

**LAGRANGE COUNTY BOARD OF ZONING APPEALS**  
**MAY 16TH, 2023**

THE LAGRANGE COUNTY BOARD OF ZONING APPEALS MET IN REGULAR SESSION ON **TUESDAY, MAY 16TH, 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:** Nick Wilson, Lynn Bowen & Phillip Bieberich

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

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

**COMMUNICATIONS:**

**NEW BUSINESS**

**VARIANCE**

*(Public Hearing)*

**PLUMMER, JOYCE~** By: Joyce Plummer (23-V-10): Milford Twp., Sect. 15, T36N R11E, zoned L-1. Located at 9310 E 430 S., Wolcottville. Application is for a variance to add a concrete driveway, front walk, and side yard walk, increasing the lot coverage to 46% in the L-1 zoning district.

Robbie Miller introduced the petition and reviewed the site plan.

Ryen Wilson (Hawthorne Valley-6307 Sawmill Woods Dr-Fort Wayne) was present as the petitioner along with the homeowner.

Mr. Wilson spoke about maximum coverage from 40-46%, side of the house is now 4% lower than neighboring property, they are needing the variance to help with water issues. Hoping that if Variance is granted, they can use the paving of the driveway to help direct water off of property.

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.

Nick Wilson asked why this wasn't included in the 2022 variance, the board suggested using another impervious surface rather than concrete such as pea gravel or sand. The Petitioner asked to Table the variance until the June 20<sup>th</sup> meeting because of only having 3 on the board. Lynn Bowen made a motion to table until June. Nick Wilson seconded the motion. A vote was taken, motion carried.

**LAND USE VARIANCE**

*(Public Hearing)*

**TROYER, OTIS ~**By: Otis Troyer (23-V-09): Johnson Twp., Sect. 09, T36N R09E, zoned A-1.

Located at 3235 S 200 E., LaGrange. Application is for a variance to operate a commercial dog breeding facility with up to 19 breeding females in the A-1 zoning district. \*Petition should have been a LUV\*

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

Susie (2675 E 050 LaGrange.) was present as the petitioner along with the homeowner.

Susie went into detail about how the kennel is a perfect fit for the area, it is back on the property and away from neighbors. She mentioned how one neighbor didn't want to sign the petition, which is how it ended up in the BZA.

Nick Wilson asked for public comment.

Gary McKibben (3630 S 200 E) spoke against the Dog Kennel. Gary asked if more than 19 dogs were to be involved what the plan would be. Robbie explained that after 21 dogs, Board of Animal Health Certification would get involved. Susie said 11 females are there as of right now and there is no plan to grow at the moment.

The public hearing was subsequently closed.

The board discussed the petition.

A roll call vote was taken: Approved

### *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. Petitioners have certificates with and will continue to comply with USDA, ICAW and 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 said neighboring landowners' 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 Petitioners from operating this type of business without the variance requested. 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 Petitioners would be unable to operate their proposed dog breeding facility at the subject property located in an A-1 zone. Petitioners do not intend to have public at the site and the proposed use is consistent with A-1 usage.*

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 likewise encourages the housing and maintenance of animals in A-1 zones.*

For all of the foregoing reasons, on this 16th day of May, 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)*

**MCMASTER, RAMONA&RIAN~** By: Rian & Ramona McMaster (23-LUV-08): Johnson Twp., Sect. 02, T36N R10E, zoned L-1. Located at S 445 E., LaGrange. Application is for a Land Use Variance to build a 30'x50' structure on a lot without primary use.

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

Ramona McMaster (2205 S 445 E LaGrange.) was present as the petitioner along with the homeowner along with Rian McMaster.

Mrs. McMaster went into detail about how the structure would be used for storage such as lawnmower, rakes, etc.

Mrs. McMaster spoke about meeting all the setbacks.

Nick Wilson asked for public comment.

The public hearing was subsequently closed.

Philip Bieberich suggested doing a tie to affidavit to the lot adjacent to the home rather than next to.

The board discussed the petition.

A roll call vote was taken: Approved

*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 an auxiliary structure located on Petitioners' back lot zoned L-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 would be aesthetically pleasing to neighboring properties and may also increase their value. Petitioners' 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 L-1 zone, would prevent the Petitioners from having the proposed auxiliary structure without the construction of a residential structure on the lot.*

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 Petitioners from building the auxiliary structure as proposed and utilizing the full potential of their 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 16th day of May, 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. First meetings are scheduled for June 5th, 6th & 7th.

**ADJOURNMENT:** Lynn Bowen made a motion to adjourn, Philip Bieberich seconded the motion. A vote was taken, motion carried. Nick Wilson adjourned the meeting at 7:49 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