

LAGRANGE COUNTY BOARD OF ZONING APPEALS
DECEMBER 17th, 2024

THE LAGRANGE COUNTY BOARD OF ZONING APPEALS MET IN REGULAR SESSION ON TUESDAY, DECEMBER 17th, 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: Lynn Bowen, Nick Wilson, Tyler Young, Phil Bieberich, 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:

NEW BUSINESS

DEVELOPMENTAL VARIANCE

(Public Hearing)

TETZLOFF, NATHAN~ By. Nathan Tetzloff (24-V-30) Van Buren Twp., Sect.29, T38N R09E, zoned A-2. Located at 4225 W SR 120., Shipshewana. A Developmental Variance for a 10' side setback where 25' is required in the A-2 Zoning District.

Robbie Miller introduced and reviewed the site plan.

Nathan Tetzloff (4225 W SR 120., Shipshewana) was present as the petitioner.

The petitioner explained the reasoning for the variance.

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:

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 construct an accessory pole building on Petitioner's property located in the A-1 zone. The location of the proposed pole building is within the side yard setback on the West property line that abuts a right of way stem lot that will not be developed. The proposed side yard setback does not pose any immediate risks to the public and 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 pole building does not unreasonably interfere with the use and enjoyment of the neighboring properties. The proposed pole building should not affect the property values

of neighboring landowners in any discernable way given that there are no structures or residence located nearby. 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 layout and topography of the existing property there is not sufficient space on the property to locate the proposed pole building further away from the property line in order to meet applicable setbacks. Strict application would prevent Petitioner from constructing the pole building without the variance.

For all of the foregoing reasons, on this 17th day of December, 2024, 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)

HAECKER, DAVID ~ ST. MARY OF THE ANGELS ORATORY~ By. David Haecker (24-CU-10)
Milford Twp., Sect.23, T09N R11E, zoned A-1. Located South of 5965 S 1025 E., Hudson. A Conditional Use Variance to replace the existing single wide home in the A-1 Zoning District.

Robbie Miller introduced and reviewed the site plan.

David Haecker (5965 S 1025 E., Hudson & 10600 E 670 S., Wolcottville) was present as the petitioner. Paul explained their reasoning for the variance requested.

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

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

The proposed new home, a single-wide trailer, is a conditionally allowed use in the A-1 zoning district.

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

The proposed single-wide residence is not inconsistent with the comprehensive plan, and said property has maintained a similarly situated residence for many years without problem.

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

The proposed use is the same as the present usage at the property, specifically temporary housing and auxiliary usage for the church located on said property. The proposed usage will not affect neighboring landowners in any discernable way.

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

The surrounding area is primarily residential and agricultural, wherein the utilization of a single-wide residence should not upset the neighboring land owners or their present or future uses.

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

The proposed usage is the same as presently exists on the subject property and the replacement of the single-wide residence should not affect public facilities or services at the subject property as the use is not subject to change based on the proposed conditional use.

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

The proposed usage will not change from the existing, wherein the public facilities that are available will continue to be sufficient to meet the needs of the property and the surrounding properties.

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

The proposed new residence will not cause any nuisance to adjacent landowners as the use and character of the property will not change from the present usage.

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

The subject site will maintain the existing driveway and parking area that is sufficient for the subject usage and should not have any affect on the neighboring landowners or adjacent roadways.

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

The proposed usage is the same usage that has been present at the subject property for many years to allow for temporary lodging for traveling clergymen.

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

The proposed new residence should not have any negative impact on neighboring landowners use and enjoyment of their properties. No remonstrators appeared in opposition to the use.

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

The proposed use will not have any discernible effect on the surrounding area and should not pose any risks to the public.

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

The proposed use meets all residential setback requirements for the construction of a residence at the subject site.

For all of the foregoing reasons, on this 17th day of December, 2024, the LaGrange County Board of Zoning Appeals finds the Petitioner has met its burden of proof and hereby approves the Conditional use variance as requested.

(Public Hearing)

SPENCER, RYAN & CORTNEY ~ By. Ryan & Cortney Spencer (24-CU-11) Shipshewana Town., Sect.11, T37N R08E, zoned U-1. Located at 210 E Curtis St., Shipshewana. A Conditional Use Variance for a short-term rental in the U-1 Zoning District.

Robbie Miller introduced and reviewed the site plan.

Ryan & Cortney Spencer (1231 W 1200 N., Wolcottville) were present as the petitioners.

The petitioner explained the reasoning for the variance requested.

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:

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

The proposed short-term rental is a permitted conditional use in the U-1 zoning district.

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

The proposed short-term rental is not inconsistent with the comprehensive plan, and said use is common within the surrounding areas.

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

The proposed use will not have any noticeable changes to the exterior of the residence and would remain consistent with the existing character of the neighborhood. The proposed usage will not affect neighboring landowners in any discernable way.

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

The surrounding area is primarily a residential neighborhood with residential uses, wherein the operation of a short-term rental should not upset the neighboring land owners or their present or future uses.

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

The proposed usage as a residential short-term rental would be consistent with the use that presently exists on the subject property and should not affect public facilities or services at the subject property as the use is not subject to change based on the proposed conditional use.

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

The proposed usage will not change from the existing, wherein the public facilities that are available will continue to be sufficient to meet the needs of the property and the surrounding properties.

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

The proposed short-term rental will not cause any nuisance to adjacent landowners as the use and character of the property will not change from the present usage.

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

The subject site will maintain the existing driveway and parking area that is sufficient for the subject usage and should not have any effect on the neighboring landowners or adjacent roadways.

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

The proposed usage is not dissimilar to the residential usage that has been present at the subject property for many years.

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

The proposed short-term rental should not have any negative impact on neighboring landowners use and enjoyment of their properties. No remonstrators appeared in opposition to the proposed use.

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

The proposed use will not have any discernible effect on the surrounding area and should not pose any risks to the public.

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

The proposed use meets all residential zoning requirements.

For all of the foregoing reasons, on this 17th day of December, 2024, the LaGrange County Board of Zoning Appeals finds the Petitioner has met its burden of proof and hereby approves the Conditional use variance as requested.

OTHER BUSINESS:

ADJOURNMENT: Lynn Bowen made a motion to adjourn, Nick Wilson seconded the motion. A vote was taken, motion carried, and meeting adjourned at 7:49 p.m.

LAGRANGE COUNTY, INDIANA ANTI-DISCRIMINATION NOTICE STATEMENT

The County of LaGrange does not illegally discriminate because of race, color, national origin, sex, religion, disability, or age with regards to admission, participation, or treatment in its facilities, programs, activities, or services, as required by Title III and Title VI of the American Civil Rights Act of 1964, the Americans with Disabilities Act of 1990, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and their related statutes, regulations, and directives. The County has established an Anti-Discrimination Compliance Division to ensure compliance with these laws. If you would like more information concerning the provisions of these laws and about the rights provided thereby, or if you have a suggestion on how the County can better meet the needs of persons protected thereby, please contact the Division at 300 E. Factory St., LaGrange, IN 46761 or by telephone at (260)499-6352.

LAGRANGE COUNTY BOARD OF ZONING APPEALS

BY: _____
Lynn Bowen, President

BY: _____
Nick Wilson, Vice President

BY: _____
Phillip Bieberich, Member

BY: _____
Jerry Raber, Member

BY: _____
Tyler Young, Member

BY: _____
Alternate Member