

**MINUTES**  
**CASS COUNTY BOARD OF ZONING APPEALS**  
**MONDAY, February 24, 2020**

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 2<sup>nd</sup> floor of the Cass County Government Building.

Mr. Seehase welcomed new member, Randy Pryor.

Members present: Fred Seehase, Bob Barrett, Stacy Odom and Randy Pryor

Members absent: Larry Phipps, Jim Donato, Alternate

Staff present: Eric Servin, Jeff Stanton, Arin Shaver and Peggy Dillon

Public in attendance: See sign in sheet

**ACTION ON MINUTES:**

Minutes of January 27, 2020 were presented. Mr. Barrett made a motion to approve the minutes, Mr. Odom seconded the motion and all were in favor.

Mr. Seehase asked if any Board members have been in contact with the petitioners, advocates or opponents in regard to today's case, all said they had not.

Staff informed the Board that proof of notification has been met for this case.

Mr. Seehase swore in all wishing to speak.

**PUBLIC HEARING:**

CCBZA #20-02: A petition of Steve Felker requesting a Variance from Developmental Standards to allow a new residence to be constructed within 1,320 ft. from a confined animal feed operation (CAFO). The property is located at 5088 N. 1100 W. Royal Center, IN and is zoned AG, Agricultural.

Mr. Servin explained the location and surrounding uses, and then gave the following information:

- The standard regulation is that residences are not to be located closer than 1,320 ft. to a CFO
- Petitioner is asking that a residence may be located within 500 ft.: variance of 820 ft.
- CCBZA petition #16-07 approved the nearby CAFO variance of 820 ft. from the existing home on the site
- The residence will be removed and replaced with a new home
- Proposed location of a possible residence meets all setback standards

Mrs. Shaver explained that the petitioner does not have a specific location of a residence to be built.

Mr. Felker, 8470 N. 1450 E., stated he had nothing to add to the staff report.

Mr. Odom questioned the acreage that Mr. Felker owns.

Mr. Felker explained that he has 10 acres, wood line to wood line.

The following information was presented as shown on the PowerPoint presentation:

- Mr. Felker owns 10 acres
- A blue shaded area represents the buildable area if the variance for 820ft. is approved

Mr. Felker explained the following:

- He wishes to sell this property
- This variance allows a potential buyer the possibility of putting a residence on the property
- A new septic system has been installed and is located 75yds north and 75yds west of the existing trailer
- Requesting more buildable area, going further to the north

Mrs. Shaver explained that the setbacks allows for potential problems that could arise being close to a CFO.

Mrs. Shaver stated the possibility of a 400 ft. setback instead of the proposed 500 ft.

A brief discussion of the setbacks followed.

Mr. Odom stated he would like to keep the 500 ft. setback as presented. Mr. Seehase agreed.

Mr. Seehase asked if Mr. Felker can smell odors from the CFO when he is in the area, he stated not very often.

Mr. Pryor stated that a potential buyer will know the setback requirements.

Mr. Odom motioned to maintain the 500 ft. setback. All were in favor.

The conditions were read:

1. That all proposals 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.  
The Commitment was read:

1. That the commitments that are signed indicate that the petitioner acknowledges they will be closer than 1,320 ft from a confine feed operation.

The petitioner agreed to these conditions and the commitment.

Mr. Seehase asked for comments or questions from the public, there were none.

Mr. Seehase asked for written correspondence. A letter from Aaron and Farrah Hines in favor was read.

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

Mr. Odom motioned to bring this case to a vote and approve the 500 ft. setback. Mr. Barrett seconded the motion. All were in favor.

The Findings of Fact were completed.

CCBZA #20-02 was unanimous to approve.

Mr. Seehase explained the appeal process.

#### **REPORTS:**

None

#### **OLD BUSINESS:**

Flat Land Hogs LLC:

Mr. Odom asked if the owners have established the wind break / buffer line that they agreed on when the CFO was approved.

Mrs. Shaver stated that staff is in the process of sending out letters to all CFO's that have not completed their shelter belts that were agreed on.

Mr. Odom asked what can be done to get the conditions of approval completed.

Mrs. Shaver stated that they can be fined or the operations can be shut down.

Mrs. Shaver stated that the letters will be sent as a reminder, if they do not comply, in May a citation may be assessed.

Mr. Odom requested a time line in the letters as to when the buffer is to be completed, when a fine may be assessed.

Mrs. Shaver stated that the due date is May 1, 2020 and a fine of \$250 per day can be assessed per the ordinance.

Truck Stop:

Mr. Seehase asked about the trees that were to be planted at the Heartland Truck Stop near Clymers. Mrs. Shaver explained that a letter can be sent also.

#### **NEW BUSINESS:**

None

#### **PUBLIC IN ATTENDANCE:**

No one spoke to the Board.

There being no further business to be brought before the Board, the meeting was adjourned at 6:31 PM, February 24, 2020.

  
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CCBZA Officer

  
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CCBZA Officer

  
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Peggy Dillon, Recording Secretary