

LAGRANGE COUNTY BOARD OF ZONING APPEALS
JUNE 20TH, 2023

THE LAGRANGE COUNTY BOARD OF ZONING APPEALS MET IN REGULAR SESSION ON **TUESDAY, JUNE 20TH, 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, Tyler Young, Dan Patterson and Philip 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: Phil Bieberich made a motion to approve the previous minutes. Lynn Bowen seconded the motion. A vote was taken, motion carried.

COMMUNICATIONS:

OLD 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.

Robbie Miller asked to table this petition until the July 18th BZA meeting, the board will need more time to review new information that was given.

Lynn Bowen made a motion to table until June. Phil Bieberich seconded the motion. A vote was taken, motion carried.

NEW BUSINESS

DEVELOPMENTAL VARIANCE

(Public Hearing)

MITCHELL, ANNETTE ~ By: Craftsman Design (23-V-11): Milford Twp., Sect. 22, T36N R11E, zoned L-1. Located at 5515 S 930 E., Wolcottville. Application is for a Variance to add a front entryway and wrap around deck.

Robbie Miller introduced the petition and reviewed the site plan.

Alex VanZuelen, Four Seasons (311 West South St., Angola).

Alex explained that Annette would like a 12'x8' entryway with a wrap around deck. 35' from the center of the road where a 45' is required. Alex explained how everything is degrading and it would make it easier for Annette to access the home.

Nick Wilson asked for public comment. There were none, public hearing was subsequently closed.

The board discussed the petition at length.

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 addition on the roadside of Petitioner's existing home within the required road side setback. The proposed addition is located far enough off of 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 addition would be aesthetically pleasing to neighboring landowners. 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, Petitioner would be unable to construct the proposed addition 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 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 20th day of June, 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)

DELLAHAN, CARLY & DAKOTA ~ By. Carly Dellahan (23-LUV-09) Milford Twp., Sect. 29, T09N R11E, zoned A-1. Located at 7655 E 700 S., Wolcottville. Application is for a Land Use Variance to operate a dog grooming and boarding business out of an accessory building on the property.

Robbie Miller introduced the petition and reviewed the site plan.

Carly & Dakota Dellahan were present as the petitioners (7655 E 700 S., Wolcottville).

Petitioners explained how they would like to renovate the existing building to shampoo and board dogs. They currently have a 35-dog waiting list.

Nick Wilson asked for public comment. There were none, public hearing was subsequently closed.

The board discussed the petition at length.

Main concern was the shared drive with the neighbor, petitioners explained that they do 90% of driveway maintenance. Conditions from the board are as follows:

- Outdoor runs need to be surrounded by an oblique fence
- Drive maintenance for all parts accessible be maintained by petitioners.

Site plan review is a requirement as the next step.

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 grooming/boarding facility is located on a large parcel in an A-1 zoning district. The proposed site location is adequately suited for the proposed dog grooming/boarding facility, and the location is adequately screened from 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 facility will be located well off the road and away from any neighboring landowners, so as to not infringe on their use and enjoyment of their properties. The proposed location of the grooming/boarding 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 grooming/boarding 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 grooming/boarding facility at the subject property located in an A-1 zone. The proposed usage is consistent with A-1 type uses and the property is adequately suited to house said business.

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

The comprehensive plan encourages rural cottage industries in A-1 zoning districts. The plan likewise encourages rural home-based businesses such as the proposed dog grooming/boarding operation and also encourages the housing and maintenance of animals in A-1 zones.

For all of the foregoing reasons, on this 20th day of June, 2023, the LaGrange County Board of Zoning Appeals finds the Petitioners have met their burden of proof and hereby approves the variance subject to the following conditions: Petitioners must construct screening on the outdoor exercise area consisting of opaque and/or solid fencing and Petitioners shall be responsible for all driveway maintenance on the portion utilized for the business.

(Public Hearing)

BONTRAGER, DELMAR & BARBARA ~ By. Hand to the Plow Surveying (23-LUV-10) Van Buren Twp., Sect.32 T38N R09E, zoned A-1. Located at 4355 N 500 W., Shipshewana. Application is for a Land Use Variance to build a 60'x100' structure to operate a woodworking business in an A-1 Zoning District.

Robbie Miller introduced the petition and reviewed the site plan.

Scott Zeigler and Clayton Evan from Hand to the Plow Surveying (5678 W 350 S, Albion) were there along with the petitioner, Delmar. Scott explained the business, how they use old barns to refurbish, 2 employees, no expansion in the future.

Nick Wilson asked for public comment. There were none, public hearing was subsequently closed.

The board discussed the petition at length.

Site plan review is a requirement as the next step.

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 a woodworking business at Petitioners' home property zoned A-1. Petitioners' property is located in a predominantly rural area with minimal neighboring structures. The proposed site location does not pose any risk to the public and there is adequate turnaround for deliveries.

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 building will be located well off the roadway, meets all applicable setbacks and will not interfere with the neighboring landowners' use and enjoyment of their properties. The type of business will have minimal noise and interference with neighboring properties. 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 Petitioners from operating a woodworking facility in Petitioners' auxiliary structure as proposed.

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.

Petitioners would be prohibited from operating the proposed woodworking facility at this location without the requested variance, thereby requiring Petitioners to relocate to another suitable location away from Petitioners' home.

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

The comprehensive plan encourages economic growth and rural-based cottage industries similar to that which Petitioners are proposing. The proposed usage is not dissimilar from other rural businesses in the surrounding area.

For all of the foregoing reasons, on this 20th day of June, 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)

BONTRAGER, DEWAYNE/BEECHY, VERNON ~ By. Hand to the Plow Surveying (23-LUV-11)
Van Buren Twp., Sect.21 T38N R08E, zoned A-1. Located East of 6590 N 1000 W., Shipshewana.
Application is for a Land Use Variance to build a 50'x96' warehouse for processing pet food in the A-1 Zoning District.

Robbie Miller introduced the petition and reviewed the site plan.

Scott Zeigler and Clayton Evan from Hand to the Plow Surveying (5678 W 350 S, Albion) were there along with the petitioner, Dewayne.

Scott and Clayton discussed the business, high quality dog food and they will be using local product. Petitioner is also using an enclosed tank for wastewater.

Nick Wilson asked for public comment. There were none, 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 a pet food processing plant in a new auxiliary structure at Petitioner's home property located in an A-1 zone. The property allows for safe flow of traffic and sufficient turn around. The proposed business poses no risk of harm to the general public and meets all required setbacks.

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 Petitioner's property is surrounded on both sides by vacant lots with minimal residential properties in the surrounding area. The proposed auxiliary structure meets all required commercial setbacks. Petitioner's proposed business will cause minimal noise and intrusion upon neighboring landowners. 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 a pet food processing plant with retail sales as proposed.

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 pet food processing plant with retail sales at this location without the requested variance, requiring them to relocate to another suitable location away from their homestead.

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

The comprehensive plan encourages economic growth and rural-based cottage industries similar to that which 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 20th day of June, 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)

YODER, JAY ~ By. Hand to the Plow Surveying (23-LUV-12) Johnson Twp., Sect.33 T10N R10E, zoned A-1. Located 2310 E 700 S., Wolcottville. Application is for a Land Use Variance to operate a retail hardware store in an A-1 Zoning District.

Robbie Miller introduced the petition and reviewed the site plan.

Scott Zeigler and Clayton Evan from Hand to the Plow Surveying (5678 W 350 S, Albion) were there along with the petitioner, Jay Yoder.

Scott and Clayton discussed the business, a small hardware store.

Nick Wilson asked for public comment.

James Holst spoke in concern about the hardware store bringing truck traffic to the quiet neighborhood. Would like to see it stay agricultural.

Doug Jenkin (7105 S 200) all about businesses but would like to see it in a different location, afraid growth will lead to a junk yard.

Scott Zeigler mentioned there would be no outside storage, looking about 48 trips a day.

Joe Fry – co-owner- (2925 E 600 S., Wolcottville) said there would not be a lumberyard in the future, just a general hardware.

Nick Wilson asked for public comment. There were no more, public hearing was subsequently closed.

The board discussed the petition. Biggest concern was semi-traffic in a very scenic, agricultural area. The board suggested looking into a building in Wolcottville.

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 for Petitioner to operate a retail hardware and repair business in an A-1 zone. The proposal should not affect the neighboring roadway or the public and provides for sufficient space for turnaround and deliveries.

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 parcel in question is surrounding by other A-1 land and some L-1 land in the nearby area. There are minimal residential homes located near the subject property and the proposed new auxiliary structure would not affect use and value of neighboring properties in a substantial way. Two (2) remonstrators appeared citing concerns about traffic, outdoor storage issues, operating a business near a lake zone, and concerns over future expansion at the subject location.

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

There is no condition on the property that is peculiar that would prevent Petitioner from continued agricultural or residential use of the property in compliance with A-1 restrictions.

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.

Petitioner would be allowed to continue to utilize the subject property for agricultural purposes consistent with the zoning ordinance. Petitioner, by proposing to operate a retail hardware and repair business in an A-1 zone, has created his own hardship.

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

While the comprehensive plan encourages unique and diverse business and enterprise in the County, it also promotes controlled expansion and growth. The subject property is not currently suited for the type of business proposed and said use is not consistent with the comprehensive plan.

For all of the foregoing reasons, on this 20th day of June, 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.

CONDITIONAL USE VARIANCE

(Public Hearing)

SCHLABACH, ORVAN~ By: Hand to the Plow Surveying (23-CU-01): Clay Twp., Sect. 29, T37N R09E, zoned A-1. Located at 4690 W US 20., Lagrange. Application is for a Conditional Use Variance for (4) 180'x30' mini-storage facilities and a 120'x60'commercial storage facility.

Robbie Miller introduced the petition and reviewed the site plan.

Scott Zeigler and Clayton Evan from Hand to the Plow Surveying (5678 W 350 S, Albion) were there along with the petitioner, Orvan.

Scott and Clayton discussed the storage units proposed.

Nick Wilson asked for public comment. There were none, public hearing was subsequently closed.

The board discussed the petition.

A roll call vote was taken:

OTHER BUSINESS:

ADJOURNMENT: Nick Wilson made a motion to adjourn, Lynn Bowen seconded the motion. A vote was taken, motion carried. Nick Wilson adjourned the meeting at 9:26 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