

LAGRANGE COUNTY BOARD OF ZONING APPEALS
SEPTEMBER 19TH, 2023

THE LAGRANGE COUNTY BOARD OF ZONING APPEALS MET IN REGULAR SESSION ON TUESDAY, SEPTEMBER 19TH, 2023 AT 7:00P.M. IN THE LAGRANGE COUNTY COMMISSIONERS ROOM AT THE COUNTY OFFICE BUILDING

CALL TO ORDER: Nick Wilson called the meeting to order at 7:00 p.m.

ROLL CALL: Nick Wilson, Lynn Bowen, Tyler Young, Dan Patterson, and Philip Bieberich

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

MINUTES OF PREVIOUS MEETING: Update is needed on previous minutes, will have at the next BZA meeting on October 17th, 2023.

COMMUNICATIONS:

OLD BUSINESS

LAND USE VARIANCE

(Public Hearing)

EASH, JAY ~ By. Josh Lash (23-LUV-16) Newbury Twp., Sect.22 T37N R08E, zoned A-1 & B-3.

Located 8165 W 050 N., Shishewana. Application is for a Land Use Variance for an RV storage lot in the B-3 and A-1 Zoning District.

Robbie Miller introduced the petition and reviewed the site plan.

Josh Lash of Midwest Land Surveying (124 E. Albion St. Avilla) was present as the petitioner.

Josh explained that the petition was tabled last month while they waited for a letter from INDOT.

Jay Eash was also present (8165 W 050 N) and asked the board for 5 years to store the RV's, Jay also spoke about his future plan to rezone his property to A-1 and retire on the property.

Nick Wilson asked if there were any in favor of the petition.

Mr. Wilson then 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.

Tyler Young made a condition that this use is the only use, and this owner is the only owner.

Lynn Bowen seconded the condition.

Phil Bieberich made a condition to give temporary use of 5 years only. Lynn Bowen seconded the condition.

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 an RV storage lot on Petitioner's property located in a B-3 and A-1 zone. The property allows for safe flow of traffic and sufficient turn around. The proposed business type poses no risk of harm to the general public and meets all required setbacks.

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 Petitioner's property is surrounded by business districts and/or business uses with minimal residential properties in the surrounding area. The proposed storage lot would be located well off the roadway and should be low impact on the surrounding property owners. Petitioner's proposed business will cause minimal noise and intrusion upon neighboring landowners. 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 a B-3 and A-1, zone would prevent Petitioner from operating an RV storage lot 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 RV storage lot at this location without the requested variance, requiring him to relocate to another suitable location away from much of the RV industry providers that would utilize the lot.

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

The comprehensive plan encourages reasonable economic growth and the proposed RV storage lot provides a needed service to industries within the County. The proposed usage is not dissimilar from other similarly situated lots within the surrounding area.

For all of the foregoing reasons, on this 19th day of September, 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: This use only; this owner only; and the approval of said usage is limited to five (5) years.

NEW BUSINESS

DEVELOPMENTAL VARIANCE

(Public Hearing)

RUCH, STEVEN & SUSAN ~ By. Robert Bragg/Steven Ruch (23-V-18) Milford Twp., Sect.22, T36N R11E, zoned L-1. Located 5482 S 980 E., Wolcottville. Application is for a Developmental Variance for a 30' lake side setback for a 12'x 24' deck where 45' is required in the L-1 Zoning District.

Robbie Miller introduced the petition and reviewed the site plan.

Steve Ruch (5482 S 980 E., Wolcottville) was present as the petitioner. Steve explained how unsafe his previous deck was so they removed it, would now like to add a deck to the house with stairs. They are rebuilding with the same blueprint, only adding stairs.

Nick Wilson asked if there were any in favor of the petition.

Mr. Wilson then 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.

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 deck on the lake side of Petitioners' property within the required lake side setback. The proposed deck will replace a prior dilapidated deck on the lakeside of Petitioners' home that needed replaced for safety concerns. The proposed setback will 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 new deck would be aesthetically pleasing to neighboring landowners. The proposed deck will maintain the previously existing footprint and does not seek to further encroach on the lake side of the property. The lake side setback should not affect the lakeview of adjacent 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, Petitioners would be unable to re-construct and/or replace the previous deck on their 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 new lake side deck is minimally intrusive and does not seek to unreasonably encroach upon the lakeside or any neighboring properties. The proposed deck is reasonably sized considering the lot size in question.

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

WOGOMAN, TOM & MARIA ~ By. Tom & Maria Wogoman (23-V-20) Van Buren Twp., Sect.18, T38N R08E, zoned L-1. Located 7245 N 1150 W., Shipshewana. Application is for a Developmental Variance for a 5' side setback where 10' is required for a new home and 54% lot coverage where 40% is required in the L-1 Zoning District.

Robbie Miller introduced the petition and reviewed the site plan.

Nate Kauffman (5593 Furr Road) was present as the petitioner.

Mr. Kauffman explained how they will be tearing down the existing and rebuilding the home to expand the living space to 1300 sqft. Mr. Kauffman also discussed the drywell being installed on the property.

Nick Wilson asked if there were any in favor of the petition.

Mr. Wilson then asked if anyone would like to remonstrate against the petition.

David Manderfeld (7310 N 1145 W., Shishewana) was against the petition and asked if it would infringe on the alleyway.

Mr. Kauffman explained the variance was for the opposite side and they will not be building any closer to the alleyway.

Nick Wilson asked for more public comments. 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 of a new residence on Petitioners' property within the required ten (10) foot setback. The proposed new residence 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 construction would be aesthetically pleasing to neighboring landowners. The proposed setback variance will not unreasonably intrude on neighboring landowners' use and enjoyment of their properties. The proposed side yard setback is actually reduced from what currently exists on the property. One (1) person provided a question that was answered by Petitioner, but otherwise 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, Petitioners would be unable to construct a new residence 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 lakeside, roadway, or any neighboring properties. The proposed residence is reasonably sized considering the lot size in question.

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

BRANDENBERGER, CLETUS ~ By. Cletus Brandenberger (23-V-21) Van Buren Twp., Sect.31, T38N R09E, zoned A-1. Located 5200 W 450 N., Shipshewana. Application is for a Developmental Variance for a 2' side setback for a 15'x96' lean-to on an existing barn where 10' is required in the A-1 Zoning District.

Robbie Miller introduced the petition and reviewed the site plan.

Cletus Brandenberger (5200 W 450 N) was present as the petitioner, and explained how he would like to build a 15' lean to for storage only.

Nick Wilson asked if there were any in favor. There was one.

Wilbur Brandenberger (4375 N 500 W) spoke in favor of the petition.

Nick Wilson asked if there were any in favor of the petition, no others appeared in favor of the petition. Mr. Wilson then 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.

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 lean-to addition on an existing auxiliary structure on Petitioner's property that significantly encroaches on the required setback. The proposed setback does not affect the neighboring roadway and would not otherwise pose any risk to the general public.

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 variance does unreasonably interfere with the use and enjoyment of the neighboring property. The two (2) foot setback significantly encroaches on the neighboring property and would make it difficult to utilize without intruding onto said property for maintenance purposes. 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 lean-to addition 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 proposed lean-to addition 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 construct the addition in this location, has created its own hardship.

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

GAFF, CHARLES & DENISE ~ By. Charles & Denise Gaff (23-V-22) Milford Twp., Sect.22, T36N R11E, zoned L-1. Located 5380 S 980 E., Wolcottville. Application is for a Developmental Variance for a 37' setback for a garage addition and new entrance to the existing home where 45' is required in the L-1 Zoning District.

Robbie Miller introduced the petition and reviewed the site plan.

Denise Gaff (5380 S 980 E) was present as the petitioner. Denise briefly explained how the inside has been remodeled and would love to improve the outside as well.

Nick Wilson asked if there were any in favor of the petition, no others appeared in favor of the petition. Mr. Wilson then 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.

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 Petitioner's property located in an L-1 zone. The proposed garage addition is located far enough off of the adjacent private drive wherein 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 garage addition will be aesthetically pleasing to neighboring landowners and may increase the property values of neighboring landowners. The proposed garage

meets all other required setbacks and will not unreasonably intrude on neighboring landowners' use and enjoyment 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.

Given the size and layout of the subject lot, Petitioners would be unable to construct a garage addition as proposed on the property without the variance requested, thereby limiting the 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 seek to unreasonably encroach upon the roadside of the property or onto neighboring properties. The proposed new garage is reasonably sized considering the lot size in question.

For all of the foregoing reasons, on this 19th day of September, 2023, 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 spoke about the UDO Module she printed out for the board (Rough Draft). Looking at the 30% lot coverage (increasing) and stormwater development plan options.

ADJOURNMENT: Nick Wilson made a motion to adjourn, Tyler Young seconded the motion. A vote was taken, motion carried. Nick Wilson adjourned the meeting at 8:27 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