

Rules of Procedure

Town of Clear Lake Indiana – Board of Zoning Appeals (BZA)

1. The board shall hear all matters as mandated by Indiana Code 36-7-4-918.1, 36-7-4-918.2 and 36-7-4-918.3 and the Clear Lake Unified Development Ordinance.
2. The board shall operate as mandated under Indiana Code 36-7-4-918 and the Clear Lake Unified Development Ordinance.
3. Deadlines:
 - Developmental Standard Variances, Use Variances, and Special Exceptions: All applications must be submitted to the Clear Lake Zoning Administrator or Clerk/Treasurer no later than 28 days prior to a scheduled BZA meeting. All application requirements must be met by deadline.
 - Issues To Be Heard Not Requiring Public Notice: All applications or agenda requests must be submitted to the President of the BZA 7 days prior to a scheduled BZA meeting.
 - Appeals Of Zoning Administrator's Decisions: Application for Administrative Appeal Hearing must be submitted to and received by the Clear Lake Clerk/Treasurer no more than 90 days after the Zoning Administrator's decision. The hearing date for the appeal will be determined by the President of the BZA.
 - Special Exceptions, Developmental Standard Variances, And Use Variances: The granting of any Special Exception, Developmental Standards or Use Variances expires at the end of one year from the date of granting by the Board of Zoning Appeals unless construction or use is commenced within the one year period.
4. Variance Application Requirements:
 - Fully completed Application for Appeal Hearing.
 - Drawings to scale of proposed project including all elevations and an exterior materials list. (7 Copies) Interior drawings may be required for some variances.
 - Site plan to scale showing property lines, existing improvements and proposed improvements. A certified boundary survey. (7 Copies)
 - A copy of property's deed (deeds). (7 Copies)
 - If requesting a new sanitary waste connection, a letter of acceptance from the Clear Lake Sewer Board to connect to the Clear Lake sewer system.
 - On your proposed building site, stakes showing your building locations and your property lines.

All application requirements must be completed before a variance hearing will be scheduled.

5. General Variance Conditions:
 - All variances, special exceptions, developmental standard variances, and/or use variances are based upon the plans submitted at the time of the public hearing and the granting of the variance. Because variances are granted based on plans submitted, any substantive change shall require approval by the Board of Zoning Appeals prior to the start of construction. A substantive change shall include, but not be limited to, deviating from the approved structure setbacks, structure height, structure roof lines and structure orientation on the lot.
 - A Certification of Action Taken will be recorded with the Steuben County Recorder to memorialize all variances granted.
6. Conduct of Public Hearings:
 - A. General Guidelines:

1. All applicants or their representative for both variance and appeal hearings must be present. Failure to appear may result in denial of your request.
2. All persons giving testimony to the Board regarding any pending Petition or Appeal shall be deemed to have been given under oath. A person giving testimony shall state their name and address for the record prior to beginning testimony.
3. All persons appearing at a public hearing shall act in an orderly and courteous manner. Discourteous, disorderly, or contemptuous conduct shall be regarded as a breach of the privileges extended by the Board and shall be dealt with by the presiding officer as is deemed fair and proper.

B. Hearings Concerning Requests for variances, special exceptions, special uses, contingent uses, and conditional uses:

In order to provide all interested parties with a fair hearing, Petitioners and remonstrators shall be afforded a reasonable amount of time for the presentation of evidence, statements and arguments at the public hearing of every Petition before the Board. The order of the presentation of evidence, statements and arguments shall be as follows:

1. Petitioners and persons appearing in support of a Petition shall present evidence, statements and argument in support of the matter being considered.
2. Remonstrators and persons appearing in opposition to a Petition shall then present evidence, statements and argument in opposition to the matter being considered.
3. The Petitioner shall then present rebuttal, which shall include only evidence, statements and argument in rebuttal of remonstrators' evidence, and a brief closing statement.
4. Remonstrators shall then present rebuttal, which shall include only evidence, statements and argument in rebuttal of Petitioners' rebuttal evidence, and a brief closing statement.

At the conclusion of remarks by any party, the Board shall have the right to ask questions pertaining to the evidence, statements and argument presented.

The presiding officer shall have authority to cut off repetitious and irrelevant testimony and shall make reasonable efforts to allow equal time for Petitioners and remonstrators.

At the conclusion of evidence, statements and argument by all interested parties, the Board shall issue an order either denying, granting or granting with conditions the Petition for variance, special exception, special use, contingent use, or conditional use. The Board shall adopt written Findings of Fact concerning each decision made by the Board.

C. Hearings Concerning Appeals of Administrative Decisions:

In order to provide all interested parties with a fair hearing, Appellants and Zoning Administrators shall be afforded a reasonable amount of time for the presentation of evidence, statements and arguments at the public hearing of every Appeal of Administrative Decision before the Board. The order of the presentation of evidence, statements and arguments shall be as follows:

1. Appellants and persons appearing on behalf of Appellants shall present evidence, statements and argument in support of their appeal.
2. The Zoning Administrator shall present evidence, statements and argument in support of the administrative decision being appealed.
3. Members of the Audience shall be provided an opportunity to present statements and argument in support or opposition to the administrative decision being appealed.
4. Appellants shall present rebuttal, which shall include only evidence, statements and argument in rebuttal of the Zoning Administrator's or Public's evidence, statements or argument.

At the conclusion of remarks by any party, the Board shall have the right to ask questions pertaining to the evidence, statements and argument presented.

The presiding officer shall have authority to cut off repetitious and irrelevant testimony and shall make reasonable efforts to allow equal time for Appellants and the Zoning Administrator.

At the conclusion of evidence, statements and argument by all interested parties, the Board shall issue an order either affirming, reversing, or modifying the requirement, order, decision, or determination appealed from. The Board shall adopt written Findings of Fact concerning each decision made by the Board.