

LAGRANGE COUNTY BOARD OF ZONING APPEALS

JANUARY 30, 2020

SPECIAL MEETING

THE LAGRANGE COUNTY BOARD OF ZONING APPEALS MET IN A SPECIAL SESSION ON **THURSDAY, JANUARY 30, 2020, 7:00P.M.** IN THE LAGRANGE COUNTY COMMISSIONERS ROOM AT THE COUNTY OFFICE BUILDING

CALL TO ORDER: Lynn Bowen called the meeting to order at 7:00 p.m.

ROLL CALL: Jim Bugg, Nick Wilson, Rich Sherman and Lynn Bowen. In attendance: Robbie Miller, Kalinn Speelman and Dustin Glick.

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

COMMUNICATIONS: None.

NEW BUSINESS

DEVELOPMENTAL VARIANCE

(Public Hearing)

BONTRAGER, JOSEPH & JUDITH ANN ~ PALLETONE OF INDIANA ~ By: Dorothy Hostetler/Lauren Maxson (20-V-05): Clay Twp., Sect. 07, T37N R9E, zoned A-1. Located at 5345 W 200 N, Shipshewana. Application is for a 40' roadside setback for a commercial building.

Robbie Miller introduced the petition and reviewed the site plan.

Loren Maxson, 130 N Main St., Goshen, was present on behalf of the petitioner. Mrs. Maxson explained the reason for the variance stating that there was an unexpected fire a few days before Christmas and they're wanting to rebuild in the same place with an addition to the North.

Dorothy Hostetler, 5345 W 200 N, Shipshewana, went through the history of this property and business.

Michael Watts, 2889 E 150 N, LaGrange, explained the process of making pallets.

Loren Maxson stated there were letters of support turned in for the rebuild and went through the criteria for a variance.

Lynn Bowen asked if there was anyone in favor of the petition.

Pete Schmucker, 1375 N 500 W, Shipshewana, is an employee and spoke in favor.

Bill Conely, Clay Township Trustee, spoke in favor.

Mr. Bowen 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:

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

The proposal is to rebuild a large building on Petitioners property that was severely damaged by a fire. The Petitioner desires to rebuild the damaged building slightly larger than that which currently exists, however, Petitioner is not seeking to move the

- new proposed structure any closer to the roadway. The proposed new structure will not interfere with the public or cause any 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 structure as proposed would only be a marginal expansion of the business on the property and said expansion would not affect neighboring landowners in a negative manner. The business has been operating at this location for approximately 70 years without issue. No Remonstrators appeared, but numerous individuals did appear to speak in favor of the proposal.

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 rebuilding the fire damaged building with the minor expansion on the north side of the building as proposed. Due to the layout of the property and functionality of the business, it would be impractical/impossible to relocate the proposed building to another location on the property in order to meet the required setbacks.

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 expansion is minimal and only seeks to add a minor expansion to the north side of the structure located away from the neighboring roadway. The proposed expansion will allow petitioners to make better use of the available land on the property without further encroachment on the roadway.

For all of the foregoing reasons, on this 30th day of January, 2020, 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: None.

ADJOURNMENT: Lynn Bowen made a motion to adjourn the meeting, Rich Sherman seconded the motion. The meeting adjourned at 7:37 p.m.

LAGRANGE COUNTY BOARD OF ZONING APPEALS

BY: Absent
Tyler Young, President

BY: Absent
Terry Holsinger, Vice President

BY: _____
Jim Bugg, Member

BY: _____
Lynn Bowen, Member

BY: _____
Nick Wilson, Member

BY: _____
Rich Sherman, Alternate Member

BY: Absent
Freeman Miller, Alternate Member

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.