

**TOWN OF TOPEKA-WOLCOTTVILLE BOARD OF ZONING APPEALS
SEPTEMBER 15, 2020**

THE TOWN OF TOPEKA-WOLCOTTVILLE BOARD OF ZONING APPEALS MET IN REGULAR SESSION ON **TUESDAY, SEPTEMBER 15, 2020 AT 6:30 P.M.** IN THE COUNTY OFFICE BUILDING.

CALL TO ORDER: Tyler Young called the meeting to order at 6:35 p.m.

ROLL CALL: Tyler Young, Dough Fought, Sally Fought, & Jeff Wingstrom. In attendance: Robbie Miller, Dustin Glick, and Brittney Johnston.

ADOPT AGENDA: Jeff Wingstrom made a motion to adopt the agenda. Doug Fought seconded the motion. A vote was taken, motion carried and the agenda was adopted.

MINUTES OF PREVIOUS MEETING: Doug Fought made a motion to approve the minutes of the previous meeting. Jeff Wingstrom seconded the motion. A vote was taken, motion carried and the minutes of the previous meeting were approved.

COMMUNICATIONS: None

NEW BUSINESS

DEVELOPMENTAL VARIANCE

(Public Hearing)

BELL, JULIA / NICKIBABABA LLC ~ HANDY SPOT LIQUOR ~ By: Balwinder Singh
(20-V-52): Eden Twp., Sect. 25, T36N R08E, zoned B-2. Located at 320 W Lake St., Topeka. Application is for a 62.1 sq. ft. roof sign.

Robbie Miller introduced the petition and reviewed the site plan.

Nick Sighn, Sighn Enterprise, was present as the petitioner and explained the reason for the variance. Mr. Sighn explained he owns multiple locations of the Handy Spot Liquor business and the remodel will allow the business to have a uniform look & design with its counterparts.

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:

Developmental Standard Variance

1. The Approval will not be injurious to the public health, safety and general welfare of the community.

The proposed variance will have minimal risk to the public. The proposed signage will not protrude from the structure or be placed in such a way to obstruct views and/or interfere with the public. The signage is located well off 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 signage will have minimal effect on neighboring landowners, as the surrounding properties are primarily business use with exception of a town park across the street. There are minimal residential structures in the area surrounding the sign location. 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, slope, and layout of the subject structure, it would be difficult for the Petitioner to construct any signage on the building that would meet the zoning ordinance. Petitioner would have to replace or significantly overhaul the existing commercial structure in order to place a sign on the building 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 seeks to improve the existing signage at the location for better advertisement of the business. The proposed signage does not unreasonably encroach or interfere with the public and the surrounding area.

For all of the foregoing reasons, on this 15th day of September, 2020, 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.

LAND USE VARIANCE

(Public Hearing)

OSBURN, DAVID & COBLE OSBORN, SARAH / JARED WINGARD~ By: Jared Wingard
(20-LUV-36): Clearspring Twp., Sect. 31, T36N R09E, zoned U-1. Located at 513 S Main St., Topeka. Application is to house 1 horse on a 1.12-acre lot in a U-1 zone.

Robbie Miller introduced the petition and reviewed the site plan.

Jared Wingard, 6665 S 400 W, Topeka, was present as the petitioner and explained the reason for the variance. Mr. Wingard stated there was 1.12 acreage of pasture on the 1.83-acre property.

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.

Lynn Bowen, 1155 E 455 S, LaGrange, was present to remonstrate against the petition. Mr. Bowen expressed his concerns with a horse in a U-I zone, and stated there is available farm land in surrounding areas that do not prohibit large animals.

Jared Wingard rebutted the statements by explaining the horse would be in the back away from other homes and that he felt the land is suited for a horse.

The public hearing was subsequently closed.

The board discussed the petition.

Tyler Young stated the property is surrounded by U-1 zoning.

Jeff Wingstrom stated 2 acres of pasture was what was previously approved in these situation.

A roll call vote was taken:

Land Use Variance

1. The approval **will** be injurious to the public health, safety and general welfare of the community.
The proposal is to maintain horses on a U-1 zoned lot located within the Town of Topeka with 1.12 acres designated for pasture. The property is within the corporate limits and not the most suitable lot to maintain large animals and may have a negative effect on the surrounding residential area.
2. The use and value of the area adjacent to the property included in the variance **will** be affected in a substantially adverse manner.
That maintaining horses is not the best use of the U-1 zoned lot within the town, corporate limits and poses the risk of reducing neighboring property values. Maintaining horses and agricultural uses of a U-1 property may also hinder residential development in the surrounding area and have an impact on the community as a whole. No remonstrators appeared.
3. The need for the variance **does not** arise from some condition peculiar to the property involved.
The Petitioner proposes to maintain a horse on an undersized lot, zoned U-1, within the town limits of Topeka. The lot is not particularly suited for the maintenance and grazing of large animals. There is no discernible condition peculiar to the property that has caused the need for a variance.
4. The strict application of the terms of the zoning ordinance **will not** constitute an unnecessary hardship if applied to the property for which the variance is sought.
Petitioner, by selecting the subject location in a U-1 zone, to maintain horses has created his own hardship, that could have been prevented by selecting a more suitable location, located within an A-1 zone. The U-1 zoning district is not conducive to maintaining horses or other large animals, said usage is designated for A-1 zoning districts.
5. The approval **does** interfere substantially with the Comprehensive Plan
The use requested by Petitioner is not common in the U-1 zone, as the U-1 zone is designated for primary residential development. The comprehensive plan clearly provides for the designation of agricultural uses, such as maintaining large animals and livestock, in A-1 zones and not in U-1 zones.

For all of the foregoing reasons, on this 15th day of September, 2020, the Town of Topeka-Wolcottville Board of Zoning Appeals finds the Petitioner has not met its burden of proof and hereby denies the variance as requested.

OTHER BUSINESS: None.

ADJOURNMENT: Jeff Wingstrom made a motion to adjourn, Doug Fought seconded the motion. A vote was taken, motion carried. The meeting was adjourned at 6:56 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: _____

BY: _____