

LAGRANGE COUNTY BOARD OF ZONING APPEALS
JULY 20TH, 2021

THE LAGRANGE COUNTY BOARD OF ZONING APPEALS MET IN REGULAR SESSION ON **TUESDAY, JULY 20TH, 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: Philip Bieberich, Lynn Bowen, Tyler Young, Freeman Miller & Jim Bugg.

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

MINUTES OF PREVIOUS MEETING: Lynn Bowen made a motion to approve the previous minutes, pending Mr. Bowen's changes that was sent via email to Mrs. DeLucenay. Tyler Young seconded the motion. A vote was taken, motion carried.

COMMUNICATIONS: None.

OLD BUSINESS

DEVELOPMENTAL VARIANCE

(Public Hearing)

BONTRAGER, DEVON & NETTIE ~ By: Anthony Glentz (21-V-26): Newbury Twp., Sect. 26, T37N R08E, zoned A-1. Located at 7905 W 100 S, Topeka. Application is for a proposed 63' roadside setback for a second residence.

Robbie Miller introduced the petition and reviewed the site plan.

Anthony Glentz, 613 Colorado St, Goshen, was present on behalf of the petitioner and explained the landowners may want to attach the dotty house in the future.

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 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 a second home on Petitioner's property that will encroach on the roadside setback requirement for a residential structure in an A-1 zone. The proposed new home is no closer to the road than the existing home and will pose minimal risk to the public and will not cause any obstruction 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 home does not seek to encroach on neighboring properties or side yard setbacks. The new home will be in line with the existing home on the property and will not interfere with the use and enjoyment of neighboring 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.

Given the layout, topography, and existing structures on the subject parcel, it would be impractical to construct and/or build said second home without the need for a setback variance. Petitioner would be unable to construct the second home on the subject property without the proposed variance, thereby limiting the value and usefulness of said 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 and does not obstruct or interfere with the neighboring roadway or traffic traveling thereon.

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

BONTRAGER, DENNIS & KRISTINA~ DK WOODCRAFT ~ By: Dennis Bontrager (21-LUV-21)
Clay Twp East., Sect. 35, T37N R09E, zoned A-1. Located at 1290 W 100 S, LaGrange. Application is for a proposed cabinet wholesale & furniture manufacturing business in an A-1 zone.

Robbie Miller introduced the petition and reviewed the site plan.

Suzie Troyer, Taylor Land Surveying, 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 petition at length.

Lynn Bowen made a motion to approve with the following conditions: this use and this owner only. Tyler Young seconded the motion.

A roll call vote was taken:

Land Use Variance

1. The approval will not be injurious to the public health, safety and general welfare of the community.

*The proposal is to operate a cabinet and furniture manufacturing business in an A-1 zone.
Petitioner's property is located in a predominantly rural area with minimal neighboring structures.*

The proposed site location does not pose any risk to the public and there is adequate turnaround for deliveries.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

The proposed building will be located well off the roadway and will not interfere with the neighboring landowners' use and enjoyment of their properties. Petitioner has been operating the business out of his personal attached garage on the property without issue to neighboring landowners. 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 Petitioner from operating a manufacturing business in the separate auxiliary structure as proposed.

4. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought.

Petitioner would be prohibited from operating the proposed manufacturing business at this location without the requested variance, thereby requiring Petitioner to continue operations at his attached garage location at a detriment.

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

The comprehensive plan encourages economic growth and rural-based cottage industries similar to that which Petitioner is proposing. The proposed usage is not dissimilar from other rural businesses in the surrounding area.

For all of the foregoing reasons, on this 20th day of July, 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 and this owner only.

NEW BUSINESS

DEVELOPMENTAL VARIANCE

(Public Hearing)

PAYNE, KELLY & EDWINA ~ By: J. Kelly Payne (21-V-36): Johnson Twp., Sect. 30, T36N R10E, zoned L-1. Located at 0030 E 625 S, Wolcottville. Application is for a proposed 6' fence in an L-1 zoning district.

Robbie Miller introduced the petition and reviewed the site plan.

Paul Yoder, Dallas Lake Construction, 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.

Edwina Payne, 104 Calder Dr. Alpharetta, GA, was present as the petitioner and explained the reason for the variance. Kelly Payne, 104 Calder Dr. Alpharetta, GA, was also present as the petitioner.

Warren McKinley, 24 W 625 S, Wolcottville, was in favor of the petition and expressed his concern regarding the variance process.

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.

A roll call vote was taken:

Developmental Standard Variance

1. The Approval will not injurious to the public health, safety and general welfare of the community.

The proposal is for a six (6) foot fence in an L-1 zone to provide privacy for Petitioner's side yard patio area. The location of the fence, in the side yard of the property, does not pose any risk to the public and neighboring landowners. The proposed fence will 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 be** affected in a substantially adverse manner.

The fence height and location, as proposed, will unreasonably interfere with the use and enjoyment of neighboring property owners in the L-1 zone. The new fence may also affect the property values of 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 having a fence at the subject property and the continued use and/or utilization of said property for residential purposes.

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 height of the fence at six (6) feet, rather than the allowed four (4) feet, is not the minimum necessary. The Petitioner by proposing/selecting the subject fence height has created its own hardship.

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

GOLDSCHMIDT, JAMES & CATHY ~ By: Quality Crafted Homes, Inc. (21-V-37/ 21-LUV-31): Johnson Twp., Sect. 25, T36N R10E, zoned L-1. Located across from 6140 S 520 E, Wolcottville. Application is for 2 proposed accessory buildings in an L-1 zone, a 5' Westside setback, a 5' Eastside setback, a 20' roadside setback from CR 520 E for each building, a 35' lakeside setback, and a 27' lakeside setback for the accessory buildings.

Robbie Miller introduced the petition and reviewed the site plan.

Jim Goldschmidt, 6140 S 520 E, Wolcottville, was present as the petitioner and addressed the five questions the board would be voting on.

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

Rachel Peeve, Quality Crafted Homes, was present and presented the board with a different survey showing the property lines.

Wayne Slabach, 6150 S 520 E, Wolcottville, was in favor of the petition.

Kathy Goldschmidt, 6140 S 250 E, Wolcottville, was present as the petitioner, stating they want to keep the original building for sentimental reasons.

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

Cassie DeLucenay read aloud letters from Richard Mink, Phillip Shirmeyer, and Kenneth Kleinschmidt, who were in favor of the petition. Mrs. DeLucenay also read aloud a letter from Charles Heiny, who was remonstrating against the petition.

Mr. Goldschmidt responded to the concerns that were addressed in Mr. Heiny's letter.

Denny Keys, Quality Crafted Homes, was present and also addressed the concerns from Mr. Heiny's letter.

The public hearing was subsequently closed.

The board discussed the petition 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 will not be injurious to the public health and safety, as it does not bring any unnecessary risk of harm to the public or surrounding properties. The proposed auxiliary structures will not interfere with or obstruct vision of 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 auxiliary structures will not interfere or intrude on the use and enjoyment of adjacent property owners. The proposed structures will be aesthetically pleasing and does not seek to interfere with the lake view of neighboring 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.

The size and shape of the lot in question and the location of the existing parcel makes it impossible to construct an auxiliary structure on said parcel without the lakeside and roadside variances as 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 to neighboring properties and seeks to better utilize available space on the subject property without encroaching on adjacent properties.

For all of the foregoing reasons, on this 20th day of July, 2021, the LaGrange County Board of Zoning Appeals finds the Petitioner has met its burden of proof and hereby approves the variance as requested.

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 two auxiliary structures with two reduced side yard setback variances. 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 auxiliary structures will be aesthetically pleasing and may increase neighboring property values. The structures will not unreasonably 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.

The Petitioners have sufficient space on the property to construct the two structures without the need for the reduced side yard setback as requested. Petitioners would be able to construct the structures and utilize same without the 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 proposal seeks to utilize the property with the use of the side yard setback variances to provide more space between structures.

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

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 second auxiliary structure located on a lot zoned L-1. The variance requested does not interfere with neighboring properties and does not increase traffic or create hazardous situations to the public. The lot, once combined, is large enough and provides ample space on the property to not affect the roadway or the lake.

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 new construction proposed would be aesthetically pleasing to neighboring properties and may also increase their value. Petitioners' lot is of sufficient size to house a second auxiliary structure without causing a hazardous condition or interfering with property owners. 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 Petitioners from having the proposed auxiliary structure without the removal of the existing auxiliary structure.

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.

Strict application would prevent Petitioners from building the auxiliary structure as proposed and utilizing the full potential of their property.

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

The proposed variance and the proposed auxiliary structure requested is not in conflict with the comprehensive plan. The proposal is reasonable and makes good use of the available space on Petitioners' property.

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

BONTRAGER, LAVERN ~ L & R MARINE ~ By: Joshua Lash (21-LUV-14): Newbury Twp., Sect. 15, T37N R08E, zoned A-1. Located at 1085 N 850 W, Shipshewana. Application is for a proposed marina in an A-1 zoning district.

Robbie Miller introduced the petition and reviewed the site plan.

Lavon Schlabach, 8755 W 250 N, Shipshewana, 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 at length, discussing possible rezoning in the future.

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 expand an existing Marina business to utilize a portion of A-1 zoned property for storage of boats in connection with said marina business. The proposed location is well off the roadway and out of view to the general public. 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 A-1 property to store boats for Petitioner's business. The surrounding area, while zoned A-1, is used primarily for commercial businesses, therefore the proposed use of said property is consistent with the surrounding properties. The use of the property for storage will not have a negative effect on neighboring landowners. 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 storage of boats 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 storing boats at the subject location without the requested variance, requiring Petitioner to locate separate off-site storage, incur significant transportation costs, and increase traffic at the site.

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.

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

MILLER, ALLEN ~ LAKELAND TOWING & RECOVERY ~ By: Austin Miller (21-LUV-24): Johnson Twp., Sect. 21, T36N R10E, zoned A-1. Located at 2980 E 500 S, Wolcottville. Application is for a proposed towing & recovery business in an A-1 Zoning District.

Robbie Miller introduced the petition and reviewed the site plan. At this time, Dustin Glick recused himself from this petition.

Austin Miller, 501 S Main St., Wolcottville, was present as 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.

The public hearing was subsequently closed.

The board discussed the petition.

A roll call vote was taken:

CASSIE/ ROBBIE TO PREPARE FINDINGS DUE TO DUSTIN CONFLICT

LAND USE VARIANCE

1. The approval will not be injurious to the public health, safety and general welfare of the community.

The proposal is to operate a towing & recovery business in an A-1 zoning district. The proposal provides for adequate ingress and egress of the property for the required vehicles needed for this proposed use of the property. The proposal poses no risk 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 property has been used for this type of business for several years, therefore there should be minimal effect to the neighboring properties. 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 towing and recovery 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 this towing and recovery business at the subject location without the requested variance, requiring Petitioner to find another suitable location.

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 small business owners.

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

HOSTETLER, DELMAR ~ SUNRISE PLASTICS ~ By: Rob Yoder (21-LUV-27): Clearspring Twp., Sect. 04, T36N R09E, zoned A-1. Located at 2875 S 375 W, LaGrange. Application is for a proposed 80'x120' manufacturing facility for custom plastic products in an A-1 Zoning District.

Rob Yoder, Lehman Construction, 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.

The public hearing was subsequently closed.

The board discussed the petition at length.

Lynn Bowen made a motion to approve with the following conditions: this owner and this use only. Tyler Young seconded the motion.

A roll call vote was taken:

Land Use Variance

1. The approval will not be injurious to the public health, safety and general welfare of the community.

The proposal is for Petitioner to construct a large auxiliary structure to operate his existing plastic manufacturing facility. Petitioner currently operates out of his existing garage/barn. 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 any 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 plastic manufacturing business for several years without issue. There are minimal neighbors near the subject parcel and the proposed new auxiliary structure would not affect use and value of neighboring properties in a substantial way. No remonstrators appeared.

3. The need for the variance **does not arise** from some condition peculiar to the property involved

The Petitioner is allowed to operate his business as currently situated without the need for the variance requested. There is no condition on the property that is peculiar that would prevent Petitioner from continued use as a manufacturing site as currently composed.

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 plastic manufacturing 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 auxiliary structure to expand his business in an A-1 zone, has created his own hardship.

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

The comprehensive plan encourages unique and diverse business and enterprise in the County, however large-scale manufacturing is not an appropriate usage of an A-1 property.

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

YODER, NATE ~ FRONTIER HARDWOODS ~ By: Nate Yoder (21-LUV-29): Cay Twp., Sect. 04, T37N R09E, zoned A-1. Located at 3930 W 400 N, Shipshewana. Application is to add a second business on his property to manufacture custom cabinets in the A-1 Zoning District.

Robbie Miller introduced the petition and reviewed the site plan.

Rob Yoder, Lehman Construction, 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.

Mrs. DeLucenay read aloud a letter from Dennis & Mary Redden remonstrating against the petition. No other remonstrators appeared.

The public hearing was subsequently closed.

The board discussed the petition at length.

Lynn Bowen made a motion to approve with the following conditions: 1) This owner, 2) this use, 3) no future expansion manufacturing beyond the 40x60 existing auxiliary building and storage. Freeman Miller seconded the motion.

A roll call vote was taken:

Land Use Variance

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

The proposal is for Petitioner to operate a second business, a cabinet manufacturing business, on his property that is zoned A-1. The property is located in a rural area immediately adjacent to a lake and L-1 zoned properties. There are minimal commercial uses in the surrounding area. The proposal poses a risk to the neighboring landowners and the public as a whole.

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 parcel in question is located in a primarily rural area located immediately adjacent to a lake and L-1 zoned properties. The proposed addition of a second business, specifically that which includes manufacturing, would have a negative effect on the neighboring L-1 properties. The manufacturing may also affect the neighboring landowners' use and enjoyment of the lake properties.

3. The need for the variance **does not arise** from some condition peculiar to the property involved

The need for the variance is not due to any peculiarity of the subject property as the property is zoned A-1 and manufacturing is not a permitted use. Additionally, Petitioner already has one permitted business operating on the property.

4. The strict application of the terms of the zoning ordinance **will not** constitute an unnecessary hardship if applied to the property for which the variance is sought.

Petitioner would be able to continue to utilize the property for agricultural purposes and for the operating of the existing business without a variance. Petitioner, by proposing to operate a second business in an A-1 zone, has created his own hardship.

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

The comprehensive plan does encourage unique and diverse business and enterprise in the County, however, it does not encourage manufacturing and/or the operation of multiple businesses in an A-1 zone, especially on parcels located adjacent to lakes and L-1 properties.

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

MAST, HARLEY ~ MICHIANA LEASING SOLUTIONS, LLC ~ By: Hand to Plow Surveying (21-LUV-30): Bloomfield Twp., Sect. 07, T37N R10E, zoned B-3. Located at 0105 E 200 N, LaGrange. Application is for the proposed Commercial Center to allow for light industrial uses in a B-3 Zoning District.

Robbie Miller introduced the petition and reviewed the site plan.

Scott Zeigler, Hand to Plow Surveying, was present on behalf of the petitioner and explained the reason for the variance to the board. Harley Mast was also 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 petition.

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 commercial center to allow for a centralized facility with light industrial use and retail sales. The proposal will have a minimal effect on the surrounding area given that the property is zoned B-3 and there are other commercial uses in the surrounding area. The proposed location is well off of the road which allows for safe flow of traffic and sufficient turn around 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 commercial center is located in a B-3 zone well away from any residential structures. The operation of the commercial center would not interfere or infringe upon adjacent landowners' use and enjoyment of their properties. 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 B-3 zone, would prevent Petitioner from operating with light industrial manufacturing 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.

Petitioner would be prohibited from operating with light industrial manufacturing at this location without the variance. A centralized commercial center of this sort is difficult to operate without housing the manufacturing and assembly of products on site.

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

The comprehensive plan encourages growth and advancement of the economy in B-3 zones. The Petitioner's proposal makes efficient use of the property and provides a safe and responsible location to house the commercial center without a negative impact on surrounding properties.

For all of the foregoing reasons, on this 20th day of July, 2021, the LaGrange County Board of Zoning Appeals finds the Petitioner has met its burden of proof and hereby approves the variance as requested.

CONDITIONAL USE VARIANCE

(Public Hearing)

HERSHBERGER, VIRGIL ~ MILLER KRUTZ, LLC ~ By: Virgil Hershberger (21-CU-2):

Newbury Twp., Sect. 02, T37N R08E, zoned A-1. Located at 3625 N 720 W, Shipshewana. Application is for a proposed short term rental in an A-1 zoning district.

Robbie Miller introduced the petition and reviewed the site plan.

Virgil Hershberger, 7100 W 350 N, Shipshewana, 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 petition.

A roll call vote was taken and the petition was approved.

OTHER BUSINESS: None.

ADJOURNMENT: Jim Bugg made a motion to adjourn, Freeman Miller seconded the motion. A vote was taken, motion carried. The meeting was adjourned at 10:20 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