

**LAGRANGE COUNTY BOARD OF ZONING APPEALS**  
**JANUARY 16th, 2024**

THE LAGRANGE COUNTY BOARD OF ZONING APPEALS MET IN REGULAR SESSION ON **TUESDAY, JANUARY 16th, 2024, 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, Dan Patterson, and Tyler Young.

**ELECTION OF OFFICERS:** Phillip Bieberich made a motion to nominate Lynn Bowen as President of the Board of Zoning Appeals. Tyler Young seconded the nomination. Nick Wilson closed the nominations. A vote was taken, motion carried.

Tyler Young made a motion to nominate Nick Wilson as Vice-President of The Board of Zoning Appeals. Phillip Bieberich seconded the motion. A vote was taken, motion carried.

**ADOPT AMENDED AGENDA:** Tyler Young made a motion to approve the amended agenda. Nick Wilson seconded the motion. A vote was taken, motion carried.

**MINUTES OF PREVIOUS MEETING:** Tyler Young made a motion to approve the December minutes. Nick Wilson seconded the motion. A vote was taken, motion carried.

**COMMUNICATIONS:**

**NEW BUSINESS**

**DEVELOPMENTAL VARIANCE**

*(Public Hearing)*

**TAYLOR, BRAD & ANN ~By. Windows, Doors & More (24-V-01)** Johnson Twp., Sect. 32, T36N R10E, zoned L-1. Located at 1560 E. 700 S., Wolcottville. Application is for a Developmental Variance for (1) 27' channel setback and a 28' road setback where 45' is required for a new residence in the L-1 Zoning District.

Robbie Miller introduced the petition and reviewed the site plan.

Darren McNally from Windows, Doors and More (1121 W Washington Center Rd., Fort Wayne) was present with the petitioner.

Nick Wilson asked if there were any in favor of the petition.

Mr. Wilson then asked if anyone would like to remonstrate against the petition.

The public hearing was subsequently closed.

The board discussed the petition at length.

Lynn Bowen made a condition that there will be a Stormwater Drainage Plan submitted to Planning & Zoning. Phillip Bieberich seconded the condition.

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 new residence with an addition on Petitioner's property located in the L-1 zone. The proposed residence is located far enough off of the*

*adjacent 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 new residence will be aesthetically pleasing to neighboring landowners. The proposed setback variance will not unreasonably intrude on neighboring landowners' use and enjoyment of their properties. The properties in the surrounding area have similar setbacks as well. 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 lot Petitioner would be unable to construct a new residence on the property 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 new residence is minimally intrusive and does not seek to unreasonably encroach upon the channel side of the property or onto neighboring properties. The proposed residence will maintain a similar setback distance that was maintained by the prior home on the property. The proposed addition is reasonably sized considering the lot size in question.*

For all of the foregoing reasons, on this 16th day of January 2024, the LaGrange County Board of Zoning Appeals finds the Petitioner has met its burden of proof and hereby approves the variance subject to the following conditions: Petitioner must submit a detailed drainage plan to the Plan Administrator for approval.

*(Public Hearing)*

**COLBY, JANE ~** By. Jane Colby (24-V-02) Johnson Twp., Sect. 32, T36N R10E, zoned L-1. Located at 7145 S. 165 E., Wolcottville. A Developmental Variance for a 13' channel setback for a home addition where 45' is required in the L-1 Zoning District.

Robbie Miller tabled the petition until the next available date.

*(Public Hearing)*

**JANKOWSKI, DAVID & SARA~** By. David Jankowski (24-V-03) Johnson Twp., Sect.29, 36N R10E, zoned L-1. Located 1140 E 670 S., Wolcottville. Application is for a Developmental Variance for a 23' lakeside setback where 45' is required for an unattached covered porch in the L-1 Zoning District.

Robbie Miller introduced and reviewed the site plan.

David and Sara Jankowski were present as the petitioners (1140 E 670 S., Wolcottville), David spoke about the variance and how they were not attached it to the home or enclosing it.

Lynn Bowen asked if there were any in favor of the petition.

Mr. Bowen then asked if anyone would like to remonstrate against the petition.  
The public hearing was subsequently closed.  
The board discussed the petition at length.  
Nick Wilson made a motion that the porch can not be enclosed on this property. Phillip Bieberich 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 for the construction of a detached covered porch addition with a 23' lake side setback where a 45' setback is required. The porch will not be enclosed and will not restrict any lake views of neighboring landowners. The proposed setback will not 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 new porch would be aesthetically pleasing to neighboring landowners. 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 and layout of the subject property, Petitioner would be unable to construct any shade provisions over the existing concrete slab without the variance.*

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 new lake side porch is minimally intrusive and does not seek to unreasonably encroach upon the lakeside or any neighboring properties. The porch is reasonably sized considering the lot size in question and will not be enclosed or impose on any neighboring properties.*

For all of the foregoing reasons, on this 16th day of January 2024 the LaGrange County Board of Zoning Appeals finds the Petitioner has met its burden of proof and hereby approves the variance subject to the following condition: that the porch will not be enclosed.

## *CONDITIONAL USE VARIANCE*

*(Public Hearing)*

**MILLER, JERRY & ERMA**~ By. Erma & Jerry Miller/Roland Marton (24-CU-02) Newbury Twp., Sect.10, T37N R08E, zoned S-1. Located 8655 W 250 N., Shipshewana. Application is for Conditional Use Variance for a short-term rental in the S-1 Zoning District.

Robbie Miller introduced the petition and reviewed the site plan.

When asked for the petitioner, nobody was available.

Lynn Bowen made a motion to postpone the petition until the next available date. Nick Wilson seconded the motion.

*(Public Hearing)*

**BONTREGER, CAROLYN** ~ By. Ora Bontreger (24-CU-03) Shipshewana Town., Sect.11, T37N R08E, zoned U-1. Located 155 N Talmadge St., Shipshewana. Application is for a Conditional Use Variance for a short-term rental in the U-1 Zoning District.

Robbie Miller introduced the petition and reviewed the site plan.

Ora Bontreger (PO Box 1., Shipshewana) was present as the petitioner along with Carolyn Bontreger.

Ora Bontreger explained how they would make some improvements and remodel to standards.

Nick Wilson asked if there were any in favor of the petition.

Mr. Wilson asked if anyone would like to remonstrate against the petition.

The public hearing was subsequently closed.

The board discussed the petition at length.

A roll call vote was taken, motion denied.

**OTHER BUSINESS:** Remonstrator letters clarification by Dustin Glick. Robbie Miller read the Paul Heiny Remonstrator letter to the board; she will write the petitioner a letter to make him aware of the letter. Module 4 did come in and needs to be reviewed, GIS is working on maps for Robbie's UDO meetings.

**ADJOURNMENT:** Phillip Bieberich made a motion to adjourn, Lynn Bowen seconded the motion. A vote was taken, motion carried. Nick Wilson adjourned the meeting at 8:21 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