

MINUTES
CASS COUNTY BOARD OF ZONING APPEALS

MONDAY, October 22, 2012

6:00PM

Richard Fife called the regular meeting of the Cass County Board of Zoning Appeals to order at 6:02 PM in the Commissioners Hearing Room on the 2nd floor of the Cass County Government Building.

ROLL CALL:

Members present: Richard Fife, Fred Seehase, Allen Paschen and Bob Barrett

Member absent: Robert Heckard

Staff present: Arin Shaver, Chris Gaumer and Peggy Dillon

Public in attendance: See sign in sheet

ACTION ON MINUTES:

A motion to approve the minutes of August 27, 2012 was made by Fred Seehase. Motion was seconded by Bob Barrett and all were in favor.

Mr. Fife asked if any Board member has been in contact with any petitioners, advocates or opponents in regard to any petitions before the Board today. Allen Paschen stated that he is related to Ryan Paschen, Mr. Paschen then recused himself and left the room.

Chris Gaumer stated that proper notification has been met on these cases except for the newspaper affidavit from Ryan Paschen, Case #12-05, which will need to be provided to the Plan Department and should be made a condition of approval.

All wishing to speak were sworn in.

PUBLIC HEARING:

#12-05: A petition of Ryan Paschen requesting a Use Variance to allow retail and landscaping use in the AG, Agricultural Zoning District. The property is located at 1862 N. SR 25, Logansport, Indiana and is zoned AG, Agricultural.

Chris Gaumer sited the location of the proposed business and explained the following issues:

- The business will be landscaping, retail and a nursery
- Approximately 2 acres owned by Yantis Estates directly east will be used; if this petition is approved by this Board this property will be subdivided and Mr. Paschen will purchase this acreage.
- No additional lighting will be installed
- Proposed freestanding sign will be 60 sq. ft
- Access is currently from SR 25 and will remain the same
- Hours of operations: Mon. - Friday 8:00am – 5:00pm & Saturday 8am – 12pm
- Proposing 14 parking spaces
- Will leave existing landscaping buffer to north, east and south
- Will install 37 additional evergreens along the north and east property lines
- 2 full time employees

Arin Shaver explained that because this is a Use Variance, this use is not currently allowed and has no standards, thus the petitioner can bring forward the standards they feel are sufficient for the business.

Ryan Paschen, 1862 E. SR 25 N., stated that possibly 10 employees may be hired during peak seasons, but the average employees would be 5 or less. Mr. Paschen stated that the sign will be 2'X5' currently but may install a larger sign in the future.

Bob Barrett questioned the deciduous trees on the east side and stated concern of that area being farmed. Mrs. Shaver explained that if the eastern property is subdivided for housing, this buffer

will be needed. A discussion followed and a condition was added that a Class V buffer be planted on the western most edge of the eastern buffer.

Mr. Paschen stated that the buffer V could be installed this year and he will install the remaining proposed plantings next spring.

Grace Jones, 1700 N. SR 25, spoke in favor and questioned the location, access, signage, buffer and tax rate.

Janet Tocco, 1716 N. SR 25, questioned whether access would change if business expanded, stated concern of pesticides and stated that she wished the buffer to remain as proposed.

Mr. Paschen replied that his goal is to use pesticides only when necessary and access will remain off SR 25.

Ruby Palmer, 1446 N. SR 25, spoke in favor along with her concern of traffic safety.

Don Tocco, 1716 N. SR 25, stated his concern of trucks pulling onto a 1 lane drive, concern of traffic on SR 25 and did not want to see a large sign but wanted to make sure signage could be seen.

Mr. Paschen replied that he will investigate widening the drive and will set the sign back 45 feet from the edge of the road and 25 feet south of driveway.

Richard Fife asked for further questions or comments, there were none. The following conditions of approval were read:

1. That all proposal of the petitioner be made condition 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. The proposed buffer on the east buffer yard be installed as far west as possible.
5. The north landscaping buffer be evergreens and the east buffer be a Class V buffer. All landscape buffer be installed by October 22, 2013.
6. That the proposed sign be reviewed by the Zoning Administrator, approved and the appropriate fees be paid before installation.
7. The newspaper affidavit be given to the Planning Department office.

The following commitments were read:

1. That all signage remain in the proposed location and the proposed size.
2. That the existing buffer be maintained.

Petitioner agreed to these conditions. Findings of fact were completed. A motion to bring this petition to a vote was made by Fred Seehase. Bob Barrett seconded the motion and roll call vote was unanimous to approve CCBZA#12-05.

Allen Paschen returned to the meeting, 6:57pm.

#12-06: A petition of Kenneth Worman requesting a Use Variance to allow for Retail Sales. The property is located at 5597 W US 24, Logansport, IN and is zoned AG, Agricultural.

Mr. Gaumer explained the location and site along with the following information:

1. Business will be retail sales of steel carports and storage buildings, retail sales is not allowed by ordinance
2. No additional lighting
3. Sign will be 4'X8', 32 sq. ft., located on south side of US 24 W by access to property
4. Hours of operations will be by appointment only
5. Parking spaces allow for 2 customers and 2 employees
6. Buffer will be existing natural vegetation
7. 2 employees

Kenneth Worman, 5597 US 24 W, explained that he will sell carports and buildings with 6 -7 displays on the property. Mr. Worman stated that you should not be able to see the displays from the highway and the employees will be himself and his wife.

Mr. Fife questioned whether inventory will be on the property and Mr. Worman stated that only displays, purchases will go directly to buyer.

Arin Shaver asked if the current tow-in sign will be the proposed signage and how far from the road it will be. Mr. Worman stated yes that is the proposed sign and it will be located 10 feet from highway.

Mr. Fife asked for further questions and comments, there were none. Mr. Fife asked for written correspondence and there was none.

The following conditions 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 proposed sign be reviewed by the Zoning Administrator, approved and the appropriate fees be paid before installation.

The following commitments were read:

1. That all signage remain in the proposed location and be well maintained.
2. That the existing buffer be maintained.

The petitioner agreed to the conditions and commitments.

Mr. Barrett made a motion to bring this petition to a vote. Mr. Paschen seconded the motion and roll call vote was unanimous to approve CCBZA #12-06.

REPORTS:

CCBZA Field Check: Mrs. Shaver reported that staff has inspected the past BZA case sites for violations and appropriate letters will be sent to property owners.

OLD BUSINESS;

None.

NEW BUSINESS:

Bylaws: Mrs. Shaver explained that this Board was given the Bylaw changes at the last meeting.

Mrs. Shaver asked for comments, there were none.

Fred Seehase made a motion to approve the Bylaw changes. Mr. Paschen seconded the motion and all were in favor to approve the Bylaw changes.

There being no further business to be brought before the Board, the meeting was adjourned at 7:23PM on October 22, 2012.

Richard Fife, President

Bob Barrett, Secretary

Peggy Dillon, Recording Secretary