

LAGRANGE COUNTY BOARD OF ZONING APPEALS
JANUARY 19, 2021

THE LAGRANGE COUNTY BOARD OF ZONING APPEALS MET IN REGULAR SESSION ON **TUESDAY, JANUARY 19, 2021 AT 7:00P.M.** IN THE LAGRANGE COUNTY COMMISSIONERS ROOM AT THE COUNTY OFFICE BUILDING

CALL TO ORDER: Tyler Young called the meeting to order at 7:00 p.m.

ROLL CALL: Tyler Young, Lynn Bowen, Nick Wilson, and Phillip Bieberich.

ELECTION OF OFFICERS: Nick Wilson nominated Tyler Young as President, Lynn Bowen seconded the motion. A vote was taken and the motion carried. Tyler Young was elected President. Tyler Young nominated Nick Wilson as Vice President, Phillip Bieberich seconded the motion. A vote was taken and the motion carried. Nick Wilson was elected Vice President.

ADOPT AGENDA: Lynn Bowen made a motion to table petition **DELAGRANGE, ROGER ~ By: Larry Helmer (20-V-63)** until the March Board of Zoning Appeals meeting, Tyler Young seconded the motion. A vote was taken, motion carried. Lynn Bowen made a motion to accept the amended agenda, Nick Wilson seconded the motion. A vote was taken, motion carried.

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

COMMUNICATIONS: None.

OLD BUSINESS

DEVELOPMENTAL VARIANCE

(Public Hearing)

GETTY, ARTHUR & NANCY, VAN CAMP, MARLA JEAN & MORRIS, SCOTT & RHONDA SUE ~ By: Shannon Getty/Scott Morris (20-V-72): Johnson Twp., Sect. 32, T36N R10E, zoned L-1. Located at 1765 E 765 S, Wolcottville. Application is for a 5' West side setback for a proposed 12'x20' shed.

Robbie Miller introduced the petition and reviewed the site plan.

Scott Morris, 1077 Pebble Brook Drive, Noblesville, was present as the petitioner and reviewed the reason for the variance.

Tyler Young asked if there was anyone in favor of the petition. No others appeared in favor of the petition. Mr. Young asked if anyone would like to remonstrate against the petition. No remonstrators appeared.

The public hearing was subsequently closed.

Robbie Miller read aloud a letter submitted by the Darin Garrett, Town of Wolcottville Utilities Superintendent, stating the layout presented was acceptable, and to keep the structure to the West as to avoid the sanitary lateral.

The board discussed the site plan.

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 proposed new shed is located on the roadside of the residence, closer to the west side property line than what is permitted. The location of the shed does not pose any risks to the public or neighboring landowners. The proposed location does not interfere with travel 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 shed location, as proposed, does not unreasonably interfere with the use and enjoyment of the neighboring property. The new shed 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.
Strict application would not prevent Petitioner from continued use of the property and/or relocating the proposed shed to another suitable location within the required setbacks. The Petitioner possesses sufficient space on the subject property to locate the auxiliary structure within the required setback, without the need of the variance requested.
4. The variance granted **is not** the minimum necessary and **does** correct a hardship caused by an owner, previous or present, of the property.
The proposed location of the auxiliary structure and the reduction from the required 10' side yard setback down to the proposed 5' is not the minimum necessary, given that sufficient space exists to relocate the structure at the required setback without issue. The Petitioner by proposing/selecting the subject location has created its own hardship.

For all of the foregoing reasons, on this 19th day of January, 2021, 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)

THE BEECHY FAMILY REVOCABLE LIVING TRUST ~ By: Midwest Land Surveying (20-LUV-41): Clay Twp., Sect. 28, T37N R09E, zoned A-1. Located at 3460 W US 20, LaGrange. Application to expand an existing retail horseshoe supply business and to add a retail variety store selling shoes, gifts, fabrics, etc.

Robbie Miller introduced the petition and reviewed the site plan.

Joshua Lash, Midwest Land Surveying, was present on behalf of the petitioner and reviewed the reason for the variance.

Tyler Young asked if there was anyone in favor of the petition. No others appeared in favor of the petition. Mr. Young asked if anyone would like to remonstrate against the petition. No remonstrators appeared.

The public hearing was subsequently closed.

The board discussed the petition and business details.

Lynn Bowen made a motion for no outside storage, this use, this owner only, and no future expansion at this site. Nick Wilson seconded the motion. A vote was taken, motion carried.

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 a new auxiliary structure to be utilized as a new retail business on the property. This business would be operated in addition to the existing business on the property. The property has been operating for several years without issues to the public. The property allows for safe flow of traffic and sufficient turn around for customers and 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 parcel in question has operated as a retail harness shop for several years without issue. The proposed additional business would not affect use and value of neighboring properties in a substantial way. No remonstrators appeared.

3. The need for the variance arises from some condition peculiar to the property involved
The location of the subject property as it currently sits within a A-1 zone would prevent Petitioner from operating a new business with retail sales. The introduction of the new business with retail sales requires 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 continue the operation of the existing retail business on the property and also continue to utilize the property for agricultural purposes consistent with the zoning ordinance. Petitioner, by proposing to add an additional retail business in an A-1 zone, has created his own hardship.
5. The approval does not interfere substantially with the Comprehensive Plan
The comprehensive plan encourages unique and diverse business and enterprise in the County. The proposed variety store may promote economic development in the County.

For all of the foregoing reasons, on this 19th day of January, 2021, 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

DEVELOPMENTAL VARIANCE

(Public Hearing)

MILLER, ROSS ~ By: Ross Miller (21-V-01): Clearspring Twp., Sect. 24, T36N R09E, zoned L-1. Located at 5995 S 030 W, Wolcottville. Application is for an auxiliary building with a 2 fixture bathroom that is 1,792 sq. ft. larger than the residence in an L-1 zone.

Robbie Miller introduced the petition and reviewed the site plan.

Harley Mast, Michiana Builders, was present on behalf of the petitioner and reviewed the reason for the variance.

Tyler Young asked if there was anyone in favor of the petition. No others appeared in favor of the petition. Mr. Young asked if anyone would like to remonstrate against the petition. No remonstrators appeared.

Robbie Miller stated two letters of remonstrations were submitted to the Plan Commission and read the letters aloud. The first letter was from Bradley & Stephanie Gough and the second letter was from the office of Beers, Mallers, Backs & Salin, LLP, representing members of the Dallas A. Subdivision.

Ross Miller, 5995 S 030 W, stated that no lake views would be blocked by the new structure. The public hearing was subsequently closed.

The board discussed the site plan and the concerns submitted to the board.

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 auxiliary structure on a vacant back lot in an L-1 zone. The proposal does not unreasonably interfere with the public or obstruct traffic on the roadside of the property and poses no risk to the health and safety of 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 construction will be aesthetically pleasing and may increase neighboring property values. The proposed auxiliary structure is similar to other auxiliary structures in the surrounding area and does not seek to unreasonably interfere with neighboring landowners' use and enjoyment of their properties. Two remonstrators appeared, citing concerns over the size of the proposed structure, having a negative effect on property values, and causing obstruction to view.
3. The strict application of the terms of the zoning ordinance **will not** result in practical difficulties in the use of the property.
That Petitioner would still be able to construct an auxiliary structure and utilize the property without the variance requested. That Petitioner being required to construct a smaller auxiliary structure in order to meet the requirements of the zoning ordinance will not result in practical difficulties in the use of the property.
4. The variance granted **is not** the minimum necessary and **does** correct a hardship caused by an owner, previous or present, of the property.
That Petitioner could construct a smaller auxiliary structure on the property in order to meet the zoning requirements. That Petitioner, by proposing the large auxiliary structure that far exceeds the size of its primary structure has created its own hardship.

For all of the foregoing reasons, on this 19th day of January, 2021, 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)

MEHAS, DAVID & JANIS ~ By: Paul Yoder (21-V-03): Clearspring Twp., Sect. 25, T36N R09E, zoned L-1. Located at 6160 S 085 W, Wolcottville. Application is for a 30.4' roadside setback for a house addition and carport in an L-1 zone.

Robbie Miller introduced the petition and reviewed the site plan.

Paul Yoder, Dallas Lake Construction, was present on behalf of the petitioner and reviewed the reason for the variance.

Tyler Young asked if there was anyone in favor of the petition. No others appeared in favor of the petition. Mr. Young asked if anyone would like to remonstrate against the petition. No remonstrators appeared.

The public hearing was subsequently closed.

The board discussed the site plan.

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 addition on Petitioners' existing residence to allow for additional living space and a carport. The proposed addition would be located closer to the adjacent roadway than what is permitted, but it will not cause any obstruction or unnecessary risks to the public or travelers on the 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 home addition will not substantially interfere or intrude on the use and enjoyment of adjacent property owners. The addition, as proposed, does not encroach on the side yards or the lakeside of the property, thereby not interfering with neighboring landowners' views. 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.
Strict application would prevent Petitioners from constructing the addition as proposed. Given the size, width, and layout of the subject property, it would be difficult to construct an addition on the existing lot without the variance requested.
4. The variance granted is the minimum necessary and does not correct a hardship caused by an owner, previous or present, of the property.
The proposed structure is minimally intrusive to neighboring properties and does not interfere with the use and enjoyment of the lake. The addition, as proposed, will have similar setbacks to other L-1 properties in the area.

For all of the foregoing reasons, on this 19th day of January, 2021, 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)

STONEY ACRES WOODWORKING ~ By: Midwest Land Surveying (20-LUV-40): Eden Twp., Sect. 09, T36N R08E, zoned A-1. Located Southeast of the intersection of CR 400 S & CR 1000 W, Millersburg. Application is to operate a hardwood floor manufacturing and finishing business in an A-1 zone.

Robbie Miller introduced the petition and reviewed the site plan.

Josh Lash, Midwest Land Surveying, was present on behalf of the petitioner and reviewed the reason for the variance. Mr. Lash informed the board this site was intended for manufacturing and wholesale, no retail sales.

Tyler Young asked if there was anyone in favor of the petition. No others appeared in favor of the petition. Mr. Young asked if anyone would like to remonstrate against the petition. No remonstrators appeared.

The public hearing was subsequently closed.

The board discussed the site plan and future business intentions.

Lynn Bowen made a motion for this use, this owner only, & no future expansion beyond the site plan provided. Nick Wilson seconded the motion. A vote was taken, motion carried.

A roll call vote was taken:

Land Use Variance

1. The approval will not be injurious to the public health, safety and general welfare of the community.
The proposal is to construct and operate a hardwood floor manufacturing and finishing business in an A-1 zone. The proposal provides for an adequate driveway and turnaround for deliveries at the property without effecting traffic flow on the county road. The proposal poses no risk to the community as the Petitioner has operated the same business a few miles away for several years without issue.

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 variance will allow for the construction of a brand-new facility that meets all required setbacks, thereby not intruding on any neighboring landowners. There are minimal neighbors located near the property, therefore there should be minimal affect caused by the manufacturing facility. No remonstrators appeared.
3. The need for the variance arises from some condition peculiar to the property involved
The unique characteristics and the geographical location of the property as it currently sits in an A-1 zone would prevent the Petitioner from operating a manufacturing and finishing business at the subject location.
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 his hardwood manufacturing and finishing business at the subject location without the requested variance, requiring Petitioner to find another suitable location in an industrial zone.
5. The approval does not interfere substantially with the Comprehensive Plan
The comprehensive plan encourages a diverse economy and promotes growth in the county economy with the small business owners.

For all of the foregoing reasons, on this 19th day of January, 2021, 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; no future expansion beyond the site plan presented at this site.

(Public Hearing)

BEECHY, LESTER & WANDA ~ By: Lester Beechy (21-LUV-02/21-V-02): Clearspring Twp., Sect. 24, T36N R09E, zoned L-1. Located North of 5905 S 080 W, Wolcottville (parcel # 44-11-24-300-020.011-005). Application is for a 120 sq. ft. auxiliary building without a residence in a L-1 zone. Also for a 35' lakeside setback.

Robbie Miller introduced the petition and reviewed the site plan.

Lester Beechy, 4645 S 200 W, was present as the petitioner and reviewed the reason for the variance to the board.

Tyler Young asked if there was anyone in favor of the petition. No others appeared in favor of the petition. Mr. Young asked if anyone would like to remonstrate against the petition. No remonstrators appeared.

The public hearing was subsequently closed.

The board discussed the site plan and surrounding property.

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 proposed auxiliary structure is a small shed to be placed on a vacant lot in an L-1 zone. The variance requested does not interfere with neighboring properties, does not increase traffic or create hazardous situations 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 structure would be used for storage of items that would otherwise be stored outside, making the proposed use more aesthetically pleasing to neighboring properties. The proposed shed meets side yard setbacks and does not otherwise encroach on neighboring landowners. No remonstrators appeared.
3. The need for the variance arises from some condition peculiar to the property involved
The geographical location of the property, as it currently sits in an L-1 zone, would prevent the proposed auxiliary structure to be placed on the vacant lot, as it currently exists without the construction of a residence.
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 unable to place the proposed auxiliary structure on the vacant lot, as it currently exists, without the requested variance. Strict application would require the construction of a home on said lot in order to place the proposed auxiliary structure.
5. The approval does not interfere substantially with the Comprehensive Plan
The proposed variance and the proposed auxiliary structure requested is not inconsistent with the comprehensive plan and is not uncommon usage for similarly situated parcels in the surrounding L-1 zone.

For all of the foregoing reasons, on this 19th day of January, 2021, the LaGrange County Board of Zoning Appeals finds the Petitioner has met its burden of proof and hereby approves the variance as requested.

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 place an auxiliary shed closer to the lakeside than what is permitted in an L-1 zone. The proposed shed and the proposed location thereof poses no safety concerns or risk to the public and/or 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 shed will not substantially interfere or intrude on the use and enjoyment of adjacent property owners. The shed, as proposed, does not unreasonably encroach on the side yards of the property, thereby not interfering with neighboring landowners. 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.
Strict application would not prevent Petitioner from placing the shed on the property, as there is more than sufficient space to place the shed within the setback requirements and without the need of a variance.
4. The variance granted is the **not** minimum necessary and **does** correct a hardship caused by an owner, previous or present, of the property.

The proposed variance is not the minimum necessary as it can be placed on the property without the need for a variance. The Petitioner by selecting the subject location of the shed has created his own hardship.

For all of the foregoing reasons, on this 19th day of January, 2021, 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)

BEECHY, NORMAN ~ HOCHSTETLER, PERRY & WANETA ~ By: Norman Beechy (21-LUV-03): Clay Twp., Sect. 21, T37N R09E, zoned A-1. Located at 3515 W US 20, LaGrange. Application is to temporarily operate Pine Ridge Variety Store in the West end of the approved equine retail store Hostetler Enterprises.

Robbie Miller introduced the petition and reviewed the site plan. The board discussed the meaning and possibilities of running the store as a temporary operation.

Tyler Young asked if the petitioner wanted to speak to the board. Norman Beechy declined.

Tyler Young asked if there was anyone in favor of the petition. No others appeared in favor of the petition. Mr. Young asked if anyone would like to remonstrate against the petition. No remonstrators appeared.

The public hearing was subsequently closed.

The board discussed that the temporary operation of one year would be plausible.

Lynn Bowen made a motion for the business to be allowed to operate at the location of 3515 W US 20, for one year. Nick Wilson seconded the motion. A vote was taken, motion carried.

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 proposed temporary variety store in A-1 zone will have a minimal effect on the surrounding area, given that there is an existing retail business at the location. The proposed retail location is located well off of the road, which allows for safe flow of traffic and sufficient turnaround for any patrons or 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 site for the temporary variety store should not interfere or infringe upon adjacent landowners' use and enjoyment of their properties. The retail sales at the site will not affect the neighboring areas in a substantial way. No remonstrators appeared.

3. The need for the variance arises from some condition peculiar to the property involved
The location of the subject property as it currently sits within an A-1 zone would prevent Petitioners from operating the temporary variety store with retail sales without the variance requested.

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.
Petitioners would be prohibited from operating the temporary variety store with retail sales without the variance. A business of this sort cannot be operated without retail sales

5. The approval does not interfere substantially with the Comprehensive Plan
The comprehensive plan encourages rural family businesses similar to that which Petitioners are proposing. The comprehensive plan encourages a diverse economy.

For all of the foregoing reasons, on this 19th day of January, 2021, 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: the temporary business may operate at this location for 1 year from the date the variance is granted.

OTHER BUSINESS: None.

ADJOURNMENT: Nick Wilson made a motion to adjourn, Lynn Bowen seconded the motion. A vote was taken, motion carried. The meeting was adjourned at 8:51 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: _____
Tyler Young, President

BY: _____
Nick Wilson, Vice President

BY: _____
Lynn Bowen, Member

BY: _____
Jim Bugg, Member

BY: _____
Rich Sherman, Alternate Member

BY: _____
Freeman Miller, Alternate Member