

# HOUSE BILL No. 1221

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## 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.

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## Eberhart

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

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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



- 1 notice.
- 2 (e) The staff (as defined in the zoning ordinance), if any, may appear  
3 before the board at the hearing and present evidence in support of or in  
4 opposition to the granting of a variance or the determination of any  
5 other matter.
- 6 (f) Other persons may appear and present relevant evidence.
- 7 (g) A person may not communicate with any member of the board  
8 before the hearing with intent to influence the member's action on a  
9 matter pending before the board. Not less than five (5) days before the  
10 hearing, however, the staff (as defined in the zoning ordinance), if any,  
11 may file with the board a written statement setting forth any facts or  
12 opinions relating to the matter.
- 13 (h) The board may require any party adverse to any pending petition  
14 to enter a written appearance specifying the party's name and address.  
15 If the written appearance is entered more than four (4) days before the  
16 hearing, the board may also require the petitioner to furnish each  
17 adverse party with a copy of the petition and a plot plan of the property  
18 involved.

