

**LAGRANGE COUNTY BOARD OF ZONING APPEALS**  
**AUGUST 20th, 2024**

THE LAGRANGE COUNTY BOARD OF ZONING APPEALS MET IN REGULAR SESSION ON **TUESDAY, AUGUST 20th, 2024, AT 7:00P.M.** IN THE LAGRANGE COUNTY COMMISSIONERS ROOM AT THE COUNTY OFFICE BUILDING

**CALL TO ORDER:** Lynn Bowen called the meeting to order at 7:00 p.m.

**ROLL CALL:** Nick Wilson, Tyler Young, Lynn Bowen, and Jerry Raber.

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

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

**COMMUNICATIONS:**

**OLD BUSINESS**

**DEVELOPMENTAL VARIANCE**

*(Public Hearing)*

**KORTE, BRENT~** By. Brent Korte (24-V-18/24-LUV-06) Johnson Twp., Sect.30, T36N R10E, zoned L-1. Located South West of 6855 S 095 E., Wolcottville. A Developmental Variance for an accessory building exceeding the square footage of the residence. A Land Use Variance for an accessory building on a lot without a primary residence in the L-1 Zoning District.

Robbie Miller introduced and reviewed the site plan.

Brent Korte (17301 Doty Rd, New Haven) was present as the petitioner.

The petitioner explained why they applied for the variance.

Brent was approved for the exact variances two years ago, had some problems with the highway department not doing the permits until drainage was repaired so the variance expired.

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

The public hearing was subsequently closed.

Lynn Bowen made a motion to approve pending the condition of a Stormwater Management Plan to Planning & Zoning before permits can be issued.

The board discussed the petition at length.

A roll call vote was taken:

*(Public Hearing)*

**ETZKORN, CONSTANCE & CRYSTAL FLANAGAN ~** By. Pat Flanagan (24-V-19) Johnson Twp., Sect.32, T36N R10E, zoned L-1. Located at 7275 S 170 E., Wolcottville. A Developmental Variance for a 24' channel side setback for a 16'x20' deck and a 33' lakeside setback for a 14'x16' pergola where 45' is required in the L-1 Zoning District.

Robbie Miller introduced and reviewed the site plan.

Crystal Flanagan & Edward Elzhorn were present as the petitioners; he explained the need for the deck and pergola.

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

Mr. Bowen then asked if anyone would like to remonstrate against the petition. There was one:

Michael Gibson (1608 Green Rd) owns the property to the North; deck would go into the setback and would block his view.

The board discussed the petition at length.

The public hearing was subsequently closed.

Tyler Young made a motion to approve pending the condition that the deck to the East is not covered. Nick Wilson seconded the motion.

A roll call vote was taken:

#### *LAND USE VARIANCE*

*(Public Hearing)*

**GUST, JAMES**~ By. James Gust (24-LUV-07) Johnson Twp., Sect.18, T36N R10E, zoned L-1.

Located South of 0595 E 480 S., Wolcottville. A Land Use Variance for an accessory building not on a primary lot as the residence in the L-1 Zoning District.

Robbie Miller introduced and reviewed the site plan.

Alex Gust & James Gust (0595 E 480 S) were present as the petitioners.

The petitioner explained why they applied for the variance for the shed.

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

The public hearing was subsequently closed.

The board discussed the petition at length.

A roll call vote was taken:

#### *CONDITIONAL USE VARIANCE*

*(Public Hearing)*

**PEARSON, DEREK** ~ By. Derek Pearson (24-CU-06) Johnson Twp., Sect.30, T36N R10E, zoned L-1.

Located at 0800 E 625 S., Wolcottville. A Conditional Use Variance for a short-term rental in the L-1 Zoning District.

Robbie Miller introduced and reviewed the site plan.

Derek Pearson (800 E 625 S) was present as the petitioner.

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

Public Hearing was closed.

Water drainage was discussed by the board, no stormwater drainage will be required.

The board discussed the petition at length.

A roll call vote was taken:

#### **NEW BUSINESS**

##### *DEVELOPMENTAL VARIANCE*

*(Public Hearing)*

**CHIPMAN, ROBERT**~ By. Robert Chipman (24-V-20/24-LUV-08) Milford Twp., Sect.27, T36N

R11E, zoned L-1. Located at 9795 E 645 S., Wolcottville. A Developmental Variance for a roadside setback of 33' & a lakeside setback of 15' where 45' is required, a side setback of 2' where 10' is required, 43.9% lot coverage where 40% is required and a Land Use Variance for a 2<sup>nd</sup> accessory building on the primary lot in the L-1 Zoning District.

Robbie Miller introduced and reviewed the site plan.

Robert Chipman (9795 E 645 S) was present as the petitioner. The steep ramp was discussed, Mr. Chipman discussed he uses it to get gas to the boat area with his golf cart. Buildings were placed as is because of the slope of the property. Lynn Bowen asked if there were any in favor of the petition, there was one:

Tom Quick (9765 E 645 S) spoke on how the neighbors feel they have improved the property and neighborhood.

Lynn Bowen asked if there were any against, there was one:

1. Mark Wilkonson (9740 E 645 S) spoke on how he knew he would be making changes but wasn't aware of the third story and blocking the view of the lake for him. Understands progress but the more he adds the more he blocks according to Mr. Wilkonson.
2. Ann Butterfield (9705 E 645 S) spoke on garage concerns, parking and safety, lot coverage.

Robert Chipman had five minutes to respond to the remonstrators, he spoke on how he took 27 trees down from the property that were overcrowding and unhealthy and built his home into compliance up until the additions. Also spoke on how the garage is shorter and in front of the house so it won't be blocking any views.

Public Hearing was closed.

Drainage was discussed along with the full petition by the board.

Lynn Bowen made a motion to approve with the condition that a Stormwater Drainage Plan be submitted to Planning & Zoning before permits can be pulled. Nick Wilson seconded the motion.

A roll call vote was taken:

*(Public Hearing)*

**MULLET, LAVERN & ELLEN ~ By. Lavern & Ellen Mullett (24-V-21)** Clay Twp West., Sect.04, T37N R09E, zoned A-1. Located at 3740 W 350 N., LaGrange. A Developmental Variance for a 96" fence where 48" is required in the A-1 Zoning District.

Robbie Miller introduced and reviewed the site plan.

Laven & Ellen Mullett (3740 W 350 N) were present as the petitioners.

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

1. Steve Hart (3765 W 350 N) spoke about not having any complaints about the fence and can see it across the road.
2. Neal Yoder (3700 W 350 N) spoke about living East of the fence, was ok with the fence.
3. Dennis Miller (3850 W 350 N) spoke about how the height requirement of 48" wasn't much for privacy.

Lynn Bowen then asked if there were any against the petitioner, there were none.

Public Hearing was closed.

The board discussed the petition at length and how there were many public meetings they could have attended to discuss the fence height further.

A roll call vote was taken:

*(Public Hearing)*

**CAIN, FRED & MATTIE** ~ By. Fred & Mattie Cain/Perry Bontrager (24-V-22) Clearspring Twp., Sect.18, T36N R09E, zoned A-1. Located at 4830 S 500 W., Topeka. A Developmental Variance for a second home on 7.59 acres where 10 is required in the A-1 Zoning District.

Robbie Miller introduced and reviewed the site plan.

Fred & Mattie Cain (4830 S 500 W) were present as the petitioners.

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

Public Hearing was closed.

The board discussed the petition at length.

A roll call vote was taken:

*CONDITIONAL USE VARIANCE*

*(Public Hearing)*

**BROWN, JOHN & ALLISA** ~ By. John & Allisa Brown (24-CU-07) Lima Twp., Sect.34, T38N R09E, zoned L-1. Located at 4965 N 290 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.

John & Allisa Brown (6055 N 190 W) were present as the petitioners.

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

1. Jerry Schmidt (4975 N 290 W) spoke against the short-term rental only because how the lake already has 8 homes currently under Air BNB listings. Jerry is concerned about traffic issues because of the road size being 14' wide and no parking available.
2. Tom Mason (5745 N 300 W) spoke against about his concerns of noise levels and language the current rentals use.
3. Brandon Miller (4935 N 290 W) spoke against because of traffic, parking and noise issues of current short-term rentals.

Browns agreed with the bigger homes having issues with partying and are hoping with their small cottage to attract family-based clients.

Public Hearing was closed.

The board discussed the petition at length.

Lynn Bowen made a motion to approve the petition with the condition:

Parking be defined with two cars on property and no parking across the road. Jerry Raber seconded the motion.

A roll call vote was taken:

*(Public Hearing)*

**HAMILTON, SCOTT & LUCY** ~ By. Abonmarche (24-CU-08) Bloomfield Twp., Sect.30, T37N R10E, zoned S-1. Located at 0895 S 00 EW., LaGrange. A Conditional Use Variance for a proposed 18-hole Miniature Golf Course in the S-1 Zoning District.

Robbie Miller introduced and reviewed the site plan.

Crystal Welsh from Abonmarche (303 River Race Drive) was present along with the petitioners.

Crystal discussed the need for the variance.

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

1. Christina Fry spoke in favor for this in hopes the neighborhood kids will have something to do after school.

Lynn Bowen then asked if there were any against the petitioner, there were none.

Public Hearing was closed.

The board discussed the petition at length.

A roll call vote was taken:

**OTHER BUSINESS:** Robbie Miller spoke about the Commissioners approving the Unified Development Ordinance and the new Zoning map will be soon.

**ADJOURNMENT:** Lynn Bowen made a motion to adjourn, Nick Wilson seconded the motion. A vote was taken, motion carried, and meeting adjourned at 9:31 p.m.

LAGRANGE COUNTY, INDIANA  
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BY: \_\_\_\_\_  
Lynn Bowen, President

BY: \_\_\_\_\_  
Nick Wilson, Vice President

BY: \_\_\_\_\_  
Phillip Bieberich, Member

BY: \_\_\_\_\_  
Jerry Raber, Member

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

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