

**LAGRANGE COUNTY BOARD OF ZONING APPEALS**  
***FEBRUARY 18TH, 2025***

THE LAGRANGE COUNTY BOARD OF ZONING APPEALS MET IN REGULAR SESSION ON **TUESDAY, FEBRUARY 18TH, 2025, 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:** Lynn Bowen, Nick Wilson, David Herschberger, and Jerry Raber.

**ADOPT AMENDED AGENDA:** Lynn Bowen made a motion to approve the amended agenda. Jerry Raber seconded the motion. A vote was taken, motion carried.

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

**COMMUNICATIONS:**

**NEW BUSINESS**

**DEVELOPMENTAL VARIANCE**

*(Public Hearing)*

**MILLER, JOE~** By. Joe Miller (25-V-02) Van Buren Twp., Sect.29, T38N R08E, zoned A-2. Located at 10520 W 560 N., Shipshewana. A Developmental Variance for a 10' front setback and a 15' front setback to build on an existing foundation where 50' is required in the A-2 Zoning District.

Robbie Miller introduced and reviewed the site plan.

Joe Miller (10535 W Sr 120., Shipshewana) was present as the petitioner.

The petitioner explained the reasoning for the variance.

Nick Wilson asked if there were any in favor of the petition, there were none.

Nick Wilson then asked if there were any against the petition, there were none.

The 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 to construct a new residence on an existing previously approved foundation located on Petitioner's property located in the A-2 zone. The location of the proposed new residence is within the adjacent roadside setback on a private cul-de-sac drive. There is minimal traffic at the location and the proposed residence will not pose any risk to the public 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 proposed residence does not unreasonably interfere with the use and enjoyment of the neighboring properties as there are minimal neighbors nearby. The proposed residence*

*should not affect the property values of neighboring landowners in any discernable way and the newly finished residence will be more presentable than the unfinished project that exists currently. 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.

*Due to the size and layout of the property coupled with the location of existing foundation there is not sufficient space on the property to locate the proposed residence further away from the property line in order to meet applicable setbacks. Strict application would prevent Petitioner from constructing the residence while utilizing the existing foundation.*

For all of the foregoing reasons, on this 18th day of February, 2025, 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)*

**WINGARD, JR~** By. Jr Wingard/HD Bontrager **(25-V-04)** Newbury Twp., Sect.08, T37N R08E, zoned A-2. Located 2895 N 1100 W., Shipshewana. A Developmental Variance for an 8' side yard setback for a 40'x60' personal use garage where 25' is required in the A-2 Zoning District.

Robbie Miller introduced and reviewed the site plan.

Mike Bontrager (59155 CR 41) was present along with the petitioners. Mike explained the reasoning for the variance.

Nick Wilson asked if there were any in favor of the petition, there were none.

Nick asked if there were any against the petition, there were none.

The 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 to construct a new personal use auxiliary building on Petitioner's property located in the A-2 zone. The proposed location of the proposed new auxiliary structure is within the side yard setbacks, but located well off the roadway. There is minimal traffic at the location and the proposed structure will not pose any risk to the public 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 proposed auxiliary structure does not unreasonably interfere with the use and enjoyment of the neighboring properties as there are minimal neighbors nearby. The proposed structure 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.

*Given the size and layout of the property there exists sufficient space on the property to construct the structure without the need for a setback variance, specifically to the West side of the existing home. The Petitioner has created his own hardship by proposing to construct in the stated location.*

For all of the foregoing reasons, on this 18th day of February, 2025, the LaGrange County Board of Zoning Appeals finds the Petitioner has not met its burden of proof and hereby denies the variance as requested.

*(Public Hearing)*

**MILLER, ALLEN~** By. Allen Miller **(25-V-06)** Van Buren Twp., Sect.07, T38N R08E, zoned L-1. Located 11285 W 805 N., Shipshewana. A Developmental Variance for a 10' lake side setback for a covered porch where 30' is required in the L-1 Zoning District.

Robbie Miller introduced and reviewed the site plan.

Allen Miller (10505 W 200 S., Shipshewana) was present as the petitioner.

Lynn Bowen asked if there were any in favor of the petition, there were none.

Lynn asked if there were any against the petition, there were none.

The 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 covered deck on the lake side of Petitioner's property located in an L-1 zone. The new deck will be quite close to the lake side of the property, but would not pose any unreasonable risk or disturbance to the public.*

2. The use and value of the area adjacent to the property included in the variance **will be** affected in a substantially adverse manner.

*The proposed new covered porch will be located very close to the lake side of the property and may block lake views of neighboring landowners. The proposed setback variances may unreasonably intrude on neighboring landowners' use and enjoyment of their properties at the lake. 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.

*Given the size and layout of the subject lot, Petitioner would be able to build an addition and/or porch area on the property without the need for the requested variance. The Petitioner has created his own hardship by proposing to construct the covered porch in the stated location.*

For all of the foregoing reasons, on this 18th day of February, 2025, 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)*

**EASH, WAYNE~** By. Wayne Eash (25-LUV-01) Eden Twp., Sect.30, T36N R08E, zoned A-2. Located West of 6975 S 1100 W., Millersburg. A Land Use Variance for expansion and relocation of a wholesale heating and plumbing supply business in the A-2 Zoning District.

Robbie Miller introduced and reviewed the site plan.

Scott Zeigler (Hand to the Plow Surveying) was present along with the petitioner.

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

Wayne spoke in favor of the petition.

Lynn asked if there were any against the petition, there were none.

The public hearing was subsequently closed.

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 construct a warehouse and relocate an existing business to Petitioner's property zoned A-2. 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 new structure will be located well off the roadway, meets all applicable setbacks, has adequate drives/turnarounds, 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-2 zone, would prevent Petitioner from operating the wholesale plumbing and heating supply business. The property is adequately suited to support the proposed use.*

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 wholesale plumbing and heating supply business at this location without the requested variance thereby requiring Petitioner to locate another suitable location.*

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 18<sup>th</sup> day of February, 2025, 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 about how we now send postcards for neighbor notifications so that we have records of neighbors receiving the notifications.

**ADJOURNMENT:** Nick Wilson made a motion to adjourn, Lynn Bowen seconded the motion. A vote was taken, motion carried, and meeting adjourned at 8:01 p.m.

LAGRANGE COUNTY, INDIANA

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LAGRANGE COUNTY BOARD OF ZONING APPEALS

BY: \_\_\_\_\_  
Nick Wilson, President

BY: \_\_\_\_\_  
Jerry Raber, Vice President

BY: \_\_\_\_\_  
David Herschberger, Member

BY: \_\_\_\_\_  
Lynn Bowen, Member

BY: \_\_\_\_\_  
Tyler Young, Member

BY: \_\_\_\_\_  
Alternate Member