



Welcome to the Plan Commission or Board of Zoning Appeals

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Once you become a member of the local plan commission or board of zoning appeals (BZA), you may have several questions before your first meeting. This publication aims to provide you an overview of the local plan commission and BZA to help you understand the role of these committees and to prepare for your first few meetings.

What Are the Plan Commission and BZA?

The plan commission is an independent commission composed mainly of private citizens who are appointed by elected officials. The commission's primary role is to advise a governing body (such as a county commission, city council, or town council) on matters that relate to the use and development of land.

The commission may offer recommendations about new development based on existing zoning; they may review applications for zoning changes, variances, and

exceptions; and they may address any other broader issue related to public health, safety, and general welfare connected with the land use.

In Indiana, plan commissions are also responsible for making decisions about land subdivision. A subdivision is a parcel of land that has been divided into lots, tracts, or other units as defined by the governing body. The plan commission has exclusive control over the approval process for all subdivisions of all land covered by their subdivision ordinance.

By law, Indiana counties that wish to have zoning laws must develop and adopt a comprehensive plan. The plan commission is responsible for developing that plan, which the governing body must approve. Once the comprehensive plan is in place, the plan commission may develop zoning and subdivision control ordinances, with approval by the governing body. The plan commission is responsible for revising the comprehensive plan, zoning ordinance, and subdivision ordinance (subject to adoption by the governing body).

The BZA, as the name implies, is responsible to hear appeals of administrative decisions about zoning decisions. The BZA also approves or denies special exceptions, conditional uses, and variances. BZA decisions are final unless overturned in court.

The Purdue Land Use Team provides research-based resources and educational programs for Extension professionals, government officials, and residents on land use issues that affect their communities. Learn more at www.cdext.purdue.edu/collaborative-projects/land-use.

How Can I Prepare for My First Meetings?

Indiana law requires all communities to develop a comprehensive plan before they adopt zoning laws. You should be able to obtain a copy of your comprehensive plan and ordinances from your plan commission office. If your community does not have a plan commission staff, check with your county commissioners, or city or town council.

Another good resource is the plan commission staff. Staff members can help you learn about upcoming cases that might be particularly challenging, ongoing efforts to update ordinances or the comprehensive plan, and other pertinent issues.

The staff can also provide you with a copy of rules of procedure. The rules of procedure that the plan commission and BZA adopt tell the public how you run your meetings. This is important, because if the commission or BZA fails to operate by the rules they adopted, that can lead to lawsuits or decisions being overturned.

At most plan commission and BZA meetings, your board attorney will be present. The attorney is responsible help interpret your ordinances, state regulations about planning and zoning, and your rules of procedure. Your attorney is not there to make decisions about the case in front of you. They should help the board by making legally defensible decisions.

What Else Should I Know?

As a member of the plan commission or BZA, you are a public official. Your decisions must be made based on knowledge and information that is available to the public. It is highly likely that people will approach you from time to time to give you information about cases that come before the board, or to give you their opinion.

This type of conversation is known as *ex parte* communication, and it is illegal. You must tell these individuals that you cannot speak about the case at this time, or you will need to recuse yourself from the decision-making process.

As a plan commission/BZA member, you may find it useful to visit sites that will be coming before the



commission or board. During those visits, interested parties or fellow plan commission/BZA members may approach you to talk about the issue. Communicating during the site visit about the upcoming decision also is a form of *ex parte* communication. Again, the decision could be overturned later if *ex parte* communication takes place.

There will be times when a case comes before the plan commission or BZA that meet the standards set by your rules, yet you do not feel it is an appropriate decision. However, you must base your decision on existing zoning regulations and development standards — even if those regulations feel outdated or incorrect. Voting against such cases generally results in lawsuits that will overturn the decision. The planning commission can review and suggest revisions to the zoning code later. Reviewing comprehensive plans, zoning regulations, and subdivision ordinances every five years may reduce such issues and help keep your ordinance current during these rapidly changing times.

Find Out More

Find other publications by the Purdue Land Use Team in the Education Store (edustore.purdue.edu) or on the Purdue Land Use Team website (www.cdext.purdue.edu/collaborative-projects/land-use).

March 2018

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