

**MINUTES**  
**CASS COUNTY PLAN COMMISSION**  
**Tuesday October 6, 2015**

Jenny Clark called the regular meeting of the Cass County Plan Commission to order at 8:35 AM in the Commissioners Hearing Room on the 2<sup>nd</sup> floor of the Cass County Government Building.

**ROLL CALL:**

Members present: Jenny Clark, Fred Seehase, Krista Pullen and Mike Kinsey

Member absent: Brad Johnson, George Stebbins, Jim Sailors, Jim Donato (entered the meeting later) and Stacy Odom

Staff present: Arin Shaver, Peggy Dillon, Chris Gaumer, Ralph Koppe and legal counsel Jeff Stanton.

Public in attendance: Valentine Friskey

**REPORTS:**

Improvement Location Permits 3<sup>rd</sup> Quarter:

Mrs. Shaver presented the permits for the 3<sup>rd</sup> Quarter, no questions were asked.

Financial Report 3<sup>rd</sup> Quarter:

Mrs. Shaver presented the Financial Report for the 3<sup>rd</sup> Quarter, no questions were asked.

Meeting was halted to wait for a quorum.

Jim Donato entered the meeting at 8:45AM and the meeting resumed.

**ACTION ON MINUTES:**

Minutes of August 4, 2015 were presented. Mr. Seehase made a motion to approve the minutes as presented. Mr. Kinsey seconded the motion and all were in favor.

**PUBLIC HEARING:**

Amendments to the Zoning Ordinance:

Mrs. Shaver asked if the Commission would like to vote once on all resolutions to certify to the Commissioners the proposed amendments. The Commission stated yes, and if one needs to be singled out, that could happen.

Arin Shaver explained the following resolutions:

#15-08 Landscaping and Plant Nurseries:

- Article 2, Definitions of each will be better defined
- Table A, District Use Standards will change AG, Agricultural and B4, Business to a Special Exception so that each case will be reviewed by the Board of Zoning Appeals

#15-09 Accessory Structure Height:

- Will require accessory structure height not to exceed the following
  - 16 ft. accompanying a 1 story primary structure
  - 24 ft. accompanying a 2 story primary structure

#15-10 Accessory Structure Built Prior to Principal Structure:

- This is an addition to the ordinance
- One Accessory Structures may be built before a primary structure, if they meet primary structure setbacks

#15-11 Fencing:

- Height standards changed to 48" in the front yard
- Eliminated some material standards that were too restrictive
- Fence not to exceed 8ft. for some districts
- Fences will be required to meet standards if 75% is being repaired

#### #15-12 Caretaker Dwelling:

- There are already a section that allows for another residence on property
- Thus, the elimination of standards for Mobile Home as a Caretaker Dwelling and the removal of such homes

#### #15-13 Wireless Regulations

- State Code is changing
- Fee change will be taken to Cass County Council
- Encouraging towers to Co-locate so there will be less towers
- State Code states there cannot be a requirement of setbacks but our ordinance can require a fall zone standard
- Chain link fence standard will be 6ft
- The Authority to review towers will be the Zoning Administrator if it is in a zone that permits towers and the Board of Zoning Appeals will be the authority if it is in a zone that does not permit a tower

Mrs. Clark asked for questions from the Commission, there were none.

Mrs. Clark asked for questions or comments from the public, there were none.

Jim Donato motioned to send a favorable recommendation to the Commissioners. Mr. Seehase seconded the motion and roll call vote was unanimous to approve all resolutions.

#### **OLD BUSINESS:**

##### Unsafe Properties:

*2219 E. Wabash River Rd:* Mr. Koppe explained that 2 new estimates have been received to tear down the structure and remove the debris: B&G proposed \$6528.25 and Construction Unlimited proposed \$4840.00. A discussion followed with the concern that this should allow for the removal of the septic system but these estimates do not include it.

Mrs. Clark questioned whether the Commission should consider the estimate from Construction Unlimited due to the fact that it was received after the bid from B&G Construction was reviewed.

Mr. Stanton, County Plan Commission Attorney, asked whether both companies are registered in Cass County and Mrs. Shaver stated yes. Mrs. Shaver stated that the Commission could decide which bid to accept or ask for new bids to include the septic removal.

Mr. Kinsey made a motion to accept the lowest bid with the inclusion of the septic system being filled and made safe; and if the bid changes with the removal of the septic; to accept it if it does not exceeds the higher bid and then to proceed. Mrs. Pullen seconded the motion and all were in favor.

#### **NEW BUSINESS:**

##### Unsafe Property:

*1900 N. Third St:* Mr. Koppe explained that a visual inspection from the road was completed; structure was determined to be unsafe; the following information was given:

- Front window is falling out
- Part of the structure is damaged
- Garage door is broken
- A door has no frame
- Refrigerator with a door is in front yard
- Rotted boards on front
- Front end of house needs removed and repaired

Valintina Friskey, 1900 N. Third St., stated that the yard has been mowed, trash will be picked up and she is looking into hiring a contractor to work on the property.

Mr. Donato asked how long this might take and Ms. Friskey was not sure.

Mr. Seehase motioned to approve the order and give the owner until November 30, 2015 to clean up and remove the trash and to obtain a contractor and a schedule for improvements. Mr. Kinsey seconded the motion and all were in favor.

There being no further business to be brought before the Commission, the meeting was adjourned at 9:12AM on October 6, 2015.

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CCPC Official

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CCPC Official

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Peggy Dillon, Recording Secretary