

**MINUTES**  
**CASS COUNTY BOARD OF ZONING APPEALS**  
**MONDAY, October 31, 2022**

Fred Seehase called the regular meeting of the Cass County Board of Zoning Appeals to order at 5:00 PM

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

Members absent:

Staff present: Arin Shaver, Jamey Harper, Jamie Moore

Public in attendance: See sign in sheet

**ACTION ON MINUTES:**

Minutes of October 17, 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 #22-07: A petition of Jason Pine for a Use Variance to allow a retail store to sell guns and holsters. The property is located at 3645 W. Willow Woods Drive. Logansport and is zoned Ag, Agricultural District.

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

- *The board should note that selling guns is considered under Retail Trade.*
- *The selling of holsters would also be considered under Retail Trade.*
- *Mr. Pine will only be selling guns. He will not be building or repairing guns.*
- *The sales will be by appointment only.*
- *The selling of ammunition is not in the plans at this time.*
- *There will not be a shooting range on the property for customers to use.*
- **Lighting: Petitioner proposes-**
  - **Style:** Decorative LED lights
  - **Height:** 8ft and 16 ft
  - **Location:** Front of building; one center of building and one on porch
- **Signage: Petitioner proposes-**
  - **1 sign**
  - **Dimension:** 2' X 3' attached to building; 6 sqft
  - **Materials:** Banner made of outdoor vinyl
  - **Placement:** attached to building at the left side of entry door
  - **Lighting:** Recessed lighting at the entry area

It was determined later in the meeting that he would not provide signage at this location.

- **Hours of Operation: Petitioner proposes-**
  - Sunday – Saturday; 9 am – 7 pm **by appointment**
- **Access/Parking: Petitioner proposes-**
  - Paved drive
  - 2 space in front of building
  - The plan is to have about 450 sqft of floor area used.

Standard: 3 spaces per 1000 square feet of gross floor area

- **Buffer yard: Petitioner proposes-**
  - No buffer yard is being proposed.

Standard: Classification C, Level 4 buffer;  
10' width – 3 evergreens and 2 deciduous shrubs,  
and fence 20' width – 3 evergreens and 2  
deciduous shrubs, and berm  
25' width – 1 deciduous tree, 2 evergreens, and 1 deciduous shrub  
30' width – 1 deciduous tree, 1 evergreen, and 1 deciduous shrub  
VDS: Level 4 buffer-3 evergreens and 2 deciduous shrubs, and fence

- **Number of Employees:**
  - 4 part-time employees

Mr. Seehase asked the Petitioner to step towards the microphone and state your name and address for the record;

Jason Pine, 3645 W. Willow Woods Drive, Logansport, IN 46947. Mr. Seehase asked Mr. Pine if he had anything more to add to the Staff Report. Pine said he wanted to add that he is wanting to get his FFL license along with the ATF to meet their minimum qualifications. The main reason for the FFL is to use the guns we acquires to be able to receive and send them to the designers for mold designs. Do not intend to sell very many firearms out of this facility. We just want to meet the minimum requirements for the ATF.

Mr. Seehase ask if there were any questions from the board.

Mr. Pryor asked Mr. Pine if the guns for sale were new or used. Mr. Pine said that they would be new if they were to sell any. It would be by appointment only and would be very selective. Mrs. Shaver informed Mr. Pine that if he would sell ammunition later on, that he would have to come back in front of the board. Mr. Pine agreed, and said he has no plans on selling ammunition at this point.

Mr. Pryor asked if there was going to be a sign or any advertising and is it by appointment only? Mr. Pine said that the only advertising would be on google maps. That is how he manages business online and there is a link for appointments only. Mr. Pryor asked what kind of facility do you have to store weapons? Mr. Pine said he has two gun safes and if needed he will get another one. Mr. Shepler asked how many guns do you have on sight and what type. Mr. Pine said he has about 50, mostly pistols some shotguns and muzzle loaders. The pistols are for making the holsters, and all are under lock and key in the safes. Mr. Pryor asked if you allow shooting on the property and he said no customers are allowed to shut on his property ever, but Mr. Pine did say he target practices himself. That he would not ever have a shooting range for the facility. That customers would never be able to shoot there, he does not want the liability. Mr. Pryor asked if he lets his neighbors know when he shoots. Mr. Pine said that he doesn't normally and he does shoot on hours that wouldn't disturb anyone. Mr. Shepler asked what type of security does he have. Mr. Pine said that he has ADT inside the house and the facility, plus cameras that monitor 24 hrs. 7 days a week. He would only sell enough guns to meet the minimum ATF requirements to have to maintain FFL license. Mr. Pryor asked how many guns to maintain license. Mr. Pine said he wasn't sure but maybe around 4 a year. That he had to have this meeting first. Mrs. Shaver said that ATF can not issue anything until Mr. Pine had zoning approval. The maximum amount of guns at this facility would be around 75 to 80. That the goal to be in a different facility is about 12 to 18 months. Mr. Pryor asked if a gun bought out of state but shipped to a gun shop in his town, would he be able to do that. Mr. Pine said he could, but rather not, that he would have Dale Campbell or someone else, he doesn't want to do transfers.

Fred Seehase asked the Board if there are any more questions, no other questions were asked.

Fred Seehase asked if anyone in the public had any questions,

- Christy Householder, Cass County Economic Development, has been working with Mr. Pine for a while trying to find a permanent location. We actually had been looking at a couple of buildings today. That I'm hopeful Mr. Pine will be able to find a new location within the timeline.
- James Brown, 3741 W. Willow Woods Dr. Logansport. His concerns in their cul-de-sac are if they (the neighbors) be able to put any stipulations or time line because they (neighbors) can't base his promises on a business stand point. Mrs. Shaver said a possible 2 yr. time frame if Mr. Pine is ok with that and we can add that this can only be for him. That if anyone wanted to take over the business, that they would have to

come in front of the board. Mr. Brown asked that the retail store date at that location expired; Mrs. Shaver said that they would discuss that with him.

- Patsy Brock, 3710 W. Willow Woods Dr. Logansport. I have lived in this house for 30 years, and its residential. To put up a sign, I don't like guns and holsters, even if it was quilting, you got a business that is going to be putting up signs and all of a sudden, they say it is just with google maps, but it's a neighborhood, this is a residential neighborhood. I'm concerned that it takes away from what we have there now. What he does in his garage that we don't know about, I'm ok with, I don't want people bringing more traffic up and down the street, and people parking there, and like I said, if there is a sign then there is a sign. I'm just concerned about all those things.
- Cindy Blackman 3770 W. Willow Woods Dr. Logansport. I have lived up there for 44 years. It's a cul-de-sac, a private road. We have people fly up that hill, we moved there because it was a private area, and we don't want a bunch of people coming up there. If he wants to start a business, that's fine, I don't have a problem with that, but not up there in residential where we've had our homes for forty some years. So, I would appreciate it if it didn't go on.
- Bob Brock 3710 W. Willow Woods. I want to welcome Jason to the neighborhood. We do live in a cul-de-sac and we have grandchildren that run all over the place and traffic should be slow. We don't need any additional traffic. Property value could decrease, that is a factor, safety is a concern and parking are a concern. I've lived there since 1994. It's always been pretty quiet. Our neighbors are great neighbors, we are not against guns or selling guns, but I do think there is a lot of property available, possibly find a retail outlet, just not there. It's convenient for Jason, but certainly not convenient for us. So, I hope you consider that and where we live, put yourself in our place if there was a gun shop and you have little ones running around. We don't want that retail there and bring additional traffic up there, thanks I appreciate it.
- Ron Blackman, 3770 W. Willow Woods Dr. The first page you had on said it was zoned Agriculture did I see that correctly? Mrs. Shaver said residential is allowed in AG. Mr. Blackman I liked to get along with everybody, I don't mind him making holsters, but with the added fire arms makes me wonder about bad people coming around scouting the place and if they are scouting that place are they also scouting other residents. That's the only concern I have, who knows, that's all hypothetical.
- Terry Dodrill, 3661 W. Willow Woods Dr. I live right next door to Jason, and he came over and asked me if he could hunt on my property, which I don't have a problem with, but what I do have a problem with, is he built a building and now he is asking for permission. I didn't know until last night, my daughter showed me his website on YouTube, showing the holsters and guns he has; him and his brothers. I don't have a problem with someone having a business but when I moved here 20 years ago I signed a contract that said this area was residential homes. That there were not to be any out buildings, you could not have farm animals, you could have horses if you had a barn, and there were strict guide lines and rules, and as far as I'm concerned that's still the case. I'm wondering how he is able to have a business when none of us could have, not that I wanted to but it was supposed to be a single dwelling a couple car, yes, he has a couple employees and I live right next to him. I'm working in my yard with leaves and there's cars flying around that corner, I know what's going on, I'm outside, I'm not just looking out the window. I don't have a problem with either one of them. I'm concerned about my property value, would you want to buy a house next to a gun shop? No, I wouldn't. That's all I have.
- Rita McGlocklin, 3602 W. Willow Woods Dr. I just want to say, that there are a few cars over there, but as far as the business he proposes, I really don't have a problem with it, and I live right across the street.
- Jason Pine I do have a couple comments, I also live in this neighborhood and I also don't want traffic that would be caused from a full-on gun shop with a retail store front. That's not what I'm asking for. I'm asking for the bare minimum so I can qualify for the FFL and continue to use the advantage that I have with designs and support from FFL, to get more guns and better designs. So, I respect and appreciate everyone's discussion here and I share that same concern here, I do not want this to become a high traffic area. A couple things I want to mention of the employees that I have. There's only one employee that is not a law enforcement officer, so if someone is coming up there and not abiding by the speed limit then it will be easy to get that corrected right away. Mrs. Shaver asked do you have an idea of how many people will be coming up there, other than employees? Do you see this being every day, week, is there going to be multiple appointments or one or two, just a rough estimate? Mr. Pine, rough estimate? One a month, bare minimum. I'm not advertising that I'm going to sale guns, we're not going to keep inventory of guns to sell. I'm not going to spill this past getting bare minimum ATF approval so we can get FFL with the goal of

getting the business out of the building. Mrs. Shaver asked if Mr. Pine would mind if he had a time limit of a 2-year time limit? Mr. Pine said absolutely not, and he would be more than willing to have that in writing. This approval is not a full-on store front, with open hours, it's by appointment only. My wife and I neither one wants the traffic associated with an actual retail store front. Mrs. Shaver asked about the signage that is it possible not to have signage since you are on google? Mr. Pine said that having signage as far as I'm concerned, the signage is a bare minimum to qualify for the retail store front, it's a canvas with literally 4 magnets on the outside of the building. Mrs. Shaver told him that he doesn't have to have a sign. Mr. Pine said that he would rather not have a sign, he doesn't want anybody knowing that they are doing this either. Mr. Shepler asked that the only guns that you would have there are the ones to make patterns for the holsters? Mr. Pine said that is correct, and to verify that each holster passes our qualifications. Mr. Shepler asked, most of them or all of them will be disabled so they can't be used, is that what you are saying? Mr. Pine said yes, that you have to take the gun all the way apart, and we even invented our own barrel block, it disengages the extractor. You cannot load the gun in its disassembled state with our piece in the barrel. Mrs. Shaver asked if it is more of they look your guns, and they say I like this one, but they are yours so they can't be use, so you purchase them online? Mr. Pine said most or all of our customers have their own guns, we don't actually sell guns. Mrs. Shaver said that she understands that, but you're also doing retail of guns so you can hit that bare minimum, so are you going to have like four there so you can sell. Mr. Pine said it would be by order only. It would be more like my brother calling me and saying hey I want to see what the price of this 22. Riffle is. Yeah, I can get it for you at cost. I get it, I do the books, I sign the papers I have to keep it for 20 years, I don't keep any of that stuff. So, it would be the bare minimum, buying and selling to friends and family. I'm not storing any firearms in inventory for immediate sale. Mr. Pryor asked how many employees do you have? Mr. Pine said 5.

- Darren Racca, I have a couple notations from his rhetoric just now about having this 1 employee, now he is up to 5 employees. He maybe seeing light traffic, but we see heavy traffic all the time. That includes the local police, sheriff I even think I seen a state trooper. In fact, just a week ago when he was on vacation with his wife and his family, we noticed about 7 vehicles in the parking lot so it's an ongoing thing it doesn't happen just once a week. We are in a residential neighborhood with kids, kids riding bikes. How would your kids be riding around the corner and a cop cut you off? Sheriff Pryor knows who I am, and I talk to him all the time. We live in a very, very, very docile neighborhood and to allow something like that, and to have someone expand on it, because we were quite unaware of what was happening in the garage, everything is first class with Jason and Becky. But we were unaware of the holster building, and now all of a sudden, he is coming to you for a variance to upgrade this business that he's hid from us, and we are in the neighborhood. What is he going to hide from you guys? I just really wish that you would think twice about considering this variance because there is no telling what 12 or 18 months or two years will bring, if not extended if it doesn't go the way he says it will go. Nice guy, I talk to him all the time. But I do have some major concerns for the kids and grandkids that are in this neighborhood, and I really hope you take this under advisement.
- Rebekka Smith-Pine3645 W. Willow Woods Dr. I had not planned to speak, but I think at this point after hearing our neighbors I think they are missing the point. He doesn't want to have a gun store, he has to do this in order to get the guns to make the molds to do his business. I have watched him build this business from nothing to something very, very successful. I do not shoot guns I'm not a fan of firearms. This is not my thing, I have a teenage son and I have a son in college, I have granddaughters. They all come over to my house. I feel very confident having them over. He's never going to leave something out where someone is going to be injured. They were asking about guns being locked up. Guns are always under lock and key. Ammunition is not stored near guns. His employees are police officers who handle firearms every day. They do come and go to our house when they come and work, and when they do come, they pull in the drive way and they are not parking in the road and they're not parking in anyone's yard. I don't see them speeding up and down. And I have family there, I live there. I'm a private person, I don't love having people at my house, but I know this is the next step until he is able to find a building, this started in the basement of his home in town. It was just a hobby and it just grew and grew. He didn't even plan to move it into the barn. He was building the barn because we needed a place for the vehicles and he didn't have a place to put all of his tool and then the business was growing so quickly. Christy has been trying to help him find a building. They have looked at several properties. Either too big, not available, needs a lot of work, middle of the pandemic, needs a lot of work, can't get things, you name it, things just happened. And

so, we just set up shop and it got bigger and bigger in the garage. And it has grown quickly. He calls it controlled growth, because he doesn't want it to outgrow him. It got to the place where he had to retire from his fulltime job to keep up with it. He's working, he's trying, he's not going to be there; I don't want a fulltime business in my yard, that's not the plan. But in order to get to the next step, the pieces have to fall into place. So, I can tell you, you can trust what he says, he's not a liar, not a liar, he's an honest person. To have him questioned over and over, I know a lot of you don't know him like I do, but he is an honest man. He's working very hard to pursue this, I appreciate your time.

- Cindy Blackman, I appreciate what they are saying, we are not calling him a liar, but once this starts and opens up. What happens if we get new neighbors and they want to build something else? Mrs. Shaver stated that they would have to go back through this process.

Mr. Seehase asked Mrs. Pine if she had signed a covenant. She said that she had heard of one but not sure if they had signed anything or not when purchasing the home.

Mr. Seehase asked if there was anyone else that wanted to talk in the audience and there were none. He then asked the Board if there were any other questions and there were none. He also asked Mr. Pine wanted to rebut, and he didn't at this time.

Mr. Seehase asked the secretary to read the conditions and commitments of approval.

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:

1. That the approval stays with the current property owner only for 2 yrs.
2. That there be no exterior indication of the use and no signage.

The petitioner agreed to these conditions and commitments of approval.

Mr. Odem motioned and Mr. Barrett seconded the motion to bring the case to a vote. The Finding of Fact were completed and roll call vote was taken Mr. Seehase yes, Mr. Shepler yes, Mr. Pryor yes, Mr. Odem no, and Mr. Barrett, no. Case CCBZA #22-07 was approved.

Mr. Seehase explained the appeal process.

**REPORTS:** None

**OLD BUSINESS:** None


**NEW BUSINESS:** None

**PUBLIC IN ATTENDANCE:**

Mr. Seehase asked if there was anyone in the audience that wanted to speak. Although no one came to the microphone there were some audience members that asked how the board could approve this case. Would they want to live next door to it? Mr. Seehase stated that Christy is trying to find him a location and that it would only be allowed for two years and for a small amount of sales. He said he would be fine with that living beside him. There were some more general comments of wanting to know each member's reasoning for their approving the application. Mrs. Shaver stated that they are allowed to request findings from this meeting through the appropriate county process.

There being no further business to be brought before the Board, the meeting was adjourned at 6:58PM,

October 31, 2022.

  
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CCBZA Officer

  
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CCBZA Officer

  
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Jamie Moore, Recording Secretary