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CH14 8 .2 - Board of Zoning Appeals: Rules and Procedures

A. Rules and By-Laws. The Advisory Board of Zoning Appeals shall have sole authority to adopt any and all rules under Indiana Code [36-7-5-916](#) and any and all by-laws concerning organization, selection of officers, forms for applications, filing requirements, other than as to place of filing as herein provided for, procedures, notices for conduct of meetings. Upon adoption of such rules and by-laws they shall be applicable to the Advisory Board of Zoning Appeals. A change of zoning request may be submitted if more than one legally described parcel of real estate is effected by that request. Such modification of zoning request must be in accordance with the procedure as set forth in this section.

B. Facilities and Funding. The Town of Lapel shall provide suitable facilities for the holding of Advisory Board of Zoning Appeals hearings and the storage of its recorded documents and accounts, and in its annual budget to provide sufficient funds for the functioning of said Board and its staff.

C. Filing. All applications for variances, special uses, and requests for appeal shall be filed by the applicant with the staff of the Advisory Board of Zoning Appeals.

D. Hearings. All hearings required for variances, special uses, and appeals shall be by the Advisory Board of Zoning Appeals. As per section 8.2 (a), procedures for public notice setting forth time and place for all hearings by the Advisory Board of Zoning Appeals shall be established by the Advisory Board of Zoning Appeals.

8.2a The following will be required in order to submit an application for change of zoning:

- A. A change of zoning request may be submitted if more than one legally described parcel of real estate is effected by that request. Such modification of zoning request must be in accordance with the procedures as set forth in this section.
- B. Upon receipt of an application for a zoning classification modification, that application shall be referred to the advisory planning commission for investigation as to the manner in which the proposed modification and the character of the proposed modification will effect the comprehensive plan of the town of Lapel.

The planning commission shall report the results of its investigation to the town board within 45 days following the receipt of the application. If no such report has been filed with the town board, the board may proceed to process the application.

- C. The board shall then proceed with a hearing on the application. That hearing shall be conducted at its regular monthly town board meeting. Notification of that hearing will be by publication pursuant to Indiana Code [5-3-1](#) and as per Sec. 8.2 (E) as required in the rules of procedure for the Board of Zoning Appeals. Following the hearing, and on an affirmative finding by the board that:
1. The proposed zoning modification is located in a district where such use may be permitted and is appropriate,
 2. The requirements set forth in this section, for the zoning modification, have been met,
 3. The zoning modification is consistent with the spirit, purpose, and intent of the zoning code; will not substantially and permanently injure the appropriate use of the neighborhood property; and will serve the public convenience and welfare.
- D. The town board shall approve or deny the zoning modification pursuant to the application of Sec. C.
- E. In addition to the notice requirements of Sec. 8.2 (A) there will be a required posting of a sign, giving notice of any hearing on special uses, variances, or zoning changes, placed on the parcel of real estate. Notice shall be posted, by the Town of Lapel, at least 15 days before any such hearing conducted by the Board of Zoning Appeals, planning commission, or town board, where such an application for variance, special use, or zoning change will occur.