

MINUTES
CASS COUNTY BOARD OF ZONING APPEALS
MONDAY, October 23, 2017

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, Robert Heckard, and Stacy Odom

Members absent: Bob Barrett, Larry Phipps and Jim Donato, Alternate

Staff present: Austin Brass, Arin Shaver and Peggy Dillon

Staff absent: Jeff Stanton, Attorney

Public in attendance: See sign in sheet

ACTION ON MINUTES:

Minutes of March 27, 2017 were presented. Mr. Odom made a motion to approve the minutes, Mr. Heckard 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 #17-09.

Mr. Seehase swore in all wishing to speak.

PUBLIC HEARING:

CCBZA #17-09: A petition of Tim Uhrich requesting a Use Variance to allow for an Excavation Business. The property is located at 9499 N. 300 W, Lucerne, IN and is zoned AG, Agricultural.

Mr. Brass located the site; presented pictures and explained the following information:

- The excavating business is Tree Worx
- AG zone does not allow a contracting business
- Landscaped mound has dirt to grow grass; this will be appropriate landscaping
- Access will off 300 W, with a 35' driveway cut; conforming; this has been approved by the county highway department
- The pole style building will be 51 ft. from edge of road, conforming
- Carved through log sign will be 10ft. off 300 W.; conforming
- Solar lights will be on the sign
- Hours of operations will be 6:00am – 8:00pm
- There will be 2 employees

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

Tim Uhrich, 4563 E. 900 N. Lucerne, started that he intended to put his business at his residence in Fulton County and has found there are certain liabilities with having this type of business based on the home site and so has made plans to put the business; equipment and office on this property.

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

Mr. Seehase asked for questions from the public.

Christy Householder, Cass County Economic Director, spoke in favor stating that the experience Mr. Uhrich brings to Cass County is phenomenal and this will promote our local economy.

Mr. Seehase asked for written correspondence, Mrs. Householder read a letter from her as Economic Director in favor of this business.

Mr. Seehase asked for further questions or comments from the public, there were none.

Mr. Seehase asked for questions from the Board.

The 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.

The commitment was read:

1. That there be no outdoor storage of materials or stockpiles of gravel, dirt, and excavating materials.

Mr. Seehase questioned the reason for the commitment. Mrs. Shaver stated that the application did not explain where storage of material would be located.

Mr. Uhrich proposed that a small pile of top soil will be around and also in the south area of the property some logs for sale would be stored.

Mrs. Shaver suggested that the materials stored outside to be neat and orderly; any equipment stored outside be in working order and aligning with the building, none in the front yard.

Mr. Uhrich agreed to this and stated that their equipment and job sites are very neat and this will be a nice looking property.

Mr. Seehase asked if there are trees between the area with the logs and the road, Mr. Ulrich stated yes.

Commitment:

1. That all stockpiles not be within the front yard; 50 ft. from the road, and 15ft. from side and rear property lines and be placed in a neat and orderly manner.
2. All equipment be operational.

Mr. Uhrich agreed to these conditions and commitments.

Mr. Heckard motioned to bring this case to a vote and Mr. Odom seconded the motion. Mr. Seehase stated that discussion is closed. The Board completed the Findings of Fact. Roll call vote was unanimous to approve #17-09.

Mr. Seehase explained the appeals process.

REPORTS:

None

OLD BUSINESS:

None

NEW BUSINESS:

None

PUBLIC IN ATTENDANCE:

No one spoke to the Board.

There being no further business to be brought before the Board, the meeting was adjourned at 6:16 PM, October 23, 2017.

CCBZA Officer

CCBZA Officer

Peggy Dillon, Recording Secretary