

LAGRANGE COUNTY BOARD OF ZONING APPEALS
MARCH 21ST, 2023

THE LAGRANGE COUNTY BOARD OF ZONING APPEALS MET IN REGULAR SESSION ON **TUESDAY, MARCH 21ST, 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: Tyler Young, Nick Wilson, Lynn Bowen & Dan Patterson.

ADOPT AGENDA: Tyler Young made a motion to adopt the agenda. Dan Patterson 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:

NEW BUSINESS

VARIANCE

(Public Hearing)

ALL-IN PROPERTIES~ By: Signtech Sign Services (23-V-05): Newbury Twp., Sect. 22, T37N R08E, zoned B-3. Located at 8100 W US 20., Shipshewana. Application is for (1) 16'x3.75' road sign panel to existing structure. (1) 3.5'x15' and (1) 3.17' x 3.67' building signs to an existing 345.40 sq ft signage on parcel.

Robbie Miller introduced the petition and reviewed the site plan.

Todd Lehman from Sign Tech was present as the petitioner.

The board discussed the petition.

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 Variance

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

The proposal is to add additional signage to an existing sign located in front of a shopping center. The additional signage will be located at the same sight distance as the existing signage. The new sign will not interfere with the neighboring roadway or sightlines of traffic. The proposed sign will not pose any risk on the safety of the public and their ability to travel safely on the adjacent roadway.

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 additional signage proposed will be slightly taller than that which currently exists but will not cause any negative effect on neighboring properties. The proposed location of the sign is surrounded by predominantly business and/or commercial uses. The proposed signage will not interfere with the use and enjoyment of neighboring 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.

Due to the existing signage at the subject location, Petitioner would be unable to construct and advertise their business in a shopping center 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 variance requested is minimal and is appropriately sized signage for a commercial business in the business zone. The proposal does not interfere with general public and/or neighboring area.

For all of the foregoing reasons, on this 21st day of March, 2023 the LaGrange County Board of Zoning Appeals finds the Petitioner has met its burden of proof and hereby approves the variance as requested.

LAND USE VARIANCE

(Public Hearing)

SUNRISE SEEDS~ By: Josh Lash (23-LUV-03): Clay Twp., Sect. 33, T37N R09E, zoned A-1. Located South of 1780 S 375 W., LaGrange. Application is for a Land Use Variance for an Agribusiness on property without a primary use (residence).

Robbie Miller introduced the petition and reviewed the Land Use Variance.

Josh Last from Midwest Surveying (124 W. Albion St) was present as the petitioner.

Josh went into detail about how the East building is for retail and the West building is for storage. Labeling parking, relocating the well 20', and will make sure there is plenty of parking available.

Lamar Weaver (2190 S 375 W LaGrange) was present, he spoke about semi turnaround, labeling the hitching rack, he will have 10 spots available for buggies.

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:

Land Use Variance

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

The proposal is to operate an agribusiness on Petitioner's property located in an A-1 zone. The business will meet all commercial setbacks and will not interfere with sightlines or traffic patterns on the adjacent roadway. The property allows for safe flow of traffic and sufficient turn around. The proposed business poses no risk of harm to the general 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 business, with the sale of agricultural products, would blend well in the A-1 zone and should not have a negative effect on neighboring landowners. Petitioner's proposed business will cause minimal noise and intrusion upon neighboring landowners' use and enjoyment of their properties. The proposed structure meets all setback requirements. No remonstrators appeared.

3. The need for the variance arises from some condition peculiar to the property involved

The location of the subject property, as it currently sits within an A-1 zone, would prevent Petitioner from operating as proposed without the construction of a primary residence on the property.

4. 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.

Petitioner would be prohibited from operating the proposed agribusiness at this location without the requested variance, requiring them to construct a home on the site or to relocate the agribusiness to another location.

5. The approval does not interfere substantially with the Comprehensive Plan

The comprehensive plan encourages economic growth and rural-based cottage industries such as the type of agribusiness that the Petitioner is proposing. The proposed usage is not dissimilar from other rural businesses in the surrounding area.

For all of the foregoing reasons, on this 21st day of March 2023, the LaGrange County Board of Zoning Appeals finds the Petitioner has met its burden of proof and hereby approves the variance as requested.

(Public Hearing)

LAMBRIGHT, MAHLON~ By: Mahlon Lambright (23-LUV-04): Bloomfield Twp., Sect. 16, T37N R10E, zoned A-1. Located at 2530 E 150 N., LaGrange. Application is for a variance to allow the operation of a Commercial Dog Breeding Facility with up to 20 breeding females in the A-1 zoning.

Robbie Miller introduced the petition and went over the Land Use Variance.

Susie Troyer was present as the petitioner.

Susie spoke on Mahlon wanting to expand the operation and everyone signed except one person, which is why he was filing a Land Use Variance. Everything meets all the requirements. Mahlon Lambright was present as the petitioner.

Mahlon explained the space is a work in progress, but they are always improving the location.

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:

Land Use Variance

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

The proposed dog breeding facility is located in a remote area in the middle of a large parcel in an A-1 zoning district. The proposed site location is adequately suited for the proposed dog breeding operation and is adequately screened from the public. Petitioner has certificates with and will continue to comply with USDA, ICAW and the Indiana Board of Health Licensing Requirements ensuring safety precautions.

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 facility will be located well off of the road and away from any neighboring landowners so as to not infringe on the use and enjoyment of their properties. The proposed location of the facility meets all required setback requirements. No remonstrators appeared.

3. The need for the variance arises from some condition peculiar to the property involved

The geographical location of the property, as it currently sits in an A-1 zone, would prevent the Petitioner from operating this type of business without the variance requested due to a holdout in the affidavit process. The A-1 zone is the most appropriate location for a breeding facility and/or the housing of animals of this nature.

4. 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.

The Petitioner would be unable to operate the proposed dog breeding facility at the subject property located in an A-1 zone. The A-1 zone is the most appropriate zone to breed and maintain animals such as the proposed dog breeding facility.

5. The approval does not interfere substantially with the Comprehensive Plan

The comprehensive plan encourages farming and livestock operations in A-1 zoning districts. The plan also encourages rural home-based businesses such as the proposed dog breeding operation and also encourages the housing and maintenance of animals in A-1 zones.

For all of the foregoing reasons, on this 21st day of March, 2023, the LaGrange County Board of Zoning Appeals finds the Petitioner has met its burden of proof and hereby approves the variance as requested.

OTHER BUSINESS: Robbie Miller spoke on the Comprehensive Plan Coordinator, Women's Conference, and Ivan Yoder's timeline to move horses from his property.

ADJOURNMENT: Lynn Bowen made a motion to adjourn, Tyler Young seconded the motion. A vote was taken, motion carried. Nick Wilson adjourned the meeting at 7:25 p.m.

LAGRANGE COUNTY, INDIANA

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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