

LAGRANGE COUNTY BOARD OF ZONING APPEALS
MARCH 16, 2021

THE LAGRANGE COUNTY BOARD OF ZONING APPEALS MET IN REGULAR SESSION ON **TUESDAY, MARCH 16, 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, Philip Bieberich, Nick Wilson, Lynn Bowen, & Jim Bugg.

ADOPT AGENDA: Jim Bugg made a motion to adopt the agenda, Lynn Bowen seconded the motion. A vote was taken, motion carried.

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

COMMUNICATIONS: None.

OLD BUSINESS

DEVELOPMENTAL VARIANCE

(Public Hearing)

DELAGRANGE, ROGER ~ By: Larry Helmer (20-V-63): Milford Twp., Sect. 12, T36N R11E, zoned L-1. Located at 11945 E 380 S, LaGrange. Application is for a 32' and a 30' lakeside setback for a proposed gazebo.

Robbie Miller introduced the petition and reviewed the site plan.

Larry Helmer, 408 N. Detroit Street, LaGrange, was present on behalf of the petitioner and explained the reason for the variance. Roger DeLagrange, 10729 Coldwater Road, Fort Wayne, was present as the land owner.

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 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 an auxiliary structure on the lakeside of Petitioner's property, requesting two separate lakeside setback variances. The proposal does not unreasonably interfere with or obstruct the public. The proposal 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. Due to the location and layout of Petitioner's property, the proposed location of the gazebo would not interfere with neighboring landowners' use and enjoyment of their properties. 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.
That Petitioner possesses sufficient space on the subject property to construct the proposed auxiliary structure without the need for a variance. Petitioner would be able to continue to utilize the property for residential purposes and construct an auxiliary structure on said property without 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.
Given the size, width and available space on the existing lot, Petitioner could easily construct a new auxiliary structure on the property without the need for any setback variances, therefore the variances requested are not the minimum necessary. The Petitioner, by proposing an auxiliary structure of this size in this location, has created its own hardship.

For all of the foregoing reasons, on this 16th day of March, 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)

MULLET, BENJAMIN ~ WAGGING TAIL PETS ~ By: Benjamin Mullet (21-LUV-07): Van Buren Twp., Sect. 24, T38N R08E, zoned A-1. Located 6115 N 675 W, Shipshewana. Application is for a proposed commercial dog breeding facility with up to 19 breeding females.

Robbie Miller introduced the petition and reviewed the site plan. Mrs. Miller also explained this was the petition's second hearing due to an administrative error.

Susie Troyer, 2675 E 050 N, LaGrange, was present on behalf of the petitioner and explained 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.

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 dog breeding facility is located on a large parcel in an A-1 zone, located in a primarily rural area. The proposed site location is adequately suited for the proposed dog breeding operation and is adequately screened from the public and neighboring landowners. Petitioners will comply with USDA, ICAW and Indiana Board of Health Licensing Requirements, ensuring safety of the operation and 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 facility will be located so as to not infringe on neighboring landowners' use and enjoyment of their properties. There will not be any retail sales on the property, removing any

unnecessary traffic to the site. The proposed site location meets all required setbacks. 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 A-1 zone would prevent the proposed dog breeding business without signed affidavits of neighboring landowners, to which one landowner withheld their signature. The A-1 zone is the most appropriate location for a breeding facility and/or the housing of animals of this nature.
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.
The Petitioners would be unable to operate their proposed dog breeding facility at their home property located in an A-1 zone, without the proposed variance.
5. The approval does not interfere substantially with the Comprehensive Plan
The comprehensive plan encourages rural home-based businesses similar to the proposed dog breeding operation and also encourages the housing and maintenance of animals in A-1 zones. Similar breeding facilities and other home-based businesses currently exist in the neighboring area.

For all of the foregoing reasons, on this 16th day of March, 2021, the LaGrange County Board of Zoning Appeals finds the Petitioner has met its burden of proof and hereby approves the variance as requested.

NEW BUSINESS

DEVELOPMENTAL VARIANCE

(Public Hearing)

MILLER, DEAN & LANA ~ By: Steven T. Clouse, Attorney at Law, LLC **(21-V-09):** Lima Twp., Sect. 34, T38N R09E, zoned L-1. Located at 4895 N 290 W, Howe. Application is for an existing 6' fence in the L-1 zoning district.

Robbie Miller introduced the petition and reviewed the site plan.

Steven Clouse, 100 W. Main, Albion, was present on behalf of the petitioner. Mr. Clouse informed the board that Dean Miller was unable to attend the meeting due to a family matter & explained the reason for the variance. The fence was originally placed in 2012, however, the fence not being complaint with the zoning ordinance was brought to the owners' attention in the summer of 2020.

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. Robbie Miller read aloud a letter of remonstrations submitted to the Plan Commission office from the Pigeon River & Pigeon Lake Residents with a return address of 515 N 250 W, Howe.

The public hearing was subsequently closed.

The board discussed the site plan.

Lynn Bowen made a motion to postpone the petition and for a survey of the property that includes the location of the fence be provided to the Board of Zoning Appeals, Philip Bieberich seconded the motion. A vote was taken, motion carried. The petition was postponed until the requested survey is provided for board review.

(Public Hearing)

ERNY, GARRY & PAULA ~ By: Garry Erny (21-V-10): Milford Twp., Sect. 16, T09N R11E, zoned L-1. Located at 4395 S 895 E, Wolcottville. Application is for a 5' setback for an enclosed lakeside porch.

Robbie Miller introduced the petition and reviewed the site plan.

Garry Erny, 524 N. Liberty Street, Hobart, was present as the petitioner. Mr. Erny explained 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.

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 an enclosed porch addition on the lakeside of the Petitioner's home to blend with the existing home. The proposed covered porch 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 enclosed porch addition will not substantially interfere or intrude on the use and enjoyment of adjacent property owners. The new covered porch, as proposed, does not unreasonably encroach on the lakeside of the property and is in line with Petitioner's existing home. The proposal also meets the lakeside setback, thereby not interfering with neighboring landowners' lake view. 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 Petitioner from constructing the enclosed porch on the lakeside of his home. Given the size and layout of the subject property, it would be difficult and/or impractical to construct an enclosed porch on the lot in any other location in order to meet the setback requirements.
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 addition is minimally intrusive to neighboring properties and does not interfere with the use and enjoyment of the lake. The covered porch, as proposed, is reasonably sized considering the size and layout of the lot and does not seek to move any closer to the lake front than the adjacent landowners.

For all of the foregoing reasons, on this 16th day of March, 2021, 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)

YODER, KATIE & LYLE ~ By: Lyle R. Yoder (21-V-11): Clearspring Twp., Sect. 29, T36N R09E, zoned A-1. Located at 6030 S 400 W, Topeka. Application is for a roadside setback from 125' to 85' for a 36' X 100' addition to an existing manufacturing facility.

Robbie Miller introduced the petition and reviewed the site plan.

Richard Muntz, 127 W. Spring Street, was present on behalf of the petitioner. Mr. Muntz explained 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 at length. The board also reviewed the driveway and items of the previously approved site plan that had not been finished.

Lynn Bowen made a motion for this owner, this use, and no further expansion of the business, Philip Bieberich seconded the motion. A vote was taken, motion carried.

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 will be injurious to the public health and safety as the existing manufacturing facility is already located closer to the roadway than what is permitted. In addition, the proposed addition will encroach further on the roadway, raising questions regarding sufficient turnaround for deliveries and potential risks for patrons and traffic on the neighboring 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 structure will not interfere or intrude on the use and enjoyment of adjacent property owners. The business has existed at this location for several years without causing issues to the adjacent property owners. The proposed expansion should not affect the property values in the surrounding area. 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.
The strict application would not result in practical difficulties as Petitioners would be able to continue to operate their business as currently constructed. Additionally, there exists sufficient space on the rear of Petitioners' property to construct the desired expansion far enough away from the neighboring roadway to make a variance unnecessary. The size and layout of the allows for expansion without the need of a variance.
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 construction is not minimally intrusive and seeks to unreasonably encroach on the neighboring roadway. The proposed structure can be constructed on Petitioner's property without the need of a variance, therefore the Petitioners have created their own hardship by and through their proposed expansion.

For all of the foregoing reasons, on this 16th day of March, 2021, the LaGrange County Board of Zoning Appeals finds the Petitioner not has met its burden of proof and hereby denies the variance as requested.

(Public Hearing)

TWIN PRAIRIE FARMS, LLC ~ By: Donald Fanning/Eric Knepp (21-V-12): Van Buren Twp., Sect. 19, T38N R09E, zoned A-1. Located at 5180 W 700 N, Shipshewana. Application is for a 50' roadside setback to replace 3 existing grain bins with 2 new grain bins.

Robbie Miller introduced the petition.

Eric Knepp, 5180 W 700 N, was present on behalf of the petitioner. Mr. Knepp explained 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 replace 3 existing grain bins with 2 new larger grain bins to allow for additional storage on the property. The proposed grain bins are located within the property line setback requirements in an A-1 zone. The proposed new grain bins will be located in the same location as the existing bins. The proposed addition is appropriate and poses no risks to the public or 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 structures are located in an A-1 zone at an existing grain mill in need of additional storage for their business. The adjacent properties are primarily agricultural and would not be affected in a substantially adverse manner with the construction of new storage bins. There are currently 3 storage bins at the same location as the proposed new storage, without any complaint from adjacent property owners. 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 Petitioner from constructing the needed grain storage bins as proposed. Given the size and layout of Petitioner's property, as it currently exists, it would be impractical to construct storage bins on the property within the necessary setback requirements due to existing pad/loading area.*
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 proposal is minimally intrusive and seeks to locate the proposed storage bins, for practicality and convenience purposes, in the same location of the other similarly situated grain storage bins already on the property.*

For all of the foregoing reasons, on this 16th day of March, 2021, the LaGrange County Board of Zoning Appeals finds the Petitioner has met is burden of proof and hereby approves the variance as requested.

(Public Hearing)

HOSTETLER, MARLIN & LORI ~ By: Marlin Hostetler/Agronomic Solutions (21-V-13):

Clearspring Twp., Sect. 32, T36N R09E, zoned A-1. Located at 7590 S 400 W, Ligonier. Application is to expand an existing AFO to a CFO within a 3-year period when the AFO does not meet the CFO requirements. Also a side yard setback from the required 200' to 105' for the existing AFO barn.

Robbie Miller introduced the petition and reviewed the reason for the variance.

Marlin Hostetler, 7590 S 400 W, Ligonier, was present as the petitioner.

Tyler Young asked if there was anyone in favor of the petition.

Andy Flickinger, 30210 County Road 40, Wakarusa, was present in support of the petitioner and as a representative for Miller's Poultry.

Tyler Young asked if there was anyone who would like to remonstrate against the petition. No remonstrators appeared.

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 convert Petitioner's existing AFO poultry barn to a CFO poultry barn in order to expand Petitioner's existing business. The structure as proposed is located well off of the road, away from neighboring landowners, and 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 proposed expansion would not interfere or intrude on neighboring landowners' properties, as there are little to no property owners or residential structures near the site location in question. The A-1 zone is the best possible location for a CFO barn such as the one proposed by Petitioner. No remonstrators appeared. One (1) person appeared in favor of the variance.
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 Petitioner from expanding to a CFO poultry barn on his A-1 property and would result in practical difficulties, as it would burden the growth of his agricultural business located in an A-1 zone. Strict application would severely limit the underlying purpose of the A-1 zone.
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 CFO poultry barn expansion is located within an A-1 zone and within all required setbacks. The Petitioner is in need of the expansion to a CFO barn in order to meet the growing demand for poultry in the surrounding area.

For all of the foregoing reasons, on this 16th day of March, 2021, the LaGrange County Board of Zoning Appeals finds the Petitioner has met its burden of proof and hereby grants the variance as requested.

(Public Hearing)

BONTRAGER, LEON ~ By: Leon Bontrager (21-V-14): Clearspring Twp., Sect. 06, T36N R09E, zoned A-1. Located at 2465 S 600 W, Topeka. Application is for a proposed side yard setback from 50' to 10' for a Commercial Dog Breeding Facility.

Robbie miller introduced the petition.

Susie Troyer, 2675 E 050 N, LaGrange, was present on behalf of the petitioner. Ms. Troyer reviewed the reason for the variance and future plans for the commercial breeding facility.

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

Ross Reed, 2500 S 600 W, was present as a concerned neighbor. Mr. Reed stated he was fearful of the future dogs becoming a noise nuisance.

Verna Miller, 2360 S 600 W, Topeka, was present as a concerned neighbor & stated she was concerned with the septic for the property.

Kathy Demerly, 2440 S 600 W, was present as a concerned neighbor and expressed her concerns of the dogs being a noise nuisance.

Susie Troyer addressed the remonstrators concerns. Ms. Troyer informed the board holding tanks are not allowed for commercial breeding facilities of this size, & that Leon Bontrager wanted to be a good neighbor and intended to use privacy fencing to prevent the dogs from reactive barking due to environmental stimuli.

The public hearing was subsequently closed.

The board discussed the site plan at length and the county noise ordinance.

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 commercial dog breeding facility on Petitioner's property, closer than the permitted 100' setback. The structure, as proposed, is located well off of the road and away from neighboring residences. The proposal does not pose any risk to the public health.
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 dog breeding facility would not bring unwanted traffic to the area. The subject property is, however, located adjacent to L-1 residential properties and the location and potential noise produced by the facility may affect the neighboring landowners' use and enjoyment of their properties. Three remonstrators appeared, citing to concerns over noise pollution and concerns over the septic/drainage of the facility.
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 continuing to reside at the subject property and utilize the property for agricultural purposes. While Petitioner would not be able to maintain the breeding facility as proposed, the property could be utilized for farm and/or the housing of other livestock, thereby not resulting in practical difficulties for Petitioner.
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 variance requested is not the minimum necessary, as Petitioner seeks to reduce the required 100' setback by nearly 90'. Additionally, by selecting the proposed location and subject property for the breeding facility, Petitioner has created his own hardship.

For all of the foregoing reasons, on this 16th day of March, 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)

WAGNER, JUDITH ~ By: Terry Wagner (21-V-15): Johnson Twp., Sect. 25, T36N R10E, zoned L-1. Located at 5415 E 620 S, Wolcottville. Application is for two proposed side yard setbacks from 10' to 5' for a 20' X 40' storage building.

Robbie Miller introduced the petition and reviewed the site plan.

Terry Wagner, 5415 E 620 S, Wolcottville, was present as the petitioner.

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.

Lynn Bowen made a motion for the lots to be combined with a tie-to affidavit, Philip Bieberich seconded the motion. A vote was taken, motion carried.

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 an auxiliary structure on Petitioner's back lot with a single side yard setback variance request. The variances requested does not unreasonably interfere with the public or cause any unnecessary risk of harm to 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 new auxiliary structure will be aesthetically pleasing and may increase neighboring property values. The proposed side yard setback is common on surrounding properties in the area and should not unduly encroach on the neighboring property owners' use and enjoyment of their property. 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, layout and width of the back lot in question, Petitioner would be unable to construct any reasonably sized auxiliary structure on the subject parcel without the requested variance.
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 auxiliary structure has similar setbacks as those that exist on other properties in the surrounding area. The proposal is reasonably sized given the space available on the subject lot. The proposal does not interfere with the use and enjoyment of neighboring properties.

For all of the foregoing reasons, on this 16th day of March, 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: Petitioner must execute and submit a tie-to affidavit.

(Public Hearing)

BOBAY, CRAIG & NANCY ~ By: Chris Sluyter (21-V-16): Milford Twp., Sect. 15, T36N R10E, zoned L-1. Located at 4670 S 930 E, Wolcottville. Application is for a proposed side yard setback from the required 10' to 2.5' for a second story on the existing home.

Robbie Miller introduced the petition and reviewed the site plan.

Chris Sluyter, 9190 E 430 S, was present on behalf of the petitioner. Mr. Sluyter explained the reason for the variance.

Tyler Young asked if there was anyone in favor of the petition and reviewed.

Craig Bobay, 4670 S 930 E, was present in support as the land owner. Mr. Bobay introduced himself to the board and described his future plans to eventually become a full time resident, & supplied letters of support signed by the surrounding neighbors of the property.

Tyler 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 confirmed the foundation was engineer approved for the addition of a second story.

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 story addition onto an existing home located on Petitioners' property. The proposed home addition does not cause any risk to the surrounding public, nor does it affect travel and sight 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, as it seeks to maintain the existing side yard setback and not further encroach on the neighboring properties. The home addition, as proposed, also does not encroach on the lakeside of the property, thereby not interfering with neighboring landowners' lake view. 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 of the side yard setback requirements would prevent Petitioners from constructing the home addition, thereby requiring Petitioners to tear down and attempt to rebuild said home within the required setbacks. Given the size and layout of the subject property, it would be difficult and/or impractical to construct a home addition on the 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 addition is minimally intrusive to neighboring properties and does not interfere with the use and enjoyment of the lake. The new home addition, as proposed, is reasonably sized considering the size and layout of the subject lot.

For all of the foregoing reasons, on this 16th day of March, 2021, 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)

GREEN, BILL & LISA ~ By: Bill Green (21-V-17): Johnson Twp., Sect. 23, T36N R10E, zoned L-1. Located at 5975 S 455 E, Wolcottville. Application is for a proposed 31' roadside setback for house addition and attached garage.

Robbie Miller introduced the petition and reviewed the site plan.

Bill Green, 11006 Summer Chase Road, Fort Wayne, explained the reason for the variance to the board.

Tyler Young asked if there was anyone in favor of the petition.

Eric Hansen, 5835 S 455 E, was present in support of the petition. Mr. Hansen shared the new development would be further away from the road than the existing home & an asset to the neighborhood.

Tim Herman, 6225 S 455 E, was also present in support of the petition as a surrounding property owner.

Tyler 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 for the construction of a house addition and an attached garage structure on the roadside of Petitioners' home. The proposed garage is located far enough off of the roadway that it will not obstruct view on the road nor will it 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 proposed new construction would be aesthetically pleasing to neighboring landowners. The proposed setback variance will not intrude on neighboring landowners' properties as it meets the required side yard setbacks. The proposed structure will be located further from the right of way than some of the neighboring auxiliary structures. No remonstrators appeared, however two people appeared in favor of the variance.

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 it would be impractical for Petitioners to construct the addition and attached garage on the subject property 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 construction is minimally intrusive and does not seek to encroach upon the roadway any more than neighboring properties. The proposed location of the addition and attached garage is reasonably sized considering the lot size in question.

For all of the foregoing reasons, on this 16th day of March, 2021, 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)

TROYER, FLOYD ~ By: Floyd Troyer (21-V-18): Johnson Twp., Sect. 04, T36N R10E, zoned A-1. Located at 2395 S 200 E, LaGrange. Application is to expand from an AFO to a CFO within 3 years because the structure does not meet the CFO setbacks. A side yard setback from 200' to 101' and a roadside setback from the required 200' to 160' for a CFO operation.

Robbie Miller introduced the petition.

Floyd Troyer, 2395 S 200 E, was present as the petitioner and explained the reason for the variance.

Tyler Young asked if there was anyone in favor of the petition.

Andy Flickinger, 30210 County Road 40, Wakarusa, was present in support of the petitioner and as a representative for Miller's Poultry.

Tyler 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 convert Petitioner's existing AFO poultry barn to a CFO poultry barn in order to expand Petitioner's existing business. The structure, as proposed, is located well off of the road, away from neighboring landowners, and 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 proposed expansion would not interfere or intrude on neighboring landowners' properties as there are little to no property owners or residential structures near the location in question. The A-1 zone is the best possible location for a CFO barn such as the one proposed by Petitioner. No remonstrators appeared. One (1) person appeared in favor of the variance.
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 Petitioner from expanding to a CFO poultry barn on his A-1 property which would result in practical difficulties, as it would burden the growth of his agricultural business located in an A-1 zone. Strict application would severely limit the underlying purpose of the A-1 zone.

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 CFO poultry barn expansion is properly located within an A-1 zone. The Petitioner is in need of the expansion to a CFO barn in order to meet the growing demand for poultry in the surrounding area.

For all of the foregoing reasons, on this 16th day of March, 2021, the LaGrange County Board of Zoning Appeals finds the Petitioner has met its burden of proof and hereby grants the variance as requested.

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 10:22 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