

MINUTES
CASS COUNTY BOARD OF ZONING APPEALS
MONDAY, February 8, 2016
6:00PM

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

ROLL CALL:

Members present: Fred Seehase, Robert Heckard, Larry Phipps and Stacy Odom

Members absent: Bob Barrett and Jim Donato, Alternate

Staff present: Arin Shaver, Peggy Dillon and Chris Gaumer

Public in attendance: See sign in sheet

ELECTION OF OFFICERS:

Mr. Heckard motioned to nominate Mr. Seehase for president, motion was seconded by Mr. Heckard. Mr. Phipps motioned to approve the current slate of officers, Mr. Heckard seconded the motion and all were in favor of: president, Fred Seehase; vice president, Robert Heckard; secretary, Bob Barrett.

ACTION ON MINUTES:

Minutes of September 28, 2015 were presented. Mr. Odom motioned to approve the minutes as presented, Mr. Phipps seconded the motion and all were in favor of approval.

Mr. Seehase asked if any members have been in contact with the petitioner, opponents or advocates of this case, all stated no.

Staff informed the Board that proof of notification had been met for both cases.

All wishing to speak were sworn in.

PUBLIC HEARING:

CCBZA Case #16-01: A petition of Waste Management of Indiana LLC requesting a Special Exception to allow for Mineral Extraction. The property is located at 3225 S. 150 E. Logansport, IN and is zoned AG, Agricultural.

Chris Gaumer gave the site location and explained that the petitioner is expanding to the south.

The petitioner is proposing:

- A clay borrow pit to support the Oak Ridge Landfill's operation and construction
- A rehabilitation plan (shown on page 3 of application)
- No additional lighting
- No additional signage
- Hours of operations: Construction – sunrise to sunset; Landfill – 7AM – 3PM
- No public parking or access; only landfill personnel
- Landscaping: 50 foot wide buffer along west side of property (Morgan Hill Road); 30 foot wide buffer along all other sides with no landscaping, variance required
- Clay borrow pit will be enclosed by a 4 foot farm fence with 1 strand of barbed wire, variance is required.

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

Matt Rehtin, 2794 Avebury, Brownsburg, IN stated that the expansion is for the extraction of clay and the construction of the plan of rehabilitation.

Mr. Seehase questioned the reason there will be no landscaping on the 3 sides that are not along the road.

Mr. Rechten explained that currently there is screening around a good portion of the southern boundary; there is also a woodline and a wetland mitigation project.

Mr. Seehase asked for comment and questions from the public.

Christy Householder, Cass County Economic Director, spoke in favor and explained that this follows the plan that Waste Management established in 1992.

Bob Minnick, 3733 S. 150 E., stated concern that the proposed trees may cause problems with the drainage tiles and hopes they don't plant them in the area next to his property.

Mr. Rechten responded that the tiles will drain into the property; the borrow pit will be 30 feet deep and the water levels should not drain into the tiles.

Mr. Gaumer stated the variance may include the elimination of the buffer along the southern boundary line.

Tim Chambers, 1130 E. 350 S., spoke of concern of the water table possibly being lowered and what will that do to the farm ground and the wells in the area.

Mr. Rechten responded that roughly 30 feet down is a sand vein; the well is 250 feet in bedrock and they are well above the bedrock; the drainage tiles should be pulling below the surface water.

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

Mr. Seehase asked if there was any written correspondence, there was none.

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, state building permits, be obtained and proof be given to the Zoning Administrator.

The following commitment was read:

1. Before the extraction of the clays, the buffer and all relative plantings and seedings be done.

Petitioner agreed to these conditions and commitment.

Mr. Gaumer stated that the findings of fact to be completed are for the Special Exception and the Variance from Development Standards for the landscaping on the north, east and south sides and the barbed wire.

Mr. Heckard motioned to bring this case to a vote. Mr. Phipps seconded the motion. The board completed the findings of fact and roll call vote was unanimous to approve #16-01 Special Exception and the Variances from Development Standards.

Mr. Seehase explained the appeal process.

CCBZA #16-02: A petition of Brian Reed requesting a Use Variance to allow for retail trade, which is not allowed by Ordinance. The property is located at 9370 E. 950 S. Galveston, IN and is zoned Ag, Agricultural.

Mr. Gaumer explained that the State of Indiana requires that the sale of firearms fall under the retail trade and gave the following information:

- Access will be off of 950 South
- No change to existing access or parking areas
- No change to existing landscaping to adjacent properties
- No additional lighting
- No additional signage
- Customers are by appointment only
- There will be 3 employees

Mr. Phipps asked if there will be any security measures.

Brian Reed, 9370 E. 950 S., stated that all guns will be kept in a locked vault.

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

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

Mr. Seehase asked for written correspondence, there was none.

Mr. Odom motioned to bring this case to a vote, Mr. Phipps seconded the motion and all were in favor.

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, state building permits, be obtained and proof be given to the Zoning Administrator.

The petitioner agreed to these conditions.

The Board completed the findings of fact. Roll call vote was unanimous to approve #16-02.

Mr. Seehase explained the appeal process.

REPORTS:

None

OLD BUSINESS;

None

NEW BUSINESS:

Hearing Officer Case #15-08 VDS Norris 6038 E. 800 N.:

Mr. Gaumer explained that the Hearing Officer approved this petition to allow an addition on the back of the home to be closer to setbacks than allowed. Mr. Odom motioned to approve the minutes, Mr. Phipps seconded the motion and all were in favor to approve H.O. Case #15-08 minutes.

There being no further business to be brought before the Board, the meeting was adjourned at 6:29PM on February 8, 2016.

CCBZA Officer

CCBZA Officer

Peggy Dillon, Recording Secretary