

**LAGRANGE COUNTY BOARD OF ZONING APPEALS**  
**JANUARY 17TH, 2023**

THE LAGRANGE COUNTY BOARD OF ZONING APPEALS MET IN REGULAR SESSION ON **TUESDAY, JANUARY 17TH, 2023 AT 7:00P.M.** IN THE LAGRANGE COUNTY COMMISSIONERS ROOM AT THE COUNTY OFFICE BUILDING

**CALL TO ORDER:** Nick Wilson called the meeting to order at 7:00 p.m.

**ROLL CALL:** Philip Bieberich, Tyler Young, Nick Wilson, Lynn Bowen & Dan Patterson.

**ELECTION OF OFFICERS:** Tyler Young made a motion to nominate Nick Wilson as president. Lynn Bowen seconded the motion. Lynn Bowen made a motion to close the nominations. Tyler Young seconded the motion. A vote was taken, motion carried with Nick Wilson as president. Tyler Young made a motion to nominate Philip Bieberich as Vice President. Nick Wilson seconded the motion. Lynn Bowen made a motion to close the nominations. Tyler Young seconded the motion. A vote was taken, motion carried with Philip Bieberich as Vice President.

**ADOPT AGENDA:** Lynn Bowen made a motion to adopt the agenda. Tyler Young seconded the motion. A vote was taken, motion carried.

**MINUTES OF PREVIOUS MEETING:** Lynn Bowen made a motion to approve the previous minutes. Tyler Young seconded the motion. A vote was taken, motion carried.

**COMMUNICATIONS:** There will be a Unified Development Ordinance meeting March 6<sup>th</sup>, 2023, open to the public. Lynn and Robbie discussed looking into having it at the 4H building (if available). Philip Bieberich will not be at the February meeting on the 21<sup>st</sup>.

**NEW BUSINESS**

**DEVELOPMENTAL VARIANCE**

*(Public Hearing)*

**HENLEY, KEITH & MEGAN ~ By: Lakeview Builders (22-V-42):** Johnson Twp., Sect. 31, T36N R10E, zoned L-1. Located at 7300 S 080 E, Wolcottville. Application is for two side yard setback variances from the required 10' to 7' and a roadside setback from 45' to 36' for a new home.

Robbie Miller introduced the petition and reviewed the site plan.

Eddie Michels (25 W 060 S. LaGrange) was present for the petitioner and explained the reason for the variance. Nick Wilson asked if there was anyone in favor of the petition. No others appeared in favor of the petition. Mr. Wilson asked if anyone would like to remonstrate against the petition. No remonstrators appeared.

The public hearing was subsequently closed.

The board discussed the petition.

A roll call vote was taken:

*Developmental Standard Variance*

1. The Approval will not be injurious to the public health, safety, and general welfare of the community.

*The proposal is for the construction of a new residence on Petitioners' property within the required side yard and roadside setbacks. The proposed residence is located far enough off the roadway that it will not obstruct view on the road, nor will it pose any risk to the public.*

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

*The proposed new construction would be aesthetically pleasing to neighboring landowners. The proposed setback variance will not unreasonably intrude on neighboring landowners' use and enjoyment of their properties. The proposed side yard setback is actually reduced from what currently exists on property. No remonstrators appeared.*

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

*Given the size and layout of the subject property, Petitioners would be unable to construct a new residence on the property without the variance requested.*

4. The variance granted is the minimum necessary and does not correct a hardship caused by an owner, previous or present, of the property.

*The proposed construction is minimally intrusive and does not seek to unreasonably encroach upon the lakeside, roadway, or any neighboring properties. The proposed residence is reasonably sized considering the lot size in question.*

For all of the foregoing reasons, on this 17th day of January 2023 the LaGrange County Board of Zoning Appeals finds the Petitioners have met their burden of proof and hereby approves the variance as requested.

*(Public Hearing)*

**BELCHER, JOHN & PAULA ~ By: Doug Eby (23-V-01):** Johnson Twp., Sect. 30, T36N R10E, zoned L-1. Located at 6470 S 070 E, Wolcottville. Application is for a side yard setback from 10' to 5' and a roadside setback from 45' to 30', and a lakeside setback from 45' to 30' for a new home.

Robbie Miller introduced the petition and reviewed the site plan.

Doug Eby (8326 Fritz Rd. Fort Wayne, IN) was present for the petitioner and explained the reason for the variance. Nick Wilson asked if there was anyone in favor of the petition.

Paula Belcher (6470 S 070 E. Wolcottville) was present and spoke in favor of the petition for more space.

Nick Wilson asked if anyone would like to remonstrate against the petition. No remonstrators appeared.

The public hearing was subsequently closed.

The board discussed the petition.

A roll call vote was taken:

*Developmental Standard Variance*

1. The Approval will not be injurious to the public health, safety, and general welfare of the community.

*The proposal is for the construction of a new residence on Petitioners' property within the required side yard, lake side, and roadside setbacks. The proposed residence is located significantly further off the adjacent roadway than the existing home. The proposed roadside setback will not obstruct view on the road, nor will it pose any risk to the public.*

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

*The proposed new construction would be aesthetically pleasing to neighboring landowners. The proposed side yard setback variance will not unreasonably intrude on neighboring landowners' use and enjoyment of their properties. The lake side setback should not affect the lakeview of adjacent properties. No remonstrators appeared.*

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

*Given the size, width, and layout of the subject property, Petitioners would be unable to construct a new residence on the property without the variance requested.*

4. The variance granted is the minimum necessary and does not correct a hardship caused by an owner, previous or present, of the property.

*The proposed construction is minimally intrusive and does not seek to unreasonably encroach upon the lakeside, roadway, or any neighboring properties. The proposed residence is reasonably sized considering the lot size in question.*

For all of the foregoing reasons, on this 17th day of January 2023 the LaGrange County Board of Zoning Appeals finds the Petitioners have met their burden of proof and hereby approves the variance as requested.

*(Public Hearing)*

**MYNHIER, CHRIS & LINDA ~ By: Chris & Linda Mynhier (23-V-02):** Lima Twp., Sect. 27, T38N R09E, zoned L-1. Located at 5905 N 210 W Howe. Application is for a roadside variance from the required 45' to 22' for a garage addition.

Robbie Miller introduced the petition and reviewed the site plan.

Linda Mynhier (5905 N 210 W Howe) was present as the petitioner and explained the reason for the variance being to add 10' for her vehicle to park inside and to have more storage.

Nick Wilson asked if there was anyone in favor of the petition. There were none. Mr. Wilson asked if anyone would like to remonstrate against the petition. No remonstrators appeared.

The public hearing was subsequently closed.

The board discussed the petition.

A roll call vote was taken:

### *Developmental Standard Variance*

1. The Approval will not be injurious to the public health, safety and general welfare of the community.

*The proposal is for the construction of a garage addition on Petitioners' property located in an L-1 zone. The proposed new garage is located far enough off of the adjacent dead-end roadway, wherein it will not obstruct view on the road, nor will it pose any risk to the public.*

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

*The proposed garage addition will be aesthetically pleasing to neighboring landowners. The setback request is for a minimally traveled dead-end roadway, only utilized by the petitioners and one (1) neighbor. The proposed setback variance will not unreasonably intrude on neighboring landowners' use and enjoyment of their properties. No remonstrators appeared.*

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

*Given the size and layout of the subject property, Petitioners would be unable to construct a garage addition as proposed without the variance requested.*

4. The variance granted is the minimum necessary and does not correct a hardship caused by an owner, previous or present, of the property.

*The proposed construction is minimally intrusive and does not seek to unreasonably encroach upon the adjacent roadway or neighboring properties. The proposed new garage is reasonably sized considering the lot size in question.*

For all of the foregoing reasons, on this 17th day of January 2023, the LaGrange County Board of Zoning Appeals finds the Petitioners have met their burden of proof and hereby approves the variance as requested.

### *LAND USE VARIANCE*

*(Public Hearing)*

**YODER, IVAN ~ By: Ivan Yoder (23-LUV-01):** Bloomfield Twp., Sect. 30, T37N R10E, zoned I-2. Located at 412 E Central Ave., LaGrange. Application a land use variance to house 5 horses in an I-2 (heavy industrial) zoning district.

Robbie Miller introduced the petition and reviewed the site plan.

Ivan Yoder (412 S Central Ave. LaGrange) was present as the petitioner and explained he would like a 2–3-year variance so he can move his horses.

Nick Wilson asked if there was anyone in favor of the petition. There was none. Mr. Wilson asked if anyone would like to remonstrate against the petition.

Mark Eagleson (1201 N Townline Rd., LaGrange) spoke against the petition. Mark stated that the well system is being replaced soon for the town, the only well system while that work is being done will be the one in the vicinity of Mr. Yoder's property. The town is concerned about contamination from the horses into the existing well.

Tyler Young made a motion that this land would be for this use only for this owner (Mr. Yoder) and will be void if the land is sold. Lynn Bowen seconded the motion.

Tyler Young also made a motion to have the horses relocated within 90 days of January 17<sup>th</sup>, 2023, which would put him into the middle of April. Dan Patterson seconded the motion.

The public hearing was subsequently closed.

The board discussed the petition.

A roll call vote was taken:

#### *Land Use Variance*

1. The approval **will be** injurious to the public health, safety, and general welfare of the community.

*The proposal is to house and maintain five (5) horses on a parcel of land zoned I-2. The proposed horse pasture is located on the rear portion of the lot which leaves provides minimal room for the horses to be housed on the property. The property is also located within the Town of LaGrange's well head protection area. The housing of horses at this location poses a risk to the public health, safety, and welfare.*

2. The use and value of the area adjacent to the property included in the variance **will be** affected in a substantially adverse manner.

*That the lot is zoned for industrial uses and is located adjacent to the corporate limits of the Town of LaGrange. There are no other large animals housed near this location nor within the corporate limits of LaGrange. Maintaining horses on such a lot may cause a significant effect on neighboring property values. No remonstrators appeared.*

3. The need for the variance **does not** arise from some condition peculiar to the property involved.

*There is no condition peculiar to the property at issue. The property is zoned I-2 which does not allow for the housing of large animals, such as horses or traditional agricultural uses. This property is not suitable for the housing of large animals.*

4. The strict application of the terms of the zoning ordinance **will not** constitute an unnecessary hardship if applied to the property for which the variance is sought.

*While petitioner would be unable to maintain horses on the subject lot without the variance requested, the property could continue to be utilized for industrial purposes, such as Petitioner's trucking business, or other uses consistent with I-2 zoning as it currently exists.*

5. The approval **does** interfere substantially with the Comprehensive Plan

*The use requested by Petitioner is not common in the I-2 zone, as the I-2 zone is designated for industrial uses and heavy manufacturing and is not the proper location for large animals such as horses. The comprehensive plan clearly provides for the designation of agricultural uses, such as maintaining large animals and livestock, in A-1 zones and not in I-2 zones.*

For all of the foregoing reasons, on this 17th day of January 2023, the LaGrange County Board of Zoning Appeals finds the Petitioner has not met its burden of proof and hereby denies the variance as requested.

*(Public Hearing)*

**SCHLABACH, JOAS ~ By: Joas Schlabach (23-LUV-02/23-V-03):** Newbury Twp., Sect. 11, T37N R08E, zoned A-1. Located at 750 E North St, Shipshewana. Application a land use variance for a Short-Term Rental Complex with an 8 Tiny Homes. Also, a setback variance from the required 80' to 37' for the Tiny Home Complex.

Robbie Miller introduced the petition and reviewed the site plan.

Joas Schlabach (750 E North St., Shipshewana) spoke on the petition. Joas spoke about Shipshewana needing more vacancy for the tourist that come to see Shipshewana and surrounding areas, bringing in money for Shipshewana.

Nick Wilson asked if there was anyone in favor of the petition. There was none. Mr. Wilson asked if anyone would like to remonstrate against the petition. There was none.

Tyler Young asked where parking would be available and how many each Tiny Home sleeps.

Joas suggested parking would hold one car per house around the fire pit. Each Tiny Home sleeps 2 adults and 3 kids.

Jared Beazley (Community Health Clinic Inc) spoke on behalf of the Community Health Clinic neighboring Mr. Joas property. Mr. Beazley said it would benefit the Community Health Clinic to have Tiny Homes because many of his clients are from out of State.

The public hearing was subsequently closed.

The board discussed the petition.

Tyler Young made a motion to table and send the petition to Plan Commission on February 14<sup>th</sup> to make a recommendation, then to BZA on February 21st for final. Lynn Bowen seconded the motion.

**OTHER BUSINESS:**

**ADJOURNMENT:** Tyler Young made a motion to adjourn, Nick Wilson seconded the motion. A vote was taken, motion carried. The meeting was adjourned at 8:50 p.m.

**LAGRANGE COUNTY, INDIANA**

**ANTI-DISCRIMINATION NOTICE STATEMENT**

The County of LaGrange does not illegally discriminate because of race, color, national origin, sex, religion, disability, or age with regards to admission, participation, or treatment in its facilities, programs, activities, or services, as required by Title III and Title VI of the American Civil Rights Act of 1964, the Americans with Disabilities Act of 1990, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and their related statutes, regulations, and directives. The County has established an Anti-Discrimination Compliance Division to ensure compliance with these laws. If you would like more information concerning the provisions of these laws and about the rights provided thereby, or if you have a suggestion on how the County can better meet the needs of persons protected thereby, please contact the Division at 300 E. Factory St., LaGrange, IN 46761 or by telephone at (260)499-6352.

LAGRANGE COUNTY BOARD OF ZONING APPEALS

BY: \_\_\_\_\_  
Nick Wilson, President

BY: \_\_\_\_\_  
Phil Bieberich, Vice President

BY: \_\_\_\_\_  
Lynn Bowen, Member

BY: \_\_\_\_\_  
Dan Patterson, Member

BY: \_\_\_\_\_  
Tyler Young, Member

BY: \_\_\_\_\_  
Alternate Member