CLEAR LAKE BOARD OF ZONING APPEALS
RULES OF PROCEDURE

ADOPTED APRIL 16, 2012

AMENDED OCTOBER 13, 2026

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Article 1 General Information

1.1 Name: The name of the Board shall be the Clear Lake Board of Zoning Appeals (BZA). The Board of Zoning Appeals is hereby established in accordance with the 900 Series of Indiana Code §36-7-4-900.

1.2 Incorporation by Reference: All statutes of the State of Indiana and amendments concerning boards of zoning appeals, which are not specifically incorporated in these Rules of Procedure, are hereby incorporated by reference as part of these Rules of Procedure.

1.3 Jurisdiction: The jurisdiction of the Clear Lake Board of Zoning Appeals shall be the Town of Clear Lake's corporate limits.

1.4 Office Location: The office of the Clear Lake Board of Zoning Appeals shall be the Clear Lake Town Hall, 111 Gecowets Drive, Fremont IN 46737.

1.5 Responsibilities:

A. In accordance with Indiana Code §36-7-4-918, the Board of Zoning Appeals shall hear and determine appeals from and review:
   i. Any order, requirement, decision, or determination made by an administrative official, hearing officer, or staff member under the Unified Development Ordinance;
   ii. Any order, requirement, decision, or determination made by an administrative board or other body, except a plan commission, in relation to the enforcement of the Unified Development Ordinance; and
   iii. Any order, requirement, decision, or determination made by an administrative board or other body, except a plan commission, in relation to the enforcement of an ordinance adopted under this chapter requiring the procurement of an improvement location or occupancy permit.

B. The Board of Zoning Appeals shall approve or deny all special exception uses from the terms of the Unified Development Ordinance, but only in the particular situations specified in the Unified Development Ordinance. The Board may impose reasonable conditions as part of its approval. A special exception use may be approved only upon making written findings of fact.

C. The Board of Zoning Appeals shall approve or deny variances of use from the terms of the Unified Development Ordinance. The Board may impose reasonable conditions as part of its approval. A variance of use may be approved only upon making written findings of fact.

D. The Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, setbacks, or coverage) of the Unified Development Ordinance. The Board may impose reasonable conditions as part of its approval. A variance from development standards may be approved only upon making written findings of fact.

Article 2 Meetings

2.1 Regular Meetings: The Clear Lake Board of Zoning Appeals shall meet six (6) times per year on the same day of the same week (or as nearly as practical thereto) in February, April, June, August, October, and December. The Board of Zoning Appeals shall elect officers at the first regularly-scheduled meeting of each year in February. Regular meetings may be canceled if there is no business.

2.2 Special Meetings: All other meetings of the Clear Lake Board of Zoning Appeals, which are not regular meetings, shall be designated as special meetings. All notices required by the Open Door Law of the State of Indiana shall be complied with in calling a special meeting.

A. The Chairman, Board of Zoning Appeals Staff, or two (2) members of the Board of Zoning Appeals upon written request to the Secretary may call a special meeting. The Secretary shall then send to all members, at least three (3) days before the special meeting, a notice fixing the time and place of the meeting and specifying the subject matter of the meeting. This notice shall not be required if the date, time, and place of the special meeting have been fixed at a regular meeting.

B. An applicant may request a special meeting. An applicant-requested special meeting shall be held on the same day of the same week (or as nearly as practical thereto) of a month without a regular meeting (i.e. January, March, May, July, September, or November) unless the BZA Chairman determines otherwise. The applicant shall pay the fee established in the Town of Clear Lake Fee Schedule if the applicant's request results in a special meeting being scheduled. If two (2) applicants request a special meeting on the same date, each applicant shall pay the entire special meeting fee in full.

2.3 Place of Meeting: Clear Lake Board of Zoning Appeals meetings shall take place in the Clear Lake Town Hall, 111 Gecowets Drive, Clear Lake, Fremont, Indiana at 7:00 PM. The Chairman may change the place or time of the meeting provided that notice of said change is given to all members, applicants, interested parties, and the public.

2.4 Notice of Meetings: Notice of meetings shall be given to all members of the Board of Zoning Appeals in person, by telephone, by e-mail, by fax, or by regular United States mail. News media entitled to notice shall be notified by United States mail, fax, telephone, or e-mail. All notices that are required to be posted shall be posted in the Town Hall. The Secretary shall provide meeting notices to the Clear Lake Clerk-Treasurer in a timely manner for posting as required. (This provision does not apply to Public Hearing Notices. See *8.2 Publication* of these Rules.)

2.5 Minutes of Meetings: The Board of Zoning Appeals shall keep minutes of each meeting. These minutes shall be presented to the Board of Zoning Appeals at a subsequent meeting for approval. When approved, the minutes shall be signed by the Secretary and kept in the Board of Zoning Appeals minute book in the Clear Lake Town Hall.

2.6 Order of Business: The following order of business shall be followed at all meetings of the Board of Zoning Appeals:

A. Call to Order
B. Introductions and Quorum
C. Approval of meeting agenda
D. Approval of minutes from previous meeting(s)
E. Budget Items
F. Appeals, applications, and/or public hearings.
G. Old business
H. New business
I. Discussion
J. Adjournment

2.7 Quorum and Official Action: A majority of the Clear Lake Board of Zoning Appeals that is qualified to vote, three (3) members, shall constitute a quorum [IC 36-7-4-910]. Action of the Clear Lake Board of Zoning Appeals is not official unless authorized at a regular or special meeting by a majority of the entire membership of the Board of Zoning Appeals [IC 36-7-4-911].

2.8 Meeting Deadlines: All applications or agenda requests shall be submitted to the Board of Zoning Appeals seven (7) days prior to a scheduled Board of Zoning Appeals meeting, unless the application or agenda request requires a Public Hearing. Application or agenda requests requiring a Public Hearing shall be submitted to the Board of Zoning Appeals twenty-eight (28) days before a scheduled Board of Zoning Appeals meeting. See *Article 8 Notice of Hearing* of these Rules.

Article 3 Membership and Officers

3.1 Membership:

A. The Board of Zoning Appeals shall consist of five (5) members in accordance with Indiana Code §36-7-4-902:
   i. Three (3) citizen members shall be appointed by the Town Council President. One (1) must be on the Plan Commission; two (2) must not be on the Plan Commission.
   ii. One (1) citizen member shall be appointed by the Clear Lake Town Council and that citizen shall not be a member of the Plan Commission
   iii. One (1) member appointed by the Plan Commission from its membership.

B. The Board of Zoning Appeals may have an alternate if a regular member is unavailable, absent, or unable to participate due to a conflict of interest. This alternate member must be appointed by the appointing body of the regular member that is absent. If all appointing bodies agree, one (1) individual may serve as the standing alternate member.

C. Members shall serve four (4) year terms.

D. None of the members of the Board of Zoning Appeals may hold other elective or appointive offices, which would violate the prohibition of dual office holding as defined by Indiana Law.

E. Residency Requirement:
   i. Members must be a resident of the jurisdictional area of the Board of Zoning Appeals, or
   ii. Members must be a resident of Steuben County and own property within the jurisdictional area of the Board of Zoning Appeals.
   iii. At least a majority of the total number of citizen members appointed to the Board of Zoning Appeals must be residents of the jurisdictional area of the Board of Zoning Appeals.

F. If a vacancy occurs among the members of the Board of Zoning Appeals, the appointing authority shall appoint a member for the remainder of the term of the vacating member [IC 36-7-4-907].

G. A member of the Board of Zoning Appeals serves at the pleasure of the appointing authority so long as:
   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 the same members who served on the board, committee, or body when the individual was appointed.

   If neither situation exists, then the "for cause" and procedures outlined in statute still applies.

3.2 Officers:

A. The Clear Lake Board of Zoning Appeals shall elect a Chairman and Vice-Chairman from the members of the Board of Zoning Appeals at the end of its first regular meeting of each year. The Board of Zoning Appeals may appoint and fix the duties of a Secretary, who is not required to be a member of the Board of Zoning Appeals [IC 36-7-4-913].
   i. The person serving as the Chairman at the last meeting of the preceding year shall entertain nominations for each office.
   ii. Whenever a candidate receives a majority of the vote of the entire membership of the Board, that person shall be declared elected.
   iii. Each officer elected under these Rules shall enter into office immediately upon being declared elected and shall serve until a successor is declared elected at the first meeting of the following year, or until the officer is no longer a member of the Board.

B. Whenever any office becomes vacant, the Board shall elect a successor at its next regular meeting to complete the remainder of the unexpired term.

C. Duties of Each Officer:
   i. The Chairman shall preside over each regular or special meeting of the Clear Lake Board of Zoning Appeals, shall perform duties normally performed by a presiding officer including the appointment of committees, ruling on all points of procedure, and signing all official documents on behalf of the Board of Zoning Appeals.
   ii. The Vice-Chairman shall preside over and assume the duties and responsibilities of the Chairman at any meetings at which the Chairman is absent.
   iii. The Secretary shall keep records of all meetings, applications, and other items of the Clear Lake Board of Zoning Appeals. The Secretary, in conjunction with the Clear Lake Clerk-Treasurer, shall keep track of all money receipted and disbursed by the Clear Lake Board of Zoning Appeals [IC 36-7-4-915 and IC 36-7-4-917].

3.3 Conflict of Interest:

A. A member of the Board of Zoning Appeals is disqualified and may not participate in a hearing or decision of the Board concerning a zoning matter in which the member:
   i. Is biased or prejudiced or otherwise unable to be impartial; or
   ii. Has a direct or indirect financial interest in the outcome of the hearing or the decision.

B. The Board of Zoning Appeals shall enter in the Board's records the fact that a regular member has such a disqualification and the name of the alternate member, if any, who shall participate in the hearing or decision in place of the regular member. Any alternate member shall be appointed by the same appointing authority of the disqualified regular member.

3.4 Ex-Parte Communication: No person may communicate with any member of the Board of Zoning Appeals before a hearing with the intent to influence the member's action on a matter pending before the Board.

Article 4 Administrative Appeals

4.1 Filing:

A. Application for an Administrative Appeal hearing shall be filed with the Clear Lake Clerk-Treasurer or Board of Zoning Appeals no more than ninety (90) days after the order, requirement, decision, or determination is made by an administrative official, administrative board, or other body.

B. An Administrative Appeal filed with the Board of Zoning Appeals shall include:
   i. A written statement of the action from which the appeal stems, and
   ii. The name and/or title of the official or board from which the appeal stems.

4.2 Agenda Placement:

A. After the Administrative Appeal filing is found to be complete and the Administrative Appeal fee has been paid, the case shall be placed on the agenda of the next regularly-scheduled Board of Zoning Appeals meeting that is twenty-eight (28) days or more away unless the Chairman of the Board of Zoning Appeals determines the hearing date should be otherwise.

4.3 Notice of Hearing: Notice of Hearing shall be given in accordance with *Article 8* of these Rules.

4.4 Final Determination:

A. For the purpose of Administrative Appeals, the Board of Zoning Appeals has all the powers of the administrative party from which the appeal stems.

B. The Board of Zoning Appeals may, at its discretion, appoint someone other than the Staff (Zoning Administrator) to take minutes of the appeal meeting if the Staff (Zoning Administrator) is involved in the appeal.

C. The Board shall review the whole record, or copies of the action from which the Administrative Appeal is taken, and then render its decision after deliberation of the issue. The Board may reverse, affirm, or modify the order, requirement, decision, or determination from which the appeal stems.

Article 5 Variances

5.1 Filing:

A. Application for a variance of use or a variance from development standards shall be made on forms provided by the Board of Zoning Appeals. Seven (7) copies of the following supporting information shall be submitted with the application:

i. Drawings, to scale, of the proposed project including all exterior elevations. Additionally, interior drawings may be required for some variances.
ii. Exterior materials list.
iii. Site plan, to scale, showing property lines, existing improvements, and proposed improvements.
iv. Certified boundary survey.
v. Copy of the property deed (or deeds).
vi. 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.
vii. Any other items requested or required for a thorough review of the proposed project.

B. Stakes shall be installed on the site of the proposed project showing the proposed building locations and property lines. These stakes shall be installed at least ten (10) days prior to the meeting where the variance application will be heard.

5.2 Agenda Placement: After the application and supporting information is found to be complete (except site staking as provided) and the application fee has been paid, the case shall be placed on the agenda of the next regularly-scheduled Board of Zoning Appeals meeting that is twenty-eight (28) days or more away.

5.3 Notice of Hearing: Notice of Hearing shall be given in accordance with *Article 8* of these Rules.

5.4 Findings of Fact:

A. A variance of use may be approved only after a public hearing has been held and the Board of Zoning Appeals determines in writing all of the following findings of fact. It is the applicant's responsibility to present evidence to the Board on each of the findings required for the variance:

i. Legal notice of the application has been provided in accordance with applicable Indiana Code Section and Notice has been made to interested parties.
ii. The approval of the variance will not be injurious to the public health, safety, morals, and general welfare of the community.
iii. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
iv. The need for the variance arises from some condition peculiar to the property involved.
v. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
vi. The approval does not interfere substantially with the comprehensive plan adopted under Indiana Code 36-7-4-500 series.

B. A variance from development standards may be approved only after a public hearing has been held and the Board of Zoning Appeals determines in writing all of the following findings of fact. It is the applicant's responsibility to present evidence to the Board on each of the findings required for the variance.

i. Legal notice of the application has been provided in accordance with applicable Indiana Code Section and Notice has been made to interested parties.
ii. The approval of the variance will not be injurious to the public health, safety, morals, and general welfare of the community.
iii. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
iv. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

Article 6 Special Exception Uses

6.1 Filing:

A. Application for approval of a special exception use shall be made on forms provided by the Board of Zoning Appeals. Seven (7) copies of the following supporting information shall be submitted with the application:

i. Drawings, to scale, of the proposed project including all exterior elevations. Additionally, interior drawings may be required for some variances.
ii. Exterior materials list.
iii. Site plan, to scale, showing property lines, existing improvements, and proposed improvements.
iv. Certified boundary survey.
v. Copy of the property deed (or deeds).
vi. 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.
vii. Any other items requested or required for a thorough review of the proposed project.

B. Stakes shall be installed on the site of the proposed project showing the proposed building locations and property lines. These stakes shall be installed at least ten (10) days prior to the meeting where the variance application will be heard.

6.2 Agenda Placement: After the application and supporting information is found to be complete (except site staking as provided) and the application fee has been paid, the case shall be placed on the agenda of the next regularly-scheduled Board of Zoning Appeals meeting that is twenty-eight (28) days or more away.

6.3 Notice of Hearing: Notice of Hearing shall be given in accordance with *Article 8* of these Rules.

6.4 Findings of Fact: A special exception use may be approved only after a public hearing has been held and the Board of Zoning Appeals determines in writing all of the following findings of fact. It is the applicant's responsibility to present evidence to the Board on each of the findings required for the special exception:

A. The proposed Special Exception is consistent with the purpose of the zoning district and the Town of Clear Lake Comprehensive Plan.

B. The proposed Special Exception will not be injurious to the public health, safety, morals and general welfare of the community.

C. The proposed Special Exception is in harmony with all adjacent land uses.

D. The proposed Special Exception is in harmony with nearby and adjacent environmental features and Clear Lake.

E. The proposed Special Exception will not alter the character of the district; and

F. The proposed Special Exception will not substantially impact property value in an adverse manner.

Article 7 Public Hearings

7.1 Required Hearings: Public Hearings shall be held for appeals, variance applications, special exception use applications, and as required by Indiana Code and the Town of Clear Lake Unified Development Ordinance.

7.2 Agenda Placement: An applicant who seeks a decision that requires a Public Hearing shall file the appropriate application with the Board of Zoning Appeals. Upon receipt of such an application, payment of filing fees, and confirmation that all the required and requested supporting information is included, the Secretary shall place the application on the agenda of the next regularly scheduled Board of Zoning Appeals meeting that is twenty-eight (28) days or more away.

7.3 Meeting Attendance: In order for an application to be heard at a Public Hearing, the applicant shall be in attendance to present the application, evidence and support thereof, and answer questions about the application. If no one is present to represent the applicant, then the Board of Zoning Appeals shall dispose of the application in accordance with *Article 9: Final Disposition of Cases*.

7.4 Hearing Procedure:

A. The Chairman shall introduce the application or case.

B. The Chairman shall request the applicant present the application. The applicant shall first present the facts and arguments in support of the case (15 minutes). Comments and questions from the Board of Zoning Appeals concerning the initial presentation shall be held until the end of the initial presentation.

C. The Chairman shall ask for comments and questions from the Board of Zoning Appeals.

D. The Public Hearing shall then be opened for comments from the public.
   i. All persons giving testimony to the Board shall complete a "Record of Public Hearing Appearance and Presentation of Evidence" form before or at the Board of Zoning Appeals meeting.
   ii. The Chairman will ask the Zoning Administrator to present a staff report. The staff report shall include Findings of Fact and a summary of correspondence and/or feedback submitted.
   iii. Supporting comments from organized groups, committees, and individuals, other than the applicant shall then follow. Speakers should try to present new points and not repeat previous speakers (5 minutes).
   iv. Opposing comments shall then be heard. Speakers should try to present new points and not repeat previous speakers (5 minutes).
   v. The Board of Zoning Appeals reserves the right to question any speaker at the end of his/her presentation.
   vi. The applicant shall then receive time for rebuttal (5 minutes). In its discretion or upon request, the Board of Zoning Appeals may permit the opposition to address new information presented in the rebuttal (5 minutes).
   vii. Once the Board of Zoning Appeals has finished questioning the points brought up by the public, the Public Hearing shall be closed.

E. After the hearing is closed, the Board of Zoning Appeals shall discuss and deliberate the application and shall have the right to ask questions to clarify information.

7.5 Hearing Conduct:

A. All persons giving testimony to the Board regarding any pending application or appeal shall be deemed to have given the testimony under oath. A person giving testimony shall state their name and address for the record prior to beginning testimony.

B. The burden shall be on the applicant to supply all information, including charts, diagrams, and other exhibits necessary for a clear understanding of the request.

C. Statements to the Board of Zoning Appeals made by the applicant at the meeting regarding anticipated methods of operation, siting, or other details relevant to the decision shall be binding agreements between the applicant and the Board of Zoning Appeals and shall be reflected in the minutes of the meeting.

D. Drawings, displays, or documents presented at the meeting by the applicant illustrating details shall also be binding as to their content and representation if the application receives approval. Said documentation shall become part of the public record, and shall be maintained with the case file.

E. Every person appearing before the Board of Zoning Appeals shall abide by the orders and directions of the Chairman. The Chairman shall have the authority to cut off repetitions or irrelevant testimony. Discourteous, disorderly, or contemptuous conduct shall be regarded as a breach of the privileges of the Board of Zoning Appeals and shall be dealt with as the Chairman directs.

7.6 The Board of Zoning Appeals may continue or postpone any Public Hearing when it needs more time to deliberate. The Board of Zoning Appeals, at its discretion and on an affirmative vote of a majority of the Board of Zoning Appeals, may continue or postpone a hearing upon request of any party.

7.7 Postponement or continuation of a Public Hearing to a date more than six (6) months beyond the initial Public Hearing shall not be granted. The Board of Zoning shall dismiss such pending requests. The right of applicants to re-file such applications shall be preserved, providing no final disposition of the prior request was granted. Such applications shall again be subject to the payment of filing fees.

Article 8 Notice of Hearing

8.1 Adjacent and Interested Property Owners: The Board of Zoning Appeals Staff shall provide a Notice of Hearing to all adjacent and interested property owners.

A. Adjacent property owners shall be notified by sending a copy of the Notice of Hearing using Certificate of Mailing service with such notice being postmarked at least ten (10) days before the Public Hearing date. Adjacent properties owners shall be defined as all contiguous properties with the assumption that public rights-of-way do not exist. Addresses for adjacent property owners shall be obtained through the Steuben County property owner records.

B. Interested property owners, who are not adjacent property owners, shall be notified by sending a copy of the Notice of Hearing by regular mail with such notice being postmarked at least ten (10) days before the Public Hearing date. Interested property owners shall be determined by creating a 300-foot buffer around the subject property using the Steuben County GIS system. Addresses for interested property owners shall be obtained through the Steuben County property owner records.

C. The Notice of Hearing shall state:
   i. The name of the applicant.
   ii. The location by address or other identifiable geographic description of the subject property.
   iii. A summary of the subject matter contained in the application or appeal.
   iv. The time and place that the application or appeal has been set for hearing.
   v. That the application and file may be examined in the Town Hall.
   vi. That the addressee may voice an opinion at the hearing and/or file written comments with the Board of Zoning Appeals.
   vii. That the hearing may be continued from time to time as necessary.

D. Appearance at any hearing on an application, in person or by representative, shall waive any defect in notice unless the alleged defect is raised at the beginning of the hearing.

E. Proof of notice shall be filed in the case file. Proof shall consist of a list of adjacent and interested property owners, the original US Postal Service Certificate of Mailing Receipts stamped by the US Post Office with the postmark and/or any envelopes that were returned to sender as "undeliverable." The postmarked receipts shall be sufficient proof of notice under these rules regardless of actual receipt by the intended recipient.

8.2 Publication: Board of Zoning Appeals Staff, in conjunction with the Clear Lake Clerk-Treasurer, shall cause the Notice of Hearing to be published in the Herald Republican ten (10) days or more before the Public Hearing.

8.3 Posting Signs: . The Zoning Administrator shall post a sign from a visible location (street side) at least ten (10) days or more before the Public Hearing, on the property for which the variance is sought.

8.4 Cost of Notice: The applicant requesting a Public Hearing shall bear the cost of the newspaper notice and notice to all adjacent and interested property owners by paying the fee established in the Town's fee schedule.

Article 9 Final Disposition of Cases, Modifications, Expiration, and Certification of Action

9.1 Final Disposition:

A. The final disposition of cases shall set forth the findings and determinations of the Board of Zoning Appeals together with any conditions, modification, specification, or limitation it makes in the Board of Zoning Appeals minutes.

B. The Board of Zoning Appeals shall dismiss an application if the applicant or its representative fails to appear at the scheduled hearing. If an application is dismissed for this reason, the applicant may re-file. Such application shall again be subject to the payment of filing fees.

C. An applicant may not withdraw a case after the hearing on the application or request has commenced.

D. An applicant that has received an adverse Board of Zoning Appeals decision shall not re-file an application or request seeking substantially similar relief within twelve (12) months of the date of the adverse Board of Zoning Appeals decision. If there has been a change of circumstances, an applicant may re-file the application six (6) months after the date of the decision if the change of circumstances is specified in the re-filed application.

9.2 Modifications: The Board of Zoning Appeals makes decisions based on plans submitted. Any substantive modifications to plans after the Board has granted its approval 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, approved structure setbacks, structure height, structure roof lines, and structure orientation on a lot.

9.3 Expiration: The granting of any special exception use or variance expires at the end of one (1) year from the date of granting by the Board of Zoning Appeals unless construction or use is commenced within the one-year period.

9.4 Certification of Action: A Certificate of Action Taken shall be recorded with the Steuben County Recorder to memorialize all variances granted after the project is completed.

Article 10 Internal Operations

10.1 Committees: Committees may be created for purposes and terms, which the Board approves, and in accordance with the following:

A. Each committee shall be composed of not more than three (3) members of the Board of Zoning Appeals.

B. The Chairman shall appoint a chair for each committee who shall be responsible for all official business of the committee.

C. Non-member residents and special resource people may be appointed to serve on committees.

10.2 Rules Committee: The Rules Committee shall be a standing committee of the Board of Zoning Appeals. The members of the Rules Committee shall be appointed at the first regular meeting of the Board of Zoning Appeals each year.

10.3 Staff: The Board of Zoning Appeals Staff shall be the Zoning Administrator for the Town of Clear Lake.

10.4 Budget: The Clear Lake Board of Zoning Appeals shall work with the Clear Lake Clerk-Treasurer to prepare an annual budget and submit the same to the Town Council at budget time.

Article 11 Amendment and Conflicting Statutes

11.1 Amendment: These Rules of Procedure shall be amended by two-thirds (2/3) of the membership at any regular meeting or special meeting called for the purpose of amending the Rules of Procedure of the Clear Lake Board of Zoning Appeals.

11.2 Powers and Duties: The powers and duties of the Clear Lake Board of Zoning Appeals are contained in State Statutes enacted and promulgated by the State of Indiana. If any statute of the State of Indiana conflicts with these Rules of Procedure, then the provisions of said statute shall control unless said Rules of Procedure create a stricter notice provision than those contained in said statutes. If the State Statutes, which are incorporated in these Rules of Procedure, are amended by the legislature, then these Rules of Procedure shall be automatically amended to conform to the provisions of said statutes. The Chairman of the Board of Zoning Appeals shall have the Rules of Procedure reviewed regularly by legal counsel in order to keep them current.

11.3 Incorporation by Reference: All statutes of the State of Indiana and amendments concerning boards of zoning appeals, which are not specifically incorporated in these Rules of Procedure are hereby incorporated by reference as part of the Rules of Procedure of the Clear Lake Board of Zoning Appeals.

Adopted by the Clear Lake Board of Zoning Appeals on this 16th day of April, 2012.

Article 12 Table of Amendments

BZA Approval Date	Article Affected	Brief Description of Changes
April 16, 2012		Initial Adoption
June 15, 2015	Article 7	Applicant required to present their case
June 18, 2016	Article 8	Notice by Certificate of Mailing (as opposed to Certified Mail, Return Receipt)
February 14, 2023	Article 2	2.1: Meeting dates, and 2.6: Order of Business
October 13, 2026	Article 3	Add language consistent with Indiana Code BZA Appointments (HEA 1161)