

RESOLUTION NO. 1 - 2026

A RESOLUTION OF THE TOWN OF LAPEL BOARD OF ZONING APPEALS,
MADISON COUNTY, INDIANA,
AMENDING THE RULES AND PROCEDURES
FOR THE TOWN OF LAPEL BOARD OF ZONING APPEALS

WHEREAS, the Town of Lapel Board of Zoning Appeals has the duty to make Rules and Procedures for the administration of the affairs of the board pursuant to IC 36-7-4-916; and

WHEREAS, the Board of Zoning Appeals has the duty to adopt and maintain Rules and Procedures pursuant to Lapel UDO V1.6.3; and

WHEREAS, the Rules of Procedures provide governance to the Board of Zoning Appeals members and petitioners; and

WHEREAS, the State of Indiana has amended IC 36-7-4-906 concerning the appointment and removal of Board of Zoning Appeals members; and

WHEREAS, the Board of Zoning Appeals now desires to amend the Rules and Procedures, as more particularly described in Exhibit A, which is attached hereto.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Zoning Appeals of Town of Lapel, Madison County, Indiana, meeting in regular session as follows:

Section 1: The Board of Zoning Appeals hereby amends the Lapel Board of Zoning Appeals Rules of Procedures, as more particularly described in Exhibit A, attached hereto and incorporated herein.

SO RESOLVED THIS _____ DAY OF _____, 2026.

BOARD OF ZONING APPEALS OF THE TOWN OF LAPEL, MADISON COUNTY,
INDIANA

YAY (Signature)

NAY (Signature)

Andrea Baldwin (Vice Chair)

Cam Paddock

Brandy Forrer

[Vacant]

[Vacant]

Attest:

Teresa Retherford, Secretary

EXHIBIT A

hearing date. The sign shall remain on the property until the final decision on the request is made by the Board, pursuant to the UDO.

ARTICLE VII. Public Hearing of Petitions

- 1) **Site Visit.** BZA members shall have the right to inspect land involved in any petition to be heard by the BZA either individually or jointly.
- 2) **Contacting Members**
 - a) Pursuant to IC 36-7-4-920, no person (including applicants, remonstrators, and others) may communicate with any member of the BZA before a hearing with the intent to influence the member's action on a matter pending before the BZA.
 - b) If an interested party would like to submit written letter/statement before the meeting, they shall submit it to the staff in writing at least seven (7) days before the public meeting stating their name and address. The Staff shall transmit it to the BZA as permitted by these Rules and state statute. If the letter/statement is not submitted in the timely manner, then it may be distributed to the BZA members at the meeting at which the hearing on the matter is held.
- 3) **Conflict of Interest**
 - a) During presentation and discussion of the subject petition, a member who has a conflict of interest shall not sit as a member of the BZA, nor vote on the particular petition. However, they may participate in the hearing as a member of the public. In accordance with [IC 36-7-4-909](#) and these Rules, a member of the BZA shall have a conflict of interest with regard to a petition if:
 - (i) The member has a direct or indirect financial interest in a subject property or petition; or
 - (ii) The member is biased or prejudiced or otherwise unable to be impartial.
 - b) Board members are required to fully disclose any conflict of interest as defined herein on any matter appearing on the Board's agenda during the public meeting ([IC 36-7-4-909](#)).
 - c) The Secretary shall note in the Minutes that a member has been disqualified for a conflict of interest.
 - d) The appointing authority may appoint an alternate member to participate with the Board in any hearing or decision if the regular member it has appointed has a disqualification under the Conflict of Interest provision ([IC 36-7-4-907.a](#)).
- 4) **Procedure for Petition Consideration.** Hearing of an item shall follow the following order. The Chair (or presiding member) shall have the authority to extend the time periods specified below where appropriate, unless otherwise directed by a majority of the quorum present.
 - a) **Introduction.** The Chair shall introduce the petition.

~~b) **Staff Report.** The Staff shall present the staff report for the petition.~~

~~e)a) Questions to Staff.~~ The BZA may ask questions of the Staff at this time regarding the evidence or clarification of statements.

~~d)a) Name and Address.~~ After being recognized by the Chair, each speaker will step up to the podium and state his/her name and address.

~~e)b) Petitioner's Presentation.~~ The petitioner shall present their petition and shall be allotted a total of fifteen (15) minutes for the presentation.

~~f)c) Questions to Petitioner.~~ The BZA may ask questions of the Petitioner at this time regarding the evidence or clarification of statements.

~~d) Staff Report.~~ The Staff shall present the staff report for the petition.

~~e) Questions to Staff.~~ The BZA may ask questions of the Staff at this time regarding the evidence or clarification of statements.

~~g)f) Public Hearing~~

(i) **Opening.** The Chair shall open the floor for the Public Hearing.

(ii) **Public Comment.** Persons in support, neutral, or in opposition may present evidence, comments, and questions relevant to the matter being considered. Every person shall be allotted a total of two (2) minutes for their presentation.

(iii) **Name and Address.** After being recognized by the Chair, each speaker will step up to the podium and state his/her name and address.

~~(ii)(iv) Closing.~~ The Chair shall close the floor for the Public Hearing.

~~h)g) Closing Remarks by the Petitioner.~~ Petitioner may respond to the evidence, comments, and questions raised during the Public Hearing and shall be allotted up to five (5) minutes to do it.

~~i)h) Discussion of BZA.~~ The Chair shall call for questions and comments from the members of the BZA. The BZA members may direct questions to the Petitioner. The BZA members may ask for any staff comments or recommendations. The BZA shall conduct all of its deliberation on the petitions in the public meeting using the evidence presented at the said public meeting(s).

~~j)i) Call for Vote~~

(i) The Chair shall call for a motion and a second on the case being heard.

(ii) The Chair shall call for discussion.

(iii) The Chair shall do a role call for a vote on the motion.

~~k)~~ **Findings of Fact.** The motion should include findings of fact and state the reasons for the findings by the BZA.

~~k)~~ **Conditions, Commitments.** If conditions and/or commitments are imposed in the granting of approval of said applications, such conditions and/or commitments shall be included in the motion.

- 5) **Evidence.** The BZA shall not be bound by strict rules of evidence and may exclude irrelevant, immaterial, incompetent, or repetitious testimony. The Chair may rule on all questions relating to the admissibility of evidence, which may be overruled by the majority of the BZA.

ARTICLE VIII. Actions, Decisions, and Petition Disposition

- 1) **Official Action.** Action of the BZA is official when concurred by a majority of the full membership (*IC 36-7-4-911*).
- 2) **Basis for Decisions.** Actions of the BZA shall be based upon:
 - a) Information made part of the permanent record;
 - b) The information submitted at the meeting and made part of the permanent record;
 - c) The testimony received at the meeting and made part of the permanent record;
 - d) The applicable ordinances that are in effect and relevant to the petition (i.e. Unified Development Ordinance).
- 3) **Findings of Fact and Decision Criteria.** When deliberating the decision regarding a petition, the BZA shall determine if the petition meets the following:
 - a) Variance of Development Standards: findings of fact per UDO, V 1.6.9.
 - b) Special Use: findings of fact per UDO, V 1.6.8.
 - c) Administrative Appeals: criteria listed in the UDO, V 1.6.13.
 - d) Floodplain Standards variance: criteria listed in the UDO, V 1.6.10.
- 4) **Roll Call/Voice Vote.** All decisions of the BZA shall be made at a public meeting by a motion made, seconded, and determined by a roll call vote by the Secretary. *Exception:* approval of minutes, adjournment, and other procedural items may be made by a voice vote.
- 5) **Tie Votes.** When a vote of the BZA results in a tie, the matter may be resolved by:
 - a) A different motion to reconsider the matter and followed by a re-vote; or
 - b) Re-docketing the matter for the next regularly scheduled meeting of the BZA.
- 6) **Indecisive Vote.** In any case where a vote of the BZA does not result in official action, the matter may be resolved by:
 - a) A different motion to reconsider the matter and followed by a re-vote; or
 - b) Re-docketing the matter for the next regularly scheduled meeting of the BZA.
- 7) **Final Decision**
 - a) *Variance of Development Standards / Special Use*