

**LAGRANGE COUNTY BOARD OF ZONING APPEALS**  
**SEPTEMBER 16TH, 2025**

THE LAGRANGE COUNTY BOARD OF ZONING APPEALS MET IN REGULAR SESSION ON **TUESDAY, SEPTEMBER 16TH, 2025, 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, Tyler Young, Lynn Bowen, David Herschberger and Jerry Raber.

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

**MINUTES OF PREVIOUS MEETING:** Lynn Bowen made a motion to approve the minutes. David Herschberger seconded the motion. A vote was taken, motion carried.

**COMMUNICATIONS:**

**NEW BUSINESS**

**DEVELOPMENTAL VARIANCE**

*(Public Hearing)*

**KAUFFMAN, RONALD L & JANE M~** By. Robert Mishler (25-V-27) Greenfield Twp., Sect.28, T38N R11E, zoned A-1. Located at 8415 E Sr 120., Howe. A Developmental Variance to split off 1.03 acres where a minimum of 2 to 5 acres is required in the A-1 Zoning District.

Robbie Miller introduced and reviewed the site plan for the variance with the board.

Robert Mishler was present as the petitioner (0140 S 500 E) and spoke to the board about splitting the land for farming and eventually selling the remaining house property.

Nick Wilson asked if there were any in favor of the petition, there were none.

Nick then asked if there were any against the petition, there were none.

The public hearing was subsequently closed.

The board discussed the property, driveway and existing home.

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 split off the home and surrounding one acre area from the existing farmland in order to sell the home separately and continue the agricultural use of the remainder. The proposal should not have any discernable effect on the public and should not pose any risk to the 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 subdivision does not unreasonably interfere with the use and enjoyment of the neighboring properties as the surrounding land is primarily agricultural. The proposed*

*subdivision 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 result in practical difficulties in the use of the property.

*Due to the size and existing layout of the property, it would be practical to subdivide the property as proposed and still maintain the character of the surrounding area and uses. Strict application would prevent Petitioner from subdividing and separating the single-family home from the agricultural land.*

For all of the foregoing reasons, on this 16th day of September, 2025, 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)*

**RONALD & JANE KAUFFMAN TRUST~ By. Robert Mishler (25-V-28)** Greenfield Twp., Sect.33, T38N R11E, zoned A-1. Located 4635 N 800 E., Howe. A Developmental Variance to split off 1.5 acres where a minimum of 2 to 5 acres is required in the A-1 Zoning District.

Robbie Miller introduced and reviewed the site plan for the variance with the board.

Robert Mishler was present as the petitioner (0140 S 500 E) and spoke to the board about splitting the land for farming and for the pivot to have more room to cover more ground.

Nick Wilson asked if there were any in favor of the petition, there were none.

Nick then asked if there were any against the petition, there were none.

The public hearing was subsequently closed.

The board discussed options on using another ½ acre to meet the county requirements.

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 subdivide an agricultural property off the parent parcel that will remain in agricultural use. The proposal should not have any discernable effect on the public and would not pose any risk 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 proposed subdivision does not unreasonably interfere with the use and enjoyment of the neighboring properties as there are minimal neighbors nearby. The proposed subdivision 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.

*There is sufficient space on the parcel and surrounding the single-family residence to allow the Petitioner to meet the 2-acre subdivision minimum. Petitioner, by seeking to not meet the minimum acreage needed for the split, has created his own hardship.*

For all of the foregoing reasons, on this 16th day of September, 2025, 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)*

**MADDOX, SCOTT~ By. Doug Eby (25-V-29)** Johnson Twp., Sect.32, T36N R10E, zoned L-1. Located 7280 S 180 E., Wolcottville. A Developmental Variance for an 18' channel setback where 30' is required in the L-1 Zoning District.

Robbie Miller introduced and reviewed the site plan for the variance with the board.

Doug Eby (8326 Pritch Road., Fort Wayne) was present as the petitioner, Doug spoke to the board about the 18' channel side setback requested for the house addition.

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

Nick then asked if there were any against the petition, there were none.

The public hearing was subsequently closed.

The board discussed the owner removing the shed when the building process starts.

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 house addition that would encroach on the required channel setback on Petitioner's property located in an L-1 zone. The addition will not pose any unreasonable 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 addition, while potentially located in the viewshed on the lake channel, should not unreasonably interfere with adjacent landowners as it is the last property located on a private road. The proposed setback should not intrude on neighboring landowners' use and enjoyment of their properties at the lake. 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 and the location of the neighboring residence to the West, Petitioner would be unable to build the home addition on the property without the requested variance.*

For all of the foregoing reasons, on this 16th day of September, 2025, 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*

*(Public Hearing)*

**KLOPFENSTEN FARMS, LLC~ By. Jon Klopfenstein (25-LUV-06)** Lima Twp., Sect.35, T38N R09E, zoned A-2. Located South of 1545 W 450 N., Howe. A Land Use Variance for a tiny home short-term rental community in the A-2 Zoning District.

Robbie Miller introduced and reviewed the site plan for the variance with the board.

Jon Klopfenstein (0755 W 400 N) was present as the petitioner. Jon spoke to the board about the short-term cabins, time frame of cabins (April-October) and landscaping.

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

1. Ashya Klopfenstein (1745 W 639 N) spoke in favor of the short-term rentals, an improvement to the ground because hay has not been producing much at this location.

Nick then asked if there were any against the petition, there were three.

1. Mark Suever (4455 N 150 W) spoke about owner's other properties being maintained, property values and safety.
2. William & Phyllis Troyer spoke about noise & shouting from Twin Mills that they can hear from their property, would love to keep this quiet and residential.
3. Laura Camp spoke to the board about property value, poor maintenance, trespassing, privacy fences and who will be held responsible?

Rob Yoder spoke on the comments made, these are short term for overnight stays or weekend getaways. Proper guidelines for safety & planning of the development.

The public hearing was subsequently closed.

The board discussed the site plan.

Tyler Young made a motion to put a condition on the property to not grow more than the 9 units being proposed. Lynn Bowen seconded the motion.

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 construct a tiny home short-term rental community on Petitioner's property located in an A-2 zone. Petitioner's property is located in a predominantly rural area with minimal neighboring structures. The proposed site location does not pose any risk to the public and there is adequate location for a driveway cut without obstructions.*

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 tiny home community will be located well off the roadway, will meet all applicable setbacks, has adequate drives/turnarounds, and should not interfere with the neighboring landowners' use and enjoyment of their properties. Three Remonstrators appeared citing concerns*

*about traffic increases, noise pollution, decrease in property values, trespassing concerns, and concerns about dangerous individuals staying in the community.*

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 an A-2 zone, would prevent Petitioner from operating the tiny home short-term rental community. The property is adequately suited to support the proposed use and has more than sufficient space and buffering for neighboring properties.*

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 tiny home short-term rental community at this location without the requested variance thereby requiring Petitioner to locate another suitable location.*

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

*The Comprehensive Plan encourages economic growth and rural-based cottage industries similar to that which Petitioner is proposing. The proposed usage is a unique business opportunity and may help foster future similar developments in the county.*

For all of the foregoing reasons, on this 16th day of September, 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 condition: No future expansion allowed at this property.

*(Public Hearing)*

**MILLER, JERRY & ROSETTA~** By. Daniel Schwartz (25-LUV-07) Clay Twp., Sect.24, T37N R09E, zoned A-2. Located South of 810 W 50 N., LaGrange. A Land Use Variance for a private recreation facility/youth center in the A-2 Zoning District.

Robbie Miller introduced and reviewed the site plan for the variance with the board.

Zach Estes (TE Incorporated) spoke on behalf of the petitioner. Zach spoke about the event center being a private event center, kids center, fish fry & normal events.

Nick Wilson asked if there were any in favor of the petition, there were none.

Nick then asked if there were any against the petition, there were four.

1. David Merrifield (600 W 050 N) spoke about trash, noise, sanitation and traffic issues. Drainage, power and safety was also talked about.
2. Laure Trost (0845 W 050 N) spoke about the hill safety, trash and noise.
3. Dawn Cowley (770 W 050 N) spoke about property value.
4. Jay Smith (0955 W 050 N) spoke about a previous variance on the property.

Zach Estes spoke on the comments on the drainage and future expansion possibility.

The public hearing was subsequently closed.

The board discussed the site plan and how they thought the event center may be better zoned in a business zone.

A roll call vote was taken:

### *Land Use Variance*

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

*The proposal is to construct a private recreational facility/youth center on Petitioner's property zoned A-2. Petitioner's property is located in a predominantly residential area with several single-family residents within the surrounding area. The proposed site location is on a well-traveled county road, and there are concerns regarding the driveway location and the amount of traffic and congestion at the site.*

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 private recreational facility/youth center would meet all applicable setbacks, but raises questions regarding adequate parking and access for events. The proposal and its use may interfere with the neighboring landowners' use and enjoyment of their properties. Six remonstrators appeared as well as multiple letters and emails received by the Commission. Concerns were raised over having large gatherings of adults and children in this rural residential area, trash accumulation, potentially inadequate plumbing, danger to the surrounding area, danger due to the traffic congestion, noise pollution, driveway view concerns, and, most importantly, the facility's effect on neighboring property values.*

3. The need for the variance **does not arise** from some condition peculiar to the property involved

*The subject property could continue to be utilized for agricultural and residential uses without the need for a variance.*

4. The strict application of the terms of the zoning ordinance **will not** constitute an unnecessary hardship if applied to the property for which the variance is sought.

*Petitioner would be able to continue to utilize the property as it sits currently. The property as situated has several viable and permitted uses under the terms of the UDO. The Petitioner by requesting to construct the private recreational facility/youth center at this location has created his own hardship.*

5. The approval **does** interfere substantially with the Comprehensive Plan.

*While the Comprehensive Plan encourages growth, this type of development in this type of zone is not contemplated nor supported by the Comprehensive Plan.*

For all of the foregoing reasons, on this 16th day of September, 2025, the LaGrange County Board of Zoning Appeals finds the Petitioner has not met its burden of proof and hereby denies the variance as requested

*CONDITIONAL USE VARIANCE*

*(Public Hearing)*

**WALDO USA/MURPHY GANT~** By. Marquayle Martin **(25-CU-08)** Lima Twp., Sect.26, T38N R09E, zoned L-1. Located 5880 N 170 W., Howe. A Conditional Use Variance for a short-term rental in the L-1 Zoning District.

Robbie Miller introduced and reviewed the site plan for the variance with the board.

No petitioner was present.

Tyler Young made a motion to table the petition to the next available meeting. Nick Wilson seconded the motion.

**OTHER BUSINESS:**

**ADJOURNMENT:** Jerry Raber made a motion to adjourn, Nick Wilson seconded the motion. A vote was taken, motion carried, and meeting adjourned at 8:54 p.m.

LAGRANGE COUNTY, INDIANA

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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