

MINUTES
CASS COUNTY BOARD OF ZONING APPEALS
MONDAY, November 25, 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 2nd floor of the Cass County Government Building.

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

Members absent: Robert Heckard, Jim Donato, Alternate

Staff present: Arin Shaver, Eric Servin, Jeff Stanton, Attorney and Peggy Dillon

Public in attendance: See sign in sheet

ACTION ON MINUTES:

Minutes of October 28, 2019 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 this case.

Mr. Seehase swore in all wishing to speak.

PUBLIC HEARING:

CCBZA #19-04: A petition of Mark Maupin requesting a Special Exception and other Variances from Developmental Standards to allow for a country inn. The property is located north of 764 S. CR 700 E. Walton, IN and is zoned AG, Agricultural.

Mr. Servin explained the location and surrounding uses and then gave the following information:

- The Special Exception is to allow a country inn
- The structure and driveway is existing
- Lighting is located on the building
- No signage is proposed; a 4 sq.ft. sign is allowed
- Hours of operation will be 24 hours
- Petitioner is also asking that a banquet hall be allowed
- Parking standards are being met; 1 per guest + 1 per employee; staff recommends that parking be clearly marked
- Number of employees, 2
- Current buffer is more intense than buffer requirements
- There will be 2 guest rooms with a proposed banquet hall
- The owner must live on the property; petitioner lives adjacent to the property; variance is required
- Petitioner will provide breakfast for country inn and will cater a banquet event
- No alterations shall be made to existing appearance that would change the residential character of the establishment

Mr. Maupin, 6793 E. 125 S. gave the following information:

- He may put a deck on the front and back
- This was an old milking barn
- Lower level has 2 bedrooms, kitchenette and bathroom
- Currently the upstairs is an open loft
- If the banquet hall is approved they will have to provide food services; a tent and portable restroom will be needed

Mr. Seehase asked for written correspondence. A letter in opposition was read from: Kenny & Sally Bullick; Greg Antosik and Nicholas Richards with the following concerns:

- This is a remote area that is away from the city
- They run livestock and enjoy the wildlife of the country
- The rural area will be compromised
- Commercial property will disrupt rural living and stability of their livestock

- Do not want the intrusion of additional traffic
- They are not against the bed & breakfast
- Opposed to the banquet hall

Mr. Seehase asked for comments or questions from the public.

Rex Grady, 764 S. 700 E. spoke with concern that this is a dead end road and additional traffic will be a safety issue for their grandchildren.

Kenny Bullick, 7329 E. 125 S., explained that the following:

- Along the road is livestock, woods and a hay field
- Currently there is always trash along the road; commercial traffic would add to this problem
- Concern that the operation would continue to grow and become bigger

Sally Bullick, 7329 E. 125 S stated her concern that if this becomes commercial, other commercial uses could come next.

Mrs. Shaver explained that this is not being rezoned to commercial and if another use is proposed, it would need to come to this Board for approval if he wanted to expand, Mr. Maupin would have to come back before this Board also.

Mrs. Shaver stated that this process is so the country home may be rented out.

Mr. Barrett asked if Mr. Maupin will be adding onto the property. Mr. Maupin stated that he is not planning on adding on rooms. Mrs. Shaver explained the following:

- This approval is for a 2 room country inn, any more rooms would need to come back to this Board
- A country inn can have a banquet hall with all service, breakfast, lunch and dinner
- A bed and breakfast tourist home does not allow for a banquet hall and only serves a continental breakfast

Mr. Maupin stated that if there was a catered event, food would be brought in and not cooked on the property.

Mr. Odom asked if there is a limit of guests that are allowed. Mrs. Shaver stated no, there are 75 acres available.

Mr. Maupin explained that events would be held on just 7 acres.

Mr. Bullick stated the concern of the traffic and trash that a large number of people will create.

Mrs. Shaver researched a temporary use and found if a banquet hall operated as a temporary use it must go through a Special Exception process.

Mr. Maupin stated he could possibly have 12 events a year.

Mrs. Bullick stated that 12 events would be every week end in the spring and summer when the weather would be best; that is a lot of traffic all summer.

Mr. Odom motioned to eliminate the banquet hall in the petition. Mr. Phipps seconded the motion and all were in favor.

The conditions 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.

The commitments were read:

1. That the light be a full cut off light.
2. All parking be clearly marked for employee and guest parking.
3. The buffer yard be maintained and cleared of any trash or waste.

The petitioner agreed to these conditions and commitments.

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

Mr. Barrett motioned to amend the motion to include the variance that the owner may live adjacent to the property and not directly on the property. Mr. Phipps seconded the motion.

The Board completed the findings of fact for the Special Exception and the Variance from Development Standards.

Roll call vote was unanimous to approve CCBZA #19-04 Special Exception for a bed & breakfast and the Variance that Mr. Maupin live adjacent to the property.

Mr. Seehase explained the appeal process.

REPORTS:

None

OLD BUSINESS:

None

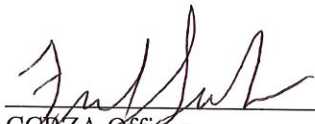
NEW BUSINESS:

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 6:49 PM, November 25, 2019.



CCBZA Officer



CCBZA Officer



Peggy Dillon, Recording Secretary