

MINUTES
CASS COUNTY BOARD OF ZONING APPEALS
Monday March 23, 2015
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, Bob Barrett and Stacy Odom

Members absent: Robert Heckard and Larry Phipps

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

Public in attendance: See sign in sheet

ACTION ON MINUTES:

Minutes of January 26, 2015 were presented. Stacy Odom motioned to approve as presented. Bob Barrett seconded the motion and all were in favor.

Mr. Seehase asked if any member of the Board has been in contact with the petitioner, advocates or opponents for this case, all members replied they had not.

Staff informed the Board that proof of notification had been met except Case #15-04 will need to produce the newspaper affidavit.

All wishing to speak were sworn in.

PUBLIC HEARING:

CCBZA Case #15-03: A petition of Ted Pollard (DBA Country Edge Motel) requesting a Variance from Developmental Standards to allow for a temporary use to have a maximum number of days of 78 per year per site. The property is located at 1411 US 35 North and is zoned B4, General Business.

Chris Gaumer located the site and gave the following information:

- This use is allowed in this zone district, B4, General Business, for 30 days per year
- Proposal is for a seasonal outdoor market/farmers market
- The proposed site will be located just north of the motel
- The site could have 100 booth spaces
- The site could accommodate up to 600 vehicles
- Operation from April 15, 2015 – October 31, 2015
- Total days are proposed to be 78, variance for 48 days per year
- Hours of operations: Friday noon – dusk; Saturday & Sunday 8am – dusk
- Existing entrances/exits would be utilized

Mr. Gaumer stated that staff has recommended a commitment of a yearly evaluation of the operation be conducted by staff.

Arin Shaver stated that staff would like to change the commitments from the staff report to be:

1. That staff review the operation yearly and determine whether it needs to come back to the Board of Zoning Appeals
2. This approval will run with the property owner, not the property

Ted Pollard, 301 S. LaSalle St., Indianapolis, IN, petitioner, stated the following:

- He is trying to improve the motel site
- Craft sales have been conducted inside the motel and the interest is high for an outdoor sales event
- He is a member of the National Flea Market Association

- The Flea Market Association has rules and standard contract clauses that vendors must follow
- The extension is requested so that that the Farmers Market may sell produce into October
- Concern of the evaluation on an annual basis and a possible shut down of the event by staff

Mr. Seehase questioned where vendors will stay overnight; whether people will be camping here; where will people park.

Mr. Pollard stated the following:

- There will be a 20ft. space around the perimeter of the booth area so that vendors are able to unload and they would be able to stay there if they want.
- There will be no tent camping of customers

Mr. Barrett asked if there would be overnight parking of campers and Mr. Pollard stated that customers do travel in campers and Winnebago's and will be able to park in the parking areas for the motel

Mrs. Shaver stated that a condition could be added that campers must be parked to the west of the motel; petitioner agreed.

Mr. Pollard stated that there will be an onsite manager at all times to oversee the open air market.

Mr. Seehase asked if vehicles will be able to access the site from the north and Mr. Pollard stated no, due to earthen mounds to the north and a recessed area to the northeast, it is not possible.

Mr. Pollard stated no new lights will be installed and the current lights are downloaded and will be turned off when everyone has left the site.

Mr. Barrett questioned the bathroom facilities and Mr. Pollard explained that the motel will accommodate people and port-a-pots will be brought in if needed.

Mr. Pollard explained that each vendor is responsible for their trash and trash containers will be situated around the site.

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

Clyde Lewis, 1476 N. US 35 Logansport, spoke his concern of trash, where the port-a-pots will located and parking problems that may occur on his property, across the highway.

Bob McKaig, 1212 N. US 35 Logansport, asked if any trees will be removed.

A letter from Mildred B. Leshner, 2626 W. 150 N. Logansport, was read with her objection to the extension of the permit for the following reasons: possible drainage problems; campsites that may be occur; bathrooms that may be needed; access off 150 N; additional lighting; 24 hour security and excessive noise.

Mr. Seehase addressed the questions from the public and they were answered by Mr. Pollard:

1. No trees will be removed
2. Port-a-pots will be located on the west side of the motel; motel has 4 sets of bathrooms that will be available
3. Signage will be temporary that is allowed
4. No alcohol will be allowed
5. There will always be a manager on site, in charge of the operation
6. Trash receptacle will be on site
7. Parking will be controlled & allowed only in the parking areas

Mr. Lewis returned to comment that the petitioner has kept the property cleaned up.

The Board questioned the closing time of "dusk" and it was determined that a change of 8:00pm will replace "dusk".

Mr. Seehase asked for further questions or comments from the public or the Board, 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 are obtained and proof be given to the Zoning Administrator.

The following commitments were read:

1. That this variance be reviewed yearly by staff and sent to the Board if staff sees fit.
2. For the site to not be unsightly, the booths be organized in a neat and orderly manner.
3. This approval stays with the owner, not the property.
4. No tents allowed and RV's only for vendors be located to the west of the motel.
5. Hours of operation are: Friday noon to 8pm; Saturday and Sunday 8am to 8pm.
6. Port-a-pots to be located on the northwest corner of the motel.
7. Trash that blows on neighbor's property will be the petitioner's responsibility.

Mr. Pollard spoke concern of the yearly review and a possible staff shut down of the operation.

A discussion followed and an 8th commitment was added:

8. If a major complaint is reported, a letter will be sent to the petitioner and a 2 week time limit will be given for the complaint to be corrected.

Petitioner agreed to these conditions and commitments.

Mr. Seehase asked for further questions, there were none. Mr. Odom motioned to bring this petition to a vote. Mr. Barrett seconded the motion and roll call was unanimous to approve CCBZA#15-03.

CCBZA #15-04: A petition of John Centers requesting a Variance from Developmental Standards to allow for a mobile home to be older than 20 years. The property is located at 8143 W. 150 S. Logansport, IN and is zoned AG, Agricultural.

Mr. Gaumer located the site and explained the following:

- The mobile home is already placed on the property
- Mobile homes are permitted in the AG district, not older than 20 years, variance is for the 4 years
- Petitioner stated the proposed mobile home is in good shape

Mr. Seehase asked if Mr. Gaumer had seen the mobile home. Mr. Gaumer stated that he has seen the exterior but not the interior.

John Centers, 8143 W. 150 S., stated that someone had lived in the home about 3 months ago in a mobile home park. Mr. Center stated the following:

- Interior is pretty nice, just needs a little paint
- Structurally it is in good shape, no rust and the roof is good
- Stated he will move the mobile home soon and wrap it
- He has a permit for a pole barn to put equipment in
- He is using the mobile home while he is building a residence
- The mobile home is temporary, probably 2 years, while he is building his home

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

Mr. Seehase asked for written correspondence, 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 are obtained and proof be given to the Zoning Administrator.
4. That the publisher's affidavit be given to the zoning administrator.

The following commitments were read:

1. That the current buffer yard be maintained.
2. The petitioner meets all regulations as stated in Section 506 of the zoning ordinance.
3. Petitioner receives a Mobile Home Moving permit from the Treasures' office prior to issuance of the Improvement Location Permit.
4. Petitioner receives Health Department approval and/or permit prior to issuance of the Improvement Location Permit.

5. Petitioner provides a site plan meeting the setback regulations found in Table B of the zoning ordinance prior to the issuance of an Improvement Location Permit.

The petitioner agreed to these conditions and commitments.

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

Mr. Barrett motioned to bring this case to a vote. Mr. Odom seconded the motion and the discussion was closed.

The Board completed the findings of fact and roll call vote was unanimous to approve CCBZA #15-04.

REPORTS:

None

OLD BUSINESS:

None.

NEW BUSINESS:

Hearing Officer Case #15-02:

Mrs. Shaver presented the minutes for CCBZA #15-02; Roger & Stephanie Roller, 4242 N. 875 W. Royal Center, for a front yard setback variance. Mr. Barrett motioned to approve the minutes, Mr. Odom seconded the motion and all were in favor.

There being no further business to be brought before the Board, the meeting was adjourned at 7:14PM on March 23, 2015.

Officer, CCBZA

Officer, CCBZA

Peggy Dillon, Recording Secretary