

MINUTES
CASS COUNTY BOARD OF ZONING APPEALS

Monday June 23, 2014

6:00PM

Fred Seehase 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: Fred Seehase, Allen Paschen and Tracy Williamson.

Member absent: Bob Barrett and Robert Heckard

Staff present: Arin Shaver, Chris Gaumer and Peggy Dillon

Staff absent: None

Public in attendance: Steve and Linda Temple; Robert and Angela Beall.

ACTION ON MINUTES:

Minutes of April 28, 2014 were presented. Tracy Williamson motioned to approve as presented. Allen Paschen seconded the motion and all were in favor.

Staff informed the Board that proof of notification had been met in both cases.

Mr. Seehase asked if any board members were in contact with the petitioners, all stated that they had not.

All wishing to speak were sworn in.

PUBLIC HEARING:

CCBZA Case #14-07: A petition of Steven and Linda Temple requesting a Use Variance to allow for retail trade of no more than 1000 sq. ft. which is not permitted in the zoning ordinance. The property is located at 2171 S. 800 W. Logansport, IN and is zoned AG, Agricultural.

Chris Gaumer stated that the petitioner wishes to sell firearms and the state requires them to petition this board for a Use Variance. Mr. Gaumer sited the location and gave the following information:

- Sales will be within the house
- Sales are by internet or appointment only
- Located the shop area where some repairs of firearms will be done
- Access will be off of 800 W.
- Existing area for parking in front of garage will remain, no additional proposed
- No additional landscaping or buffer
- No signage proposed
- 2 total employees (residents of property)

Steven Temple, 2171 S. 800 W., stated that this variance is required by State. Mr. Temple stated that State requires hours of operation so they will be listed as 8:00 – 10:00 AM Tuesday and Thursday, but he requires customers to be by appointment only.

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

Petitioner agreed to these conditions. The board completed the findings of fact. Mr. Williamson made a motion to bring this petition to a vote. Mr. Paschen seconded the motion, roll call vote was unanimous to approve #14-07.

LBZA #14-08: A petition of Robert Beall requesting a Variance from Development Standards to allow for existing structures and newly created lots to not meet the District Performance Standards of the zoning ordinance. The property is located at 7083 N. Jefferson Street, Twelve Mile, IN and is zoned RR, Rural Residential.

Mr. Gaumer explained that the petitioner is subdividing property to sell to the neighbor to the north for additional land. Mr. Gaumer sited the location and gave the following information:

**7083 N. Jefferson St:*

- Minimum lot area 8,000sq. ft., variance for 35,560 sq. ft.
- Minimum lot width is 50 ft., variance for 100 ft.
- Minimum side yard is 8 ft., variance for 12 ft.

**New property:*

- Minimum lot area is 4800 sq. ft., variance for 41,760 sq. ft.
- Minimum lot width is 30 ft., variance for 120 ft.

Robert Beall, 8156 E. 600 N., stated that the neighbor wants to buy the new lot and does not want to build anything on the lot.

Mr. Seehase asked for questions from the public or for written correspondence, there was none.

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

The 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.

Petitioner agreed to these conditions. Mr. Williamson motioned to bring this case to a vote. Mr. Paschen seconded the motion and roll call vote was unanimous to approve CCBZA #14-08.

REPORTS:

None.

OLD BUSINESS;

None.

NEW BUSINESS:

Educational Session:

Mrs. Shaver conducted an educational session concerning the following items:

- Board of Zoning Appeals takes no action amending the Zoning Ordinance
- Bylaws and Procedures
- BZA powers to approve or deny the following: Special Exceptions; Variances from Development Standards; Use Variances; Floodplain Variances;
- Appeals/ Determinations
- Hardships/ Practical Difficulty
- The importance of completing the Findings of Fact

There being no further business to be brought before the Board, the meeting was adjourned at 6:57PM June 23, 2014.

CCBZA Official

CCBZA Official

Peggy Dillon, Recording Secretary