

LAGRANGE COUNTY BOARD OF ZONING APPEALS
JANUARY 20TH, 2026

THE LAGRANGE COUNTY BOARD OF ZONING APPEALS MET IN REGULAR SESSION ON TUESDAY, JANUARY 20TH, 2026, AT 6:00P.M. IN THE LAGRANGE COUNTY COMMISSIONERS ROOM AT THE COUNTY OFFICE BUILDING

CALL TO ORDER: Nick Wilson called the meeting to order at 6:11 p.m.

ELECTION OF OFFICERS: Lynn Bowen made a motion to nominate Nick Wilson as president, Tyler Young seconded the motion. Tyler Young nominated Jerry Raber as Vice President, Lynn Bowen seconded the motion.

ROLL CALL: Nick Wilson, Lynn Bowen, David Herschberger, Tyler Young 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. David Herschberger seconded the motion. A vote was taken, motion carried.

COMMUNICATIONS:

OLD BUSINESS

CONDITIONAL USE VARIANCE

(Public Hearing)

OROZCO, DIEGO & DANIELLE~ By. Diego & Danielle Orozco (25-CU-11) Milford Twp., Sect.15, T36N R11E, zoned L-1. Located at 9045 E 480 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.

Danielle Orozco (9045 E 480 S) was present as the petitioner. Danielle explained the short-term rental as personal use and a rental when they are not using it. 5 guests maximum, 2 cars maximum, 2-night minimum stay. Quiet time is 10pm-8am and no smoking.

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. Dorin White (9049 E 480 S) spoke on being the neighbor and how close the lot lines were, home entrances are very close, items constantly being delivered to his home by the renters, renters asking for rides and the owner is never in the area.
2. Christy Cressy (9055 E 480 S) purchased in 2025 so is new to the area. She spoke on the renters approaching them asking for rides.
3. Cecily Rorick (9105 E 480 S) spoke on concerns about the Air bnb, had a petition with neighboring signatures against the petition. Also spoke on property values, frequent turn overs, noise, safety and the garbage cans at the end of the drive.
4. Michael Ray sent a postcard opposing the petition.
5. Justin Heflin sent a letter opposing the petition in regard to working with the neighbors to work out driveway issues.

Homeowner stated once they found the long-term renter was not working out they terminated the agreement within two months.

The public hearing was subsequently closed.

The board discussed the property maintenance and encroachment of property.

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 similarly situated properties within the county.

3. The proposed conditional use **will not** 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** change the essential character of the neighborhood.

The proposed use may have noticeable effects on the character of the neighborhood with a short-term rental with frequent turnover, due to the close proximity between properties and homes. Four (4) neighbors remonstrated citing issues with prior renters of the property and possible disturbances to the peace of neighboring landowners.

4. The proposed conditional use **will** be hazardous or unreasonably disturbing to existing or future neighboring uses.

The surrounding homes adjacent to Petitioner's residence are very close in proximity and one neighbor shares driveway access with Petitioner, wherein the proposed usage can cause disturbances to the neighboring property owners' use and enjoyment of their properties.

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 and its utilization of public facilities and services should not cause an undue burden of said public facilities or services in any discernable way 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 have an effect on the public, 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 should not cause any production of noxious fumes or excessive traffic to the surrounding area and 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 significant 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, aside from the proposed length of stay, 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** be affected in a substantially adverse manner.

The proposed short-term rental may have a negative impact on neighboring landowners' use and enjoyment of their properties. Four remonstrators appeared with concerns over traffic, proximity of the home to adjacent homes, noise disturbances, nuisances caused by the guests, guests not being friendly, and 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 health, safety and general welfare of the community.

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

Given the size and layout of the property, the proposed use and the fixtures on the subject property constitute a legal nonconforming development and do not otherwise meet all of the applicable setbacks and dimensional standard of the UDO.

For all of the foregoing reasons, on this 20th day of January, 2026, the LaGrange County Board of Zoning Appeals finds the Petitioner has not met its burden of proof and hereby denies the conditional use variance as requested.

NEW BUSINESS

DEVELOPMENTAL VARIANCE

(Public Hearing)

VEGTER, DANIEL ALLEN & KRISTI ANN~ By. Dan Vegter (26-V-01) Van Buren Twp., Sect.07, T38N R08E, zoned L-1. Located South of 11117 W 805 N., Shipshewana. A Developmental Variance for a road side setback of 16' where 20' is required and a 2' rear setback where 20' is required in the L-1 Zoning District.

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

Daniel Vegter (11117 W 805 N) was present as the petitioner. Daniel spoke about living on the lake and would like to be able to store his boats by his home.

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 discussed the 2' setback, maintenance agreements, lot coverage, other setback options, tie to affidavit, and water drainage. Board discussed a 6' rear setback with Daniel and Daniel agreed to the 6' rear setback for his barn.

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 accessory structure on Petitioner's property located in the L-1 zone. The location of the proposed accessory structure within the roadside setback, with the limited traffic on the adjacent roadway, does not pose any immediate risks to the public and 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 new accessory structure does not unreasonably interfere with the use and enjoyment of the neighboring properties. The newly constructed accessory 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 topography of the existing property, there does not exist sufficient space on the property to locate the proposed accessory structure, or any reasonably sized structure on the property to meet applicable setbacks.

For all of the foregoing reasons, on this 20th day of January, 2026, 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)

EMERGENT OAK, LLC~ By. Harley Mast (26-V-02) Milford Twp., Sect.07, T36N R11E, zoned A-1. Located at 6180 E 300 S., Wolcottville. A Developmental Variance to divide a 40-acre parcel into four 10-acre parcels, with no remaining acreage where 15 acres is required in the A-1 Zoning District.

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

Harley Mast (6180 E 300 S) spoke on the four-acre split.

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 was one.

1. Mark James (6720 E 300 S) spoke against the petition, losing farm ground and potentially having multiple homes come into the neighborhood. Mark also spoke on wetlands, high pressure gas pipeline that goes through the property, timber ground, wildlife displacement and bio security for his business.

The public hearing was subsequently closed.

The board discussed the wooded area, bio security, more houses would increase more animals bringing potential diseases to the neighboring clinic and other split options.

A roll call vote was taken:

Developmental Standard Variance

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

The proposal is to subdivide the 40-acre agricultural property into four 10-acre parcels for further development in conflict with the UDO. The proposal may have any discernable effect on the neighboring area and remove agricultural land from agricultural uses.

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 there are minimal neighbors nearby. The proposed subdivision should not affect the property values. One remonstrator appeared in opposition of the

proposal with fear of numerous homes being built and devaluing the desolate nature of the area.

3. The strict application of the terms of the zoning ordinance **will not** result in practical difficulties in the use of the property.

There is sufficient land available to subdivide the property without the need for a variance. Petitioner, by seeking to not meet the minimum acreage needed for the split and parent parcel, has created his own hardship.

For all of the foregoing reasons, on this 20th day of January, 2026, 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)

EHINGER, WILLIAM & ROSE~ By. Bob Buescher Homes (26-V-03) Milford Twp., Sect.27, T36N R11E, zoned L-1. Located West of 6065 S 970 E., Wolcottville. A Developmental Variance for a 19' roadside setback where 25' is required in the L-1 Zoning District.

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

Austin Buescher (10013 Gallah Cove) spoke on the setbacks to build a garage with the living space above.

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 discussed the water runoff, grading and existing well connection.

Jerry Raber made a condition that a drainage plan will need to be submitted and approved by the Planning & Zoning department before permitting. Tyler Young seconded the motion.

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 new garage on Petitioner's property located in the L-1 zone. The location of the proposed garage, while it is within the roadside setback, allows for more than sufficient space for parking so as to not interfere with traffic or sightlines on the adjacent 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 garage does not unreasonably interfere with the use and enjoyment of the neighboring properties. The garage 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 topography of the existing property there is not sufficient space on the property to locate the proposed new garage further away from the roadside of the property in order to meet applicable setbacks. Strict application would prevent Petitioner from constructing the new garage without the variance.

For all of the foregoing reasons, on this 20th day of January, 2026, 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: must submit a drainage plan to be approved by the plan administrator.

(Public Hearing)

HEALEY, MICHAEL/JON KLOPFENSTEIN~ By. Jon Klopfenstein (26-V-04) Lima Twp., Sect.30, T38N R10E, zoned B-2. Located at 5535 N Sr 9., Howe. A Developmental Variance for 70% lot coverage where 65% is required in the B-2 Zoning District.

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

John and Erica Klopfenstein were present as the owners. They spoke about the drive thru and lot coverage. Will add drains in the driveway/tile to help with the water runoff.

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 discussed the South drive closing to clean up the drive thru and the parking lot

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 redevelop an existing B-2 lot to allow for the inclusion of new businesses on the site. The proposed addition should not have any noticeable effect on the adjacent roadway or the public. There is ample space for turnarounds and deliveries at the site location.

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 site development is in a business zone and should not unreasonably interfere with the use and enjoyment of the neighboring properties as there are minimal neighbors nearby. The proposed hard surface drive thru 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 and layout of the property as presently constructed, Petitioner would be unable to construct the drive thru expansion and site development on this property without the variance requested.

For all of the foregoing reasons, on this 20th day of January, 2026, 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: The board discussed adding a new member to the Topeka board member, Dustin will look into the question.

ADJOURNMENT: Lynn Bowen made a motion to adjourn, Jerry Raber seconded the motion. A vote was taken, motion carried, and meeting adjourned at 8:04 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