

LAGRANGE COUNTY BOARD OF ZONING APPEALS
JULY 18TH, 2023

THE LAGRANGE COUNTY BOARD OF ZONING APPEALS MET IN REGULAR SESSION ON **TUESDAY, JULY 18TH, 2023 AT 7:00P.M.** IN THE LAGRANGE COUNTY COMMISSIONERS ROOM AT THE COUNTY OFFICE BUILDING

CALL TO ORDER: Phil Bieberich called the meeting to order at 7:27 p.m.

ROLL CALL: Jerry Raber, Lynn Bowen, Tyler Young, Dan Patterson and Philip Bieberich

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

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

COMMUNICATIONS:

OLD BUSINESS

VARIANCE

(Public Hearing)

PLUMMER, JOYCE~ By: Hawthorne Valley Enterprises (23-V-10): Milford Twp., Sect. 15, T36N R11E, zoned L-1. Located at 9310 E 430 S., Wolcottville. Application is for a variance to add a concrete driveway, front walk, and side yard walk, increasing the lot coverage to 46% in the L-1 zoning district.

Robbie Miller introduced the petition and reviewed the site plan.

Hawthorne Valley (6307 Sawmill Words Dr) was present along with Joyce Plummer discussed the reason for the Variance. No tie-to is required.

Phil Bieberich asked for public comment. There were none, 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 be** injurious to the public health, safety and general welfare of the community.

The proposal is to exceed the total lot coverage by 6% on Petitioner's L-1 lot. The lot coverage issue on this lakeside lot may cause a potential risk to the surrounding properties due to increased drainage/runoff issues being caused by the exceeding lot coverage.

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 proposed lot coverage poses potential issues to neighboring landowners, causing drainage/runoff issues onto their properties. The proposed lot coverage may adversely 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.

Strict application would not prevent Petitioner from continued use of the property as a residence without the proposed hard surface. The reduction of hard surface on the property does not affect the usability of the residence and the property for its intended use.

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 lot coverage is not the minimum necessary as Petitioner could utilize pervious materials for the remaining walkways and drives on the property, thereby staying within the required coverage limits. The Petitioner, by proposing this amount of lot coverage, has created her own hardship.

For all of the foregoing reasons, on this 18th day of July, 2023, the LaGrange County Board of Zoning Appeals finds the Petitioner has not met its burden of proof and hereby denies the variance as requested.

NEW BUSINESS

DEVELOPMENTAL VARIANCE

(Public Hearing)

MILLER, PAUL~By: Advanced Land Surveying (23-V-12): Newbury Twp., Sect. 33, T37N R08E, zoned A-1. Located at 1665 S 1000 W., Shishewana. Application is for a Developmental Variance for a 20' ingress/egress easement instead of the 50' required and a 15.7' side yard setback where a 25' A-1 Commercial setback is required.

Robbie Miller introduced the petition and reviewed the site plan.

Paul Miller (1665 S 1000 W., Shishewana) was present as the petitioner.

Paul explained about setbacks and why the variance is needed.

Phil Bieberich asked for public comment. There were none, public hearing was subsequently closed. Board agreed Mr. Miller has created his own hardship by combining properties and now wants to separate.

The board discussed the petition at length.

A roll call vote was taken:

Developmental Standard Variance

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

The proposal is to create a new commercial easement smaller than that which is required and to have a commercial building within the side yard setbacks. The proposed easement is wholly insufficient for a commercial use and could cause potential issues with traffic flow and 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 variance does not unreasonably interfere with the use and enjoyment of the neighboring properties. The proposed easement and side yard setback should not affect the property values of neighboring landowners in any discernable way. 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 continued use of the property as is and/or relocating the proposed property line and easement in an alternate location that can meet the zoning requirements. It is not a practical difficulty to meet the applicable setbacks as sufficient space exists on the property.

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 property line which, would cause the commercial building to be located within the setback, is not the minimal necessary. Sufficient space exists on the property to set the boundary line without the variance requested. The Petitioner, by proposing to utilize the smaller than required easement, has created its own hardship.

For all of the foregoing reasons, on this 18th day of July, 2023, 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)

DOEHRMAN, TIM ~ By. Tim Doehrman **(23-V-13)** Milford Twp., Sect. 12, T36N R11E, zoned L-1. Located east of 11950 E 390 S., LaGrange. Application is for a Developmental Variance for an accessory structure larger than the residence in the L-1 Zoning District.

Robbie Miller introduced the petition and reviewed the site plan.

Tim Doehrman (1924 Montgomery Ct., Fort Wayne, IN)

Petitioners explained the reason for the Variance. Philip Beiberich asked if there were any in favor, there were none. Philip asked if anyone was against, there was one.

Jesse & Jenny Hire (3940 S 1200 E) spoke about the horrible drainage issues they are already facing, have to pump their yard frequently.

Zach Holsinger suggested getting a stormwater plan in place or drain system to be reviewed.

Philip Beiberich asked for any more public comment. There were none, public hearing was subsequently closed.

The board discussed the petition at length.

Robbie Miller suggested contacting Scott Zeigler from Hand to the Plow Surveying to help with a drainage plan.

Dan Patterson made a motion to approve with a detailed Stormwater Plan approved and submitted by Robbie Miller and Zach Holsinger. Lynn Bowed seconded.
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 detached auxiliary structure on Petitioner's property in order to provide additional personal storage. The variance requested does not interfere with neighboring properties, does not increase traffic or create hazardous situations to the public and meets all of the setback requirements. No risk is posed to the community or 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 detached garage / pole barn structure that would be aesthetically pleasing to neighboring properties and would likely enhance neighboring property values. The proposed structure fits within the appropriate setbacks thereby not intruding on adjacent landowners' use of their properties. Two (2) remonstrators appeared with concerns over drainage in the surrounding area.

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

Petitioner would be unable to build the auxiliary structure as proposed without the variance requested unless Petitioner was to increase the size of the existing home. The strict application would place a limitation on the usefulness and value of Petitioner's 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 is placed within the required setbacks and does not infringe on neighboring properties or the general public.

For all of the foregoing reasons, on this 18th day of July, 2023, 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: Petitioner must submit a detailed drainage plan; submit stormwater calculations to the Plan Administrator for approval.

(Public Hearing)

GUCK, SUSAN ~ By. Susan Guck (23-V-14/23-LUV-14) Milford Twp., Sect.22 T36N R11E, zoned L-1. Located east of 5365 S 930 E., Wolcottville. Application is for a Land Use Variance for a second

accessory structure and a Developmental Variance for the second structure exceeding the square footage of the residence.

Robbie Miller introduced the petition and reviewed the site plan.

Susan Guck (5365 S 930 E Wolcottville) was present as the petitioner. Susan explained the garage would be for storage only.

Philip Bieberich asked for public comment. There were none, 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 a new auxiliary structure on Petitioner's property in order to provide additional personal storage. The variance requested does not increase traffic or create hazardous situations to the public and meets all of the setback requirements. No risk is posed to the community or 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 detached auxiliary structure that would be aesthetically pleasing to neighboring properties and may enhance neighboring property values. The proposed structure fits within the required setbacks, thereby not intruding on adjacent landowners' use of their 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.

Petitioner would be unable to build the auxiliary structure as proposed without the variance requested unless Petitioner was to increase the size of the existing home. The strict application would place a limitation on the usefulness and value of Petitioner's 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, is placed within the required setbacks and does not infringe on neighboring properties or the general public.

For all of the foregoing reasons, on this 18th day of April, 2023, 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

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 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 has ample space on the property to not affect the roadway or neighboring landowners.

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.

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 structures on the property.

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 her 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 18th day of July, 2023, 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, MAYNARD ~ By. Land and Boundary Surveying (23-LUV-13) Eden Twp., Sect.28 T36N R08E, zoned A-1. Located 9895 W 700 S., Topeka. Application is for a Land Use Variance for an equipment rental business in the A-1 Zoning District.

Robbie Miller introduced the petition and reviewed the site plan.

Levi Rednour from Land and Boundary Surveying (401 S 3rd St.) were there along with the petitioner Miller Maynard. Levi spoke about

Philip Bieberich asked for public comment. There were none, public hearing was subsequently closed.

The board discussed the petition. Board decided that Miller will need Drainage Board approval. The board spoke about rather this was considered an Agribusiness, considering he is repairing and renting farm equipment, the board voted that this is an Agribusiness.

A roll call vote was taken:

OTHER BUSINESS: Robbie Miller mentioned adding her write ups to the upcoming packets to help make it easier for the board to review before the meeting.

ADJOURNMENT: Lynn Bowen made a motion to adjourn, Tyler Young seconded the motion. A vote was taken, motion carried. Nick Wilson adjourned the meeting at 9:51 p.m.

LAGRANGE COUNTY, INDIANA

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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: _____
Nick Wilson, President

BY: _____
Phil Bieberich, Vice President

BY: _____
Lynn Bowen, Member

BY: _____
Dan Patterson, Member

BY: _____
Tyler Young, Member

BY: _____
Alternate Member