

**BY-LAWS and RULES OF PROCEDURE**  
**LAGRANGE COUNTY BOARD OF ZONING APPEALS**

100 OFFICERS

The officers of the Board, and their respective duties, are as follows:

101 PRESIDENT:

The President shall preside at all meetings and hearings of the Board of Zoning Appeals (BZA) and shall have the duties normally performed by such an officer. The President shall have the privilege of discussing all matters before the BZA. The President shall sign all official documents of the BZA.

102 VICE-PRESIDENT

The Vice-President shall act for and have all the duties and responsibilities of the President in his absence.

PRESIDENT PRO TEMPORE

In the absence of the President and Vice President, the Zoning Administrator shall conduct an election to appoint an acting President for the meeting.

103 ELECTION OF OFFICERS

At its first regular meeting in each year, the BZA shall elect Officers from its membership. No member shall hold the same office for more than four consecutive years. Vacancies in offices shall be filled immediately by regular election procedure.

104 DIVISIONS

In accordance with IC 36-7-4-902, three divisions of the Board of Zoning Appeals are hereby established, as follows:  
Division 1 shall have authority over all matters within the unincorporated area of LaGrange County and within the Town of Shipshewana.  
Division 2 shall have authority over all matters within the town of LaGrange.  
Division 3 shall have authority over all matters within the towns of Topeka and Wolcottville.

105 DIVISION MEMBERSHIP

Each division of the Board of Zoning Appeals shall consist of five members appointed as follows:

105.1 Division 1:

- A. LaGrange County or of the Town of Shipshewana, appointed by the Board if County Commissioners, of whom one shall be a member of

the Plan Commission and two shall not be members of the Plan Commission;

- B. One citizen member residing in the unincorporated area of LaGrange County or of the Town of Shipshewana, appointed by the County Council, who shall not be a member of the Plan Commission;
- C. One member, who shall be a citizen member or the county extension educator, appointed by the Plan Commission from its membership

105.2.1 Division 2:

- A. One citizen member of the Plan Commission, appointed by the Town Council of the Town of LaGrange;
- B. Three citizen members who reside in the Town of LaGrange, appointed by the Town Council of the Town of LaGrange;
- C. One member who shall be a citizen member or the county extension educator, appointed by the Plan Commission from its membership.

105.2.2 Division 3:

- A. One citizen member of the Plan Commission, appointed by the Board of County Commissioners;
- B. One citizen member who resides in the Town of Wolcottville, appointed by the Town Council of the Town of Wolcottville;
- C. One citizen member who resides in the town of Topeka, appointed by the Town Council of the Town of Topeka
- D. One citizen member who resides in the Town of Topeka or the Town of Wolcottville, appointed jointly by the town councils of the Towns of Wolcottville or Topeka;
- E. One member who shall be a citizen member or the county extension educator, appointed by the Plan Commission from its membership.

106           The appointing authority may appoint an alternate member to participate with the board in any hearing or decision if the regular member is disqualified or unavailable.

200           MEETINGS

201           REGULAR

Regular meetings of the BZA will be held on the 4th Monday of each month at 7:00 PM in the County Office Building, 114 W. Michigan Street, LaGrange Indiana, or in other times and places as prescribed by the board.

202           SPECIAL

Special meetings may be called by the President or by two members of the Board upon written notice to the Zoning Administrator. The notice of such a meeting shall specify the purpose of the meeting and no other business may be considered except by unanimous consent of the Board. The Zoning Administrator shall send to all members of the Board a written notice, not less than ten (10) days before the Special Meeting fixing the date, time and place

of the meeting. Written notice is not required if the date, time and place of the special meeting are fixed in a regular meeting and a majority of the Board are present at the regular meeting.

203 UNSAFE BUILDING AUTHORITY

The Board will act as the Unsafe Building Authority and follow the public procedure as stated in Section 500 of this document.

300 GENERAL RULES

301 QUORUM

A majority (three members) of the membership of the Board shall constitute a quorum

302 VOTING

Voting shall be by roll call vote. A record of the roll call vote shall be kept as a part of the minutes of the BZA. All voting members present shall vote on every question unless they abstain, or have disqualified themselves because of a conflict of interest caused by a direct or indirect financial interest.

303 OFFICIAL ACTION

No action of the Board is official unless authorized by a majority of the membership.

304 OPEN MEETINGS

All meetings of the BZA shall be open to the general public unless an Executive Session is called for purposes identified under Indiana Statute.

305 CONFLICT OF INTEREST

No member of the Board shall participate in a hearing or decision in which he has a direct or indirect financial interest. The Board shall enter into its records the fact that its member has such a disqualification.

306 PRIOR CONTACT

No person shall communicate with any member of the Board prior to a public hearing with the intent of influencing that members' action on the matter pending before the Board.

400 ORDER OF BUSINESS

ROLL CALL

ADOPT AGENDA

MINUTES OF PREVIOUS MEETING

OLD BUSINESS

NEW BUSINESS

PUBLIC HEARINGS

NON-PUBLIC HEARINGS

INVITATION FOR PUBLIC COMMENT ON NON-PUBLIC HEARING  
AGENDA ITEMS  
DEVELOPMENT STANDARD VARIANCES  
LAND USE VARIANCES  
COMMUNICATIONS  
COMMITTEE REPORTS  
ZONING ADMINISTRATORS REPORT  
OTHER BUSINESS  
ADJOURNMENT  
THE BOARD WILL RECONVENE AS THE UNSAFE BUILDING  
AUTHORITY  
NEW BUSINESS  
OLD BUSINESS  
ADJOURNMENT

500 PUBLIC HEARING PROCEDURE

501 PUBLIC HEARINGS SHALL PROCEED AS FOLLOWS:

501.1 The presiding officer shall open the Public Hearing

501.2 Petitioners and persons appearing in support of a petition before the Board shall have a total of fifteen (15) minutes for the presentation of evidence, statements and arguments in support of a petition before the Board.

501.3 Remonstrators and persons appearing in opposition to a petition shall then have a total of fifteen (15) minutes for the presentation of their evidence, statements and arguments in opposition to the petition before the Board.

501.4 The petitioner shall then have a total of five (5) minutes for rebuttal of evidence, statements and arguments made. No new information or evidence may be introduced in this portion of the hearing process.

501.5 The presiding officer shall then declare the public hearing closed.

502 EXTENSION OF TIME

The presiding officer shall have the authority to terminate repetitious and irrelevant testimony and to extend the fifteen (15) minutes time period specified herein, where appropriate, in the interest of affording a fair hearing.

503 ADMISSIBILITY OF EVIDENCE

The presiding officer shall rule on all questions relating to the admissibility of evidence, which may be overruled by a majority of the Board.

504 PUBLIC RECORD

All evidence presented at the hearing shall be retained by the Board and shall be a part of the public record.

600 NOTICE

601 LEGAL NOTICE

A legal notice of the hearing shall appear in a newspaper of general circulation within the area involved at least ten (10) days preceding the hearing.

602 INTERESTED PARTIES

All property owners of all adjacent parcels of land surrounding the subject property to a depth of (2) ownerships, but not exceeding 660 feet from the subject property. Such notice shall be given to owners fo property outside LaGrange County, regardless of jurisdiction, if their property is within a depth of two (2) ownerships or within 660 feet of the perimeter of the subject property described. The burden of proof of notification shall be that of the applicants' by signed affidavit. A sign provided by the Board will be posted for a minimum of 15 days prior to the public hearing on the property and visible from a public way.

603 TO WHOM

Notice of petitions which are subject to public hearing shall be given to "interested parties", as herein defined.

604 HOW GIVEN

Notice shall be given by the petitioner, either in person, or by certified, return receipt requested, first class U.S. mail, on forms prescribed by the Board. Said notice shall be given at least ten (10) days prior to the date of the public hearing. The date of the public hearing shall be included for the purpose of determining the ten day period.

700 APPOINTMENTS

At its first regular meeting in each year, the LaGrange County Plan Commission shall determine if their appointment, as required by I.C. 36-7-4-902, to any Division of the Board of Zoning Appeals has either: a.) fulfilled their term of membership, or b.) become disqualified for reasons of jurisdiction. If there is a vacancy on any division of the BZA, the Commission shall make its appointment as prescribed by I.C. 36-7-4-902.

At the first BZA meeting of each year, the Board shall elect a Chair and Vice-Chair from among its members.

800 PETITIONS

801 FILINGS

All petitions for consideration by the Board shall be submitted on forms prescribed by the Board and shall be signed by the owner(s) of the subject

property or their authorized agent. Petitions shall be filed at least twenty-five (25) days prior to the hearing. The petition shall be accompanied by:

801.1 A **scaled** site plan (i.e. 1" = 20') of the subject property on 8 ½ X 11; 8 ½ X 14; or 11 X 17 drawn with pen and ruler or printed from a CAD (computer aided design) program.

801.2 A filing fee as prescribed by ordinance. Any supplemental documents to be presented as evidence shall be submitted by the close of business at least seven (7) days prior to the meeting.

#### 801.4 CONTINUANCES

Any petitioner who fails to appear in person or by agent may have his petition continued to the next regularly scheduled meeting. In the event of a second failure to appear, the petition may be dismissed by the Commission.

#### 801.5 WITHDRAWAL

##### A. PRIOR TO THE MEETING

Withdrawal of a petition may only be done at the written request of the petitioner.

##### B. PIOR TO VOTE

No petition may be withdrawn after a vote has been called for by the presiding officer.

802

#### RE-FILING

Any petition that has been withdrawn may not be re-filed for a period of three (3) months from the date of withdrawal and shall be subject to all applicable fees.

803

#### ONE YEAR LIMIT

No petition or any portion thereof, which has received an adverse recommendation or dismissal by the Board, or an adverse decision by the legislative body, shall be placed on the agenda of the BZA for a period of one year after the date of said adverse recommendation, decision or dismissal.

900

#### PROCEDURAL RULES

901

#### ROBERT'S RULES

The most recent version of Robert's Rules of Order shall govern the conduct of all meetings and public hearings except to the extent that it conflicts with LaGrange County Law or these rules.

902

The President shall preserve order and may warn any member or person present that particular conduct is a breach of courtesy. If any member persists in this conduct following the warning, the Board may vote to censure the offending member. If any other person present persists in the conduct

following the warning, the President may order that person to be expelled from the meeting.

1000 AMENDMENTS/WAIVER OF RULES

1001 AMENDMENTS

These rules may be amended only by a majority vote of the membership of the Board of Zoning Appeals.

1002 WAIVER

The Board may, upon affirmative vote of the membership of the Board waive the rules of procedure and by-laws upon its own motion or upon request of an interested party for good cause shown.

All of which is adopted by the LaGrange County Board of Zoning Appeals on this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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Sandra Ringler, President

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Bob Shanahan, Vice-President