

LAGRANGE COUNTY BOARD OF ZONING APPEALS
AUGUST 17TH, 2021

THE LAGRANGE COUNTY BOARD OF ZONING APPEALS MET IN REGULAR SESSION ON **TUESDAY, AUGUST 17TH, 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, Nick Wilson & Jim Bugg.

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

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

COMMUNICATIONS: None.

NEW BUSINESS

DEVELOPMENTAL VARIANCE

(Public Hearing)

SCHROCK, HENRY ~ By: Henry Schrock (21-V-38): Johnson Twp., Sect. 32, T36N R10E, zoned L-1. Located at 7985 S 140 E, Wolcottville. Application is for a proposed 7.0' and 9.0' side yard setbacks and a 22.3' roadside setback in the L-1 Zoning District.

Robbie Miller introduced the petition and reviewed the site plan.

Henry Schrock, 7985 S 140 E, Wolcottville, was present as the petitioner and explained the reason for the variance.

Tyler Young asked if there was anyone in favor of the petition. Mrs. Miller presented a letter from Carmen Nash, 7995 S 140 E, Wolcottville, in support of this variance. 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. Mr. Schrock stated the current shed will be removed.

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 garage structure on the roadside of Petitioner's property. The proposed garage is located far enough off of the private 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 unreasonably intrude on neighboring landowners'

properties. The properties on each side have similarly situated garage structures also. 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 property which is located near the dead-end right-of-way of the adjacent private drive, Petitioner would be unable to construct a garage structure on the property 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 construction is minimally intrusive and does not seek to unreasonably encroach upon the private 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 17th day of August, 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)

BEARD, BEN & SHELLY ~ By: Quality Crafted Homes, Inc. (21-V-40) Johnson Twp., Sect. 26, T36N R10E, zoned L-1. Located at 6065 S 455 E, Wolcottville. Application is for proposed 6.3' side yard setback, 25.3' lakeside setback and lot coverage exceeding 40% in the L-1 Zoning District.

Robbie Miller introduced the petition and reviewed the site plan.

Rachel Keys, Quality Crafted Homes, 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 petition at length.

Robbie Miller requested to have a drainage plan for this site.

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 home and attached garage on Petitioner's property. The proposed new residence is located far well off of the adjacent roadway and meets

the required setback therefrom. The home 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 new home will not be any closer to the lakeside of the property than the existing home, thereby not interfering with the lake view of neighboring landowners. 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 the new home on the subject property without the need of the variances 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 roadside of the property. The proposed new home is reasonably sized considering the lot size in question.

For all of the foregoing reasons, on this 17th day of August, 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 submit a drainage plan.

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)

SELKING, JANE/ BRAUN, ASHLEY/ RINGGER, EMILY ~ By: Jim Selking (21-V-43): Johnson Twp., Sect. 18, T36N R10E, zoned L-1. Located at 4685 S 050 E, Wolcottville. Application is for a proposed 5' side yard setback for a shed in the L-1 Zoning District.

Robbie Miller introduced the petition and reviewed the site plan.

Emily Ringger, 4685 S 050 E, Wolcottville, was present as the petitioner and explained the reason for the variance.

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

The public hearing was subsequently closed.

The board discussed the petition.

A roll call vote was taken:

Developmental Standard Variance

5. 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 east side property line than what is permitted. The location of the shed does not pose any risk to the public and neighboring landowners. The proposed location does not interfere with travel on the adjacent roadway.

6. 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.

7. 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 retaining its existing shed on the property as there is not another suitable location on said property that would meet the required setbacks. The Petitioner does not possess sufficient space on the subject property to locate the auxiliary structure at the required setback without the variance requested.

8. 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 location of the auxiliary structure and the reduction from the required 10' side yard setback down to the proposed 5' is the minimum necessary given the size and layout of the subject property. The proposal is reasonable in size and scope considering the property and location in question.

For all of the foregoing reasons, on this 17th day of August, 2021, the LaGrange County Board of Zoning Appeals finds the Petitioner has not met its burden of proof and hereby approves the variance as requested.

LAND USE VARIANCE

(Public Hearing)

MILLER, MYRON ~ FUN SPOT, LLC ~ By: Myron Miller (21-LUV-33): Newbury Twp., Sect. 05, T37N R08E, zoned A-1. Located South of 10665 W 325 N, Shipshewana. Application is for proposed occupancy for recreational vehicles outside of an RV park exceeding the allowed 14 days for per calendar year in an A-1 Zoning District.

Robbie Miller introduced the petition and reviewed the site plan.

Myron Miller, 8997 W 375 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.

Lynn Bowen made a motion to approve, pending the following conditions: 1) This owner, 2) this use, 3) Health Department letter. Nick Wilson 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 receive a variance to allow a family used A-1 property, adjacent to a lake, to be utilized for seasonal occupancy of recreational vehicles. The property is only to be utilized privately by Petitioner's family and not for commercial purposes. The proposed site location 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 seasonal occupancy of recreational vehicles will have little to no effect on neighboring landowners, as there are minimal structures, residential or otherwise in the surrounding area. Petitioner has been utilizing the property for this purpose for several years through zoning compliance certificates without issue. 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 maintaining seasonal occupancy of recreational vehicles 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 maintaining seasonal occupancy of recreational vehicles at this location without the requested variance, thereby requiring Petitioner to continue acquiring zoning compliance certificates.

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

The proposed usage is does not interfere with the comprehensive plan. The proposed use would further develop the subject property including the installation of a sanitary sewer system.

For all of the foregoing reasons, on this 17th day of August, 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)

HOCHSTETLER, JOHN ALAN ~ PREMIER POLYMERS ~ By: Hand to Plow Surveying (21-LUV-34): Clearspring Twp., Sect. 30, T36N R09E, zoned S-1 & A-1. Located at 5325 W 700 S, Topeka. Application is for proposed polymer trim home-based business in an accessory building in an A-1 & S-1 Zoning District.

Robbie Miller introduced the petition and reviewed the site plan.

Scott Ziegler, Hand to Plow Surveying, 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:

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 polymer trim manufacturing business at Petitioner's home property split zoned A-1/S-1. 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 roadway or the neighboring landowners' use and enjoyment of their properties. Petitioner will be utilizing existing buildings on the property. The type of business will have minimal noise and interference with neighboring 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 an A-1/S-1 zone would prevent Petitioner from operating a polymer trim manufacturing facility in Petitioner's auxiliary structures 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 polymer trim manufacturing facility at this location without the requested variance thereby requiring Petitioner to locate another suitable location away from Petitioner's home.

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 17th day of August, 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)

JUIF, BUTRON & PAMELA ~ By: Burton & Pamela Juif (21-LUV-35): Milford Twp., Sect. 12, T09N R11E, zoned L-1. Located across from 11975 E 390 S, LaGrange (Parcel # 44-09-12-400-040.049-013). Application is for proposed 48'x60' auxiliary building without a residence in and L-1 Zoning District.

Robbie Miller introduced the petition and reviewed the site plan.

Pamela Juif, 3850 S 1200 E, LaGrange, 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.

The public hearing was subsequently closed.

The board discussed the petition at length.

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 detached garage/pole building 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 conditions for 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 garage structure 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 17th day of August, 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, WAYNE ~ CARING HANDS CARE CENTER ~ By: Lehman Construction (21-LUV-36): Newbury Twp., Sect. 34, T37N R08E, zoned A-1. Located South of 1555 S 900 W, Topeka. Application is for proposed Personal Care Service facility in an 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 and presented the pamphlet for Caring Hands Care Center.

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:

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 personal care/community center on the subject property located in an A-1 zone. The proposed location does not pose a risk to the public and is centrally located for the community it will serve. The property allows for safe flow of traffic and sufficient turn around for patrons.

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 personal care facility, as proposed, will not affect the agricultural or residential uses of the surrounding properties. The proposed usage should not affect neighboring property values in a negative manner. 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 the proposed care facility to serve the surrounding community 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 the proposed care facility at this location without the requested variance, requiring them to move to another location away from the community it proposes to serve. The property can still be utilized for agricultural purposes even with the care facility at said location.

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

The comprehensive plan allows for the development and growth of A-1 properties in the county. The proposed usage will bring a significant value and service to the surrounding community.

For all of the foregoing reasons, on this 17th day of August, 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: Robbie Miller explained the comprehensive plan open house details to the board.
ADJOURNMENT: Nick Wilson made a motion to adjourn, Tyler Young seconded the motion. A vote was taken, motion carried. The meeting was adjourned at 8:29 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: _____
Phil Bieberich, Member

BY: _____
Rich Sherman, Alternate Member

BY: _____
Freeman Miller, Alternate Member