

**MINUTES  
CASS COUNTY BOARD OF ZONING APPEALS  
MONDAY, July 26, 2021**

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.

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

Members absent: Jim Donato, Alternate

Staff present: Jamey Harper, Arin Shaver, Peggy Dillon and Brooks Ledger, County Attorney

Public in attendance: See sign in sheet

**ACTION ON MINUTES:**

Minutes of May 24, 2021 were presented. Mr. Odom 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 said they had not.

Staff informed the Board that proof of notification has been met for these cases.

Mr. Seehase swore in all wishing to speak.

**PUBLIC HEARING:**

CCBZA #21-04: Will not be heard tonight.

CCBZA #21-03: A petition of Sean Elliott requesting a Use Variance to allow a firearms repair business. The property is located at 5538 E. 400 S., Logansport IN and is zoned AG, Agricultural.

Mrs. Harper located the property and gave the following information:

- Firearms will be built, customized and repaired
- There will not be a shooting range
- Ammunition will not be sold at the shop
- Security lights are existing
- Proposing a 10sqft sign; setback 10ft from the road; height to be 8 ft; located at the entrance of the shop
- Hours of operation: Monday – Friday 5pm – 8pm; Saturday 12pm – 3pm
- 1 employee
- Access is the existing driveway; 3 parking spaces are provided
- No additional buffer is proposed

Sean Elliott, 5538 E. 400 S., stated he had nothing to add.

Mr. Odom asked if the adjoining property was his, Mr. Elliott stated no.

Mr. Pryor asked where the business space is located and Mr. Elliott showed the business is located on the east section of the house and there is a lockable door separating it from the house.

Mr. Seehase asked if he is just selling guns and Mr. Elliott stated yes.

Mr. Seehase asked for further questions, there were none. Mr. Seehase asked for questions or comments from the public, there were none. Mr. Seehase asked for written correspondence, there was none.

The following 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 Commitments were read:

1. That the approval stays with the current property owner only.
2. That there be no exterior indication of the use other than a sign.

The petitioner agreed to these conditions and the commitments.

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

Mr. Shepler motioned to bring this case to a vote. Mr. Barrett seconded the motion.

The Findings of Fact were completed.

Roll call vote was unanimous to approve CCBZA #21-03.

Mr. Seehase explained the appeal process.

CCBZA #21-05: A petition of Jacob Hinkle requesting a Use Variance to allow Auto Sales. The property is located at 5463 E. 100 N. Logansport, IN and is zoned AG, Agricultural.

Mrs. Harper explained the location and gave the following information:

- The petition is for an auto sales business
- Future land use is rural preservation; primary residential use
  - Uses are allowed for residences; hobby farms; stables and cottage industries
  - Cottage industries are small scale economic developments
- The proposed use does not meet the agricultural zoning district, or cottage industry definition
- Lighting proposed is a security light; 12 – 15 ft height; 1 pole light
- Signage is 1 sign 4 X 6 sign attached to the building; 1 4X4 sign in a landscaped area; requires setback is 10 ft. from front yard
- Hours of operations: Monday – Friday 9am – 5pm and Saturday 9am – 12pm; Sunday Closed
- No buffer yard is proposed
- 1 employee
- Parking will be for 2 customers; handicap accessible
- Parking provided for 10 vehicles for sale

Mr. Hinkle, 5463 E. 100 N. stated that the State requires that a car lot have spaces for 10 cars but he estimates to have only 2 – 3 maximum; there will never be 10 vehicles

- 1 employee
- Typically, there is required 35ft driveway
- Staff is recommending landscaping roughly 8'X26' in other areas

Mr. Barrett asked where the sign will be placed on the building. Mr. Hinkle explained it will be over the walk-in door. Mr. Hinkle stated he prefers to not have any other sign.

Mrs. Shaver asked if repairs will be done on vehicles. Mr. Hinkle stated he will do repairs only on the vehicles he owns for sale; not repairs for the public.

Mr. Odom questioned where the vehicles will be located. Mr. Hinkle stated they will be placed up against the building, away from the road with concerns of snowplows.

Mrs. Shaver stated landscaping could be grass.

Mr. Odom asked if a setback requirement of 40ft is agreeable. Mr. Hinkle stated yes if he could add gravel to the west of the building. Mrs. Shaver explained that the current width should be wide enough for 10 vehicle spaces.

Mrs. Shaver asked what he plans on for advertising the vehicles. Mr. Hinkle stated he plans to only put a sheet of paper with information about it on the windows. Mr. Hinkle stated that 98% of his sales will be from social media.

Mrs. Shaver questioned the wheel stops. Mr. Hinkle stated he will have 10 wheels stops for sales and 3 wheels stops for customers.

Mrs. Shaver questions inoperable vehicles and Mr. Hinkle stated any inoperable vehicles will be inside the building.

Mrs. Shaver questioned the signage. Mr. Hinkle stated he is willing to decrease the signage to 4X4 sq. ft. on the building only.

Mr. Seehase asked for further questions, there were none. Mr. Seehase asked for questions from the public, there were none. Mr. Seehase asked for written correspondence. Mr. Barrett read a letter in support from Gail Byrum.

The conditions of approval 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 Commitments were read:

1. That the approval is only for the current owner of the property.
2. That all vehicles must be 30ft from the road.
3. That all vehicles be operational and able to be driven off the lot.
4. That no parts, oils, tires or other items be stored outside at any time.
5. That wheel stops be provided for all parking spaces, so as to not have any vehicles parked in the grass.
6. That no more than 10 vehicles be for sale on the site at one time.
7. That only a single sheet of paper with information about the vehicles be posted in the vehicles' windows.
8. That one 4X4 sign provided on the building be allowed.

The petitioner agreed to the conditions and commitments.

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

Mr. Barrett motioned to bring this case to a vote. Mr. Shepler seconded the motion and roll call vote was unanimous to approve CCBZA #21-04. Mr. Seehase explained the appeal process.

CCBZA #21-06: A petition of Terry Rogers requesting a Variance from Development Standards to move a mobile home to a new property. The property is located at 3974 N. 1100 W. Royal Center, IN and is zoned AG, Agricultural.

Mrs. Harper located the property and gave the following information:

- Mobile Home is 27 years old
- A metal roof has been installed within the last 5 years
- New laminate flooring is in the laundry room
- It will be placed on a permanent foundation; the title of a mobile home will be retired
- It meets all other standards

Mr. Rogers, 10722 W. 400 N., stated that a soil test was just done and Health Dept said there should be no problem with the septic system. Mr. Rogers stated it has an original septic and it was updated in the late 90's; they have added on more fingers. Mr. Rogers stated the well is current; he going to have it checked and pumped out.

Mr. Odom stated a concern that older mobile home may the potential to be bad wiring. Mr. Rogers stated that a new 200 amp panel has been installed.

A discussion of the retirement of the title followed and a commitment was added to the conditions of approval.

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

Mr. Seehase asked for written correspondence, there were none.

The 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 stated and local permits be obtained and given to the Zoning Administrator.

The commitment was read:

1. The retired information of the mobile home be provided to the Zoning Administrator within 1 year of this approval.

The petitioner agreed to these conditions and commitment.

Mr. Seehase asked for further questions from the Board, there was none.

Mr. Odom motioned to bring this case to a vote. Mr. Barrett seconded the motion and roll call vote was unanimous to approve CCBZA #21-06.

Mr. Seehase explained the appeal process.

**REPORTS:**

None

**OLD BUSINESS:**

None

**NEW BUSINESS:**

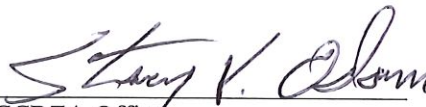
None

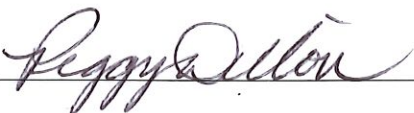
**PUBLIC IN ATTENDANCE:**

No one spoke to the Board.

There being no further business to be brought before the Board, the meeting was adjourned at 6:49 PM, July 26, 2021.

  
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CCBZA Officer

  
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CCBZA Officer

  
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Peggy Dillon, Recording Secretary

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