

Minutes
Cass County of Zoning Appeals
Monday June 26, 2023

Fred Seehase called the meeting of the Cass County Board of Zoning Appeals to order at 6:00 PM.

Members Present: Bob Barrett, Fred Seehase, Dave Shepler, Stacy Odom _____

Members absent: Randy Pryor

Staff present: Jamey Harper, Jamie Moore

Public in attendance: See sign in sheet

ACTION ON MINUTES:

Mr. Seehase asked if there were any changes or corrections to the minutes of March 27, 2023 as presented. Mr. Seehase made a motion to approve the minutes, 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 cases, all replied no.

Mr. Seehase asked if proper notification been made and do we have proper verification in all cases on today's docket? Mrs. Harper stated that the petitioner needs to provide the affidavit so there will need to be a condition of approval, that the affidavit be provided to the Planning Department Office.

Mr. Seehase swore in all in attendance.

PUBLIC HEARING:

CCBZA # 23-03 The petitioner of Berkshire Holdings, LLC for a Use Variance and various variances from developmental standards to allow a Professional Office and Reception Hall to be in the building that will be reconstructed. The property is located at 6012 N US 35, Royal Center, IN 46978 and is zoned AG, Agricultural District.

Mrs. Harper located the property and explained the following:

The petitioner is requesting a Use Variance and other variances proposing to allow a Professional Office and Reception Hall. The proposed use is a professional office of Berkshire Law LLC for its Northern Indiana law firm expansion of attorneys and staff along with an Assembly / Banquet/Event Hall, and Training Room. The Hall will continue to conduct charitable gaming sessions of bingo, under the 501 C 3, not-for-nonprofit corporation of Grandview Community Economic & Development Corporation, d/b/a Cass County Bingo, pursuant to its issued license from the Indiana Gaming Commission.

For lighting, outdoor lighting will be on the new building. The wall packs will be located above each exterior door. There will be 6-inch LED recessed can fixtures located on the front porch. If lighting becomes an issue, petitioner will work with staff. For signage, the petitioner proposes to have 1 sign (double sided) with electronic message center. It would be up to 8 1/2 ft x 3 ft which is 25.5 sq ft, and they are proposing up to 20 ft in height. The material will be brick pedestal. They will also meet the 10 ft setback that is required. The lighting will be multicolor, programable, scrolling, digital LED – Electronic Message Center. There is a dimmer control so it will dim from dusk to dawn. Mrs. Harper explained that there are no standards set for EMC signs in the County Ordinance. She then went over the typical

standards for EMC signs that are used in the City of Logansport Ordinance. Staff suggests that the City of Logansport standards for EMC signs be made a commitment.

The hours of operation for the law office would be from 8am – 5pm and the reception hall would be by appointment /booking only. The Charitable gaming sessions of BINGO happen on Sunday from 10:30am–5pm. There would be 5 employees. There is an existing drive off US 35 and Royal Center Pike and there are 76 parking spaces on the site. The office building will be 8000 sq ft so 24 parking spaces are required; that is for a Class D: 3 spaces per 1000 sq ft of gross floor space. Class V: 1 per 3 persons based upon maximum occupancy plus 1 per employee. For the buffer yard, there is existing landscaping on the property. The standard Classification D, level 5 buffer, is 2 deciduous shrubs, 4 evergreens, and fence. Jynell Berkshire stated that there is greenery already on both sides of the property lines. Towards the rear of the property, it is wooded. She will also have a 6 ft chain-link fence with black slats in it. A variance from developmental standards is needed to allow for no buffer.

There was a discussion regarding the new Law Office and the reception hall. Mr. Odom asked exactly where would the fence be going and Jynell Berkshire stated that it would go from the back of the build going to the north. Mr. Odom asked if people in general would be able to walk around the building, Jynell Berkshire stated no. Mr. Barrett asked what kind of events would there be? Jynell stated art and crafts, small weddings, baby showers etc.

Mr. Seehase asked the petitioner if she had anything else to add, the petitioner stated no.

Mr. Seehase asked the Board and public if there are any more questions. There were none.

Mr. Seehase asked if there was any written correspondence. There was none.

Mr. Barrett read the conditions of approval:

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 an affidavit would be provided to the Planning Department before issuing a building permit.

Commitments of Approval

1. That if lighting becomes an issue, the petitioner will work with the Planning Department to resolve.
2. That the City of Logansport Standards for Electronic Message Center signs be used That if lighting becomes an issue in the future, petitioner will work with staff to resolve.

That the City of Logansport Standards for Electronic Message Center signs be used

- o The following are standards for commercial districts:
 - The leading edge of the sign must be perpendicular to the road and have minimum distance of 100 ft from an abutting residential district or use.
 - All backgrounds shall be black.
 - Display duration no less than four (4) seconds; transition duration no more than one (1) second.
 - Sign must not exceed a maximum illumination of five thousand (5000) nits during daylight hours and a maximum illumination of eight hundred (800) nits between dusk to dawn. The use of automatic dimmer control is required for all electronic message center signs.

- Only one message center sign, whether changeable or electronic, shall be permitted on each individual business site.
- In addition, monument Electronic Message Center signs must comply with the following:
 - Each sign face shall contain no more than 32 sqft and no sign structure shall have more than 2 faces.
 - The leading edge of the sign must be a minimum distance of 200 feet from one sign to another on either side of the street.

Mr. Seehase motioned that the Board bring Case # 23-03 to a vote. Roll Call vote was taken for the Use Variance and various variances from developmental standards. The Findings of Fact were completed. The CCBZA # 23-03 was approved.

Mr. Seehase explained the appeal process.

Reports: None
Old Business: None
New Business: HO Case # 23-02 – Michael Wray

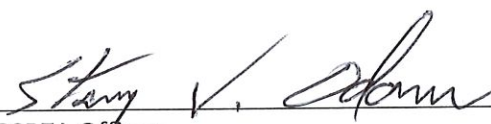
Mrs. Harper stated on May 8th there was a Hearing Officer case #23-02 -Michael Wray. A Variance of Developmental Standards for a mobile home that is older than 20 years to be placed on the petitioner's property. The property is located at 7304 E on Old 24. The mobile home is a 2000 Fairmont, it is in good condition. Pictures were provided. They have made a lot of improvements to this property. The petitioner had an electrician check that the wiring was good. Mrs. Shaver, the hearing officer, approved case #23-03. Mrs. Harper explained that the board would need to approve the minutes from the hearing officer case.

Mr. Seehase asked the board if all were in favor of Case 23-02, say "I". All were in favor.

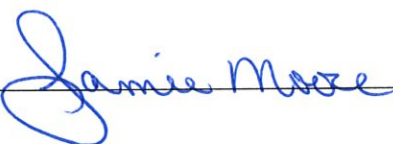
There being no further business to be brought before the Board, the meeting was adjourned at 6:35 pm.



CCBZA



CCBZA Officer



Jamie Moore, Recording Secretary

