

TOWN OF TOPEKA-WOLCOTTVILLE BOARD OF ZONING APPEALS
March 17, 2020

THE TOWN OF TOPEKA-WOLCOTTVILLE BOARD OF ZONING APPEALS MET IN REGULAR SESSION ON **TUESDAY, March 17, 2020 AT 6:30P.M.** IN THE COUNTY OFFICE BUILDING.

CALL TO ORDER: Tyler Young called the meeting to order at 6:30 p.m. 9 attendees in total.

ROLL CALL: Tyler Young, Doug Fought, and Sally Fought. In attendance: Robbie Miller, Melissa Naylor, Brittney Johnston and Dustin Glick.

ELECTION OF OFFICERS: Doug Fought made a motion to nominate Tyler Young as President, Sally Fought seconded the motion. Motion passed. Tyler Fought was elected as President. Tyler Young made a motion to nominate Doug Fought as Vice President. Sally Fought seconded the motion. Doug Fought was elected as Vice President.

ADOPT AGENDA: Tyler Young 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: Tyler Young made a motion to approve the minutes of the previous meeting. Doug Fought seconded the motion. A vote was taken, motion carried and minutes of the previous meeting were approved.

COMMUNICATIONS: None

NEW BUSINESS

DEVELOPMENTAL VARIANCE

(Public Hearing)

SNEDDON, LANA/HEADQUARTERS STYLING SALON ~ By: Freedom Builders/Paul Hochstetler (20-V-09): Eden Twp., Sect. 25, T36N R8E, zoned B-4. Located at 130 Lake St., Topeka. Application is for a 2' North side yard setback from the approved 3' (18-V-39) and to remove the requirement of screening from the Residential 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 that the state approved plans that were not the same as the BZA approved plans, and that he did not have the correct plans for building.

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 one remonstrated against the petition.

The public hearing was subsequently closed.

The board discussed the petition.

Robbie Miller stated that she did receive a comment letter from the Town of Topeka and the property's neighbor.

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 Petitioner is requesting an additional variance from the previously approved variance for a side yard setback due to a design mix-up discovered during the*

“as built” inspection on the property. The proposal of the two (2) foot side yard setback down from the previously approved three (3) foot setback does not interfere with neighbors or the public use and enjoyment of the surrounding area and does not pose any public safety risks.

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 addition will not substantially interfere or intrude on the use and enjoyment of adjacent property owners. The adjacent property owner is in favor of the subject structure as currently constructed and would prefer that no screening or shrubbery be placed on the Petitioner’s property as it would potentially obstruct her access and/or travel. No remonstrators appeared. The adjacent neighbor and the Town of Topeka provided letters in favor of the variance requested.*
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 operating at the existing location as currently constructed and require the removal/reconstruction of the addition to meet the previously approved three (3) foot side yard setback. As was the case previously, the only necessity for the side yard variance is the location adjacent to the residential property, whose owner who appeared in support. Without a variance it would make the property as it currently exists unusable until the structure is removed and/or reconstructed.*
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 structure is minimally intrusive to neighboring properties and does not interfere with the traffic and/or ingress and egress of the roadway and/or neighboring properties.*

For all of the foregoing reasons, on this 17th day of March, 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.

(Public Hearing)

CORDS, STEVEN ~ By: Steven Cords (20-LUV-06/20-V-04): Johnson Twp., Sect. 33, T36N R10E, zoned U-1. Located at 101 Cemetery St., Wolcottville. Application is for a 2nd auxiliary building in a U-1 zone and a 28’ roadside setback, the standard is 40’.

Robbie Miller introduced the petition and reviewed the site plans and pictures with the board.

Cords, Steven, 101 Cemetery St. Wolcottville, was present as the petitioner. Mr. Cords explained that there is a need for the auxiliary building as a carport for his personal vehicle due to lack of space in the existing garage and location. Mr. Cords stated the use will be a temporary structure and the neighbors have given consent to the second structure and the set back. Tyler Young asked how far back the property line is and the slope of the property approaching the river. Mr. Cords stated that the garage, barn, and house all have field stone foundation, as well.

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 one remonstrated against the petition.

The public hearing was subsequently closed.

The board discussed the petition.

A roll call vote was taken for **(20-V-04)**:

1. The Approval will not be injurious to the public health, safety and general welfare of the community. *The proposed structure is a temporary car port for the storage of Petitioner's vehicles on the property. The placement of the new auxiliary structure, 28 feet from the adjacent roadway, will not cause any risk of harm to the public or neighboring landowners. The setback as requested is similar to other residential and auxiliary structures located within the Town and on neighboring properties.*
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 substantially interfere or intrude on the use and enjoyment of adjacent property owners. The roadside setback is common in the area and will not interfere with neighboring landowners' access or travel on the adjacent roadway. No remonstrators appeared. The Town of Wolcottville stated no concerns for the proposed placement of the auxiliary structure.*
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/placing the auxiliary structure on the subject property. Due to the size, topography, and layout of the subject property it would be impossible/impractical to attempt to construct the auxiliary structure in another location on the property within the required setbacks.*
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 auxiliary structure is reasonably sized and is minimally intrusive to neighboring properties. The proposal allows for the Petitioner to maintain temporary storage of his vehicles on his property and makes valuable use of the property.*

For all of the foregoing reasons, on this 17th day of March, 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.

A roll call vote was taken for **(20-LUV-06)**

Land Use Variance

1. The approval will not be injurious to the public health, safety and general welfare of the community. *The proposal is to construct and/or place a second auxiliary structure for the storage of Petitioner automobiles on the subject property, located in a U-1 zone within the Town of Wolcottville. The variance requested does not interfere with neighboring properties, does not increase traffic nor does it 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 proposed auxiliary structure is a temporary car port to be used for storage of Petitioner's automobiles. The proposed auxiliary structure will not negatively affect neighboring properties or their fair market*

values. No remonstrators appeared and The Town of Wolcottville provided a letter stating no concern for the second auxiliary structure.

- 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 a U-1 zone would prevent Petitioner from constructing the second auxiliary structure on his property, thereby forcing him to remove the existing garage/shed without the variance requested.*
- 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 unable construct the second auxiliary structure on the property as it currently exists without the requested variance. Strict application would prevent Petitioner from constructing the car port to house his automobiles and/or require removal of the other detached auxiliary building on the property.*
- 5. The approval does not interfere substantially with the Comprehensive Plan *The proposed variance and the proposed auxiliary structure requested does not interfere with the comprehensive plan and would provide petitioner with a needed upgrade to his property thereby improving the properties overall usefulness.*

For all of the foregoing reasons, on this 17th day of March, 2020, the Town of Topeka-Wolcottville Board of Zoning Appeals finds the Petitioner has met is burden of proof and hereby approves the variance as requested.

OTHER BUSINESS: None.

ADJOURNMENT: Tyler Young made a motion to adjourn. Doug Fought seconded the motion. A vote was taken, motion carried and meeting adjourned at 6:46 p.m.

TOWN OF TOPEKA-WOLCOTTVILLE BOARD OF ZONING APPEALS

BY: _____
Tyler Young, President

BY: _____
Doug Fought, Vice President

BY: _____
Sally Fought, Member

BY: _____ absent _____
Jeff Wingstorm, Member

BY: _____
Member

THE COUNTY OF LAGRANGE DOES NOT DISCRIMINATE BECAUSE OF DISABILITY IN THE ADMISSION TO, OR TREATMENT OF EMPLOYMENT IN, ITS PROGRAMS OR ACTIVITIES. THE COUNTY BUILDING COMMISSIONER 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 THEREAFTER THAT ARE AVAILABLE FROM THE COUNTY BUILDING COMMISSIONER. SUGGESTIONS ON HOW THE COUNTY CAN BETTER MEET THE NEEDS OF THOSE PERSONS WITH DISABILITIES MAY BE SUBMITTED TO THE COUNTY BUILDING COMMISSIONER, 114 WEST MICHIGAN STREET, LAGRANGE, INDIANA, 46761, OR BY TELEPHONE AT (260) 499-6303.