

**LAGRANGE COUNTY BOARD OF ZONING APPEALS**  
**APRIL 20, 2021**

THE LAGRANGE COUNTY BOARD OF ZONING APPEALS MET IN REGULAR SESSION ON **TUESDAY, APRIL 20, 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)*

**SMITH, BOB & SHARON ~ By: Rob Yoder (21-V-05):** Lima Twp., Sect. 26, T38N R09E, zoned L-1. Located 5960 N 175 W, Howe. Application is for 6' sideyard (standard is 10') and for a proposed attached garage in an L-1 zoning district.

Robbie Miller introduced the petition and reviewed the site plan.

Bob Smith, 5960 N 175 W, Howe, was present. Rob Yoder was present on behalf of the petitioner and 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 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 attached garage structure on the roadside of Petitioners' home. The proposed garage is located in line with the existing home and far enough off of the road that it will not obstruct view on the traveled roadway 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 side yard setback variance will not intrude on neighboring landowners' properties any more than the existing residential structure. No remonstrators appeared.*

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

*Given the size and layout of the subject lot it would be impractical for Petitioner to construct an attached garage on the subject property without the side yard 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 side yard setback more than what currently exists on the property. The proposed location of the attached garage is reasonably sized considering the lot size in question.*

For all of the foregoing reasons, on this 20th day of April, 2020, 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)*

**PONCE, JOSHUA & ANJELICA ~ By: Joshua Ponce (21-V-19):** Clearspring Twp., Sect. 15, T36N R09E, zoned A-1. Located 4855 S 250 W Wolcottville, IN. Application is a 15' easement instead of the required 50' for a new lot.

Robbie Miller introduced the petition and reviewed the site plan.

Joshua Ponce, 4855 S 250 W Wolcottville, was present 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 in length.

A roll call vote was taken:

### **Land Use Variance**

### **Developmental Standard Variance**

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

*The proposal is for the creation of a fifteen (15) foot easement for ingress/egress to a back parcel on Petitioners' property, wherein the zoning ordinance requires at least fifty (50) feet.*

*The proposed ingress/egress easement is severely undersized and causes possible complications and/or issues for future owners.*

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 undersized ingress/egress easement may pose potential problems to neighboring property owners as well as future owners of the subject properties. The undersized easement may cause significant issues with the available access to the back lot. 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.

*Petitioners can continue to utilize the existing property for residential use without the proposed undersized easement as requested. There is sufficient space on the north end of the property in which to construct the ingress/egress easement without the need for a variance. The strict*

*application will not result in any practical difficulties to this Petitioner in the use of this 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.

*The proposed undersized easement seeks to significantly reduce the required size under the zoning ordinance. The Petitioners, by requesting to construct the undersized easement in the proposed location, when there is sufficient space on the property to construct a fifty (50) foot easement, has created its own hardship.*

For all of the foregoing reasons, on this 20th day of April, 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)*

**MILLER, MYRON** ~ By: Paul Hochstetler (21-V-22): Newbury Twp., Sect. 11, T37N R08E, zoned A-1.

Located 7045 W 200 N Shipshewana, IN. Application is for a 63.7' roadside setback for a proposed house and attached garage in an A-1 zone.

Robbie Miller introduced the petition and reviewed the site plan.

Marlin Hochstetler, 65436 CR 43 Millersburg, was present on behalf of the petitioner & 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.

The public hearing was subsequently closed.

The board discussed the site plan.

*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 Petitioner's proposed new home is located well within the required road side setback, thereby unreasonably encroaching 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 new construction structure will not interfere or intrude on the use and enjoyment of adjacent property owners and it may also increase neighboring property values. 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 property can continue to be utilized as a residential property without the variance. The strict application would not result in practical difficulties as Petitioner has sufficient land to move the proposed new home far enough away from the roadway to meet all required setbacks.*

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, thereby the Petitioner has created his own hardship by and through his proposed new home.*

For all of the foregoing reasons, on this 20th day of April, 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.

#### **LAND USE VARIANCE**

*(Public Hearing)*

**WAGNER, MICHAEL & JANELLE ~ By: Michael Wagner (21-LUV-15):** Milford Twp., Sect. 25, T36N R11E, zoned A-1. Located North of 6775 S 1100 E Wolcottville, IN (parcel # 44-09-25-300-002.001-013). Application is proposed cabinet, countertop & woodworking manufacturing business in an A-1 zone.

Robbie Miller introduced the petition and reviewed the site plan.

Michael Wagner, 6710 S 1075 E Wolcottville, was present as the petitioner. Mr. Wagner 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.

Lynn Bowen made a motion to approve, pending the following conditions: 1) For this owner only & 2) For this use only.

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 utilize an existing auxiliary structure for a small-scale woodworking and cabinet manufacturing shop located in an A-1 zone. The proposal provides an adequate driveway and turnaround for deliveries to enter and exit the property without effecting traffic flow on the county road. The proposal poses no risk to the community or surrounding neighborhood.*

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 utilization of a portion of an existing auxiliary structure for light manufacturing. The structure is also used for Petitioner's personal storage. There will not be any retail sales or patrons coming to this property. The Petitioner plans to have minimal deliveries at the location. 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 the proposed manufacturing business at the subject site.*

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 manufacturing business at the subject location without the requested variance requiring Petitioner to find another suitable location for said business.*

5. The approval does not interfere substantially with the Comprehensive Plan

*The comprehensive plan encourages rural businesses and the proposed plan is not dissimilar from those in existence in the surrounding area. The comprehensive plan also encourages a diverse economy and promotes growth in the county economy with the small business owners.*

For all of the foregoing reasons, on this 20th day of April, 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)*

**FERGUSON, WAYNE ~ By: Wayne Ferguson: (21-LUV-16/ 21-V-20)** Lima Twp., Sect. 33, T38N R10E, zoned S-1. Located 4175 N 245 E Howe, IN (parcel # 44-02-33-300-000.025-012). Application is proposed second 1728 sq. ft. auxiliary structure in an S-1 zone that the combined auxiliary structures are 832 sq. ft. larger than the residence.

Robbie Miller introduced the petition and reviewed the site plan.

Wayne Ferguson, 4175 N 245 E Howe, was present as 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 at length.

Nick Wilson made a motion for this owner, this use, and no further expansion of the business, Lynn Bowen 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 an auxiliary structure on Petitioner's large S-1 lot in order to provide for additional personal storage. The variance requested does not interfere with neighboring properties, does not increase traffic or create hazardous situations to the public and meets all of the setback requirements. No risk is posed to the community or 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 is a new pole barn/garage structure to make use of the open space located adjacent to Petitioner's existing home. The new structure will be aesthetically pleasing to neighboring properties and will likely enhance neighboring property values. The proposed structure fits within the appropriate setbacks, thereby not intruding on adjacent landowners' use of their properties. 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.  
*Petitioner would be unable to build the auxiliary structure as proposed without the variance requested unless Petitioner was to increase the size of the existing home. The strict application would place a limitation on the usefulness and value of Petitioner's property.*
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, is placed within the required setbacks and does not infringe on neighboring properties or the general public.*

For all of the foregoing reasons, on this 20th day of April, 2021, 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:** Laurie Neff addressed the board with her questions and concerns pertaining to a neighboring property at Fish Lake. The Board discussed and deems no actions were necessary at that time.

**ADJOURNMENT:** Nick Wilson made a motion to adjourn, Lynn Bowen seconded the motion. A vote was taken, motion carried. The meeting was adjourned at 8:24 p.m.

LAGRANGE COUNTY, INDIANA

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## 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