

**MINUTES**  
**CASS COUNTY BOARD OF ZONING APPEALS**  
**Monday October 28, 2019**

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 2<sup>nd</sup> floor of the Cass County Government Building.

Members present: Fred Seehase, Bob Barrett, Stacy Odom and Larry Phipps

Members absent: Robert Heckard and Jim Donato, Alternate

Staff present: Arin Shaver, Eric Servin and Peggy Dillon

Public in attendance: Patricia Lidy and Mark Wallace

**ACTION ON MINUTES:**

Minutes of July 22, 2019 were presented. Mr. Odom made a motion to approve the minutes as presented. 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 #19-05.

All wishing to speak were sworn in.

**PUBLIC HEARING:**

CCBZA Case #19-05: A petition of Patricia Lidy requesting a Variance from Developmental Standards to allow a mobile home that is older than 20 years. The property is located at 10216 W. CT 250 N. is zoned AG, Agricultural.

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

- A mobile home (MH) on the property will be removed and replaced with the proposed MH
- The proposed MH is 33 years old and has been remodeled; variance is for 13 years
- A Health Department septic permit must be approved before a permit will be issued

Mr. Phipps asked why the old MH has not been removed.

Patricia Lidy stated that she does not live in the existing MH, just uses it for storage and she would like to add it to the garage. Ms Lidy gave the following information about the proposed MH:

- There is an existing working septic system
- It has
  - New roof
  - New plumbing
  - New siding
  - New wiring
  - Measures 14' X 80'
  - Cement pads are existing
  - 3 bedrooms and 2 full bathrooms

Mrs. Shaver stated that a septic approval will be needed before a permit is issued.

Mr. Barrett questioned the electrical system. Ms. Lidy stated that all the breaker boxes are there; a safety test was completed; everything is up to code; a new meter base was installed.

Mr. Odom asked if it has been verified that the electricity is up to code, Ms. Lidy stated no.

Mr. Seehase asked for questions from the public.

Mark Wallace, 10226 W. CR 250 N. Royal Center, stated that he lives next door to this property and spoke of the following concerns:

- The house that previously was there has burned down
- This house was pushed over the hill in the back of the property
- He wants the septic and electric to be certified and approved
- He stated that the septic was in the middle of the driveway

- He wants the weeds to be taken care of

Mrs. Shaver asked where the burned house is located and Mr. Wallace located it on the map.

Mr. Odom asked if Ms. Lidy owned the property and she stated no but would like to buy it.

Ms. Lidy explained that the septic is in front of the house that was burned; the well is between the garage and the tool shed.

Mr. Odom expressed concern that if this property is determined to be unsafe due to the burned house that was pushed over, Ms. Lidy will be liable for it, if she buys the property.

Mrs. Shaver explained that the MH is the concern of this Board and the Plan Commission will look into the unsafe situation.

The Board agreed to adding conditions to have the MH inspected by a certified electrician.

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

Mr. Wallace stated that he feels the owner of the property should be here before the Board.

Mrs. Shaver stated that Ms. Lidy is legally able to petition to this Board with the owner's consent.

A discussion of the trailer followed and Mr. Barrett motioned to include a condition of approval for the removal of it. Ms. Lidy stated she could do this within 30 days.

A discussion of the certification of the electrical system followed. It was determined that a letter of approval from a licensed electrician will be required.

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.
4. A certified electrician must inspect and provide a letter of approval that the electricity is up to code
5. The construction trailer must be removed by January 1, 2020.

The petitioner agreed to these conditions.

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

Mr. Seehase stated the discussion is closed.

Roll call vote was unanimous to approve CCBZA #19-05.

Mr. Seehase explained the appeal process.

**REPORTS:**

None

**OLD BUSINESS:**

None

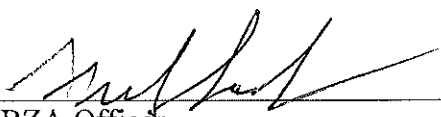
**NEW BUSINESS:**

None

**FLOOR IS OPEN TO THE 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 6:05 PM, October 28, 2019.

  
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CCBZA Officer

  
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CCBZA Officer

  
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Peggy Dillon, Recording Secretary