

MINUTES
CASS COUNTY BOARD OF ZONING APPEALS
MONDAY, January 22, 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, Stacy Odom, Larry Phipps and Bob Barrett

Members absent: Robert Heckard 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

ELECTION OF OFFICERS:

Mr. Phipps motioned to retain the current slate of officers. Mr. Seehase stated that Mr. Heckard wishes to be removed as Vice President. Stacy Odom was nominated as Vice President. Motion was seconded and all were in favor for the slate of officers as follows: President, Fred Seehase; Vice President, Stacy Odom and Secretary, Bob Barrett.

ACTION ON MINUTES:

Minutes of October 23, 2017 were presented. Mr. Barrett made a motion to approve the minutes, Mr. Odom 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 the cases.

Mr. Seehase swore in all wishing to speak.

PUBLIC HEARING:

CCBZA #18-03: A petition of Brian Kraay requesting a Use Variance to allow for retail trade. The property is located at 7698 W. 50 N. Logansport, IN and is zoned AG, Agricultural.

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

- The petitioner started his business as a home occupation for bait and tackle, this is conforming
- Mr. Kraay came back with the intention of selling other items such as: archery equipment; life jackets; ammunition (no guns); rods & reels; fillet knives; soda; chips and candy. Mr. Kraay then needed a Use Variance
- The business will be located in a 220sq. ft. shed structure; setback 50' from the front property line
- An additional driveway cut will be 50'X35'; Mr. Brass received correspondence from Jeff Smith, County Highway Superintendent that stated his concern of the following:
 - There is roughly a 400' site distance coming from the east
 - A "Hidden Driveway" sign warning of the driveway is warranted
- A 4X4 wooden sign for the business is proposed at his residence
- Signage to also be placed at 800 W. & 50 N. and US 24 & 800 W.
- Hours of operations will be 7:00am – 4:00pm
- Petitioner will be the only employee

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

Mr. Kraay stated that he had nothing to add to the staff report.

Mr. Barrett stated concern of vehicles and boats parking along the roadway and asked if more area for parking can be added.

Mrs. Shaver asked for clarification on the proposed parking area and explained that a commitment may be added to monitor the traffic; if there is a problem, this case can be re-visited.

Mr. Kraay stated he is planning to expand the driveway with crushed stone to approximately 75 ft. over to the creek and with the existing driveway; the parking area will be roughly 100 ft. in front of the building.

Mr. Phipps questioned the hours and who will be available to open the business.

Mr. Kraay stated he will have surveillance cameras inside and outside the area to monitor customer's arrivals.

Mr. Odom questioned the signage.

Mr. Kraay stated he will have signs on CR 800W. And 50 N. and also at US 24 and 800 W.: signs will be wooden, painted brown with yellow letters, no lights.

Mr. Seehase asked for written correspondence. A comment in favor was read from Cecil and Norma Trapp.

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

The following conditions of approval were read:

1. That all proposals of the petitioner be may 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

A discussion of the commitments followed. Mrs. Shaver questioned the setback of the parking area and Mr. Kraay stated it would be located 40' from the road.

It was determined to add 2 commitments as follows:

1. A traffic plan is revised if ingress and egress issues or concerns arise.
2. A caution sign for the hidden driveway be placed for westbound traffic before opening business; April 1, 2018.

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

Dr. Phipps motioned to bring this petition to a vote. Motion was seconded by Mr. Barrett and Mr. Seehase stated that the discussion is closed. Findings of fact were completed by the Board and roll call vote was unanimous to approve CCBZA #18-03.

Mr. Seehase explained the appeals process.

Case #18-04: A petition of Dewey Lewis requesting various Variances from Development Standards to allow for a manufactured home. The property is located at 2549 E. 525 N. and is zoned, AG, Agricultural.

Mr. Brass explained that Mr. Lewis has a camper located at this property that does not have proper septic; campers are not allowed by ordinance for permanent habitation. Mr. Lewis is now in the process of replacing the camper with a manufactured home. Mr. Brass explained the following:

- A manufactured home is allowed in AG district
- The property is a long and skinny lot; variances for front and back setbacks are required
- Front setback is proposed to be 35', variance for 15'
- Rear setback is proposed to be 18', variance for 7'
- Petitioner proposes to remove the camper trailer upon placement of manufactured home
- Pictures of the proposed home were presented
- Correspondence from Dan Musselman, Health Department, stated the septic permit is current but if the system fails, more land will be required for a new system

Dr. Phipps asked what would happen if the home is abandoned. Mr. Lewis stated that he will remove the manufactured home.

Mr. Odom asked to add the commitment that if it is vacant 6 months or longer the home must be removed from the property.

Mr. Odom suggested another commitment that if the septic system fails, more land must be acquired or the home removed.

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

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

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

The following conditions of approval were read:

1. That all proposals 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.
4. That existing trailer is removed and proper skirting be placed on replacement trailer.

The following commitments were read:

1. That if the trailer home becomes vacant for 6 months, it will have to be removed.
2. Upon septic failure, the new septic system will be required to meet the current standards.

Mr. Lewis agreed to these conditions and commitments. Dr. Phipps motioned to bring this case to a vote, the motion was seconded by Mr. Barrett. Mr. Seehase stated the discussion is closed. The Board completed the findings of fact and roll call vote was unanimous to approve CCBZA Case #18-04. Mr. Seehase explained the appeals process.

REPORTS:

Hearing Officer Cases:

Mr. Brass explained the Hearing Officer Cases:

- H.O. #17-05: Jeremy Byrd - 460 E. 175 N.
- H.O. #17-07: Don Collins - 1290 E. 300 S.
- H.O. #17-08: Bailey Ramsey - 10980 E. 350 S.
- H.O. #18-01: Fowler - 610 W. SR 16
- H.O. #18-02: CC Redevelopment - 2548 W. 300 S.

Dr. Phipps motioned to approve the Hearing Officer cases as presented. Mr. Odom seconded the motion and all were in favor.

OLD BUSINESS:

None


NEW BUSINESS:

None

PUBLIC IN ATTENDANCE:

Ashley Berry, 5227 N. SR 25, Logansport, IN spoke to the Board asking that she be notified if a wind turbine is proposed in her area as she was for Mr. Lewis's petition.

There being no further business to be brought before the Board, the meeting was adjourned at 6:43 PM, January 22, 2018.



CCBZA Officer



CCBZA Officer



Peggy Dillon, Recording Secretary