

**MINUTES**  
**CASS COUNTY BOARD OF ZONING APPEALS**  
**MONDAY, December 13, 2021**

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, Stacy Odom and Randy Pryor

Members absent: Jim Donato, Jeff Stanton and Dave Shepler

Staff present: Jamey Harper, Arin Shaver, Ashley Rowe

Public in attendance: See sign in sheet

**ACTION ON MINUTES:**

Minutes of November 22, 2021 were presented. Stacy Odom has some amendments to be made on the November minutes. Mr. Pryor 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 #21-12: A petition of Lehigh Cement Company, LLC for a Special Exception to allow for mineral extraction. The properties are located at 3395 W. South River Road, Logansport, IN and are zoned AG, Agriculture. The property in question is adjacent to property owned by Lehigh Cement Company, LLC that is currently used for Mineral Extraction, processing and storing of limestone:

- No production shall be started nor shall any permit be issued until the Board shall have made a written determination with respect to the conditions under which such operation shall be conducted.
- The site will used for mineral extraction activities. All mineral extraction and related uses are subject to the performance standards.
- All uses except agricultural and forestry uses, shall comply with the requirements of the performance 309 standards.
  - Fire protection
  - Noise
  - Electrical Disturbances
  - Vibrations
  - Odors
  - Air Pollution
  - Glare
  - Erosion
  - Water Pollution
  - Design Release
- Property to be used for production shall be enclosed by a cyclone fence along the exterior boundaries
- Suitable plant material shall be placed and maintained to screen cut slopes from public view
- Access roads to any site shall be limited to two and shall be constructed on a level with the pavement of any public streets
- Upon the completion of operations, the land shall be left in a safe condition
- Vehicles carrying materials from the site shall be loaded in such a manner to prevent spilled material
- Mining shall be done so as to keep noise and dust to a minimum
- All mineral extraction complies with all applicable Indiana Codes
- Hours of operation 7:00am – 4:00pm
- Parking requirements need to be 2 spaces per 3 employees
- Landscaping/Buffer yard will need to have an 8-10 ft vegetative berm along the northern edge of the property proposed

Mr. Smith stated that the previous improvement application would indicate using native tree and shrubbery.

Mrs. Shaver added when the petitioner is filing for a building permit that all vegetation meets the standards.

Mr. Odom asked the petitioner what portion of the property in question will Lehigh be doing the mining through? Mr. Smith responded with about approx. 75%-80%, they will not inhibit the natural drainage area that is on the southern most edge of the property. The petitioner will mine the upper edges of the 80% of the Rose property.

Mr. Odom asked if it would be more along the road? Mr. Smith answered approx. 50-60 ft off of the road frontage of south river road and all the way down to approx. 20 ft from the south drainage finale that exists currently.

Mr. Pryor asked the petitioner what will they do with all of the top soil? Mr. Smith answered the majority of the top soil from the Rose property will be pushed up as a berm on the northern edge to create a noise barrier and some of the soil will be reclaimed as aluminum sources for the plant. There is a certain amount of minerals and top soil that Lehigh can use in their process.

Mr. Smith stated Lehigh Cement Company, LLC intends to buy the property to the west of the Rose property in the next two years, they intend to comply to all conditions with that property.

Mr. Smith shared the existing fencing will remain and that Lehigh does maintain barbed wire fencing around all of the property. There will be signage that meet the standards.

Mr. Pryor asked the petitioner what the plan was with the Rose house? Mr. Smith stated at some point the well will be removed and will not be able to be a residence. Eventually the house will be demolished.

Mr. Pryor asked about possibly reclaiming the ground as farm ground? Mrs. Shaver answered they currently have a Reclamation Plan making sure that the property won't turn back into ag land, but that they will remove the processing equipment for the final when they remove the business from the area. They will do a Letter of Credit Bond each year to us. This is how petitioner will turn it over after they no longer are mining the property.

Fred Seehase asked the audience if they have any questions, Lora Redweir asked when it talked about communities' desires as far as rehabbing. If it's about what community desires isn't it still private property? Mr. Odom answered it is considered private property.

Fred Seehase asked the Board if there are 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.
4. That all performance standards of Section 309 of the ordinance be met, including the keeping of dust and noise to a minimum.

Commitments of Approval:

1. That there is a 20-foot buffer 10-foot tall on the north side and 4-foot tall on the west side in addition to the required setback, and that the mining operation be screened out of the public view with an earthen berm and staggering plantings for the north and west property line.
2. That a bond or a letter ensuring reclamation of disturbed areas be put in place and be evaluated annually.
3. That the barbed wire fence will be maintained on the north and west of the property lines.

The petitioner agreed to these conditions of approval.

Mr. Pryor motioned to bring this case to a vote. Mr. Barrett seconded the motion and roll call vote was approved by all. The CCBZA #21-12 was approved.

Mr. Seehase explained the appeal process.

**REPORTS:** None

**OLD BUSINESS:** None

**NEW BUSINESS:** None

**PUBLIC IN ATTENDANCE:**

Lora Redweir

There being no further business to be brought before the Board, the meeting was adjourned at 6:50 PM, December 13, 2021.



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CCBZA Officer



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CCBZA Officer



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Ashley Rowe, Recording Secretary

