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.

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 3rd Tuesday 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 three (3) 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 PROCEDE 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.
NOTICE

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.

INTERESTED PARTIES
Interested parties are herein defined as “any owner of property adjoining the applicants’ and has a border or point in common with the exterior boundary of the property where the activity will take place. Included is property which would share a common border if not for the separation caused by a roadway, stream, channel, right-of-way, easement or railroad within three hundred (300) feet of the property which is the subject of a petition before the Commission” whether or not that property lies within the jurisdiction of the LaGrange County Board of Zoning Appeals. 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.

TO WHOM
Notice of petitions which are subject to public hearing shall be given to “interested parties”, as herein defined.

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.

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.

PETITIONS

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 site plan of the subject property.

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. PRIOR 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.

AMENDMENTS/WAIVER OF RULES

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

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 30th day of February, 2018.

President

Vice-President