

LAGRANGE COUNTY BOARD OF ZONING APPEALS
JULY 15TH, 2025

THE LAGRANGE COUNTY BOARD OF ZONING APPEALS MET IN REGULAR SESSION ON **TUESDAY, JULY 15TH, 2025, AT 7:00P.M.** IN THE LAGRANGE COUNTY COMMISSIONERS ROOM AT THE COUNTY OFFICE BUILDING

CALL TO ORDER: Jerry Raber called the meeting to order at 7:00 p.m.

ROLL CALL: Lynn Bowen, David Herschberger and Jerry Raber.

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

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

COMMUNICATIONS:

NEW BUSINESS

DEVELOPMENTAL VARIANCE

(Public Hearing)

JOHNSON, DOUGLAS E & LISA A~ By. Douglas Johnson (25-V-20) Milford Twp., Sect.22, T36N R11E, zoned L-1. Located 9445 E 570 S., Wolcottville. A Developmental Variance to build a new home & deck outside of the view shed in the L-1 Zoning District.

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

Douglas Johnson (9445 E 570 S., Wolcottville) was present as the petitioner.

The petitioner explained the reasoning for the variance being they would like to build a new home and deck; it is just outside of the viewshed.

Jerry Raber asked if there were any in favor of the petition, there were none.

Jerry 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 that would encroach on the viewshed on the lakeside of Petitioner's property located in an L-1 zone. The residence will be within the neighboring property's views but will otherwise 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 not be affected in a substantially adverse manner.

The proposed new residence, while located in the viewshed, is outside of the lake side setback requirements. The residence should not unreasonably interfere with the lake views

of the adjacent properties. The proposed setback should not 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 result in practical difficulties in the use of the property.

Given the size and layout of the subject lot and the location of the neighboring residence to the west, Petitioner would be unable to build a new residence on the property without the requested variance.

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

BONTRAGER, SAMUEL M & VERA L~ By. Agronomic Solutions/Samuel Bontrager (25-V-21)
Bloomfield Twp., Sect.04, T37N R10E, zoned A-1. Located 2700 E 400 N., LaGrange. A Developmental Variance for a 42'x560' Miller Poultry broiler barn to be 1396' from a residential zoning where 2000' is required in the A-1 Zoning District.

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

Melissa Lehman (Agronomic Solutions) and Samuel Bontrager (2700 E 400 N., LaGrange) were present as the petitioners. Melissa explained the reasoning for the variance being the setback from a residential zoning, home owner is removing a horse barn to accommodate for the CFO.

Jerry Raber asked if there were any in favor of the petition, there were none.

Jerry 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 second CFO broiler barn on Petitioner's property located in the A-1 zone. The proposed location of the proposed new CFO barn structure is within required setback requirements for residential zones. There is ample space for turnarounds and deliveries and the proposed CFO barn 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 CFO barn will be located right next to the existing barn on the property and should 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 result in practical difficulties in the use of the property.

Given the size, layout and proximity of the property located near a residential area, Petitioner would be unable to construct a second CFO barn on his property without the variance requested. The first barn was permitted on the property, but the changes to the UDO would prohibit the second barn from being constructed.

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

PASSWATER, SCOTT & DAWN~ By. Bremer Homes (25-V-22) Johnson Twp., Sect.18, T36N R10E, zoned L-1. Located at 4820 S 060 E., Wolcottville. A Developmental Variance for mechanicals to set 1' from the side yard setback where 6' is required in the L-1 Zoning District.

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

Josh Bremer (Bremer Homes) was present along with the home owner. Josh spoke on how she would like to keep the generator 1' from the neighboring property.

Jerry Raber asked if there were any in favor of the petition, there were none.

Jerry then asked if there were any against the petition, there were two.

1. Mike Lazar wrote from a postcard that he thinks they should find a new spot
2. Mike Leto (4790 S 060 E., Wolcottville) spoke how the units would be 10' from his deck, asked if there was another possible location to keep the noise to a minimum.

Josh Bremer then spoke on how they could move the unit towards the road, away from the neighboring property line. The air conditioner compressor and generator would then be 35' away from the neighbor's deck.

The public hearing was subsequently closed.

The board discussed the petition at length, speaking of different options for the mechanicals. The petitioner and the board both committed to a 4' setback instead of the 1' setback that was proposed.

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 placement of an AC unit and Generator within the side yard setbacks allowed on Petitioner's property zoned L-1. The mechanicals will not cause any risk or disturbance to the public and have no negative impact on public safety.

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 placement of the AC unit and Generator does not unreasonably block adjacent properties lake views, nor does it affect the enjoyment of their property. The amended proposal of 4 feet should allow for passage and maintenance without interfering or intruding on neighboring properties. Two remonstrators appeared citing concerns on the placement in proximity to the shared property line, noise from the mechanical units, and possibility of blocking passage inside yard.

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 place the mechanical units elsewhere on the property without the proposed amended variance.

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

BRACKMANN, BETH L TRUST~ By. Bremer Homes (25-V-23) Milford Twp., Sect.25, T36N R11E, zoned L-1. Located 11620 E 660 S., Hudson. A Developmental Variance for a 16' road site setback for a second home where 25' is required in the L-1 Zoning District.

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

Josh Bremer (Bremer Homes) was present as the petitioner along with the homeowner. Josh spoke on the setbacks and the second home was not a full-time residence.

Jerry Raber asked if there were any in favor of the petition, there were none.

Jerry 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 on Petitioner's lot located in the L-1 zone that will encroach on the roadside setback of the property. The new residence is located well off the traveled portion of the road and it should not pose an unreasonable risk to the public or traffic.

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 intrude on neighboring landowners' use and enjoyment of their properties. The neighboring properties have similar setbacks as well. 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.

Petitioner has adequate space on the subject property to construct the new home within the required roadside setbacks. Petitioner has caused hardship by selecting this location.

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

LEWTON, JASON & MELISA/TROY DYER~ By. Troy Dyer (25-LUV-05) Milford Twp., Sect.21, T36N R11E, zoned A-1. Located West of 8610 E 500 S., Wolcottville. A Land Use Variance to build multiple private garage condominiums in the A-1 Zoning District.

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

Troy Dyer (5465 S 930 E., Wolcottville) was present as the petitioner.

Jerry Raber asked if there were any in favor of the petition, there were none.

Jerry then asked if there were any against the petition, there were five.

1. Ken Pickett wrote from a post card that traffic would increase.
2. Thomas Sawyer wrote from a postcard that he is against the petition.
3. Ron Kantorak spoke against the commercial building and the increase in the traffic being unsafe.
4. Ron Vaughn spoke on the concerns of the neighborhood changing, classified forest and wetlands are unique and would love to see them stay. The road is narrow and with the traffic increase it would be unsafe, unsure of the wetlands and drainage problems that could occur.
5. Lavon Yoder spoke about property value concerns and would love to keep it more natural/forest.

Troy Dyer spoke on the swell to ensure the drainage would be contained; forest would stay the same in the rear property. Troy also discussed how the gate was 100' off the road, the road itself was 20' wide and in between the stalls was 50' wide.

The public hearing was subsequently closed.

The board discussed the petition at length.

Lynn Bowen made a motion if the petition is approved there will be no future expansion of what is being proposed. David Herschberger 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 for Petitioner to construct and operate a storage facility on property located in an A-1 zone. The site location would be located well off the traveled roadway and would

meet all developmental setbacks. The proposed storage facility does not cause any unnecessary risk to the public and surrounding properties.

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 surrounded by other A-1 land that otherwise vacant farm/agricultural land aside from a few residences across the road. There are not similar type businesses such as the one proposed by Petitioner located around the counties and nearby to L-1 zones. The Petitioner proposed numerous covenants, specifically but not limited to prohibitions against outdoor storage, lighting, private ownership etc. Six remonstrators appeared citing concerns over increased traffic, reducing property values, wanting to protect land, concerns over interference with other property owners.

3. The need for the variance arises from some condition peculiar to the property involved

Petitioner would not be able to develop and construct the private storage facility on the subject lot without the variance requested.

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 utilize the subject property for agricultural or even residential purposes consistent with the zoning ordinance. Petitioner by proposing to construct and operate a storage facility 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, this type of business at this location may harm the essential character or the surrounding properties. Businesses such as this were not contemplated in agricultural zones.

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

CONDITIONAL USE VARIANCE

(Public Hearing)

FREEBOLD RENTALS, LLC~ By. Fritz Schlabach **(25-CU-07)** Clay Township West., Sect.29, T37N R09E, zoned A-2. Located at 4690 W US 20., LaGrange) A Conditional Use variance for a short-term rental.

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

Fritz Schlabach (4690 W US 20., LaGrange) was present as the petitioner, he spoke on the remodel to the property and how this will be a part-time home/Air BnB.

Jerry Raber asked if there were any in favor of the petition, there were none.

Jerry 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:

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 A-2 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 and agricultural 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 vehicle 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. No remonstrators appeared.

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 July, 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: Lynn Bowen made a motion to adjourn, David Herschberger seconded the motion. A vote was taken, motion carried, and meeting adjourned at 8:29 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