

**LAGRANGE COUNTY BOARD OF ZONING APPEALS**  
*JANUARY 21st, 2025*

THE LAGRANGE COUNTY BOARD OF ZONING APPEALS MET IN REGULAR SESSION ON TUESDAY, JANUARY 21st, 2025, 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, David Herschberger, and Jerry Raber.

**ELECTION OF OFFICERS:** Lynn Bowen made a motion to nominate Nick Wilson as President of the Board of Zoning Appeals. Tyler Young seconded the motion. Lynn Bowen closed the nominations. A vote was taken, motion carried.

Tyler Young made a motion to nominate Jerry Raber as Vice President of the Board of Zoning Appeals. Lynn Bowen seconded the motion. A vote was taken, motion carried.

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

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

**COMMUNICATIONS:**

**NEW BUSINESS**

**DEVELOPMENTAL VARIANCE**

*(Public Hearing)*

**JONATHON & CHRISTI BOVEE~** By. Kenneth Nord/Bovee (25-V-01/25-CU-02) Milford Twp., Sect.10, T36N R11E, zoned A-1. Located East of 3355 S 950 E., LaGrange. A Developmental Variance for a 61' side setback and a 97' rear setback where 200' is required in the A-1 Zoning District. An additional variance for a Conditional Use Variance for an event center in the A-1 Zoning District.

Robbie Miller introduced and reviewed the site plan.

Ken Nord (CEM Architects) was present along with the petitioner.

The petitioner explained the reasoning for the variance.

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

1. Jon Bovee – Jon explained the agricultural barn was the original idea then a decision was made to make it an event center, he does have a business plan and rental agreement. Jon has two letters for the project from Sherri Johnston and Sara Patrick.
2. Ryan Weber (Lakeview Surveying) is for the project stating the North property line is deceiving and should have more room then the survey states.

Lynn Bowen then asked if there were any against the petition, there were five.

1. Steve Forr (3470 S 950 E) lives across the street, he is against the lights, traffic, parking, amount of people, noise, alcohol and lack of security.
2. Jennifer Minier (3355 S 950 E) spoke how the building is directly outside her bedroom window; she works full time and has kids all day and does not want them to be alone with the amount of people there.
3. Edward Boland (2520 S 950 E) walks the road, traffic has increased recently without the event center, barn is just too big for their small community.
4. Rodney Ramey (9605 E 350 S) spoke about the music, traffic and safety of the amish traffic.

5. Mary Durand (3410 S 950 E) spoke about her retirement home facing the front of the barn, worried about noise and traffic as well.

The public hearing was subsequently closed.

The board discussed the petition at length.

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 convert what was originally planned as a personal use accessory building that met developmental setbacks into a commercial use event center that does not meet the 200-foot commercial setback requirements. The proposed event center is located approximately 500 feet from the nearest residence and well off of the paved roadway with sufficient driveway and parking planned to suit the proposed use. The proposed location of the accessory building / event center should not pose any risk to the public health safety, and 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 Event Center should not interfere or intrude on the use and enjoyment of adjacent property owners. The Event Center will largely be used on weeknights and weekends and will be closed by 11:00 p.m. The proposed Event Center will be an aesthetic barn, set in a field, with the nearest residence approximately five hundred feet (500) away. There were 5 Remonstrators who addressed the Board with the following concerns: traffic; noise increase; light pollution; disruption of peace and quiet; purported issues with nearby similar facilities; safety concerns; lack of oversight. The drawings of the initial storage building did not change; it is built exactly like a hay barn, and a large window was included in the initial permit application. Petitioner presented 5 letters of approval from various individuals in the community. The proposed Event Center would be closed by 11:00 p.m., with the pole lights turning off at 11:30 p.m.; and the lights would only be on during the days that Events are held. Should any event have alcohol, there is a requirement for the people to obtain a liquor permit and provide Security. Additionally, the attendees of proposed Event Center would likely travel E 400 S, which is a well-traveled road, to get to S 950 E.*

3. 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.

*Construction started in approximately October 2023 and continued until the stop order was received in approximately August 2024. While the structure can still be utilized as a hay storage barn, it would be impractical financially given the layout and topography of the existing property to remove, relocate, and rebuilt the structure elsewhere to be an Event Center. Strict application would prevent Petitioner from utilizing the accessory structure for commercial purposes as requested.*

For all of the foregoing reasons, on this 21<sup>st</sup> day of January, 2025, the LaGrange County Board of Zoning Appeals finds the Petitioner has met its burden of proof and hereby approves developmental variance.

*CONDITIONAL USE VARIANCE*

1. The proposed use is a conditional use in the zoning district for which it is proposed.

*Yes, the proposed Event Center is a barn located in an A-1 zoning district.*

2. The proposed conditional use will be in accordance with the general objectives, or with any specific objective, of LaGrange County's comprehensive plan or this UDO.

*Yes, the East side of LaGrange County does not have any similar Event Center for which to host weddings, family reunions, graduation parties, or religious functions.*

*There are specific UDO requirements for an Event Center, which Petitioner states he will comply with all applicable State and County Codes and Ordinance.*

3. The proposed conditional use will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the neighborhood.

*Yes, the proposed Event Center is a barn, located in a field, in rural setting with minimal neighboring residences.*

4. The proposed conditional use will not be hazardous or unreasonably disturbing to existing or future neighboring uses.

*Yes, while the proposed Event Center does not meet the two hundred (200) foot setback requirement, the location is approximately five hundred (500) feet from the nearest residence. Also, while the proposed driveway is off of the small, paved road of S 950 E, it is likely that attendees will use the well-traveled E 400 S and only travel on S 950 E for a short distance when attending functions.*

5. The proposed conditional use will be served adequately by essential public facilities and services such as streets, police and fire protection, drainage, water and sewer, or the persons or agencies responsible for the establishment of the proposed use shall be able to adequately provide any such services.

*Yes, public services, including street, police, fire, and drainage would service this area. The proposed Event Center must obtain State approval for a commercial well and septic system to support the use.*

6. The proposed conditional use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

*The proposed event center will not pose any undue economic hardship on the surrounding area or the county facilities. The event center and any expenses associated therewith shall be born by the Petitioner.*

7. The proposed conditional use will not involve uses, activities, processes, materials, equipment and conditions or operations that will be detrimental to any person, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.

*Yes, while there will likely be increased traffic and noise, it will not be excessive, as the proposed events will be largely for family gatherings, a maximum capacity of two hundred fifty (250) people, strict hours wherein the facility will close by 11:00 p.m., and the parking lights out by 11:30 p.m. The proposed Event Center is located on an approximate eleven (11) acre farm, with the nearest residence approximately five hundred (500) feet away.*

8. The proposed conditional use will have vehicular approaches to the property that are designed so as not to interfere with traffic on surrounding public throughfares.

*Yes, there is a driveway included in Petitioner's proposal with approval from the county.*

9. The proposed conditional use will not result in the destruction, loss or damage of natural, scenic, or historic features of major importance.

*Yes, the facility is a historic early 1900s aesthetic barn, set in a farm field.*

10. The use and property values of the area adjacent and nearby to the property included in the conditional use will not be affected in a substantially adverse manner.

*Yes, the proposed Event Center should have little affect on the surrounding properties, as it is a picturesque barn set well away from any neighboring residences.*

11. The conditional use will not be injurious to the public health, safety, and general welfare of the community.

*Yes, the proposed Event Center is sixty-one (61) feet from the Northern property line and ninety-seven (97) feet from the Eastern property line, and approximately five (500) hundred feet from the nearest residence. The proposed Event Center would be located off a paved road.*

*The proposed Event Center would be closed by 11:00 p.m., with the pole lights turning off at 11:30 p.m.; and the lights would only be on during the days that Events are held. Should any event have alcohol, there is a requirement for the people to obtain a liquor permit and provide Security. Additionally, the attendees of proposed Event Center would likely travel E 400 S, which is a well-traveled road, to get to S 950 E.*

*Furthermore, there is no similar type of Event Center located on the East side of LaGrange County.*

12. The use will meet all applicable regulations of the code, including setbacks, yard, open space, dimensional and development standards of the code.

*Yes, considering the developmental variance, regarding the setbacks, was approved at this hearing.*

For all of the foregoing reasons, on this 21<sup>st</sup> day of January, 2025, 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: Final drawings must be submitted and approved by the LaGrange County Plan Commission.

*(Public Hearing)*

**HAHN, BRETT THOMAS & KATELYNN**~ By. Brett & Katelynn Hahn (25-V-05) Johnson Twp., Sect.32, T36N R10E, zoned L-1. Located at 1289 E 700 S., Wolcottville. A Developmental Variance to build a new home 12' outside of the established tangent line in the L-1 Zoning District.

Robbie Miller introduced and reviewed the site plan.

Katelynn & Brett Hahn (1289 E 700 S) were present as petitioners. Katelynn explained their reasoning for the variance requested.

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

1. Silas Norris (MBN Properties)
2. Anthony Egley (1287 E 700 S., Wolcottville) spoke about how the property was a gift from his father and they would love to keep it in the family.

Lynn asked if there were any against the petition, there was one.

1. Donna Nijak (1255 E 700 S., Wolcottville) spoke about being against it for the health of the lake by adding more residents.

The public hearing was subsequently closed.

The board discussed the petition at length.

A roll call vote was taken:

### *CONDITIONAL USE VARIANCE*

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

*The proposal is for Petitioners to construct a single-family home approximately where a smaller, dilapidated cottage had existed on Westler Lake. The proposed home would exceed the tangent line by approximately thirteen (13) feet, though the home would be approximately eighty (80) feet from the waters' edge. Petitioners produced letters from the two adjacent property owners, who have no objection to the proposal.*

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 parcel in question is surrounded by other residential family homes on Westler Lake, which are of varying sizes and distances from the Lake. Petitioners proposed size, distance from the Lake, and use is consistent with other homes on the Lake. The proposed home will not adversely affect the neighboring properties.*

*There was one Remonstrator, who lived on Westler Lake a few houses down from the parcel in question. The Remonstrator attended the hearing without knowledge of what the variance was for, but she was concerned about the health of the lake and the Board easily granting variances. Petitioners confirmed they also want to ensure the quality of the lake and would use the lake responsibly and foster nature.*

3. 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.

*Petitioners would be prohibited from building an adequately-sized family home without the requested variance. The proposal is not dissimilar from other homes on Westler Lake.*

For all of the foregoing reasons, on this 21<sup>st</sup> day of January, 2025, 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: No work shall be permitted until the Builder contacts the LaGrange Building Department for proper permit(s) and inspection(s).

**OTHER BUSINESS:**

**ADJOURNMENT:** Nick Wilson made a motion to adjourn, Jerry Raber seconded the motion. A vote was taken, motion carried, and meeting adjourned at 8:38 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: \_\_\_\_\_  
Nick Wilson, President

BY: \_\_\_\_\_  
Jerry Raber, Vice President

BY: \_\_\_\_\_  
David Herschberger, Member

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

BY: \_\_\_\_\_  
Tyler Young, Member

BY: \_\_\_\_\_  
Alternate Member