

LAGRANGE COUNTY BOARD OF ZONING APPEALS
APRIL 18TH, 2023

THE LAGRANGE COUNTY BOARD OF ZONING APPEALS MET IN REGULAR SESSION ON **TUESDAY, APRIL 18TH, 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 & Phillip Bieberich

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:

NEW BUSINESS

VARIANCE

(Public Hearing)

MILLER, ERVIN~ By: Ervin Miller (23-V-08): Clay Twp., Sect. 08, T37N R09E, zoned A-1. Located at 2030 N 450 W., LaGrange. Application is for a Variance to add a 32'x32' addition to an existing 16'x32' barn 52 feet from the centerline of 200 N.

Robbie Miller introduced the petition and reviewed the site plan.

Ervin Miller (2020 N 450 W., LaGrange) was present as the petitioner and homeowner.

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.

The board suggested closing the drive on 200 N and the southern drive on 450 W. Ervin suggested moving the drive more to the north, but the board all agreed they would rather see it closed. Phillip suggested adding signage for any deliveries or emergency personnel.

Phillip Bieberich made a motion to add a condition that if Variance passes then drive on 200 N and drive on 450 W be closed. Lynn Bowen seconded the motion.

Developmental Standard Variance

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

The proposal is to construct an addition to an existing auxiliary shop building on Petitioner's property within the required roadside setback for the A-1 zone. The location of the proposed shop does not pose any risks to the public and neighboring landowners.

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 addition does not unreasonably interfere with the use and enjoyment of the neighboring properties. The proposed shop building meets the side yard setbacks and should not affect the property values of neighboring landowners in any discernable way. No remonstrators appeared.

3. The strict application of the terms of the zoning ordinance **will not** result in practical difficulties in the use of the property.

Strict application would not prevent Petitioner from continued use of the property as is and/or relocating the proposed addition further away from the road in order to meet applicable setbacks. It is not a practical difficulty to meet the applicable setbacks as sufficient space exists on the property.

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

The proposed addition, located within the eighty (80) foot roadside setback, is not the minimum necessary. The Petitioner, by proposing to locate the building at the current location, has created its own hardship.

For all of the foregoing reasons, on this 18th day of April, 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.

LAND USE VARIANCE

(Public Hearing)

ANDERSON, JEFFREY~ By: Jeffrey Anderson (23-LUV-05/23-V-07): Lima Twp., Sect. 30, T38N R10E, zoned S-1. Located at 0635 E. SR 120., Howe. Application is for a Land Use Variance to allow a third detached accessory structure. A Developmental Variance to allow the total square footage of the three accessory structures to exceed the square footage of the house by 172 square feet in the S-1 District.

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

Jeffrey Anderson (0635 E SR 120) was present as the petitioner and homeowner.

The public hearing was subsequently closed.

The board discussed the petition.

Dan Patterson mentioned the site having a previous Land Use Variance, Jeffrey stated that the Variance was for business purposes only and that it could not be passed on to the next owner.

Land Use 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 third auxiliary structure on a lot zoned S-1. The variance requested does not interfere with neighboring properties and does not increase traffic or create hazardous situations to the public. The lot has ample space on the property to not affect the roadway or neighboring landowners.

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 new construction proposed would be aesthetically pleasing to neighboring properties and may also increase their value. Petitioner's lot is of sufficient size to house the proposed auxiliary structure without encroaching on or interfering with neighboring landowners. The proposal meets all 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 S-1 zone, would prevent the Petitioner from having the proposed auxiliary structure without the removal of the existing auxiliary structures 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.

Strict application would prevent Petitioner from building the auxiliary structure, as proposed, and utilizing the full potential of the property.

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

The proposed variance and the proposed auxiliary structure requested are not in conflict with the comprehensive plan.

For all of the foregoing reasons, on this 18th day of April, 2023, the LaGrange County Board of Zoning Appeals finds the Petitioner has met its burden of proof and hereby approves the variance as requested.

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 third auxiliary structure on Petitioner's property, in order to provide additional personal storage. The variance requested does not interfere with neighboring properties, does not increase traffic or create hazardous situations to the public and meets all of the setback requirements. No risk is posed to the community or 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 structure is a new detached garage / pole barn structure that would be aesthetically pleasing to neighboring properties and would likely enhance neighboring property values. The proposed structure fits within the appropriate setbacks, thereby not intruding on adjacent landowners' use 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.

Petitioner would be unable to build the auxiliary structure, as proposed, without the variance requested unless Petitioner was to increase the size of the existing home. The strict application would place a limitation on the usefulness and value of Petitioner's property.

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, is placed within the required setbacks and does not infringe on neighboring properties or the general public.

For all of the foregoing reasons, on this 18th day of April, 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 UDO briefly.

ADJOURNMENT: Lynn Bowen made a motion to adjourn, Dan Patterson seconded the motion. A vote was taken, motion carried. Nick Wilson adjourned the meeting at 7:55 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