

MINUTES
CASS COUNTY BOARD OF ZONING APPEALS

Monday February 28, 2011

6:00PM

Richard Fife 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: Robert Hopper, Tom Steinberger, Richard Fife, Fred Seehase and Bob Barrett.

Member absent: None.

Staff present: Chris Gaumer, Peggy Dillon and legal council Jeff Stanton.

Public in attendance: Jason Woolever, Kevin Snyder and Jeff LeDonne.

ACTION ON MINUTES:

Minutes of November 22, 2011 were approved as presented.

ELECTION OF OFFICERS:

Robert Hopper made a motion to retain the current slate of officers. President, Richard Fife; Vice President, Fred Seehase; and Secretary, Robert Hopper. Motion was seconded and all were in favor.

Staff informed the Board that proof of notification has been received by the petitioner but will need to be presented to the Planning Staff.

All wishing to speak were sworn in.

PUBLIC HEARING:

CCBZA Case #11-01: A petition of Diversified Electric, Inc. requesting a Special Exception to allow farm equipment sales and a Variance from Developmental Standards for signage and parking area standards. The property is located at 1396 S. CR 700 E. and is zoned AG, Agricultural.

Chris Gaumer sited the location and explained that the existing use is mostly farmland. The following points were presented by Mr. Gaumer:

- ✓ 1st Sign – 6’X10’, flood lighting, vinyl lettering on aluminum backing, and north side of building.
- ✓ 2nd Sign – 6’X10’, flood lighting, vinyl lettering on aluminum backing, and east side of building.
- ✓ 3rd Sign – 6’X10’ freestanding, double-faced, not exceeding 35’ in height, flood lighting, vinyl lettering on aluminum backing, perpendicular to US 24 on a landscaped mound.
- ✓ Hours of operations: Mon. – Fri. 7:00am to 5:00pm & Sat. 7:00am to Noon.
- ✓ Hours will be longer in the fall season due to customer needs.
- ✓ Parking requirements are 32 spaces and will be located on the north and east sides of building.
- ✓ Parking area will be gravel with no wheel stops or striping.
- ✓ Class V buffer is required.
- ✓ There will be a 15’ buffer on the east and west sides of the office area.

- ✓ Buffer will be on the north side of warehouse.
- ✓ Wooded area to south will be preserved.
- ✓ 5 – 6 employees.

The board questioned the landscaping plans along the road and of outside storage of equipment. The petitioner, Jason Woolever, explained that he has no plans for landscaping along the road and highway, it will be grass to be mowed but would like to landscape around the freestanding sign. Mr. Woolever stated that he would display very little equipment outside, possibly a few grain dryers; most will be stored behind the building, to the south side.

Robert Hopper questioned the drainage from the proposed driveway. Mr. Woolever stated that the farm next to this property has old field tiles that he wants to replace, also take the tree line back 15 feet and put a waterway along CR 700 E to drain excess water. Mr. Woolever stated that 6" eave troughs will be install on building and drainage will go west or south. Mr. Woolever explained that at this time, gravel will be put in the parking area and that will help drainage also.

Mr. Hopper asked of the dust control plan and Mr. Woolever stated he will use calcium and with only 4 or 5 customers a days, there won't be much of a problem.

Mr. Fife asked for further questions or comments from the board, there were none.

Letters were read into the record:

Mike Burk, 6841 E. CR 125 S., stating opposition to and concern of equipment sales and storage outside, signage, lighting, landscaping and drainage of surface water.

Michael Glassburn, in favor of but asked that the petitioner have a drainage plan.

Thomas & Phyllis Glassburn stating concern of drainage problems that may arise because the driveway is next to theirs, across the road.

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. That the current bufferyard/woodlands be maintained to the south and west.
5. The proposed bufferyard plan be approved by the Zoning Administrator before the issuance of a Certificate of Occupancy and that the proposed bufferyard meet 306.13C of the CC Zoning Ordinance.
6. That refuse disposal containers (dumpster) and/or refuse storage area be opaquely screened from public streets and adjacent properties through the use of walls, landscaping or the bufferyard, or by virtue of location on the lot.
7. That all proposed lighting be in accordance with section 524: lighting standards of the CC Zoning Ordinance.
8. The Zoning Administrator receive the return receipts and public hearing notice receipts prior to the issuance of an Improvement Location Permit.
9. A drainage plan be reviewed and approved by the Planning Staff.

Petitioner agreed to these conditions.

Robert Hopper made a motion to bring the Special Exception to a vote and accept the findings of fact.

The board completed the findings of fact. Motion was seconded and roll call vote was unanimous to approve the special exception for #11-01.

VDS for signage & parking; Robert Hopper stated that the lighting on the freestanding sign should focus on the sign, not to disturb the neighbors. Mr. Woolever stated that he wishes to

put the freestanding sign on a 4 foot mound with landscaping and lighting will be on the sign. The following condition of approval was added:

1. The freestanding pole sign be not more than 12' total above grade.

Tom Steinberger made a motion to bring the Variance to a vote. Motion was seconded, findings of fact were completed. Roll call vote was unanimous to approve the variance from developmental standards for #11-01.

Mr. Woolever thanked the board.

REPORTS:

Hearing Officer case#10-10 JoEllen Jackson:

Mr. Gaumer stated that JoEllen Jackson was approved for a variance to build an addition closer to the property line then allowed by ordinance at 12459 S. Payton Road, Galveston.

OLD BUSINESS:

None.

NEW BUSINESS:

There being no further business to be brought before the Board, the meeting was adjourned at 7:13PM on February 28, 2011.

Richard Fife, President

Robert Hopper, Secretary

Peggy Dillon, Recording Secretary