

**INUTES**  
**CASS COUNTY BOARD OF ZONING APPEALS**  
**MONDAY, August 22, 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, Dave Shepler, Stacy Odom and Bob Barrett

Members absent: Jim Donato, 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 August 4, 2022 were presented. Mr. Shepler made a motion to approve the minutes, Mr. Barrett 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 #22-02: A petition of Gumaro Montes Pacheco for various Variances from Developmental Standards to allow for lesser side yard setbacks for an addition to the home. The property is located at 78 S CR 975 E, New Waverly, IN and is zoned AG, Agriculture.

Mrs. Harper located the property and explained the following: The Petitioner is requesting a Variance from Development Standards for lesser side yard setbacks for an addition to the home.

The Board should note that the petitioner has a permit from our office. It was our understanding that the addition would be in line with the house and not extend closer to any property line. It was brought to our attention that the addition was being built closer to the property line.

**Development Standards – Agricultural District (AG)**

- Minimum Side yard setback: 20 feet

**Side Yard Setback**

Currently: approximately 12 ft

Proposing: 7 ft

**VDS: 5 ft**

- **The addition will be 22'x13'. This makes the house 5 feet closer to the property line.**
- **There was a foundation from a previous room or porch that the petitioner replaced. Since the room was torn down, the new addition must meet the current standards.**
- **The petitioner wants to keep the same layout that was there previously.**

Mr. Seehase asked the Petitioner to step towards the microphone and state your name and address for the record; Gumaro Montes Pacheco, 78 S 975 E, New Waverly, IN 46961. Mr. Seehase asked the Petitioner if he had anything to add to the report, he stated he wanted to get a permit to build on top of the foundation that was already there. Mr. Koppe had checked the work and stated everything looked fine, did not mention anything about it not lining up. Mrs. Shaver stated the problem was as you can see its hard in the description and I think there also was some language barrier issue with the lining of the house. When Mr. Koppe went out to the property he went to inspect to make sure the footings were correct. So, he was looking at the construction, so he told them they looked good and to move on. We then found out that he wasn't actually meeting the setback requirement. Mr. Odom asked where on the picture are we talking about? Mrs. Shaver stated the house sets to the south right corner of the picture. It comes out farther, our ordinance allows you to align with the house and we had talked about that when Mr.

**NEW BUSINESS:** None

**PUBLIC IN ATTENDANCE:**

None

There being no further business to be brought before the Board, the meeting was adjourned at 6:29 PM, August 22, 2022.



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CCBZA Officer



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CCBZA Officer



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Ashley Rowe, Recording Secretary