeals Process

The Board of Zoning Appeals (BOZA) is authorized by state statute and city ordinance to hear appeals in matters related to all zoning ordinances. When applying for an occupancy permit to open a business, you may be informed that Special Use or Variance approval from BOZA is required prior to the issuance of the permit. The information below provides a step-by-step look at the Board of Zoning Appeals process.

Step 1: The appeals process begins by being denied by a Plan Examiner.

You must meet with a Plan Examiner at the Development Center to apply for permits. When meeting with the Plan Examiner, you will present your plans - if plans are available - and discuss your proposal. If your proposal is a use identified as a Special Use or a use or design not permitted by the Zoning Code, the Plan Examiner will not be able to grant your permit. If you are denied your permit, you have the right to appeal to the Board of Zoning Appeals. The Plan Examiner will provide you with a Board of Zoning Appeals referral letter and direct you to speak with the Board of Zoning Appeals office.

Step 2: You prepare your application and supporting plans and materials.

Part of your application submittal requires that you provide detailed plans of what you are proposing. These plans may include photos of the property, floor plans, and/or a plan of operation for your proposed use. Depending on what type of application you are making to the Board - special use or variance - different types of plans may be required.

When you have prepared all of the necessary plans and materials, return them to the BOZA office, along with a \$100 application filing fee. This fee is credited to the total appeal fee, should you choose to proceed with your proposal.

Step 3: BOZA staff will process your application and forward it to the Zoning Administration Group (ZAG).

Representatives from the Board of Zoning Appeals, and the Departments of City Development, Neighborhood Services and Public Works review BOZA applications as the Zoning Administration Group (ZAG). The purpose of ZAG is to provide the applicant and the Board with technical information that is used to help narrow the issues of an appeal and identify any possible problems. When ZAG reviews your application, it may be determined that more information is required before a recommendation can be made. If such a request is made, it is very important that you respond to it promptly. Any delay in responding to requests for information may result in delays for your appeal down the road.

Step 4: You confirm interest in proceeding with the appeals process and pay additional application fees.

If you wish to proceed with the appeal process after ZAG reviews your application, you will be required to confirm your interest by returning a form and any additional appeal fees. You may return the form and the fee, if necessary, via mail or in person. Upon receipt of the form and remaining fees, your appeal will be scheduled for the next available public hearing. A detailed notice will be mailed to you and to neighboring property owners approximately one week before

the hearing. The notice will provide a brief description of your appeal, along with the date, time, and location of the hearing.

Step 5: A public hearing is held.

At the public hearing, the Board will review the materials you submitted, staff reports, and any written letters or comments that the Board office has received. The Board will take oral testimony from you and any interested parties at the public hearing. As a general rule, all of the Board's hearings are open to the public and the public is invited to attend any session of the Board of Zoning Appeals.

Step 6: The Board will render a verbal decision and provide a written decision within one week of the hearing date.

If your appeal is approved by the Board, you may proceed to obtain the necessary permits. A copy of the written decision will be mailed to you within one week. That written decision is then used to obtain the necessary permits to complete the project from the Development Center. Please remember that the Board of Zoning Appeals decision is not a permit! The permitting process is not complete until the necessary permits are provided by Development Center staff.

If your appeal is denied by the Board, you have the right to appeal. Anyone aggrieved by a decision of the Board of Zoning Appeals has the right to appeal that decision to Circuit Court within 30 days of the date of the written decision. If you have questions regarding appeals to Circuit Court, please contact a legal professional.