

10.6 Hearing Officer

A. Establishment.

The *Plan Commission* is hereby authorized to establish a Hearing Officer.

B. Powers and Duties.

If it is determined by the *Plan Commission* that the establishment of an alternate procedure for the more expedient disposition of certain matters is in the best interest of the Town of Plainfield, the *Plan Commission* may establish such alternate procedure. In the establishment of such alternate procedure, the *Plan Commission* shall appoint one Hearing Officer (and may appoint an alternate Hearing Officer to serve in the absence of the initial appointee). The Hearing Officer shall have the power of the *Board of Zoning Appeals* to approve or deny:

1. A variance from the *Development Standards* of this Ordinance;
2. A *Special Exception Use* as provided for in this Ordinance;
3. A variance of use from the terms of this Ordinance only if:
 - a. The request is for the expansion of a use which currently exists on the real estate; and,
 - b. The use is consistent with the provisions of the *Comprehensive Plan*.

C. Appointment and Term.

The term of the Hearing Officer, once established, shall be for a period of one (1) year (except for the initial appointment term which shall terminate on December 31 of the year of appointment). Each subsequent year's appointments shall be made by the *Plan Commission* at its first regular meeting in January of each calendar year with such appointment to take effect on the date of appointment.

The *Plan Commission* may appoint an Alternate Hearing Officer at any time as, in the sole discretion of the *Plan Commission*, such action is warranted. The term of an Alternate Hearing Officer shall be the same as that for the Hearing Officer.

D. Removal.

The *Plan Commission* shall have the power to remove a Hearing Officer or Alternate Hearing Officer at any time.

E. Vacancy.

In the case of a vacancy in the position of Hearing Officer, the *Plan Commission* shall, as soon as practicable, appoint a new Hearing Officer to complete the term which was vacated.

If an Alternate Hearing Officer has been appointed by the *Plan Commission*, such Alternate Hearing Officer shall serve as the Hearing Officer until the *Plan Commission* shall appoint a new Hearing Officer.

If the *Plan Commission* has not appointed a Hearing Officer or an Alternate Hearing Officer, all petitions which have been scheduled for public hearing by the Hearing Officer shall be transferred to the *Board of Zoning Appeals* and placed on the next available agenda.

F. Rules of Procedure.

If the *Plan Commission* establishes an Alternate Procedure, the *Plan Commission* may adopt Rules of Procedure to:

1. Limit the kinds of variance or special exception petitions or applications that may be filed under the Alternate Procedure;
2. Permit the Hearing Officer to transfer a petition or an application filed under the Alternate Procedure to the *Board of Zoning Appeals*;

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3. Require the creation of minutes and records of proceedings before the Hearing Officer and the filing of minutes and records as public records; and
4. Regulating conflicts of interest and communication with the Hearing Officer.

G. Conditions and Commitments.

The Hearing Officer may impose conditions and may permit or require the owner of a parcel of property to make a written commitment concerning the use or development of that parcel. If the petitioner or applicant for the variance of *Development Standards*, variance of use, or *Special Exception Use* does not accept these conditions or make the commitment, the petition or application shall:

1. Be considered withdrawn; or
2. Be transferred to the *Board of Zoning Appeals*, if requested by the petitioner or applicant.

The Hearing Officer may not modify or terminate any commitment, whether made under the Alternate Procedure or by the *Board of Zoning Appeals*.

H. Appeals.

A decision of the Hearing Officer may not be a basis for judicial review, but may be appealed to the *Board of Zoning Appeals*. An interested person who wishes to appeal a decision of the Hearing Officer under the Alternate Procedure must file an appeal with the *Board of Zoning Appeals* with fourteen (14) days after the decision is made.