

LAGRANGE COUNTY BOARD OF ZONING APPEALS
APRIL 15TH, 2025

THE LAGRANGE COUNTY BOARD OF ZONING APPEALS MET IN REGULAR SESSION ON **TUESDAY, APRIL 15TH, 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, Tyler Young and Jerry Raber.

ADOPT AMENDED AGENDA: Tyler Young made a motion to approve the amended agenda. Lynn Bowen 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)

SCHMUCKER, MARLIN & STEPHANIE~ By. Midwest Land Surveying (25-V-10) Clearspring Twp., Sect.24, T36N R09E, zoned L-1. Located East of 0915 W 590 S., Wolcottville. A Developmental Variance to build a new home and deck outside of the established tangent line.

Robbie Miller introduced and reviewed the site plan for the variance with the board.

Josh Lash (Midwest Land Surveying 124 E Albion., Avilla) 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 for the construction of a new residence and deck on Petitioner's property located in an L-1 zone. The new home and deck will not cause any risk or disturbance to the public and has no negative impact on the traveled roadway.

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 and deck does not unreasonably block adjacent properties lake views, nor does it affect their enjoyment of their property. The proposed lakeside setback is similar to the existing home on the lot. 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 and deck on the lot without the variance requested due to the location of the adjacent homes in connection with the tangent line.

For all of the foregoing reasons, on this 15th day of April, 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, FREEMAN J & CAROL J~ By. Steven Yoder/Freeman Wingard (25-V-11) Newbury Twp., Sect.05, T37N R08E, zoned A-2. Located at 10165 W 325 N., Shipshewana. A Developmental Variance for an 8' side yard setback for a 30'x40' horse and buggy barn where 25' is required in the A-2 Zoning District.

Robbie Miller introduced and reviewed the site plan for the variance with the board.

Freeman Wingard (10165 W 325 N) 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. The Petitioner has created his own hardship by proposing to construct in the stated location.

For all of the foregoing reasons, on this 15th day of April, 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)

BONTRAGER, ERNEST~ By. Bernie Feeney (25-V-12) Eden Twp., Sect.33, T36N R08E, zoned A-2. Located 9880 W 700 S., Topeka. A Developmental Variance for a 15' side yard setback for a woodworking building where 25' is required in the A-2 Zoning District.

Robbie Miller introduced and reviewed the site plan for the variance with the board.

Bernie Feeney (1405 N Michigan., Plymouth) was present as the petitioner.

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

Nick Wilson 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 be** affected in a substantially adverse manner.

The proposed auxiliary structure may potentially interfere with neighboring landowners use and enjoyment of their properties given the close proximity between the structure and the property line. The proposed structure may affect the property values of neighboring landowners in the present and future. 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. The Petitioner has created his own hardship by proposing to construct in the stated location.

For all of the foregoing reasons, on this 15th day of April, 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.

NEW BUSINESS

LAND USE VARIANCE

(Public Hearing)

MILLER, RAYMOND & MARLENE~ By. Rob Yoder (25-LUV-02) Newbury Twp., Sect.01, T37N R08E, zoned A-2. Located at 6510 W 330 N., Shipshewana. A Land Use Variance to utilize a portion of an existing 48'x60' structure for a bike shop.

Robbie Miller introduced and reviewed the site plan for the variance with the board.

Raymond Miller (6510 W 330 N) was present as the petitioner.

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

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

The public hearing was subsequently closed.

The board discussed the petition at length.

Tyler Young made a motion to add the condition:

This use and this owner only. Nick Wilson seconded the motion.

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 bike shop in an existing auxiliary structure located on 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 an 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 conditions 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 bike shop at this location. 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 bike shop 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 15th day of April, 2025, 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: This use only, this owner only

NEW BUSINESS

CONDITIONAL USE VARIANCE

(Public Hearing)

WORTMAN, GREGORY & LISA~ By. Gregory & Lisa Wortman (25-CU-04) Johnson Twp., Sect.32, T36N R10E, zoned L-1. Located at 7180 S 165 E., Wolcottville. A Conditional Use Variance short term rental in the L-1 Zoning District.

Robbie Miller introduced and reviewed the site plan for the variance with the board.

Gregory Wortman (7180 S 165 E., Wolcottville) was present as the petitioner.

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

Nick Wilson asked if there were any against the petition, there were four.

1. Jack Johnson (7200 S 168 E., Wolcottville) was concerned about partying and noise complaints, asked if it could be revoked after it was approved.
2. Elaine Maraldo (7235 S 160 E., Wolcottville) was concerned about the traffic increase and partying.
3. Ron Dickerhoof was concerned about the neighbors in the house (different people) and the partying.
4. David Walter (7185 S 165 E., Wolcottville) was concerned about the partying and traffic.

Gregory responded with adding new security cameras and having a list of rules.

The public hearing was subsequently closed.

The board discussed the petition at length.

Jerry Raber made a motion to add the condition:

2 vehicles max and 6 guests

Nick Wilson seconded the motion.

A roll call vote was taken:

Conditional Use Variance

1. The proposed use is a conditional use in the zoning district for which it is proposed.

The proposed short-term rental is a permitted conditional use in the U-1 zoning district.

2. The proposed Conditional Use will be in accordance with the general objectives, or with any specific objective, of LaGrange County's comprehensive plan or this UDO.

The proposed short-term rental is not inconsistent with the comprehensive plan, and said use is common within the surrounding areas.

3. The proposed conditional use will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the neighborhood.

The proposed use will not have any noticeable changes to the exterior of the residence and will remain consistent with the existing character of the neighborhood. The proposed usage will not affect neighboring landowners in any discernable way.

4. The proposed conditional use will not be hazardous or unreasonably disturbing to existing or future neighboring uses.

The surrounding area is primarily a residential neighborhood with residential uses, wherein the operation of a short-term rental should not upset the neighboring landowners or their present or future uses.

5. The proposed conditional use will be served adequately by essential public facilities and services such as streets, police and fire protection, drainage, water and sewer, or the persons or agencies responsible for the establishment of the proposed use shall be able to adequately provide any such services.

The proposed usage as a residential short-term rental would be consistent with the use that presently exists on the subject property and should not affect public facilities or services on the subject property as the use is not subject to change based on the proposed conditional use.

6. The proposed conditional use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

The proposed usage will not change from the existing, wherein the public facilities that are available will continue to be sufficient to meet the needs of the property and the surrounding properties.

7. The proposed conditional use will not involve uses, activities, processes, materials, equipment and conditions or operations that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.

The proposed short-term rental will not cause any nuisance to adjacent landowners as the use and character of the property will not change from the present usage.

8. The proposed conditional use will have vehicular approaches to the property that is designed so as not to interfere with traffic on surrounding public throughfares.

The subject site will maintain the existing driveway and parking area that is sufficient for the subject usage and should not have any effect on the neighboring landowners or adjacent roadways.

9. The proposed conditional use will not result in the destruction, loss, or damage of natural, scenic, or historic features of major importance.

The proposed usage is not dissimilar to the residential usage that has been present at the subject property for many years.

10. The use and property values of the properties adjacent and nearby to the property included in the conditional use will not be affected in a substantially adverse manner.

The proposed short-term rental should not have any negative impact on neighboring landowners' use and enjoyment of their properties. Four remonstrators appeared with concerns over traffic, noise disturbances, nuisances caused by the guests, guests not being friendly, fear that the short-term rental would make the neighborhood unsafe

11. The conditional use will not be injurious to the public health, safety and general welfare of the community

The proposed use will not have any discernible effect on the surrounding area and should not pose any risks to the public.

12. The use will meet all applicable regulations of the code, including setbacks, yard, open space, dimensional and development standards of the code.

The proposed use meets all residential zoning requirements.

For all of the foregoing reasons, on this 15th day of April, 2025, the LaGrange County Board of Zoning Appeals finds the Petitioner has met its burden of proof and hereby approves the conditional use variance subject to the following conditions: only 2 vehicles permitted; only 6 guests permitted.

(Public Hearing)

VICTORY HILL FARM INC/MARIA KING~ By. Maria King (25-CU-05) Bloomfield Twp., Sect.16, T37N R10E, zoned A-1. Located 1115 N 200 E., LaGrange. A Conditional Use Variance to replace an existing single wide mobile home with a new single wide home in the A-1 Zoning District.

Robbie Miller introduced and reviewed the site plan for the variance with the board.

Maria King (0990 N 200 E., LaGrange) was present as the petitioner.
Nick Wilson asked if there were any in favor of the petition, there were none.
Nick Wilson 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:

Conditional Use Variance

1. The proposed use is a conditional use in the zoning district for which it is proposed.

The proposed new home, a single-wide trailer, is a conditionally allowed use in the A-1 zoning district.

2. The proposed Conditional Use will be in accordance with the general objectives, or with any specific objective, of LaGrange County's comprehensive plan or this UDO.

The proposed single-wide residence is not inconsistent with the comprehensive plan, and said property has maintained a similarly situated residence for many years without problem.

3. The proposed conditional use will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the neighborhood.

The proposed use is the same as the present usage at the property, specifically housing and auxiliary usage for the farm located on said property. The proposed usage will not affect neighboring landowners in any discernable way.

4. The proposed conditional use will not be hazardous or unreasonably disturbing to existing or future neighboring uses.

The surrounding area is primarily residential and agricultural, wherein the utilization of a single-wide residence should not upset the neighboring landowners or their present or future uses.

5. The proposed conditional use will be served adequately by essential public facilities and services such as streets, police and fire protection, drainage, water and sewer, or the persons or agencies responsible for the establishment of the proposed use shall be able to adequately provide any such services.

The proposed usage is the same as presently exists on the subject property and the replacement of the single-wide residence should not affect public facilities or services at the subject property as the use is not subject to change based on the proposed conditional use.

6. The proposed conditional use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

The proposed usage will not change from the existing, wherein the public facilities that are available will continue to be sufficient to meet the needs of the property and the surrounding properties.

7. The proposed conditional use will not involve uses, activities, processes, materials, equipment and conditions or operations that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.

The proposed new residence will not cause any nuisance to adjacent landowners as the use and character of the property will not change from the present usage.

8. The proposed conditional use will have vehicular approaches to the property that is designed so as not to interfere with traffic on surrounding public throughfares.

The subject site will maintain the existing driveway and parking area that is sufficient for the subject usage and should not have any effect on the neighboring landowners or adjacent roadways.

9. The proposed conditional use will not result in the destruction, loss, or damage of natural, scenic, or historic features of major importance.

The proposed usage is the same usage that has been present at the subject property for many years to allow for housing on the property.

10. The use and property values of the properties adjacent and nearby to the property included in the conditional use will not be affected in a substantially adverse manner.

The proposed new residence should not have any negative impact on neighboring landowners' use and enjoyment of their properties. No remonstrators appeared in opposition to the use.

11. The conditional use will not be injurious to the public health, safety and general welfare of the community

The proposed use will not have any discernible effect on the surrounding area and should not pose any risks to the public.

12. The use will meet all applicable regulations of the code, including setbacks, yard, open space, dimensional and development standards of the code.

The proposed use meets all residential setback requirements for the construction of a residence at the subject site.

For all of the foregoing reasons, on this 15th day of April, 2025, the LaGrange County Board of Zoning Appeals finds the Petitioner has met its burden of proof and hereby approves the Conditional use variance as requested.

OTHER BUSINESS:

ADJOURNMENT: Nick Wilson made a motion to adjourn, Tyler Young seconded the motion. A vote was taken, motion carried, and meeting adjourned at 8:26 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: _____
Jerry Raber, Vice President

BY: _____
David Herschberger, Member

BY: _____
Lynn Bowen, Member

BY: _____
Tyler Young, Member

BY: _____
Alternate Member