

LAGRANGE COUNTY BOARD OF ZONING APPEALS
OCTOBER 15th, 2024

THE LAGRANGE COUNTY BOARD OF ZONING APPEALS MET IN REGULAR SESSION ON TUESDAY, OCTOBER 15th, 2024, AT 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: Lynn Bowen, Nick Wilson, Tyler Young, Phil Bieberich, and Jerry Raber.

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

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

COMMUNICATIONS:

NEW BUSINESS

DEVELOPMENTAL VARIANCE

(Public Hearing)

PICK, CLAYTON J & DAWN PLETCHER~ By. Bob Buescher (24-V-26) Johnson Twp., Sect.32, T36N R10E, zoned L-1. Located at 7795 S 140 E., Wolcottville. A Developmental Variance for a 62' lake side setback in front of the established tangent line in the L-1 Zoning District.

Robbie Miller introduced and reviewed the site plan.

Austin Buescher (10013 Galla Cove., Fort Wayne) was present as the petitioner.

The petitioner explained the reasoning for the variance.

Lynn Bowen asked if there were any in favor of the petition, there were none. Lynn Bowen then asked if there were any against the petition, there were none.

The public hearing was subsequently closed.

The board agreed that a drainage/stormwater management plan is now a requirement so that must be provided prior.

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 Petitioner's property located in an L-1 zone. The new residence is located well off the roadway and should not cause any risk or disturbance 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 residence will be aesthetically pleasing to neighboring landowners. The proposed setback variances will not unreasonably intrude on neighboring landowners' use

and enjoyment of their properties. The proposed lake side setback is similar to the existing home on the lot. 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, Petitioner would be unable to reconstruct a new residence on the lot without the variance requested due to the location of the adjacent homes in connection with the tangent line.

For all of the foregoing reasons, on this 15th day of October, 2024, 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)

SCHOWE, PAUL & REBECCA ~ By. Paul Schowe (24-V-27) Milford Twp., Sect.12, T36N R11E, zoned L-1. Located at 11918 E 310 S., LaGrange. A Developmental Variance for road side setback of 20' for a home addition where 25' is required in the L-1 Zoning District.

Robbie Miller introduced and reviewed the site plan.

Paul Schowe (11918 E 310 S) was present as the petitioner. Paul explained their reasoning for the variance requested.

Lynn Bowen asked if there were any in favor of the petition, there was one.

(1) Bob & Beth Niedermeyer (11920 E 310 S., LaGrange) spoke in favor of the petition.

Lynn Bowen then asked if anyone would like to remonstrate against the petition. There were none.

The public hearing was subsequently closed.

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 home addition on Petitioner's lot located in the L-1 zone that will encroach on the road side setback of the property. The proposed addition is located well off of the traveled portion of the road and it should not pose an unreasonable 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 home addition will be aesthetically pleasing to neighboring landowners. The proposed setback variance will not intrude on neighboring landowners' use and enjoyment of their properties. The neighboring properties have similar setbacks as well. 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, layout and topography of the subject lot, Petitioner would be unable to construct the proposed home addition on the property without the variance requested.

For all of the foregoing reasons, on this 15th day of October, 2024, 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)

WENGERD, ELI ~ By. Eli Wengerd (24-V-28) Bloomfield Twp., Sect.04, T37N R10E, zoned A-1. Located at 2500 E 400 N., LaGrange. A Developmental Variance for a north property setback of 145' for a second Miller Poultry barn where 200' is required in the A-1 Zoning District.

Robbie Miller introduced and reviewed the site plan.

Eli Wengerd (2500 E 400 N., LaGrange) was present as the petitioner.

The petitioner explained the reasoning for the variance requested.

Lynn Bowen asked if there were any in favor of the petition, there were none. Lynn Bowen then asked if there were any against the petition, there were none.

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 second feeding barn on Petitioner's property to house a CFO, within the required setback required for the A-1 zone. The location of the proposed feeding barn is located next to the existing barn on the property at the same setback and does not pose any immediate risks to the public and 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 proposed second feeding barn does not unreasonably interfere with the use and enjoyment of the neighboring properties. The proposed barn should not affect the property values of neighboring landowners in any discernable way given that there are already existing feeding barns on 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.

Strict application would prevent Petitioner from expanded use of his Agricultural property without the requested zoning ordinance. There is not sufficient space on the property to relocate the proposed second barn further away from the property line in order to meet applicable setbacks.

For all of the foregoing reasons, on this 15th day of October, 2024, 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)

PASSWATER, SCOTT & DAWN ~ By. Bremer Homes (24-V-29) Johnson Twp., Sect.18, T36N R10E, zoned L-1. Located at 4820 S 060 E., Wolcottville. A Developmental Variance for a 5' side setback where 6' is required, 18' road side setback where 25' is required and 18' setback in front of the established tangent line in the L-1 Zoning District.

Robbie Miller introduced and reviewed the site plan.

Josh Bremer (Po Box 67., Leo, IN) was present along with the petitioner Dawn Passwater.

Lynn Bowen asked if there were any in favor of the petition, there was none. Lynn Bowen then asked if there were any against the petition, there were none.

Public Hearing was closed.

Jerry Raber made a motion that the deck is not enclosed. Lynn Bowen seconded the motion.

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 house with a lake-side deck on Petitioner's property located in an L-1 zone. The proposed new home would encroach on the road side of the property, but does not obstruct the adjacent roadway in any way.

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 will be aesthetically pleasing to neighboring landowners. The proposed deck will not affect neighboring properties' lake views and should not affect their 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 Petitioner would be unable to construct the new home as proposed without the variance requested, thereby severely limiting the building space on the lot.

For all of the foregoing reasons, on this 15th day of October, 2024, 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: Petitioner is prohibited from constructing a roof or enclosing the new lake-side deck.

OTHER BUSINESS: AFO, CFO & CAFO corporate limits map, Plan Commission gave a favorable recommendation for the Commissioners on October 21st, 2024. No BZA for the month of November, meaning the new UDO is helping cut down the need for variances. Plan Commission has a new member, John Reffett.

ADJOURNMENT: Tyler Young made a motion to adjourn, Nick Wilson seconded the motion. A vote was taken, motion carried, and meeting adjourned at 7:56 p.m.

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.

LAGRANGE COUNTY BOARD OF ZONING APPEALS

BY: _____
Lynn Bowen, President

BY: _____
Nick Wilson, Vice President

BY: _____
Phillip Bieberich, Member

BY: _____
Jerry Raber, Member

BY: _____
Tyler Young, Member

BY: _____
Alternate Member