

LAGRANGE COUNTY BOARD OF ZONING APPEALS

May 19, 2020

THE LAGRANGE COUNTY BOARD OF ZONING APPEALS MET IN A REGULAR SESSION ON **TUESDAY, May 19, 2020, AT 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, Nick Wilson, Lynn Bowen, Terry Holsinger, and Jim Bugg. In attendance: Robbie Miller, Brittney Johnston and Dustin Glick.

ADOPT AGENDA: None.

MINUTES OF PREVIOUS MEETING: Tyler Young motioned to postpone the minutes to the May 27th, 2020, BZA meeting. Terry Holsinger seconded, the motion carried.

COMMUNICATIONS: None.

NEW BUSINESS

DEVELOPMENTAL VARIANCE

(Public Hearing)

YODER, CHRIS & LEORA ~ By: Rob Yoder (20-V-12): VanBuren Twp., Sect. 25, T38N R8E, zoned A-1. Located at 5170 N 675 W, Shipshewana. Application is for a 90' roadside setback for a 2,880 sq. ft. addition for retail/warehouse to an existing commercial greenhouse.

Robbie Miller introduced the petition and reviewed the site plan.

Rob Yoder, 7144 W SR 120, Howe, was present as the petitioner. Mr. Yoder explained the reason for the variance is for the setback, and would not negatively affect public safety.

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 asked what is the purpose of the overhead doors.

Rob Yoder explained that the doors will be open in the warmer months for the greenhouse.

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 construct a new retail structure on Petitioner's property to expand the existing greenhouse business. The proposal seeks to locate the new structure within the property line setback requirements by approximately 35 feet. The subject property is located on a reduced speed road, and the proposal will not cause an uptick in traffic or obstruction on the adjacent roadway. The proposed addition is appropriate and poses no risks 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 subject lot has been operating as a greenhouse for several years, and the proposed addition will not change the use and character of the property to the detriment of neighboring landowners. The adjacent properties are primarily agricultural and would not be affected in

- a substantially adverse manner with the construction of additional greenhouse space. 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 constructing the proposed addition on his property without removing and relocating the existing structures. Given the size and layout of the Petitioner's property as it currently exists it would be impractical/impossible to construct the new structure in another location without necessitating the removal and relocation of existing structures.
 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 proposal is minimally intrusive and seeks to locate the proposed greenhouse expansion for practicality and convenience purpose. The encroachment caused on the neighboring roadway is minimal based on the location of the proposed structure.

For all of the foregoing reasons, on this 19th day of May, 2020, the LaGrange County Board of Zoning Appeals finds the Petitioner has met is burden of proof and hereby approves the variance as requested.

SUNRISE WORKSHOP, INC.~ LAVERN BONTRAGER ~ By: Rob Yoder (20-V-16):

Clearspring Twp., Sect. 11, T36N R9E, zoned A-1. Located at 3770 S 150 W, LaGrange.

Application is for a 105' roadside setback for an addition to an existing business.

Robbie Miller introduced the petition and reviewed the site plan.

Rob Yoder, 7144 W SR 120, Howe, was present as the petitioner. Mr. Yoder 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.

Terry Holsinger questioned whether the new building had docks.

Lynn Bowen clarified there are docks towards the road.

Rob Yoder told the board that semis will still be unloading at the main door.

Terry Holsinger stated an offset may be needed if the door is a necessity.

Lynn Bowen commented on condition three and agreed to the build and stated the need to be offset.

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's proposed addition is located far enough away from the subject roadway that it does not obstruct view of traffic on the neighboring roadway. The proposed expansion will not cause any significant uptick in traffic from that which currently exists.
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 will not interfere or intrude on the use and enjoyment of adjacent property owners as it does not seek to encroach on side yard setbacks in any 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.
The strict application would not result in practical difficulties as Petitioner would be able to continue to operate his business as currently constructed. Additionally, there exists sufficient space on the rear of Petitioners property to construct the desired expansion far enough away from the neighboring roadway to make a variance unnecessary. The size and layout of the subject property allows for expansion without the need of a variance.
 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 construction is not minimally intrusive and seeks to unreasonably encroach on the neighboring roadway. The proposed structure can be constructed on Petitioner’s property without the need of a variance, thereby the Petitioner has created his own hardship by and through his proposed expansion.

For all of the foregoing reasons, on this 19th day of May, 2020, the LaGrange County Board of Zoning Appeals finds the Petitioner not has met its burden of proof and hereby denies the variance as requested.

LAND USE VARIANCE

(Public Hearing)

PETERSHEIM, ALLEN & LUELLA ~ A&L STORAGE BARNs ~ By: Rob Yoder (20-LUV-10) Bloomfield Twp., Sect. 08, T37N R10E, zoned A-1. Located at 2700 N 200 E, LaGrange. Application is to allow for outside storage area for finished storage barns.

Robbie Miller introduced the petition and reviewed the site plan.

Rob Yoder, 7144 W SR 120, Howe, was present as the petitioner. Mr. Yoder explained the reason for the variance is for a staging area in the back to allow space for pickup and delivery. The warehouse will put all outside materials (windows, doors, lumber) moved inside. The “ready” barns will be placed outside.

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 it was previously agreed to no outdoor storage.

Lynn Bowen commented remembering whether they should be allowed to expand in this location or not.

Terry Holsinger agreed that size should be limited. If he applied for retail sales, no screening would be needed.

Mrs. Miller added that if the board allowed outside storage, it should be defined.

Lynn Bowen made a motion to add the conditions of no outside storage of raw materials, and no further expansion, this owner only, and this use only. 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 for Petitioner to utilize an outdoor storage area for finished products in an A-1 zone. This property has functioned as a storage barn manufacturing location for several years without any risk of harm to the public. The proposed variance will not pose any risk to the public or change the general use of the property from what currently exists. The property allows for safe flow of traffic and sufficient turn around for any deliveries and should not cause significant uptick in traffic to the area.
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 located in an A-1 zone, which is fairly secluded from neighboring properties and homes. The business has operated at this location for several years without issues from neighboring landowners. The outdoor storage will not intrude on neighboring landowners use and enjoyment of their properties. 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 A-1 zone would prevent petitioners from maintaining any outdoor storage on the subject parcel without the variance requested. It would be difficult, given the size of the finished product being manufactured, to not have any outdoor storage at this location.
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 maintaining any outdoor storage at this location without the requested variance requiring Petitioner to cease his business operation or build a large warehouse structure to house the finished storage buildings.
5. The approval does not interfere substantially with the Comprehensive Plan
The comprehensive plan encourages unique and diverse business and enterprise in the County. The proposed usage is the most profitable use of the subject property and Petitioner has been manufacturing storage barns at said property for several years.

For all of the foregoing reasons, on this 19th day of May, 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: No outside storage of raw materials is permitted; this use only; this owner only; no future expansion at this site.

DEVELOPMENTAL VARIANCE

(Public Hearing)

YODER, LAVERN & MARY ANN ~ By: Barkman's Construction (20-V-15): Clay Twp., Sect. 18, T37N R9E, zoned A-1. Located at 5585 W 100 S, LaGrange. Application is for a 50' roadside setback for a new garage.

Robbie Miller introduced the petition and reviewed the site plan.

Pete Barkman, 5585 W 100 S, LaGrange, was present as the petitioner. Mr. Barkman 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.

Terry Holsinger asked if they did not want the barn attached. Pete Barkman explained it would not be a practical entryway.

Tyler Young stated the garage door is 35' from the roadway, all other buildings have Northern driveways.

Robbie Miller said it is new construction, freestanding, it should meet setbacks.

Mr. Barkman stated the angle could be changed possibly by fifteen feet, which would move it to 65 feet back.

A roll call vote was taken:

1. The Approval **will be** injurious to the public health, safety and general welfare of the community.
The proposed new auxiliary structure is located near the roadway well within the required roadside setback. The proposed structure location could cause issues with obstruction of view on the roadway and lack of turnaround space between the structure and roadway. The proposal will cause possible risk to the surrounding area and the general welfare of the community.
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 size and location of the proposed structure would have a possible negative affect on neighboring landowners. The location of the auxiliary structure in close proximity to the neighboring roadway may cause issues for neighboring landowners in the egress and ingress of the roadway or potential risk to traffic. 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 living on making valuable use the property. The petitioner possesses sufficient space on the subject property to construct the auxiliary structure at the required setback and without the need for the variance requested.
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 location of the auxiliary structure is not the minimum necessary given that sufficient space exists on the property to construct the structure at the required roadside setback without issue. The Petitioner by proposing the subject location within the required setback has created his own hardship.

For all of the foregoing reasons, on this 19th day of May, 2020, 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)

MILLER, HARLEY & MARSHA ~ By: Heartland Builders (20-V-13): Clearspring Twp., Sect. 16, T36N R9E, zoned A-1. Located at 3755 W 500 S, Topeka. Application is for a 50' roadside setback for a new house.

Robbie Miller introduced the petition and reviewed the site plan.

Gary Miller, 3755 W 500 S, Topeka was present as the petitioner. Mr. Miller 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 stated the driveway goes behind, not in front, and is already established. Lynn Bowen asked if there are any wetland issues. 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 for the construction of a new home on Petitioner's property that will encroach on the roadside setback requirement for a residential structure in an A-1 zone. The proposed new home will move slightly further away from the roadway than what exists and will pose minimal risk to the public and not cause obstruction on the 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 new home would move further away from the roadway than the existing home and does not seek to encroach on neighboring properties or side yard setbacks. 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 layout, topography, and nearby wetland on the subject lot it would be impractical to construct and/or rebuild said home without the need for a setback variance. Petitioner would be unable construct a new home on the subject without the proposed variance thereby limiting the value and 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 actually seeks to move further from the roadway than the existing home, thereby reducing the current setback encroachment.

For all of the foregoing reasons, on this 19th day of May, 2020, the LaGrange County Board of Zoning Appeals finds the Petitioner has met is burden of proof and hereby approves the variance as requested.

(Public Hearing)

BEECHY, MARLIN & LAURA ~ By: Heartland Builders (20-V-14): Eden Twp., Sect. 20, T36N R8E, zoned A-1. Located at 5375 S 1050 W, Millersburg. Application is for a 50' roadside setback for a new house.

Robbie Miller introduced the petition and reviewed the site plan.

Gary Miller, 5375 S 1050 W, Millersburg, was present as the petitioner. Mr. Miller explained the reason for the variance is the existing 48' to be changed to 50' for a new house. Removal of the old home, driveway will be the same, and a new foundation.

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 why not move towards the buggy shed. Heartland explained that they thought that would be too tight together. Terry Holsinger added the connection to the dawdy house would still be good and moving back would meet the requirements. A roll call vote was taken:

1. The Approval **will be** injurious to the public health, safety and general welfare of the community.
The proposed new home is located near the roadway, well within the required roadside setback required in an A-1 zone. The proposed home location could cause issues with obstruction of view on the roadway. The proposal may cause unnecessary risk to the surrounding area and the general welfare of the community.
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 size and location of the proposed new home may have a negative effect on neighboring landowners. The location in close proximity of the neighboring roadway may cause issues for neighboring landowners in the egress and ingress of the roadway or potential risk to passersby. 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 making practical use of the property or building a new house given that petitioner possesses sufficient space on the subject property to construct a new home at the required setback and without the need of the variance requested.
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 location of the new home is not the minimum necessary given that sufficient space exists to construct the proposed home at the required roadside setback without issue. The Petitioner, by proposing the subject location, has created his own hardship.

For all of the foregoing reasons, on this 19th day of May, 2020, 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)

NIEDERMEYER, ROBERT & BETH ~ By: Midwest Land Surveying (20-V-19): Milford Twp., Sect. 12, T36N R11E, zoned L-1. Located Northwest of 11920 E 310 S, LaGrange. Application is for a 24.5' roadside setback for a proposed garage.

Robbie Miller introduced the petition and reviewed the site plan.

Joshua Lash, 125 E Albion Street, Avilla, was present as the petitioner. Mr. Lash explained the reason for the variance as the location is the highest elevation on the property that is able to be built upon.

Tyler Young asked if there was anyone in favor of the petition. Mrs. Miller presented a letter from neighbor, Paul Schowe, 11908 E 310 S, LaGrange, in support 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 explained there are more building options for flood plains. Terry Holsinger stated that it could be moved back and

built within the flood plain. Lynn Bowen agreed that it should be at the setback and the petition could be tabled until more information can be gathered. The petitioner asked to be tabled until the June 16, 2020 meeting. Lynn Bowen made a motion to table the petition until June 16, 2020, Tyler Young seconded the motion. A vote was taken, motion carried.

(Public Hearing)

METHODIST CHURCH OF SHIPSEWANA ~ By: Miller Sign Company (20-V-18):
Newbury Twp., Sect. 11, T37N R8E, zoned U-1. Located at 400 E Middlebury St., Shipshewana. Application is for a 30 sq. ft. message sign, the maximum area is 12sq. ft.; for a 6' tall sign, the maximum height is 5' and for a total square footage of the sign surround of 33 sq. ft. the maximum is 50% of the message board.

Robbie Miller introduced the petition and reviewed the site plan.

Ryan Miller, 6330 S 425 E, Wolcottville, was present as the petitioner. Mr. Miller 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.

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 replace an existing sign that has been located at the location for many years. The new sign will be located in a reduced speed residential area in the same location as the existing sign. Proposed sign will not pose and risk on the safety of the public and their ability to travel safely on the adjacent 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 new sign will be lit up and more esthetically pleasing to the surrounding properties and the public as a whole given that the sign will be replacing an older sign that has obvious signs of wear. The new sign at the subject property will not have a negative effect on 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.
Given the location of the parcel in a U-1 zone, Petitioner's would be unable to reconstruct and/or replace their existing sign 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 variance requested does not seek to expand or far exceed their current signage in front of Petitioner's church. The proposal simply seeks to replace and update the existing sign in the same location that it has been for many years.

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

ALL IN PROPERTIES, LLC ~ By: Miller Sign Company (20-V-20): Newbury Twp., Sect. 22, T37N R8E, zoned B-3. Located at 0920 N SR 5, Shipshewana. Application is for a 4' roadside setback; for a 21' tall sign, the maximum height is 15'; for a 172.8 sq. ft. sign, the maximum square footage for a pedestal sign is 75sq. ft.; for 414 sq. ft. of signage on the face of the building, maximum on a building is 20% or 75sq. ft. Also for a total of 640 sq. ft. of signage on the parcel, the maximum is 150 sq. ft. on a parcel.

Robbie Miller introduced the petition and reviewed the site plan.

Ryan Miller, 6330 S 425 E, Wolcottville, was present as the petitioner. Mr. Miller 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.

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 location for proposed new sign marquee is in a B-3 zone at/near the intersection of U.S. 20 and Indiana State Road 5. There are other similar signage and billboards in the nearby area. The proposed sign is located well off of the traveled roadway, thereby reducing any potential obstruction or interference with traffic at or near the subject intersection.
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 location of the proposed new sign marquee is at the site of newly constructed retail center with space for numerous businesses to be housed. Given the use of the property and the multi-business layout, it would be difficult to advertise without the need for a sign marquee of this size. The area surrounding the property is primarily business and retail sales, therefore proposed sign marquee will not have a negative effect or interfere with neighboring properties. The property in question is zoned B-3 which is the appropriate location for the proposed billboard. 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 location of the proposed sign marquee, Petitioner would be unable to construct said structure without the variance requested causing issues in the use and value of the subject 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 variance requested is minimal and the location is appropriate given the business uses that surround the subject property, and said proposal does not interfere with general public and/or neighboring landowners.

For all of the foregoing reasons, on this 19th day of May, 2020, 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)

JACKSON, CRAIG & DAWN ~ By: Craig Jackson (**20-LUV-11 / 20-V-17**) Lima Twp., Sect. 08, T37N R10E, zoned A-1. Located at 6010 N 160 W (back Lot), Howe. Application is for a second auxiliary structure in an L-1 zone. Also for a 25' roadside setback, 5' East side setback and 5' West side setback for a carport.

Robbie Miller introduced the petition and reviewed the site plan.

Craig Jackson, 6010 N 160 W, Howe, was present as the petitioner. Mr. Jackson 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.

A roll call vote was taken (**20-LUV-11**):

Land Use 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 second auxiliary structure located on a back lot across the street from Petitioner's home. The variance requested does not interfere with neighboring properties and 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 new construction proposed would be aesthetically pleasing to neighboring properties and may also increase their value. There are other similar auxiliary structures on neighboring properties in the area. 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 petitioners from having a second auxiliary structure without the removal of or an addition to the existing auxiliary structure.
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.
Strict application would prevent Petitioners from building the auxiliary structure as proposed and utilizing the full potential of their property.
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 as other similar auxiliary structures exist in the surrounding areas.

For all of the foregoing reasons, on this 19th day of May, 2020, the LaGrange County Board of Zoning Appeals finds the Petitioner has met its burden of proof and hereby approves the variance as requested.

A roll call vote was taken **(20-V-17)**:

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 structure on a back lot across the street from Petitioners' home. The proposed garage structure is located far enough off of the road that it will not hinder view on the traveled roadway and will not increase traffic to the property or pose no 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 intrude on neighboring landowners' properties or affect their use and/or property values. The proposed structure will be located further from the right of way than some of the neighboring 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.

Given the size and geometry of the subject lot it would be impossible/impractical for Petitioner to construct a garage of appropriate size on the subject property within the setback constraints. Petitioner would be unable to properly utilize the subject 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 is similarly sized and situated as other auxiliary structures located on neighboring properties.

For all of the foregoing reasons, on this 19th day of May, 2020, the LaGrange County Board of Zoning Appeals finds the Petitioner has met is burden of proof and hereby approves the variance as requested.

OTHER BUSINESS: Robbie Miller reminded the board that due to the closures from COVID-19, the next BZA meeting is on April 27, 2020 at 7:00 pm.

ADJOURNMENT: Lynn Bowen made a motion to adjourn the meeting, Terry Holsinger seconded the motion. The meeting adjourned at 9:42 p.m.

LAGRANGE COUNTY BOARD OF ZONING APPEALS

BY: _____
Tyler Young, President

BY: _____
Terry Holsinger, Vice President

BY: _____
Jim Bugg, Member

BY: _____
Lynn Bowen, Member

BY: _____
Nick Wilson, Member

BY: _____
Rich Sherman, Alternate Member

BY: _____
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.