

TOWN OF TOPEKA-WOLCOTTVILLE BOARD OF ZONING APPEALS
JANUARY 19, 2021

THE TOWN OF TOPEKA-WOLCOTTVILLE BOARD OF ZONING APPEALS MET IN REGULAR SESSION ON **TUESDAY, JANUARY 19, 2021 AT 6:30 P.M.** IN THE COUNTY OFFICE BUILDING.

CALL TO ORDER: Tyler Young called the meeting to order at 6:30 p.m.

ROLL CALL: Tyler Young, Doug Fought, Sally Fought & Dan Patterson.

ELECTION OF OFFICERS: Doug Fought nominated Tyler Young as President. A vote was taken and the motion carried. Tyler Young was elected President. Tyler Young nominated Dan Patterson as Vice President, Doug Fought seconded the motion. A vote was taken and the motion carried. Dan Patterson was elected Vice President.

ADOPT AGENDA: Doug Fought made a motion to adopt the agenda, Tyler Young seconded the motion. A vote was taken, motion carried.

MINUTES OF PREVIOUS MEETING: Doug Fought made a motion to approve the previous minutes, Tyler Young seconded the motion. A vote was taken, motion carried.

COMMUNICATIONS: None.

NEW BUSINESS

LAND USE VARIANCE

(Public Hearing)

FRY, FELTY & KATIE ~ By: Paul Hochstetler (21-LUV-04): Clearspring Twp., Sect. 30, T36N R09E, zoned B-3. Located at 829 E Lake St., Topeka. Application is for 1,260 sq. ft. addition to an existing residence in a B-3 zoning district.

Robbie Miller introduced the petition and reviewed the site plan.

Paul Hochstetler, Freedom Builders, was present on behalf of the petitioner. Mr. Hochstetler 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:

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 an addition to be added to Petitioners' existing home located in a B-3 zoning district. The proposed addition will pose no risk to the public or general welfare of the community, and does not infringe on the public. The property has been utilized as a residential property for many years.
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 home addition will utilize a portion of the property located well off the roadway to allow Petitioners to have additional space in their residential structure. The expansion/addition will not infringe on any neighboring landowners or have an effect on

the use and enjoyment of their property. The new construction will be more aesthetically pleasing and may also improve the property values of surrounding properties. No remonstrators appeared.

3. The need for the variance arises from some condition peculiar to the property involved
The unique geographical location of the existing residential structure and the proposed addition thereto as it currently sits in a B-3 zone would prevent any future expansion of the residential structures on the property, thereby limiting its existing use.
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.
Petitioners would be unable to construct the proposed residential expansion at this location due to the B-3 zoning that exists on the property. Strict application would require the Petitioners to rezone their property or relocate to the residential structure to another property.
5. The approval does not interfere substantially with the Comprehensive Plan
The proposed variance and the proposed residential addition requested is consistent with the comprehensive plan and will not interfere with the B-3 zoning, given the low likelihood of business development near the Petitioners' residential property.

For all of the foregoing reasons, on this 19th day of January 2021, the Town of Topeka / Wolcottville Board of Zoning Appeals finds the Petitioner has met its burden of proof and hereby approves the variance as requested

OTHER BUSINESS: None.

ADJOURNMENT: Doug Fought made a motion to adjourn the meeting, Dan Patterson seconded the motion. The meeting adjourned at 8:28 p.m.

The County of LaGrange does not discriminate because of disability in the admission to, or treatment or employment in, its programs or activities. The LaGrange County Engineer has been designated to coordinate compliance with nondiscrimination requirements contained in Section 35.107 of the Department of Justice Regulations. Information concerning the provisions of the Americans with Disabilities Act and the rights provided after that are available from the LaGrange County Engineer. Suggestions on how the County can better meet the needs of those persons with disabilities may be submitted to the LaGrange County Engineer, 300 E. Factory Street, LaGrange, IN 46761, or by telephone at 260-499-6408.

TOPEKA-WOLCOTTVILLE BOARD OF ZONING APPEALS

BY: _____
Tyler Young, President

BY: _____
Doug Fought

BY: _____
Sally Fought

BY: _____
Dan Patterson

BY: _____