

LAGRANGE COUNTY BOARD OF ZONING APPEALS
OCTOBER 19TH, 2021

THE LAGRANGE COUNTY BOARD OF ZONING APPEALS MET IN REGULAR SESSION ON **TUESDAY, OCTOBER 19TH, 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ADOPT AGENDA: Robbie Miller stated the Sires petition had been withdrawn earlier that day. Lynn Bowen made a motion to adopt the agenda. Nick Wilson seconded the motion. A vote was taken, motion carried.

MINUTES OF PREVIOUS MEETING: None.

COMMUNICATIONS: None.

NEW BUSINESS

DEVELOPMENTAL VARIANCE

(Public Hearing)

LONG, DON & TAMMY ~ By: Don Long (21-V-51): Johnson Twp., Sect. 30, T36N R10E, zoned L-1. Located at 6430 S 080 E, Wolcottville. Application is for a proposed lakeside setback from the required 45' to 28' for a covered patio structure in the L-1 Zoning District.

Robbie Miller introduced the petition and reviewed the site plan.

Don Long, 6430 S 080 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. 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.

Lynn Bowen made a motion to not enclose the proposed addition. Nick Wilson seconded the motion.

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 covered patio on the lakeside of the Petitioners' home to blend with the existing home. The proposed covered patio 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 covered patio will not substantially interfere or intrude on the use and enjoyment of adjacent property owners. The new patio, as proposed, does not unreasonably encroach on the lakeside of the property, which abuts a channel and not direct lakefront. No remonstrators appeared.

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

Strict application would prevent Petitioners from constructing the covered patio on the lakeside of their home. Given the size and layout of the subject property, it would be difficult and/or impractical to construct a covered patio 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 patio is minimally intrusive to neighboring properties and does not interfere with the use and enjoyment of the lake. The covered patio, as proposed, is reasonably sized considering the size and layout of the lot.

For all of the foregoing reasons, on this 19th day of October, 2021, the LaGrange County Board of Zoning Appeals finds the Petitioner has met its burden of proof and hereby approves the variance subject to the following condition: the covered patio shall not be enclosed.

(Public Hearing)

GOODHEW, MARK ~ By: Mark Goodhew (21-V-52): Johnson Twp., Sect. 17, T36N R10E, zoned L-1. Located at 1110 E 455 S, LaGrange. Application is for a proposed road-side setback from the required 45' to 35.6' for a 12.5'x28' garage addition in the L-1 Zoning District.

Mark Goodhew, 1110 E 455 S, LaGrange, was present as the petitioner and addressed the items the board voted on.

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

Craig Ellis, 1090 E 455 S, LaGrange, was present and spoke in favor of this 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:

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 addition on the roadside of Petitioner's property. The proposed addition 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 addition would match the existing garage and would be aesthetically pleasing to neighboring landowners. The proposed setback variance will not unreasonably intrude on neighboring landowners' 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 size and layout of the subject property, Petitioner would be unable to construct a garage addition on the 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 unreasonably encroach upon the roadway any more than neighboring properties. The proposed location of the addition is reasonably sized considering the lot size in question.

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

CRAWFORD, DOUG & SUE ~ By: Doug & Sue Crawford (21-V-53) Milford Twp., Sect. 15, T36N R11E, zoned L-1. Located at 4640 S 930 E, Wolcottville. Application is for proposed side yard setback from the required 10' to 5' for proposed air conditioner and generator in the L-1 Zoning District.

Robbie Miller introduced the petition and reviewed the site plan.

Doug Crawford, 4640 S 930 E, Wolcottville, was present as the petitioner and explained the reason for the variance.

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

Todd Klopfenstein, 460 S 930 E, Wolcottville, spoke in favor of this 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:

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 locate/place an air conditioner and generator within the allowable side yard setback. The variance 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 location of the generator/air conditioner should not affect 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 lot in question, Petitioners would be unable to locate the generator and/or air conditioner on the subject parcel without the requested variance. The home located on the property meets all required setbacks, however, they have no other place to locate the generator and air conditioner on their property except for the side yard.

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 location of the generator and air conditioner will have a similar setback as 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 19th day of October, 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, JESSIE ~ By: Jessie Troyer (21-V-54) Johnson Twp., Sect. 07, T10N R10E, zoned A-1. Located at 3645 S 00 EW, LaGrange. Application is for proposed side yard setback from the required 100' to 85' for an existing calf barn in the A-1 Zoning District.

Robbie Miller introduced the petition and reviewed the site plan.

Jessie Troyer, 3645 S 00 EW, LaGrange, was present as the petitioner and explained the reason for the variance. Susie Troyer, Taylor Land Surveying, was also present on behalf of the petitioner, stating Mr. Troyer is moving from a CFO to an AFO due to increasing the number of calves.

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

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 calf barn into an AFO calf 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 an AFO barn such as the one proposed by Petitioner. 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 moving forward with the AFO calf 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 AFO calf barn has been in operation for some time prior and the only change is the number of calves being housed on the site, requiring that the AFO barn come into compliance with AFO setbacks. The proposed variance is minimal and will not cause any effect on the surrounding area.

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

LAND USE VARIANCE

(Public Hearing)

CROZIER, DAN ~ By: Dan Crozier (21-LUV-40) Bloomfield Twp., Sect. 36, T37N R10E, zoned L-1. Located at 5105 E 140 S, LaGrange. Application is for a proposed 14'x18' second accessory building in the L-1 Zoning District.

Robbie Miller introduced the petition and reviewed the site plan.

Dan Crozier, 5105 E 140 S, 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.

Bob Pattee, 5125 E 140 S, LaGrange, spoke in favor of this petition.

Leslie Shoemaker, 5145 E 140 S, LaGrange, spoke in favor of this 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:

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 Petitioner's 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.

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. Petitioner's lot is of sufficient size to house the proposed auxiliary structure without encroaching on or interfering with neighboring landowners. The proposal meets all setback requirements. No remonstrators appeared. Two people appeared in favor.

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 Petitioner from having the proposed auxiliary structure without the removal of the existing auxiliary structure located near Petitioner's 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.

Strict application would prevent Petitioner from building the auxiliary structure as proposed and utilizing the full potential of his 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.

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

BONTRAGER, MARLIN ~ MEADOWVIEW CUSTOM CABINETS ~ By: Susie Troyer (21-LUV-43): Newbury Twp., Sect. 27, T37N R08E, zoned A-1. Located at 8225 W 070 S, Shipshewana. Application is for proposed 7,312 sq. ft. cabinet and furniture manufacturing and finishing facility in an A-1 Zoning District.

Robbie Miller introduced the petition and reviewed the site plan.

Susie Troyer, Taylor Land Surveying, was present on behalf of the petitioner and addressed the items the board voted on.

Tyler Young asked if there was anyone 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.

Phil Bieberich made a motion for additions to not exceed 10,000 square feet. Lyn Bowen 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 construct a new auxiliary structure to be utilized as a manufacturing and finishing business on Petitioner's property located in an A-1 zone. The proposal provides for 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 Petitioner to construct an auxiliary structure for light manufacturing. There will not be any retail sales or patrons coming to this property. The petitioner will have minimal deliveries at the location per week and there should not be a negative effect on the neighboring property owners. 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 and finishing 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 and finishing 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 19th day of October, 2021, the LaGrange County Board of Zoning Appeals finds the Petitioner has met its burden of proof and hereby approves the variance subject to the following condition: the proposed business shall not exceed 10,000 square feet.

CONDITIONAL USE VARIANCE

(Public Hearing)

YODER, RONALD & JANE ~ R. YODER PROPERTIES, LLC ~ By: Ronald Yoder (21-CU-5): Clearspring Twp., Sect. 24, T36N R09E, zoned L-1. Located at 880 W 600 S, Wolcottville. Application is for a proposed short-term rental in the L-1 Zoning District.

Robbie Miller introduced the petition and reviewed the site plan.

Ron Yoder, 880 W 600 S, Wolcottville, 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. 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:

(Public Hearing)

JOEST, DAVID ~ BRIDABAR FARMS ~ By: Larry Helmer (21-CU-6): Johnson Twp., Sect. 30, T36N R10E, zoned A-1. Located at 0675 E 700 S, Wolcottville. Application is for a short-term rental in an A-1 Zoning District.

Robbie Miller introduced the petition and reviewed the site plan.

Larry Helmer, 408 Detroit St., LaGrange, was present on behalf of the petitioner and explained the history of the land and the reason for the variance.

Tyler Young asked if there was anyone else 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:

OTHER BUSINESS: None.

ADJOURNMENT: Nick Wilson made a motion to adjourn, Jim Bugg seconded the motion. A vote was taken, motion carried. The meeting was adjourned at 8:30 p.m.

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