

LAGRANGE COUNTY BOARD OF ZONING APPEALS
OCTOBER 21ST, 2025

THE LAGRANGE COUNTY BOARD OF ZONING APPEALS MET IN REGULAR SESSION ON
TUESDAY, OCTOBER 21ST, 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: Nick Wilson, Tyler Young, Lynn Bowen, David Herschberger and Jerry Raber.

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

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

COMMUNICATIONS:

NEW BUSINESS

ADMINISTRATIVE APPEAL

(Non-Public Hearing)

ALTA GARAGES, LLC~ By. Troy Dyer (25-AA-01) Milford Twp., Sect.21, T36N R11E, zoned A-1. Located West of 8610 E 500 S., Wolcottville. An Administrator Appeal regarding determination of Substantial Improvements/changes made to a previous variance.

Robbie Miller introduced and spoke on her decision on no substantial change for the petition.

Troy Dyer (5465 S 930 E., Wolcottville) spoke on his reasoning for the appeal. He spoke with the highway about residential and commercial drives and what land he would want to be used, acreage and wetlands.

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

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

The public hearing was subsequently closed.

Robbie Miller then spoke on the plan changing from submission to the meeting, acreage and selling units.

Lynn made a motion to uphold the administrator's decision of no substantial change. Tyler Young seconded the motion.

A roll call vote was taken: 5 Yes /0 No /0 Abstain

DEVELOPMENTAL VARIANCE

(Public Hearing)

MONNIER, THOMAS EARL & STACEY M~ By. Bob Buescher Homes (25-V-30) Johnson Twp., Sect.25, T36N R10E, zoned L-1. Located 5155 E 620 S., Wolcottville. A Developmental Variance 14' roadside setback where 25' is required and a second Developmental Variance for a 24' lake side setback where 30 is required in the L-1 Zoning District.

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

Austin Buescher was present as the petitioner (1206 Ruston Pass., Fort Wayne) and spoke to the board about the setbacks requested being the only way to rebuild the home.

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

1. Thomas Monnier spoke about the cottage being on a hill and being lined up with the neighboring properties.

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

The public hearing was subsequently closed.

The board discussed existing property, shed and the gravel parking.

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 lakeside and roadside setback of the property. The new residence is located far enough off of the traveled portion of the road that it should not pose an unreasonable risk to the public or passersby.

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 and may improve neighboring property values. The proposed setback variance will not intrude on neighboring landowners' use and enjoyment of their properties nor should it affect lake views. The neighboring properties 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, shape, and topography of the subject lot, it would be extremely difficult to build a residence of any size on the subject lot within the required setbacks. Petitioner's proposal seeks to make appropriate use of the property with minimal encroachments on the lakeside and roadside of the property.

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

LANGLEY, THOMAS L & BRENDA L~By. Thomas & Brenda Langley (25-V-33) Milford Twp., Sect.13, T36N R11E, zoned A-1. Located West of 11775 E 500 S., Hudson. A Developmental Variance to split off 7 acres where a minimum of 2 to 5 acres is required in the A-1 Zoning District.

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

Thomas Langley (4505 S 1105 E., Wolcottville) was present as the petitioner; Thomas spoke to the board about the lots and cutting the buildings from the farm land.

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

1. Todd Perkins (11045 E 425 S., Wolcottville) spoke on potentially buying the property, having rented it for over 20 years now.

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

The public hearing was subsequently closed.

The board discussed the reason for splitting the property.

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 split off the home and surrounding agricultural buildings from the existing farmland in order to sell the home separately and continue the agricultural use of both parcels. The proposal should not have any discernable effect on the public and should not pose any risk to the general welfare of the community.

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 subdivision does not unreasonably interfere with the use and enjoyment of the neighboring properties as the surrounding land is primarily agricultural. The proposed subdivision should not affect the property values of neighboring landowners in any discernable way and will keep both properties in agricultural production. 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 existing layout of the property, it would be practical to subdivide the property as proposed and still maintain the character of the surrounding area and uses. Strict application would prevent Petitioner from subdividing and separating the single-family home and agricultural buildings from the remaining tillable agricultural land.

For all of the foregoing reasons, on this 21st day of October, 2025, 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)

LUNA, MOISES & RAQUEL~ By. Moises Luna (25-LUV-08) Bloomfield Twp., Sect.17, T37N R10E, zoned A-1. Located West of 1570 N 200 E., LaGrange. A Land Use Variance for a private soccer complex.

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

Richard Muntz (115 Detroit Street., LaGrange) was present with the petitioner. Richard spoke on the area, existing fields and sports complexes needed. .

1. Christian (Orland, Indiana) spoke in favor of the petition, speaking that it would not be a nuisance if it is taken care of properly.

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

Nick then asked if there were any against the petition, there were six.

1. Larry Hall (1890 E 150 N) spoke against the petition for a group of neighboring properties, stating that property values, traffic would all increase. Alcohol and potential underage drinking, other area soccer fields and food trucks.
2. Desiree Lippincott (1925 E 150 N) spoke on the enter and exit being right by her house and the field is behind her house, concerned for noise and lights.
3. Gene Wickey (2895 N 150 S) spoke about four-way stop, stop signs, traffic increase and dangerous vehicles.
4. Josh Lonsbury spoke about traffic flow and out of towners.
5. Harvey Yoder (1095 E 150 N) spoke about traffic increase, speed and trash.
6. Kim Emery (1630 N 200 E) spoke about traffic increase in the fields four wheelers and existing speed concerns.

The public hearing was subsequently closed.

The board discussed the site plan, field sizes and hours were discussed.

A roll call vote was taken:

Land Use Variance

1. The approval **will be** injurious to the public health, safety and general welfare of the community.

The proposal is to construct a private recreational soccer facility on Petitioner's property zoned A-1. Petitioner's property is located in a predominantly agricultural / residential area with several single-family residents within the surrounding area. The proposed site location is on a well-traveled county road, and there are concerns regarding the amount of traffic and congestion at the site.

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 private recreational soccer facility would meet all applicable setbacks, but raises questions regarding adequate space, buffering, parking and access for events. The proposal and its use may interfere with the neighboring landowners' use and enjoyment of their properties. Six remonstrators appeared citing concern regarding having large gatherings of adults and children in this rural residential area, trash accumulation, potentially inadequate plumbing, danger to the surrounding area, danger due to the traffic congestion, noise pollution, and, most importantly, the facility's potential negative effect on neighboring property values.

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

Without the variance requested, Petitioner is unable to construct a soccer facility on the property, and private recreational facilities are not permitted in most zoning districts, severely limiting the possible placement locations in the county.

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 able to continue to utilize the property as it sits currently. The property as situated has several viable and permitted uses under the terms of the UDO. The Petitioner by requesting to construct the private recreational soccer facility at this location has created his own hardship.

5. The approval **does** interfere substantially with the Comprehensive Plan.

While the Comprehensive Plan encourages growth, this type of development in this type of zone is not contemplated nor supported by the Comprehensive Plan.

For all of the foregoing reasons, on this 21st day of October, 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, NELSON L & MARY D~ By. Nelson Miller & Ben Stanley (25-LUV-10) Newbury Twp., Sect.13, T37N R08E, zoned A-2. Located at 1915 N 675 W., Shipshewana. A Land Use Variance for health supplement supply & consulting business in the A-2 Zoning District.

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

Ben Stanley (S.A.M) was present along with the petitioner. Ben spoke about hours of operation, the existing business and retail.

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

1. Mary Miller (1915 N 675 W) spoke in favor of the petition, adding bathrooms and offices for consulting purposes.

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

The public hearing was subsequently closed.

The board discussed the site plan hours and how many customers on a daily basis.

Jerry Raber made a motion to have no further expansion on this property. Tyler Young 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 health supplement shop and consulting business 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 structure is 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 consulting portion of the business at this location without the variance requested. 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 consulting portion of the 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 21st day of October, 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: prohibition on future expansion of this business at this site.

(Public Hearing)

TRI-COUNTY/LEHMAN, ERIK~By. Erik Lehman & David Bontrager (25-LUV-11) Newbury Twp., Sect.11, T37N R08E, zoned B-2. Located 2985 N Sr 5., Shipshewana. A Land Use Variance to have a large animal in the B-2 Zoning District.

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

David Bontrager (62021 SR 13., Goshen) was present as the petitioner, he spoke about wanting to have a large animal on the property for his transportation.

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

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

The public hearing was subsequently closed.

Lynn Bowen made a motion to have one horse for this use and this owner only. Jerry Raber 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 house one (1) large animal on Petitioner's property zoned B-2. Petitioner's property, while zoned B-2, is located on a two (2) acre lot with some business and some residential uses nearby. The proposed site location to house a single horse does 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 proposal to house one (1) large animal should not affect neighboring landowners as there is a property directly to the South with a single horse as well. The proposal should not interfere with the neighboring landowners' use and enjoyment of their properties. There is sufficient space on the property to house one large animal and conduct small-scale farming. 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 a B-2 zone, would prevent Petitioner from maintaining a large animal, causing difficulties for the property owner who is Amish. 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 housing a large animal 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 proposed use, to house a large animal for transportation purposes, is not in conflict with the Comprehensive Plan.

For all of the foregoing reasons, on this 21st day of October, 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: maximum limit of one (1) large animal on the property; this use only; this owner only.

CONDITIONAL USE VARIANCE

(Public Hearing)

MCDONOUGH, JEFFREY/DONALD LONG~ By. Donald Long (25-CU-09) Milford Twp., Sect.29, T36N R11E, zoned A-1. Located at 7285 E 650 S., Wolcottville. A Conditional Use Variance for a short-term rental in the A-1 Zoning District.

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

Donald Long (7285 E 650 S) was present as the petitioner; he spoke about remodeling and turning this property into an Air BNB.

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

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

1. Residents of Blackman Lake spoke on the concern of children and background checks, traffic, parking, private road maintenance and substance abuse.
2. Karen Kasprzak (7255 E 700 S., Wolcottville) spoke on children safety and background checks.
3. Adelle Schawn (Board of directors-YMCA) spoke about children safety, special camps and traffic.
4. Michael Lindley (YMCA board) spoke about background check and safety.
5. Ryan Handshoe (7269 E 650 S., Wolcottville) spoke about parking concerns, traffic, noise and neighborhood.

Don Long spoke on all of the concerns from the neighbors.

The public hearing was subsequently closed.

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-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. Five (5) 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, fear amongst neighboring landowners.

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 21st day of October, 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.

(Public Hearing)

YODER, DEWAYNE & BRENDA~By. DeWayne & Brenda Yoder (25-CU-10) Johnson Twp., Sect.32, T36N R10E, zoned L-1. Located 1430 E 700 S., Wolcottville. A Conditional Use Variance for a short-term rental in the L-1 Zoning District.

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

DeWayne Yoder (1430 E 700 S., Wolcottville) was present as the owner; he spoke on the renovations and having this for an income supplement.

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

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

The public hearing was subsequently closed.

The board spoke about number of cars and people allowed.

Jerry Raber made a motion make a max of three cars. Tyler Young 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 L-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. 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 21st day of October, 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: Maximum of three (3) cars permitted.

OTHER BUSINESS:

ADJOURNMENT: Nick Wilson made a motion to adjourn, Lynn Bowne seconded the motion. A vote was taken, motion carried, and meeting adjourned at 9:58 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