

MINUTES
CASS COUNTY BOARD OF ZONING APPEALS
TUESDAY, December 27, 2016

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, and Larry Phipps

Members absent: Robert Heckard, Stacy Odom and Jim Donato, Alternate

Staff present: Arin Shaver and Austin Brass

Staff absent: Peggy Dillon

Public in attendance: See sign in sheet

ACTION ON MINUTES:

Minutes of November 28, 2016 were presented. Mr. Phipps 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 #16-09.

Mr. Seehase stated that this is a continuation of the November meeting, all testimony presented at the November 28th meeting will be in the record and considered in the decision tonight.

Mr. Seehase swore in all wishing to speak.

PUBLIC HEARING:

CCBZA #16-09: A petition of David Bryan Collins requesting a Variance from Developmental Standards to allow for a mobile home to be older than 20 years. The property is located at 8461 S. 900 E. Walton, IN and is zoned AG, Agricultural.

Mr. Brass explained the location and gave the following information:

- The mobile home was manufactured in 1965
- The variance is for 31 years
- Current zoning is Agricultural; residential and agricultural uses surrounding this property

Mrs. Shaver presented new pictures to be added to this petition of the interior.

Dan Musselman, Health Department, stated that the septic tank at this time is not permitted, if there is a septic tank, the Health Department assumes it is had a permit: The Health Department does not have records before 1960.

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

Mr. Seehase asked for new information from the public, there was none.

Mr. Barrett read the following conditions of approval:

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

Mr. Barrett questioned the lack of a permit for the septic system and Mrs. Shaver explained that if this Board approves the mobile home, a permit would not be issued until a septic permit is obtained.

Mr. Phipps motioned to bring this case to a vote, Mr. Barrett seconded the motion. The Board completed the findings of fact. Roll call vote was as follows: Mr. Seehase, no: Mr. Phipps, no: Mr. Barrett, yes.

Mrs. Shaver explained that no official vote has been taken: to be valid, 3 votes must be the same.

Mr. Barrett stated that he does not understand how this Board could vote when it is not clear if there is a septic system or not. Mrs. Shaver explained that the vote is for the approval of the mobile home, variance for 31 years, the septic system does not matter in this vote. Mr. Barrett stated he would like to change his vote.

Mr. Stanton, Attorney for Cass County Board, stated that the vote has not been finalized. Mrs. Shaver stated that a re-motion can occur if Mr. Barrett could explain why he has changed his mind.

Mr. Barrett stated that he has concerns of no septic system and thought the Board was not able to vote for the mobile home until the permit was obtained. A re-vote was taken and was as follows: Mr. Seehase, no:

Mr. Phipps, no: Mr. Barrett, no, with the explanation that he understands better that the vote is only for the older than 20 years mobile home and the septic system has nothing to do with the vote.

Mr. Seehase explained that the petition has been denied and this can be appealed if within 30 days to the Circuit Court.

REPORTS:

None

OLD BUSINESS:

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 6:20 PM, December 27, 2016.



CCBZA Officer



CCBZA Officer



Peggy Dillon, Recording Secretary