

LAGRANGE COUNTY BOARD OF ZONING APPEALS
JANUARY 21, 2020

THE LAGRANGE COUNTY BOARD OF ZONING APPEALS MET IN REGULAR SESSION ON **TUESDAY, JANUARY 21, 2020, 7:00P.M.** IN THE LAGRANGE COUNTY COMMISSIONERS ROOM AT THE COUNTY OFFICE BUILDING

CALL TO ORDER: Tyler Young called the meeting to order at 7:00 p.m.

ROLL CALL: Tyler, Young, Jim Bugg, Nick Wilson, and Lynn Bowen. In attendance: Robbie Miller, Kalinn Speelman and Dustin Glick.

ELECTION OF OFFICERS: Nick Wilson nominated Tyler Young as President, Jim Bugg seconded the motion. A vote was taken and the motion carried. Tyler Young was elected President. Nick Wilson nominated Terry Holsinger as Vice President, Lynn Bowen seconded the motion. A vote was taken and the motion carried. Terry Holsinger was elected Vice President.

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

MINUTES OF PREVIOUS MEETING: Lynn Bowen made a motion to adopt the amended minutes, Jim Bugg seconded the motion. A vote was taken, motion carried.

COMMUNICATIONS: None.

OLD BUSINESS

LAND USE VARIANCE

(Public Hearing)

HOLMES, BRIGITTE ~ OLD CARRIAGE INN ~ By: Brigitte Forstinger (19-LUV-42): Newbury Twp., Sect. 11, T37N R8E, zoned B-2. Located at 240 E Farver St., Shipshewana. Application is to operate a Bed & Breakfast in a B-2 zoning district.

Robbie Miller introduced the petition and reviewed the site plan.

Brigitte Forstinger, 240 E Faver St., Shipshewana, was present as the petitioner. Mrs. Forstinger explained the reason for the variance and stated that the Bed and Breakfast has been there for over 30 years.

Tyler Young asked if there was anyone in favor of the petition.

Susie Troyer, 2675 E 050 N, LaGrange, spoke in favor. Mrs. Troyer stated that people she works for has stayed there and that they've had great service and good food.

Mr. Young asked if anyone would like to remonstrate against the petition. No remonstrators appeared.

The public hearing was subsequently closed.

The board discussed the site plan.

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 continue the operation of a bed and breakfast in a B-2 zone. The business has been in operation for over thirty years without any issues or safety concerns to the public. The proposed use on the property will not be injurious 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 business location is primarily surrounded by other businesses involved in the retail and service industry in Shipshewana. The bed and breakfast as proposed will not have any effect on neighboring landowners and has not had a negative affect over the past thirty years in existence. No remonstrators appeared, but one additional party did appear in favor of the variance.

3. The need for the variance arises from some condition peculiar to the property involved

The unique characteristics and the geographical location of the property as it currently sits in a B-2 zone would prevent the petitioner from continuing her bed and breakfast at said location and place a limitation on the property's primary use for the past thirty years.

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 bed and breakfast business at this location without the requested variance requiring Petitioner to find another suitable location at substantial cost and inconvenience.

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

The comprehensive plan encourages rural family-based businesses and a diverse economy. The bed and breakfast business brings a unique and much needed service to the Shipshewana area.

For all of the foregoing reasons, on this 21st day of January, 2020, the LaGrange County Board of Zoning Appeals finds the Petitioner has met its burden of proof and hereby approves the variance as requested.

NEW BUSINESS
DEVELOPMENTAL VARIANCE

(Public Hearing)

CURRY, CHARLES & DEIDRA ~ By: Charles Curry (19-V-27): Clearspring Twp., Sect. 25, T36N R9E, zoned L-1. Located at 6030 S 085 W, Wolcottville. Application to amend the original petition and ask for one additional variance, a 7' Southside setback variance to rebuild residence on the existing footprint.

Robbie Miller introduced the petition and reviewed the site plans. Mrs. Miller explained that the Curry's had a previous approved variance for an addition but the foundation was not good and it would be more economical to rebuild on new foundation.

Deidra Curry, 6030 S 085 W, Wolcottville, was present as the petitioner. Mrs. Curry explained that when the engineer came out to the property they were told that the existing foundation would need extensive work.

Tyler Young asked if there was anyone in favor of the petition. No others appeared in favor of the petition. Mr. Young asked if anyone would like to remonstrate against the petition. No remonstrators appeared.

The public hearing was subsequently closed.

The board discussed the site plan. Lynn Bowen asked about drainage. Robbie Miller said the house would have down spouts to a tile. Lynn Bowen made a motion to have silt fence on the property during construction, Nick Wilson seconded the motion. A vote was taken, motion carried.

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 remove the existing residence and rebuild a new residence on or within the existing footprint. Petitioner had originally planned to add on to the existing home, however, the foundation issues lead to the necessity for the additional variance as requested herein. The proposed new home construction will pose no risk to the public or 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 new home construction will keep the home within the existing footprint and will not move the home any closer to the lakeside of the property or side yard property lines. The new construction will be more aesthetically pleasing and may also improve the property values of surrounding 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, width, and layout of the subject lot it would be impractical to construct a new home on the lot without the need for a variance. Petitioner would be unable to replace the existing home on the property thereby limiting the value of said 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 move closer to the lakeside or reduce the setback requirements that currently exists. The proposed construction will not cause any additional encroachment towards neighboring landowners.

For all of the foregoing reasons, on this 21st day of January, 2020, 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 an erosion control plan to the Plan Administrator and must utilize a silt fence on both side yards and the lake side of the property during construction.

(Public Hearing)

ROCK RUN REAL ESTATE, LLC ~ By: Midwest Land Surveying (19-V-65): Eden Twp., Sect. 19, T36N R8E, zoned A-1. Located at 11635 W 600 S, Millersburg. Application is to appeal the LaGrange County Board of Zoning Appeals condition of “No additional expansions at this location”.

Robbie Miller introduced the petition and reviewed the site plan.

Josh Lash, Midwest Land Surveying, was present on behalf of the petitioner. Mr. Lash explained that they’re needing a larger generator building to switch from diesel to natural gas.

Tyler Young asked if there was anyone in favor of the petition. No others appeared in favor of the petition. Mr. Young asked if anyone would like to remonstrate against the petition. No remonstrators appeared.

The public hearing was subsequently closed.

The board discussed the site plan at length. Robbie Miller stated that there was a new building, since December, on the site without any permits. The owners describe it as a rack cover, not a building. Lynn Bowen said that when he went out for the site visit that the metal on the new building had been removed, it was only framing.

Fritz Schlabach, 11635 W 600 S, Millersburg, explained that their current diesel generator is failing. A natural gas generator is larger but has less maintenance and is more efficient.

Lynn Bowen asked why the new building isn’t considered a building. Mr. Schlabach explained that they needed more rack space and needed to keep the rain off their product so they put some metal around the racks. Mr. Schlabach also stated that he’s asked Josh Lash to start working on a rezone petition for the Rock Run property and possibly purchasing more land around them to make it a commercial industrial park.

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 will not be injurious to the public health and safety as Petitioner is proposing to replace the existing diesel generator with a more efficient and cleaner burning natural gas generator. The proposed generator building is located well off of the roadway and away from 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 generator building will not interfere or intrude on the use and enjoyment of adjacent property owners. The proposed new generator building will be larger than the existing building in order to house the larger more efficient natural gas generator, but it will not cause an adverse effect on adjacent landowners. 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.

The strict application would result in practical difficulties as Petitioners would not be allowed to replace the outdated diesel generator with the newer, more efficient, and cleaner burning natural gas generator, thereby limiting the usability and full

potential of the property. Based on the layout of the property and the location of the Nipsco natural gas line, the proposed location is appropriate.

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 invade neighboring properties. The proposed structure is only minimally larger than that which currently exists on the property.

For all of the foregoing reasons, on this 21st day of January, 2020, 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)

BONTRAGER, LAVON/ TRI-COUNTY LAND TRUSTEE CORP. ~ By: Susie Troyer (20-V-01): VanBuren Twp., Sect. 24, T38N R8E, zoned A-1. Located at 6495 W 600 N, Shipshewana. Application is for a 6' rear setback instead of the required 100' for a commercial dog breeding facility.

Robbie Miller introduced the petition and reviewed the site plan.

Susie Troyer, 2675 E 050 N, LaGrange, was present on behalf of the petitioner. Mrs. Troyer explained the reason for the variance.

Tyler Young asked if there was anyone in favor of the petition. No others appeared in favor of the petition. Mr. Young asked if anyone would like to remonstrate against the petition. No remonstrators appeared.

The public hearing was subsequently closed.

The board discussed the site plan at length. Tyler Young questioned why they're proposing the kennel at the back of the property when they have plenty of yard to hit the setback. Mrs. Troyer explained that they'd like to keep their yard open and available for family and play area. Lynn Bowen agreed that there is plenty of room to hit the 100' setback. Mrs. Troyer asked if they could postpone the petition until next month to rethink the positioning of the dog breeding facility.

Lynn Bowen made a motion to postpone the petition until the Feb. 18, 2020 BZA meeting, Tyler Young seconded the motion. A vote was taken, motion carried.

(Public Hearing)

SELKING, JANE/BRAUN, ASHLEY/RINGGER, EMILY ~ By: Jim Selking (20-V-02): Johnson Twp., Sect. 18, T36N R10E, zoned L-1. Located at 4685 S 050 E, Wolcottville. Application is for a 36' roadside setback and a 4' Southside yard setback for new shed.

Robbie Miller introduced the petition and reviewed the site plan.

Jim Selking, 4685 S 050 E, Wolcottville, was present as the petitioner. Mr. Selking explained the reason for the variance.

Tyler Young asked if there was anyone in favor of the petition. No others appeared in favor of the petition. Mr. Young asked if anyone would like to remonstrate against the petition.

Gary Pignato, 4689 S 050 E, Wolcottville, stated his concerns about contamination in his well from the shed setting so close to it and the water runoff from shed. Mr. Pignato also believes the shed sits 3' from his property line after measuring it himself, not 4'.

Mr. Selking stated that when he brought his property the lot beside him was vacant, Mr. Pignato was granted a variance to put his house so close to the property line. Mr. Selking stated that there is only a lawn mower and bicycles in the shed, nothing that will leak and contaminate Mr. Pignato's well.

The public hearing was subsequently closed.

The board discussed the site plan. Robbie Miller stated that the petitioner will need an As Built survey, so if the shed is not at 4' then it is in violation of the variance. Tyler Young gave the petitioner the option to table until March in order to have a surveyor verify that it is 4' from property line. The petitioner asked to be tabled until the March 17, 2020 meeting. Tyler Young made a motion to table the petition until March 17, 2020, Nick Wilson seconded the motion. A vote was taken, motion carried.

(Public Hearing)

GREWE, RANDALL & MICHELLE ~ By: Progressive Engineering (20-V-03): VanBuren Twp., Sect. 07, T38N R8E, zoned L-1. Located at 11195 W 805 N, Shipshewana. Application is for a 29' roadside setback for house addition.

Robbie Miller introduced the petition and reviewed the site plan.

Alecia Bame, Progressive Engineering, was present on behalf of the petitioner. Mrs. Bame explained the reason for the variance.

Tyler Young asked if there was anyone in favor of the petition.

Bryan Barr, Square One Builders, stated that he is the contractor for this petition and will answer any questions if needed.

Mr. Young asked if anyone would like to remonstrate against the petition. No remonstrators appeared.

The public hearing was subsequently closed.

The board discussed the site plan. Lynn Bowen made a motion to add the condition of silt fence on the property during construction along with an Erosion Control Plan submitted to the Plan Commission, Nick Wilson seconded the motion. A vote was taken, motion carried.

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 will not be injurious to the public health and safety as it does not bring any unnecessary risk of harm to the public or surrounding properties. The proposed house addition does not interfere with or obstruct vision of traffic on 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 addition will not interfere or intrude on the use and enjoyment of adjacent property owners. The proposed new construction will be aesthetically pleasing and does not seek to interfere with the lake view of neighboring property owners. 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.

The size and shape of the lot in question and the location of the existing residential structure makes it impractical/impossible to construct the proposed addition without the need of a variance.

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 to neighboring properties and seeks to better utilize available space on the subject property without encroaching on adjacent properties.

For all of the foregoing reasons, on this 21st day of January, 2020, the LaGrange County Board of Zoning Appeals finds the Petitioner has met is burden of proof and hereby approves the variance subject to the following conditions: Petitioner must submit an erosion control plan to the Plan Administrator and must utilize a silt fence on both side yards and the lake side of the property during construction.

LAND USE VARIANCE

(Public Hearing)

ALBER, COLE/MILLER, LLOYD ~ By: Midwest Land Surveying (19-LUV-46): Lima Twp., Sect. 31, T38N R10E, zoned A-1. Located at 0735 E 400 N, Howe. Application is to operate a car detailing business in an A-1 Zone and to permanently display the business sign in the bed of a pickup truck which is not a permitted use.

Robbie Miller introduced the petition and reviewed the site plan.

Josh Lash, Midwest Land Surveying, was present on behalf of the petitioner. Mr. Lash explained the reason for the variance and asked that the variance be amended to exclude the pickup truck with the sign since the petitioner would like a more permanent sign, in the ground.

Tyler Young asked if there was anyone in favor of the petition. No others appeared in favor of the petition. Mr. Young asked if anyone would like to remonstrate against the petition. No remonstrators appeared.

The public hearing was subsequently closed.

The board discussed the site plan. Lynn Bowen questioned the multiple cars on the property with concerns of it turning into a junk yard. Cole Alber stated that they are his own vehicles and he plans on selling them around tax season.

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 operate a car detailing business in an A-1 zone. The proposal provides for adequate driveway and turnaround for vehicles to be delivered so traffic flow on the county road should not be affected. The proposal poses no risk to the community as the subject business causes minimal noise and is housed within an existing pole barn.

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 business location has operated as a detailing business approximately two (2) years without issue. The type of business proposed will not have significant traffic and will not maintain retail sales. Petitioner is the only employee of the business. No remonstrators appeared.

3. The need for the variance arises from some condition peculiar to the property involved

The unique characteristics and the geographical location of the property as it currently sits in an A-1 zone would prevent the Petitioner from operating a car detailing business at said location and place a limitation on the property's maximum usefulness.

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 his car detailing business at this location without the requested variance requiring Petitioner to find another suitable location away from his home.

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

The comprehensive plan encourages rural family-based businesses and the proposed plan is not dissimilar from those in existence in the surrounding area. The comprehensive plan also encourages a diverse economy and promotes growth in the county economy with the small business owners.

For all of the foregoing reasons, on this 21st day of January, 2020, 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)

YODER, NATHAN/TRI-COUNTY LAND TRUSTEE CORP. ~ By: Nathan Yoder (20-LUV-01): Clay Twp., Sect. 04, T37N R9E, zoned A-1. Located at 3930 W 400 N, Shipshewana. Application is to operate a dog breeding facility in an A-1 zoning district.

Robbie Miller introduced the petition and reviewed the site plan.

Susie Troyer, 2675 E 050 N, LaGrange, was present on behalf of the petitioner. Mrs. Troyer explained the reason for the variance.

Tyler Young asked if there was anyone in favor of the petition. No others appeared in favor of the petition. Mr. Young asked if anyone would like to remonstrate against the petition.

Dennis Redden, W 400 N, Shipshewana, bought this lake front property for peace and quiet and as an investment. Mr. Redden believes both of those reasons are in jeopardy with a dog breeding facility next door. He is concerned with the number of dogs that will be there and the wellbeing of the dogs.

Joy Sharp, PO Box 6, Howe, is the real estate agent that sold Mr. Redden his property and questioned how far the breeding facility is from the lake. Mrs. Sharp is concerned about the amount of dog will be there and the property value of the surrounding homes on the lake.

Susie Troyer addressed the concerns stating that the dogs do not bark and they will have a privacy fence around the facility. Mrs. Troyer explained the protocols for vaccinations and that a vet will be involved in the process.

The public hearing was subsequently closed.

The board discussed the site plan. Robbie Miller stated that the kennel was remodeled without any permits and should have had inspections. Nathan Yoder, 3930 W 400 N, Shipshewana, stated that he asked the Building Dept. about the remodel and he was told that no permit was necessary but to talk to Robbie Miller about a kennel. Mr. Yoder currently has 3 female Great Danes and 1 male, Mrs. Troyer stated they would like to go up to 8.

Tyler Young made a motion to postpone the petition until February 18, 2020 in order for the proper permits and inspections to be completed, Lynn Bowen seconded the motion. A vote was taken, motion carried.

(Public Hearing)

TEEPLE, JOHN JEFFERY ~ By: John Jeffery Teeple (20-LUV-02): VanBuren Twp., Sect. 18, T38N R8E, zoned L-1. Located East of 7270 N 1145 W, Shipshewana. Application is to have an auxiliary building in an L-1 zone without a primary residence.

Robbie Miller introduced the petition and reviewed the site plans.

David Wickey, 3670 E 225 N, LaGrange, was present on behalf of the petitioner. Mr. Wickey explained the reason for the variance.

Tyler Young asked if there was anyone in favor of the petition. No others appeared in favor of the petition. Mr. Young asked if anyone would like to remonstrate against the petition.

David Manderfield, 7310 N 1145 W, Shipshewana, had questions about the elevations of the project and the runoff it might create for the neighbors.

The public hearing was subsequently closed.

The board discussed the site plan at length. Lynn Bowen made a motion to add the condition of silt fence along the property during construction and an Erosion Control Plan submitted to the Plan Commission, Nick Wilson seconded the motion. A vote was taken, motion carried.

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 proposed auxiliary structure is to be constructed on a vacant lot in an L-1 zone which is common usage for vacant back lots in the surrounding L-1 zone. The variance requested does not interfere with neighboring properties, does not increase traffic or create hazardous situations to the public. The proposed structure fits within 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 proposed structure would be used for storage of items that would otherwise be stored outside, making the proposed use more aesthetically pleasing to neighboring properties and may also increase their value. The proposed structure fits within the required setbacks thereby not intruding on adjacent landowners use and enjoyment of their properties. One remonstrator appeared with concerns of water run-off due to issues with Petitioner's earlier house construction.

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 proposed auxiliary structure to be constructed on the vacant lot as it currently exists without the construction of a residence.

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 unable to construct proposed auxiliary structure on the vacant lot as it currently exists without the requested variance. Strict application would require the construction of a home on said lot in order to construct the proposed auxiliary structure.

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

The proposed variance and the proposed auxiliary structure requested is consistent with the comprehensive plan and is common usage for similarly situated parcels in the surrounding L-1 zone.

For all of the foregoing reasons, on this 21st day of January, 2020, 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 an erosion control plan to the Plan Administrator and must utilize a silt fence on both side yards and the road side of the property during construction

(Public Hearing)

MICKEM, MICHAEL & STEPHANIE ~ By: Michael Mickem (20-LUV-03): Lima Twp., Sect. 25, T38N R9E, zoned B-3/A-1. Located at 0120 W SR 120, Howe. Application is to have a residential auxiliary building in a B-3 zone.

Robbie Miller introduced the petition and reviewed the site plans.

Harley Mast, 2425 N SR 9, LaGrange, was present on behalf of the petitioner. Mr. Mast explained the reason for the variance.

Tyler Young asked if there was anyone in favor of the petition. No others appeared in favor of the petition. Mr. Young asked if anyone would like to remonstrate against the petition. No remonstrators appeared.

The public hearing was subsequently closed.

The board discussed the site plan. Tyler Young questioned the elevations and where the door will be located. Mr. Mast could not provide answers. Lynn Bowen made a motion to postpone the petition until February 18, 2020 so that elevations can be submitted, Tyler Young seconded the motion. A vote was taken, motion carried.

(Public Hearing)

PAPAS, EILEEN ~ By: Midwest Land Surveying (20-LUV-04/20-V-03): Johnson Twp., Sect. 30, T36N R10E, zoned L-1. Located South East of 6580 S 090 E, Wolcottville. Application is to have an auxiliary building in an L-1 zone without a residence. Also for a 5.4' Southside setback, an 8.7' rear setback, 5.3' Northside setback and a 47% lot coverage.

Robbie Miller introduced the petition and reviewed the site plans.

Josh Lash, Midwest Land Surveying, was present on behalf of the petitioner. Mr. Lash explained the reason for the variance.

Tyler Young asked if there was anyone in favor of the petition. No others appeared in favor of the petition. Mr. Young asked if anyone would like to remonstrate against the petition. No remonstrators appeared.

The public hearing was subsequently closed.

The board discussed the site plan at length. Robbie Miller questioned the driveway. Mrs. Papas explained there is one overhead door that will have a 5' concrete apron with gravel to the road.

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 proposed auxiliary structure is to be constructed on a vacant lot in an L-1 zone which is common usage for vacant back lots in the surrounding L-1 zone. The variance requested does not interfere with neighboring properties, does not increase traffic or create hazardous situations to the public. There are other similarly sized auxiliary structures on the surrounding back lots.

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 would be used for storage of items that would otherwise be stored outside, making the proposed use more aesthetically pleasing to neighboring properties. The adjacent properties are all primarily auxiliary lots used for the same purpose as Petitioner is proposing. 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 proposed auxiliary structure to be constructed on the vacant lot as it currently exists without the construction of a residence which would be difficult given the overall size of the lot.

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 unable to construct proposed auxiliary structure on the vacant lot as it currently exists without the requested variance. Strict application would require the construction of a home on said lot in order to construct the proposed auxiliary structure.

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

The proposed variance and the proposed auxiliary structure requested is consistent with the comprehensive plan and is common usage for similarly situated parcels in the surrounding L-1 zone.

For all of the foregoing reasons, on this 21st day of January, 2020, the LaGrange County Board of Zoning Appeals finds the Petitioner has met its burden of proof and hereby approves the variance as requested.

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 an auxiliary structure on an empty lot with three different setback variance requests and a lot coverage variance. The variance requested does not increase traffic or create hazardous situations 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 structure is a pole barn to be used for storage of items that would otherwise be stored outside, making the proposed use more aesthetically pleasing to neighboring properties. The proposal does not interfere with adjacent properties as they also maintain similarly sized auxiliary structures. 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 construct proposed auxiliary structure on the vacant lot as it currently exists without the requested variance. Strict application would require the construction much smaller structure or the purchase of an additional adjacent lot.

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 less intrusive to adjacent properties as they are primarily auxiliary lots and not residential lots. The proposal does not interfere with the use and enjoyment of neighboring properties or ingress and egress of same.

For all of the foregoing reasons, on this 21st day of January, 2020, the LaGrange County Board of Zoning Appeals finds the Petitioner has met his burden of proof and hereby approves the variance as requested.

OTHER BUSINESS: Robbie Miller reminded those who are on the BZA board that there is a Special Meeting on January 30, 2020. Tyler Young gave some comments on the Pallet One petition for the Special Meeting since he will not be in attendance. Mr. Young stated that he has heard complaints about noise but the noise they're hearing is coming from the de-barker, not the proposed building for the saw. Mr. Young believes this variance is responsible. Lynn Bowen asked if the Commissioners have indicated when the Zoning Ordinance proposed changes will be back on agenda. Mrs. Miller stated that they have not.

ADJOURNMENT: Nick Wilson made a motion to adjourn the meeting, Lynn Bowen seconded the motion. The meeting adjourned at 9:28 p.m.

LAGRANGE COUNTY BOARD OF ZONING APPEALS

BY: _____
Tyler Young, President

BY: Absent _____
Terry Holsinger, Vice President

BY: _____
Jim Bugg, Member

BY: _____
Lynn Bowen, Member

BY: _____
Nick Wilson, Member

BY: Absent _____
Rich Sherman, Alternate Member

BY: Absent _____
Freeman Miller, Alternate Member

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.