

MINUTES
CASS COUNTY BOARD OF ZONING APPEALS
Monday September 24, 2018

Fred Seehase called the regular meeting of the Cass County Board of Zoning Appeals to order at 6:00PM in the Commissioners Hearing Room on the 2nd floor of the Cass County Government Building.

Members present: Fred Seehase, Bob Barrett, Jim Donato and Larry Phips

Members absent: Stacy Odom

Staff present: Austin Brass, Peggy Dillon and Arin Shaver

Public in attendance: See sign in sheet

ACTION ON MINUTES:

Minutes of May 29, 2018 were presented. Mr. Odom made a motion to approve the minutes, Mr. Barrett seconded the motion and all were in favor.

Mr. Seehase asked if any Board members have been in contact with the petitioners, advocates or opponents in regard to today's case, all said they had not.

Staff informed the Board that proof of notification has been met for Case #18-09 All wishing to speak were sworn in.

PUBLIC HEARING:

CCBZA Case #18-09: A petition of Charlotte Cragun requesting a Variance from Development Standards to allow an awning in the side yard setback. The property is located at 8751 E. SR 18 and is zoned AG, Agricultural.

Mr. Servin presented the location of the property and gave the following information:

- Standards state an awning may project into any yard not more than 2 feet
- An awning should not hang more than 3 feet into the setback
- The awning is adjacent to property line; variance is for 3 feet into setback

Mr. Seehase asked for questions from the Board, there were none.

Richard Miller, 8751 E. SR 18, Galveston, brother to Charlotte Cragun, explained the following:

- The yellow flags in the picture shows the property line
- There is no part of the barn, fence, overhang that touches the property line
- Awning was put there in 2015
- Neighbors water drains onto his property
- He has installed gutters and awning to get rid of water on his property
- Attorney Douglas Cox sent a letter requesting that 3 things be removed:
 - Large stones
 - Bushes
 - Downspouts
- He has removed these items

Mr. Seehase asked for questions.

Mr. Donato asked if things will be stored under the awning, Mr. Miller replied nothing will be stored under the awning.

Mrs. Shaver explained that the setback for a structure is 5 ft.; an awning may project from that 2 ft.; variance is for 3 ft. into the setback

Mr. Seehase asked for comments or questions from the public.

Douglas Cox, 208 4th St., Attorney for Anita Keeney, neighbor, presented each member with the surveyors report and noted the following:

- A permit for the awning or the pole building were never applied for
- Water diverted from the building causes erosion and water on the road
- Pictures were presented showing water on the road
- Concern with snow & water on Keeney property
- Mr. Miller did remove stones and bushes and the drain pipe; there are now 2 stones on Ms. Keeney's property

Beth Ann Thomas-Adair, 820 Golden Bear Terrace, stated Mr. Miller is her father and he did remove the stones but did not put the other 2 stones on Ms. Keeney's property.

Mrs. Shaver explained that a variance may be given for the building setback also. Mr. Seehase asked for written correspondence.

A letter from Mr. Miller was read explaining that he put the awning on and that he built it to eliminate excessive water that was coming from the Barnhill property. Charity Barnhill, 12924 PR 875 E., stated that Mr. Miller had plugged one of their drains from the old farm house and so they put drains to keep moisture away from the farm house.

Kent Keeney, 533 Henry St. Huntington, IN, explained that stones were put on the Keeney property and is concerned that the awning will put water on his sisters property; danger of erosion and of water becoming ice on the Keeney property and onto the road.

A discussion of the Keeney property followed and it was determined where the Keeney driveway is; it is now grass.

Anita Keeney, 2992 S. PR 875 E., stated that Mr. Miller asked to put dirt in an area to keep water off his property; she did give permission to that; the road does get slick in winter.

Mr. Miller stated that he has removed the items requested from Mr. Cox.

Mr. Seehase asked if the natural flow of water goes to the road, Mr. Miller stated that it puddles in the yard.

Mr. Seehase asked for further questions, there were none.

Mrs. Shaver questioned whether there would be storage under the awning.

Mr. Seehase stated discussion was closed.

The following conditions of approval were read:

1. That all proposals of the petitioner be made conditions of approval.
2. That all other standards of the ordinance be met.
3. That all applicable state and local permits be obtained and proof be given to the Zoning Administrator.

Mr. Donato motioned to add a commitment for no storage under the awning. Mr.

Phipps seconded the motion and all were in favor.

The following commitment was read:

- There be no storage under the awning

The petitioner agreed to these conditions and the commitment.

Mr. Phipps motioned to bring this case to a vote. Mr. Donato seconded the motion.

Roll call vote for the variance #18-09A: Pole Building was unanimous to approve.

Roll call vote for the variance #18-09B; Awning, with the commitment: was unanimous to approve.

Mr. Seehase explained the appeal process.

Mr. Cox questioned whether Mr. Miller can hang drainage pipes from the awning,

Mrs. Shaver stated that the old drainage pipes ran along the property line, owners cannot put anything on the property line.

REPORTS:

None

OLD BUSINESS:

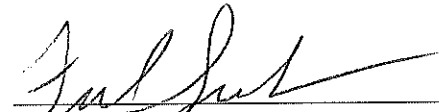
None

NEW BUSINESS:


None

FLOOR IS OPEN TO THE PUBLIC IN ATTENDANCE:

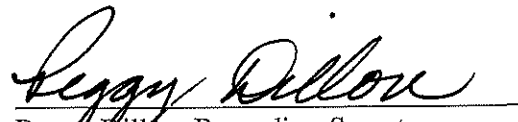
There being no further business to be brought before the Board, the meeting was adjourned at 7:02 PM, September 24, 2018.



CCBZA Officer



CCBZA Officer



Peggy Dillon, Recording Secretary