

**MINUTES**  
**CASS COUNTY BOARD OF ZONING APPEALS**  
**MONDAY, June 27, 2022**

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

Members present: Fred Seehase, Bob Barrett and Dave Shepler

Members absent: Jim Donato, Stacy Odom and Randy Pryor

Staff present: Jamey Harper, Arin Shaver, Ashley Rowe and Jeff Stanton

Public in attendance: See sign in sheet

**ACTION ON MINUTES:**

Minutes of December 13, 2021 were presented. Mr. Barrett made a motion to approve the minutes, Mr. Shepler 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 cases, all others replied no.

Mr. Seehase swore in all in attendance.

**PUBLIC HEARING:**

CCBZA #22-01: A petition of Melissa Hopkins for various Variances from Developmental Standard to allow for lesser side yard setbacks, for a garage to be constructed before a new residence and to allow both structures to not face toward the roadway. The properties are located at 6169 N St. Rd. 25, Logansport, IN and are zoned AG, Agriculture.

**504.01**

- The petitioner has a need for the garage to be built before the house to have climate-controlled storage and a place to install and well pump assembly.
- The house would not be built until mid to late 2023.
- **VDS:** To allow the garage (accessory structure) prior to the house (primary structure).

**306.07**

- The petitioner is proposing the face both the garage and future house toward the south (not facing the front yard).
- The property is very narrow and limits space for building the garage and house.

The Board should note that the petitioner feels that the placement of the garage and house, to allow for normal and optimal use of each structure, would be to face the structures toward the south property line.

- **VDS:** To allow for the garage and house to NOT face toward the front yard (toward the road).

**Setback Standards – Agricultural District**

Minimum front yard – 50 ft; Minimum Side Yard – 20 ft; Minimum Rear Yard – 25 ft.

- The petitioner is proposing to have a lesser side yard setback – 5 ft from the north property line.
  - The Board should note that the narrow layout of the property poses difficulties in meeting the standard and having adequate access to both the garage and future house.
  - The Board should also question the petitioner about the utility shed at the front of the property. It doesn't appear to meet front yard setback.
- **VDS:** 15 ft side yard setback.

Mr. Seehase asked how deep is the property north and south? Mrs. Harper answered approximately 75 ft. Mr. Seehase asked Mrs. Hopkins wants 5 ft on the north side? How much would she have on the south side? Mrs. Harper answered 32 ft. from the south line. Mr. Barrett asked if the farmer sprays a chemical, 5 ft, your going to have drift of chemical, even on a calm day. If there is a slight wind, that's really close. Mr. Barrett stated to Mrs. Hopkins that could be an issue if it drifts. Mrs. Harper showed on the maps provided how close the setbacks will be

if they had the 20 ft or the 5 ft setback. Mrs. Harper showed the Board on the map the proposed area where the house would be sitting and the garage. The petitioner would be using the existing driveway that is there. Mrs. Shaver stated that Dan Musselman would know more information on the existing septic, she did suggest they talk to him to see if the existing septic could be used or not. Mrs. Shaver stated the garage would be used as the well house as well. Typically, the garage can be 5 ft, but when a garage is being put on the property before that's when they have to meet the primary setbacks. She is also requesting the house being 5 ft so a garage being 5 ft isn't being your living quarters so maybe not as much of a concern when it comes to the drifting you are talking about.

Fred Seehase asked if he petitioner would advance to the microphone and state your name and address; Melissa Hopkins, 6169 N. St. Rd. 25, Logansport, IN 46947. Mr. Seehase asked if the petitioner had anything to add to the staff report. Mrs. Hopkins handed out her site plans she had to the Board so they could better see the plan. Mrs. Hopkins stated, with the garage the primary issue with needing that 5 ft setback is because of the placement of the electrical grid it is directly across where you would enter the garage base. The driveway goes directly along in front of the house and the garage on the south side of the property. The other side of the driveway, from the middle of the driveway to the south property line is 26.9 ft but it really doesn't have much room if you were to park there. Mr. Seehase asked if that's where the meter base is? Mrs. Hopkins answered, yes. Mr. Seehase asked if everything is buried underground? She stated yes, it is buried. Mrs. Hopkins stated she isn't as concerned about the 5 ft setback with the house she just wanted it to be more uniformed. Mr. Barrett asked if the house is going to be attached to the garage? Mrs. Hopkins answered yes, she had planned on it, but she can make changes with the plans. Mr. Seehase stated his opinion he didn't think she would be happy with the setbacks being 5 ft from the property line. Mr. Shepler asked the normal setback of the side yard is 20 ft? Mrs. Shaver answered with yes. Mrs. Shaver added the current barn looks to be 19 ft setback. Mrs. Shaver asked the Board how many feet would you think with the drifting or if you think 20 ft would be what she would want? Mr. Seehase answered there are lots that can happen with farming, and 5 ft isn't much leeway with equipment. Mrs. Shaver asked do you think 10 ft, 15 ft or 20 ft as far as the house goes? Mr. Seehase answered he thinks at least 15 ft for Mrs. Hopkins safety. Mr. Barrett stated his opinion is 5 ft is just to close to the property line. The garage is not that much of a concern for him, but the house on the other hand is a concern. Mr. Barrett asked the petitioner if 15 ft would work with her plans. Mrs. Hopkins answered with the builder has given her several plans to pick from, they have assured her that they can modify the plans to make it work. The garage will have a little patio that faces the east. They intend to have a breezeway on the patio so it will connect the garage and house. Mrs. Shaver asked the petitioner if 5 ft for the garage and 15 ft for the house is possible? Mrs. Hopkins stated yes, it is doable. Mrs. Shaver asked the Board if their main concern was the livable area more than the garage? Mr. Barrett answered, yes. Mr. Shepler asked if the meter hooked up to anything now? Mrs. Hopkins stated yes, she has some electric ran to the barn and also to the utility shed in the front of the property. Mr. Shepler stated he understands her problem with trying to get into the garage, but he also wondered how hard it would be to have them move it. Or if they would move the meter closer to the property line that would help alleviate that problem. Mrs. Hopkins answered it was a chore trying to get it where it is now. Mr. Shepler asked if it was all new? Mrs. Hopkins answered it was just installed during the winter time, Carmichael Electric and Duke worked together to decide where it should be placed. She thinks it was Duke that decided where it needed to be placed exactly. Mrs. Shaver asked if the petitioner knew how far away the shed is from the front of the road? Mrs. Hopkins answered she's sure its at least 50 ft back off the road. She has a temporary fence that borders both sides of the driveway that is about 30 ft back. Mrs. Shaver asked if the petitioner is planning on keeping the shed? Mrs. Hopkins answered yes, it actually serves as a landmark for people. She currently has a camera on the shed to help her keep an eye on the property. Mr. Musselman stated she has a septic tank listed in the field he doesn't know if its permitted system. He assumes the house was there when the barn was built in '75? Mr. Musselman doesn't ever know if it is a usable system. Even if it is a usable system it is approaching its 50<sup>th</sup> year mark. She is in a hard place because she either comes to me and finds out the ground is suitable and pays for a \$600 soil report before she comes to you. Or she comes here and gets a zonings approval and then goes and gets it and then we say you can't build here you have to build it over here. We don't have any soil borings to say that that particular system is ok. So, we would have to have soil borings and to even see if this one can even be permissible. We would need to know when the next one goes for if it does fail we would know where to go. We can't put anything closer than 5 ft to the house, he doesn't know if you make sure if you draw your house that you would have to have your waste water systems coming out of the east side of the house. Because we wouldn't be able to go around the back or pump it in any other direction they would have to go to the side. So, we don't know anything about the septic right now except that there is an old septic there now that we don't know if its permissible. Mrs. Shaver stated she would be able to

move this east or west, obviously there's the old septic and well and things like that, but if you have to end up having to do a new septic and dig out the old septic and have them move closer to that area. She can also leave the garage where it is and move the house or scoot it back. The 5 ft that we are talking about, just so you know Dan is only right there on that north side. Mr. Musselman stated that she couldn't put a pipe up. Mrs. Shaver stated for the Board if it ends up finding out that she is going to have to tear down this barn to put the house where the old barn is, and then run septic out the back. She'll still do that but she will never be able to go closer than the 5 ft and 15 ft that you approved. Mrs. Shaver stated she can move up to 50 ft from the back. The petitioner will have to take care of the septic before actually coming in for the permit.

Fred Seehase asked the Board if there are any more questions, there were none.  
Fred Seehase asked if anyone in the public had any questions, there were none.  
Fred Seehase asked if there were any written correspondence, there were 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.

Commitments of Approval:

4. That the petitioner provides the newspaper affidavit before receiving their building permit.

The petitioner agreed to these conditions of approval.

Mr. Shepler motioned that we have the residence be 15 ft from the property line, and the garage be 5 ft from the property line. Mr. Barrett seconded the motion and roll call vote was approved by all. The Findings of Fact were completed. The CCBZA #22-01 was approved.

Mr. Seehase explained the appeal process.

**REPORTS:** None

**OLD BUSINESS:** None


**NEW BUSINESS:** 2022 Reorganization of Officers

Mr. Barrett would like to make a motion that the Officers stay the same. Mr. Shepler seconded the motion and all were in favor.

**PUBLIC IN ATTENDANCE:**

None

There being no further business to be brought before the Board, the meeting was adjourned at 6:32 PM, June 27, 2022.

  
\_\_\_\_\_  
CCBZA Officer

  
\_\_\_\_\_  
CCBZA Officer

  
\_\_\_\_\_  
Ashley Rowe, Recording Secretary