

**ORDINANCE No. 2023-48**

**AN ORDINANCE AMENDING TITLE XV, CHAPTER 156, §156.007**  
**BOARD OF ZONING APPEALS MEMBERSHIP**

**WHEREAS**, the Hancock County Commissioners (“Commissioners”) have heretofore adopted an ordinance creating the Hancock County Area Wide Plan Commission (“Plan Commission”) pursuant to Indiana Code 36-7-4-200 et seq. which includes §156.007 regarding the Board of Zoning Appeals (“BZA”) establishment and make-up; and

**WHEREAS**, Indiana Code 36-7-4, sections 902(d) and 905, prescribe the required membership of the BZA and Indiana Code 36-7-4-906 prescribes the terms of office for BZA members;

**WHEREAS**, at this time, the Commissioners wish to amend and restate §156.007 and re-establish the BZA’s membership.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners Hancock County, Indiana, the following:

**SECTION I**

§156.007 shall be amended and restated as follows:

(A) The Board of Zoning Appeals shall consist of five citizen members to be appointed in accordance with Indiana Code 36-7-4-902(d) as follows:

(1) One (1) who may not be a member of any plan commission, appointed by the executive of the largest municipality in the county participating in the commission.

(2) One (1) who may not be a member of any plan commission, appointed by the executive of the second largest municipality in the county participating in the commission.

(3) One (1) appointed by the Board of Commissioners who is a member of the area plan commission.

(4) One (1) appointed by the area plan commission from its membership.

(5) One (1) appointed by the Board of Commissioners who is not a member of any planning commission.

(B) Pursuant to Indiana Code 36-7-4-905, the requirements to serve on the Board of Zoning Appeals are as follows:

(1) No member of the Board of Zoning Appeals may hold elected office, as defined in Indiana Code 3-5-2-17, or any other appointed office in municipal, county or state government, unless allowed to serve on the plan commission under Indiana Code 36-7-4-902.

(2) A member of the Board of Zoning Appeals must be a resident of the jurisdictional area of the Board or must be a resident of the county and also an owner of real property located in whole or in part of the jurisdictional area of the Board.

(3) At least a majority of the total number of members appointed to the Board of Zoning Appeals must be residents of the jurisdictional area of the Board.

(C) Pursuant to Indiana Code 36-7-4-906(b), the initial terms beginning January 2, 2023 for the members of the Board of Zoning of Appeals are as follows:

(1) Member referenced in (A)(1) – one (1) year;

- (2) Member referenced in (A)(2) – two (2) years;
- (3) Member referenced in (A)(3) – three (3) years;
- (4) Members referenced in (A)(4) and (A)(5) – four (4) years.

(D) Pursuant to Indiana Code 36-7-4-906 (a) and (c), when the initial term of office expires, each new appointment is for a term of four(4) years. Each term expires on the first Monday of January.

**SECTION II**

All previous actions taken by the BZA under a different membership composition than provided in this ordinance are hereby ratified and approved.

**SECTION III**

**Exhibit A**, attached hereto, illustrates the appointments and terms of office required by this ordinance.

**SECTION IV**

This ordinance is effective upon passage.

Adopted this 4 day of April, 2023.

**BOARD OF COMMISSIONERS  
HANCOCK COUNTY, INDIANA**

  
\_\_\_\_\_  
Bill Spalding

John Jessup  
  
\_\_\_\_\_  
Gary McDaniel

Attest:  
  
\_\_\_\_\_  
Debra Carnes, Hancock County Auditor

This instrument was prepared by Gregg H. Morelock, BRAND & MORELOCK, 6 West South Street, Greenfield, IN 46140.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Gregg H. Morelock.

**EXHIBIT A**

| <b>Criteria for Appointee</b>  | <b>Appointing Body</b>   | <b>Initial Term of Office</b>  | <b>Subsequent Term of Office</b> |
|--|--------------------------|--------------------------------|----------------------------------|
| (A)(1) One member who may not be a member of any plan commission, appointed by the executive of the largest municipality in the county participating in the commission. Renews every four years after initial term.        | Shirley Town Council     | Jan. 2, 2023 –<br>Jan. 1, 2024 | Jan. 1, 2024 –<br>Jan. 3, 2028   |
| (A)(2) One member who may not be a member of any plan commission, appointed by the executive of the second largest municipality in the county participating in the commission. Renews every four years after initial term. | Spring Lake Town Council | Jan. 2, 2023 –<br>Jan. 6, 2025 | Jan. 6, 2025 –<br>Jan. 1, 2029   |
| (A)(3) One member appointed by the Board of Commissioners who is a member of the area plan commission. Renews every four years after initial term.   | Commissioners            | Jan. 2, 2023 –<br>Jan. 5, 2026 | Jan. 5, 2026 –<br>Jan. 7, 2030   |
| (A)(4) One member appointed by the area plan commission from its membership. Renews every four years after initial term.   | Plan Commission          | Jan. 2, 2023 –<br>Jan. 4, 2027 | Jan. 4, 2027 –<br>Jan. 6, 2031   |
| (A)(5) One member appointed by the Board of Commissioners who is not a member of any plan commission.  | Commissioners            | Jan. 2, 2023 –<br>Jan. 4, 2027 | Jan. 4, 2027 –<br>Jan. 6, 2031   |

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| <p>Additional requirements for appointments:</p> <ul style="list-style-type: none"> <li>• No member of the BZA may hold elected office, as defined in IC 3-5-2-17, or any other appointed office in municipal, county or state government, unless allowed to serve on the plan commission under IC 36-7-4-902.</li> <li>• A member of the BZA must be a resident of the jurisdictional area of the Board or must be a resident of the county and also an owner of real property located in whole or in part of the jurisdictional area of the Board.</li> <li>• At least a majority of the total number of members appointed to the BZA must be residents of the jurisdictional area of the Board.</li> </ul> |
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