

RESOLUTION NO. 2 - 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 (Chair)

Brandy Forrer

[Vacant]

[Vacant]

Attest:

Teresa Retherford, Secretary

EXHIBIT A.

ARTICLE II. Board Membership

- 1) **Composition.** The BZA shall consist of five (5) members as prescribed by [IC 36-7-4-902](#).
- 2) **Appointing Authority**
 - a) Town Council President (or a person who is an executive of the municipality) shall appoint three (3) citizen members, of whom one (1) must be a member of Plan Commission and two (2) must NOT be a member of the Plan Commission ([IC 36-7-4-902.a](#)).
 - b) Town Council (or a fiscal body of the municipality) shall appoint one (1) citizen member who must NOT be a member of the Plan Commission ([IC 36-7-4-902.a](#)).
 - c) Plan Commission shall appoint one (1) citizen member from its membership who must be a citizen member of the Plan Commission other than the member appointed under subdivision "a" ([IC 36-7-4-902.a](#)).
- 3) **Term of Service.** The BZA members shall serve the terms as described herein:
 - a) **Duration.** BZA members shall be appointed for a term of four (4) years ([IC 36-7-4-906.a](#)).
 - b) **Expiration.** Each member's term expires on the first Monday of January of fourth year after the year of the member's appointment ([IC 36-7-4-906.c](#)). For example, if a member starts the term on the first Monday of January 2024, then the term ends on the first Monday of January 2028.
 - c) A member serves until the member's successor is appointed and qualified. A member is eligible for reappointment ([IC 36-7-4-906.g](#)).
- 4) **Qualifications for Board Members**
 - a) None of the BZA members may hold an elected office or hold any other appointed office except Plan Commission citizen members ([IC 36-7-4-905](#)).
 - b) A member of the BZA must either reside in the jurisdiction of the Board or be a resident of the county and also an owner of real property located in whole or in part in the jurisdictional authority of the Board. However, at least a majority of the total number of citizen members appointed to the Board must be residents of the jurisdictional area of the Board. The board shall determine whether a member meets all applicable residency requirements for appointment in accordance with uniform rules prescribed by the board. ([IC 36-7-4-905](#))
- 5) **Removal of Members.**
 - a) Members serve at the pleasure of the member's appointing authority provided (IC 36-7-4-906):
 - (i) The officeholder who appointed the individual continues to hold the office; or
 - (ii) The board, committee, or body that appointed the individual retains all of the same members who served on the board, committee, or body when the individual was appointed.
 - (iii) If subdivision (i) or (ii) do not apply, the individual may only be removed for cause.

~~e)b)~~ Members may be removed from the BZA by the respective appointing authority prior to the end of their term for failure to appear at three (3) consecutive, regularly scheduled BZA meetings and for any other reason authorized by law ([IC 36-7-4-906.f](#), [IC 36-7-4-907.b](#)). The BZA Chair shall inform the appropriate appointing official as promptly as possible when a member fails to attend three consecutive meetings. The appointing authority must mail notice of the removal, along with written reasons for the removal, to the member at the member's residence address ([IC 36-7-4-906.f](#)).

5)6) Vacancies

- a) If a vacancy occurs among the BZA members, the appointing authority shall fill the position as promptly as possible for the unexpired term of the vacating member ([IC 36-7-4-907.a](#)).
- b) **Member Temporary Vacancy.** 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 is temporarily unavailable to participate in the hearing or decision. An alternate member shall have all of the powers and duties of a regular member while participating in the hearing or decision ([IC 36-7-4-907.a](#)).

ARTICLE III. Officers and Staff, Duties and Powers

- 1) **Board Authority.** The authority to review, approve, and grant the petitions outlined in the Town of Lapel UDO shall rest with the Town of Lapel BZA.
- 2) **Establishment of Officers.** The officers shall be a Chair, Vice-Chair, and Secretary.
- 3) **Election of Officers**
 - a) **Chair and Vice-Chair.** At its first regular meeting in each year, the Board shall elect a Chair and Vice-Chair from its members ([IC 36-7-4-912](#)).
 - b) **Secretary**
 - (i) **Appointment.** BZA may appoint by a majority vote of the full membership a Secretary who may be an Administrator as defined by the UDO, town's staff, or a member of the BZA.
 - (ii) **Term.** The Secretary shall serve the BZA until dismissed.
 - (iii) **Recording Secretary.** A Recording Secretary may be used for keeping and transcribing minutes of regular or special meetings and findings of fact.
- 4) **Presiding Officer.** The Chair shall be the Presiding Officer. The Presiding Officer shall decide all points of order of procedure in accordance with these Rules, unless otherwise directed by a majority of the quorum present.
- 5) **Absence of Chair.** Vice-Chair may act as Chair of the Board during the absence or disability of the Chair.
- 6) **Absence of Chair and VP.** In the absence of both the Chair and Vice-Chair, a Chair shall be selected from the legal voting quorum present at the meeting.