

**LAGRANGE COUNTY BOARD OF ZONING APPEALS**  
**DECEMBER 15, 2020**

THE LAGRANGE COUNTY BOARD OF ZONING APPEALS MET IN REGULAR SESSION ON **TUESDAY, DECEMBER 15, 2020 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:** Nick Wilson, Tyler Young, Jim Bugg, & Lynn Bowen.

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

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

**COMMUNICATIONS:** None.

**NEW BUSINESS**

**DEVELOPMENTAL VARIANCE**

*(Public Hearing)*

**MILLER, MATTHEW D. ~ By: Matthew D. Miller (20-V-70):** Bloomfield Twp., Sect. 27, T37N R10E, zoned A-1. Located at 3980 E US 20, LaGrange. Application is for a 72' roadside setback from US 20 for a 184' sq. ft. porch.

Robbie Miller introduced the petition and reviewed the site plan.

Matthew Miller, 3980 E US 20, was present as the petitioner and reviewed the reason for the variance.

Mr. Miller explained the porch was built without a permit because he was unaware that a permit was required.

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

The public hearing was subsequently closed.

The board discussed the site plan.

A roll call vote was taken:

***Developmental Standard Variance***

1. The Approval will not be injurious to the public health, safety and general welfare of the community.  
*The proposal 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 open porch is located well off the adjacent roadway and does not interfere with or obstruct vision of traffic 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 porch will not interfere or intrude on the use and enjoyment of adjacent property owners. There are minimal residential structures near the property and/or the proposed porch as said property is bordered on two sides by roads. 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 residential structure makes it impractical/impossible to construct the proposed addition without the need of a variance.*
4. The variance granted is the minimum necessary and does not correct a hardship caused by an owner, previous or present, of the property.

*The proposed construction is minimally intrusive to neighboring properties and seeks to better utilize available space on the subject property without unreasonably encroaching on adjacent properties or the neighboring roadway.*

For all of the foregoing reasons, on this 15th day of December, 2020, 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)*

**GETTY, ARTHUR & NANCY, VAN CAMP, MARLA JEAN & MORRIS, SCOTT & RHONDA SUE ~**  
**By: Shannon Getty/Scott Morris (20-V-72):** Johnson Twp., Sect. 32, T36N R10E, zoned L-1. Located at 1765 E 765 S, Wolcottville. Application is for a 5' West side setback for a proposed 12'x20' shed.

Robbie Miller introduced the petition and reviewed the site plan.

Scott Morris, 1077 Doublebrook Drive, Noblesville, was present as the petitioner and explained the shed would be used for additional outdoor storage.

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 and question why the shed's location was chosen.

Scott Morris explained the shed was placed to line up with the cottage and to keep a distance from the well head.

Lynn Bowen questioned if the shed could be repositioned and where the location of the sewer line.

Scott Morris requested to be postponed until the January 19, 2021 meeting so he would have time to gather more information for the board.

The petition was postponed until the Board of Zoning Appeals January 19, 2021 meeting per the petitioner's request.

*(Public Hearing)*

**STEPHENS, JEFFREY & NEDRA ~ By: Bob Buescher Homes (20-V-73/20-V-74):** Johnson Twp., Sect. 24, T36N R10E, zoned L-1. Located at 5210 E 580 S, Wolcottville. Application is for a 36.8' lakeside setback for a proposed new residence. They are also asking for a 32' roadside, 7.6 West side and a 7.6' East side setback for a proposed new garage on the back lot.

Robbie Miller introduced the petition and reviewed the site plan.

Bob Buescher, Bob Buescher Homes, was present on behalf of the petitioner and explained the reasons for the variances.

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

The public hearing was subsequently closed.

The board discussed the site plan.

A roll call vote was taken:

*Developmental Standard Variance*

1. The Approval will not be injurious to the public health, safety and general welfare of the community.  
*The proposal is for the construction of a new auxiliary structure on Petitioner's back lot property to replace the existing garage. The variance requested does not interfere with neighboring properties, 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 proposed structure is a new garage, making the property more aesthetically pleasing to neighboring properties and would likely enhance neighboring property values. The proposed new auxiliary structure would be centered on the lot, thereby decreasing the current side yard setback on the East side of the 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.

*Given the size and layout of the subject property, Petitioner would be unable to build any reasonably sized auxiliary structure without the variance requested. The inability to build an auxiliary structure on the back lot would frustrate the purpose of said lot.*

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 is similar in size and scope to other neighboring auxiliary structures in the area. The proposal would move the auxiliary building further from the side yard and neighboring structure than what currently exists on the property.*

For all of the foregoing reasons, on this 15th day of December, 2020, 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 to construct a new residence on Petitioner's property in order to replace an existing lake cottage. The proposed new home will not interfere with the roadside of the property and will not pose a risk to the public or general welfare of the community.*

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

*The proposed new home is not located any closer to the lake than what currently exists, and said setback is in line with neighboring properties. The proposal will make better use of the property, while not moving any closer to the lakeside of the property and without infringement on neighboring landowners. The new construction will be more aesthetically pleasing and may also improve the property values of surrounding 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, width, and layout of the subject lot, it would be impractical to construct a new residence without the need for a variance. Petitioner would be unable to construct a new home on the lot without the requested variance, thereby limiting the value of the 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 seek to move closer to the lakeside or reduce the setback requirements more than what currently exists. The proposed construction will not cause any additional encroachment towards neighboring landowners.*

For all of the foregoing reasons, on this 15th day of December, 2020, 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, ALVIN & EMMA ~ By: Alvin Miller (20-V-75):** Clay Twp., Sect. 04, T37N R09E, zoned A-1. Located at 3960 N 300 W, Howe. Application is for a 60' roadside setback for a new residence.

Robbie Miller introduced the petition and reviewed the site plan.

Alvin Miller, 3960 N 300 W, 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 site plan.

A roll call vote was taken:

*Developmental Standard Variance*

1. The Approval will not be injurious to the public health, safety and general welfare of the community.  
*The proposal is for the construction of a new 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 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 construction will be more aesthetically pleasing and may also improve the property values of surrounding 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 location of existing structures on the subject lot it would be impractical to construct and/or rebuild said home without the need for a setback variance. Petitioner would be unable to construct the new home on the subject lot without the proposed variance, thereby limiting the value and usefulness of the 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 15th day of December, 2020, 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)*

**CAUSEY, WILLIAM & JUDY ~ By: William Causey (20-V-76):** Milford Twp., Sect. 26, T37N R11E, zoned L-1. Located at 10095 E 645 S, Wolcottville. Application is for a 15.4' roadside, 2' East side and 7.4' West side setback for a proposed house addition.

Robbie Miller introduced the petition and reviewed the site plan.

William Causey, 10095 E 645 S, was present as the petitioner and explained the reason for the variance. Mr. Causey's family had grown significantly since the property was purchased in 2003 and was the main reason for the addition.

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 and deemed the 2' East side setback to be unnecessary.

Tyler Young proposed the 2' East side setback be amended to 6.4' instead.

Will Causey agreed to the amended East side setback of 6.4'

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 home addition that will slightly increase the existing footprint of Petitioners' home. The proposed addition is located close to the adjacent roadway, however, it still provides sufficient distance to allow safe travel and sightlines on the adjacent 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 addition will not substantially interfere or intrude on the use and enjoyment of adjacent property owners. The home addition, as proposed, does not unreasonably encroach on the lakeside of the property, thereby not interfering with neighboring landowners' lake view. No remonstrators appeared.*

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.  
*Strict application would prevent Petitioners from constructing the proposed addition to their home. Given the size and layout of the subject property, it would be difficult and/or impractical to construct an addition on the lot without the variance requested.*
4. The variance granted is the minimum necessary and does not correct a hardship caused by an owner, previous or present, of the property.  
*The proposed addition is minimally intrusive to neighboring properties and does not interfere with the use and enjoyment of the lake. The addition, as proposed, will have similar side yard setbacks to other similar situated lake properties in the area.*

For all of the foregoing reasons, on this 15th day of December, 2020, 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)*

**THE BEECHY FAMILY REVOCABLE LIVING TRUST ~ By: Midwest Land Surveying (20-LUV-41):** Clay Twp., Sect. 28, T37N R09E, zoned A-1. Located at 3460 W US 20, LaGrange. Application to expand an existing retail horseshoe supply business and to add a retail shoe store.

Robbie Miller introduced the petition and reviewed the site plan.

Josh Lash, Midwest Land Surveying, was present on behalf of the petitioner, explained details of the business and 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 and propane business details.

Lynn Bowen asked when the propane business was added.

Mr. Beechy stated the end of October 2020.

Josh Lash mentioned the propane tank was not on site when he created the site plan, and that it affected the traffic flow. Mr. Lash recommended that the petition be postponed.

Lynn Bowen made a motion to postpone the petition until the next available meeting, Nick Wilson seconded the motion. A vote was taken, motion carried. The petition was postponed until the LaGrange County Board of Zoning Appeals meeting on January 19, 2021.

**OTHER BUSINESS:** The board further discussed petition (20-LUV-41) Dustin Glick recommended an updated site plan and business description be submitted to the board before the January 19, 2021 LaGrange County Board of Zoning Appeals meeting.

Next, the board discussed sheds in the L-1 zone and what should and should not be permissible. The storage sheds had increased in popularity and were being presented to board more frequently.

Robbie Miller showed the new version of the BZA petition signs which will start being used starting January 2021.

**ADJOURNMENT:** Jim Bugg made a motion to adjourn, Nick Wilson seconded the motion. The meeting was adjourned at 8:26 p.m.

LAGRANGE COUNTY, INDIANA

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BY: \_\_\_\_\_  
Tyler Young, President

BY: \_\_\_\_\_  
Jim Bugg, Member

BY: \_\_\_\_\_  
Lynn Bowen, Member

BY: \_\_\_\_\_  
Nick Wilson, Member

BY: \_\_\_\_\_  
Rich Sherman, Alternate Member

BY: \_\_\_\_\_  
Freeman Miller, Alternate Member