

LAGRANGE COUNTY BOARD OF ZONING APPEALS
MAY 21st, 2024

THE LAGRANGE COUNTY BOARD OF ZONING APPEALS MET IN REGULAR SESSION ON **TUESDAY, MAY 21st, 2024, AT 7:00P.M.** IN THE LAGRANGE COUNTY COMMISSIONERS ROOM AT THE COUNTY OFFICE BUILDING

CALL TO ORDER: Lynn Bowen called the meeting to order at 7:04 p.m.

ROLL CALL: Nick Wilson, Phil Bieberich, Lynn Bowen, and Jerry Raber.

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

MINUTES OF PREVIOUS MEETING: Lynn Bowen made a motion to approve the minutes. Nick Wilson seconded the motion. A vote was taken, motion carried.

COMMUNICATIONS:

NEW BUSINESS

DEVELOPMENTAL VARIANCE

(Public Hearing)

WELLS, BRENT & KAREN ~By. Brent & Karen Wells (24-V-13) Johnson Twp., Sect. 25, T36N R10E, zoned L-1. Located at 5020 E 620 S., Wolcottville. A Developmental Variance for a 6' side yard setback where 10' is required, a roadside setback of 25' where 45' is required, and a lot coverage of 49.6% where 40% is required for a new home in the L-1 Zoning District.

Robbie Miller introduced and reviewed the site plan.

Todd Bauer (Foresight Consulting) was present as the petitioner along with Brent & Karen Wells.

The petitioner explained why they applied for the variance.

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

James & Connie Linker (5010 E 620 S) spoke about how they were ok with the new build.

Ronald & Carolyn Johnston (5030 E 620 S) also spoke about how they were ok with their new build.

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

The public hearing was subsequently closed.

Lynn Bowen made a motion that a stormwater draining plan be in place. Nick Wilson seconded the motion.

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 residence in a similar location and footprint as the existing home. The new home, while within the required roadside setback, will not unreasonably encroach or interfere with the adjacent roadway. 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 residence would be aesthetically pleasing to neighboring landowners and may increase property values. The new residence and the setbacks requested should not interfere with the use and enjoyment of neighboring landowners. No remonstrators appeared, three (3) parties appeared in favor.

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, layout, topography, and location of existing utilities on the subject property, Petitioners would have difficulty constructing a new residence 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 new residence is minimally intrusive and does not seek to unreasonably encroach upon the lakeside or any neighboring properties. The residence is reasonably sized considering the lot size in question and would likely be permitted under the terms of the potential new UDO.

For all of the foregoing reasons, on this 21st day of May, 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 petitioner must submit a proposed stormwater / drainage plan.

(Public Hearing)

POST, NAOMI & LAWRENCE~ By. Naomi & Lawrence Post (24-V-14) Lima Twp., Sect.30, T38N R10E, zoned U-1. Located 304 Wayne St., Howe. A Developmental Variance for a 2' side yard setback where 7' is required for a 12'x20' garage in the U-1 Zoning District.

Robbie Miller introduced and reviewed the site plan.

Naomi & Lawrence Post were present as the petitioners. (304 Wayne St).

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 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 detached accessory structure on Petitioners' lot within the required setback. The proposed structure, while within the required setback, 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 structure will be aesthetically pleasing to neighboring landowners. The structure will hardly be visible given the perimeter fence encompassing the property. The structure should not interfere with the neighboring properties in any discernable way. 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, layout, and location of utilities on the subject property, Petitioners would be unable to construct the accessory structure 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 adjacent roadway or neighboring properties. The proposed new structure is reasonably sized considering the lot size in question.

For all of the foregoing reasons, on this 21st day of May, 2024, 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)

SCHWARTZ, CARL ~ By. Rob Yoder/Carl Schwartz (24-LUV-05) Eden Twp., Sect.07, T36N R08E, zoned A-1. Located at 11985 W 400 S., Millersburg. A Land Use Variance to operate retail sales and manufacturing of Dog Related Products, to include the assembly of watercrafts in the A-1 Zoning District.

Robbie Miller introduced and reviewed the site plan and how this is amending the 2020 variance. Rob Yoder (7740 W SR 120) was present along with the petitioner Carl Schwartz.

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.

Mr. Schwartz is proposing manufacturing watercrafts along with his dog food manufacturing, 3 water craft a week, he agreed to add a chain-link fence on the North side of the property.

The board discussed the petition at length.

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 add an additional business to the existing structure at Petitioner's home property zoned A-1. Petitioner's 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 Petitioner from operating the additional business within Petitioner's 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.

Petitioner would be prohibited from operating the proposed additional business at this location without the requested variance, thereby requiring Petitioner to locate another suitable location away from Petitioner's 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 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 May, 2024, the LaGrange County Board of Zoning Appeals finds the Petitioner has met its burden of proof and hereby approves the variance as requested

CONDITIONAL USE VARIANCE

(Public Hearing)

JESSE, KIRK & KAYLA~ By. Kirk & Kayla Jesse (24-CU-05) Johnson Twp., Sect.25, T36N R10E, zoned L-1. Located 5440 E 615 S., Wolcottville. Application is for Conditional Use Variance for a short-term rental in the L-1 Zoning District.

Robbie Miller introduced and reviewed the site plan.

Mr. & Mrs. Jesse were not in attendance at the meeting.

Phil Bieberich made a motion to table the petition to the next available meeting. Jerry Raber seconded the motion.

OTHER BUSINESS: May 22 & May 23 all day UDO meetings, will be mentioning rezone information. Planning & Zoning will be advertising a new employee to cover Erosion Control & Drainage Plans only to be of more focus to those areas.
Stormwater Management section was added to the new UDO.

ADJOURNMENT: Nick Wilson made a motion to adjourn, Lynn Bowen seconded the motion. A vote was taken, motion carried, and meeting adjourned at 8:11 p.m.

LAGRANGE COUNTY, INDIANA

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LAGRANGE COUNTY BOARD OF ZONING APPEALS

BY: _____
Lynn Bowen, President

BY: _____
Nick Wilson, Vice President

BY: _____
Phillip Bieberich, Member

BY: _____
Jerry Raber, Member

BY: _____
Tyler Young, Member

BY: _____
Alternate Member