

MINUTES
CASS COUNTY BOARD OF ZONING APPEALS
MONDAY, November 28, 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, Randy Pryor and Bob Barrett

Members absent: Stacy Odom

Staff present: Arin Shaver, Jamey Harper, Jamie Moore

Public in attendance: See sign in sheet

ACTION ON MINUTES:

Minutes of October 31, 2022 were presented. Mr. Barrett made a motion to approve the minutes, Mr. Pryor 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 #22-08: A petition of Fabio Acuna for a Use Variance and various variances from developmental standards to all contractor/construction office. The property is located at S US HWY 35, Galveston, IN (West of 13453 S US 350) and zones AG, Agricultural.

Mrs. Harper located the property and explained the following. The petitioner is requesting a Use Variance to allow for a contractor/construction office to be on the property, which is just outside of Galveston.

The petitioner proposes LED lighting. The height is 14 feet and will be located in the front and back property. If lighting becomes an issue the owner must work with the Planning Department to resolve the issues. For signage, the petitioner becomes proposes 1 sign at 3'x4' with hard plastic at the Southeast of property. The hours of operation will be from 8 am to 4pm.

There will be entrance drive at the east side, parking includes 5 spaces in the front office building and 3 spaces in open garage. For standards, it is classified D for parking which is 3 per 1000 sqft of gross floor space. VDS Level 5 buff – 10' width – 2 deciduous shrubs, and fence. The number of employees will be 3.

Mr. Seehase asked the Petitioner to step towards the microphone and state your name and address for the record; Fabio Acuna 107 South Depot St. Walton.

Mr. Seehase asked the petitioner if he had anything to add to the staff report? The petitioner said no.

Mr. Seehase ask if there were any questions from the board, Mr. Pryor asked, what kind of equipment are you going to be parking on the site.? The petitioner said it would be for work vehicles, not equipment. Mr. Pryor asked about the intersection and 1000 E or Deer Creek St on US 35, which is a pretty dangerous intersection. Will there be a lot of traffic there? The petitioner said no. Mrs. Shaver replied if there would happen to have a lot of traffic, are you willing to work with us to move it back further from the intersection? The petitioner agreed. Mr. Barrett asked if the petitioner would be working on equipment? The petitioner said no, just for office and meetings.

Mr. Seehase asked the Board if there are any more questions. There were none.

Mr. Seehase asked if anyone in the public had any questions There were none.

Mr. Seehase asked if there any correspondence. There were none.

Mr. Seehase asked the secretary to read the conditions and commitments of approval. Mr. Barrett asked Mrs. Shver would the petitioner have to get all permits for the Health Department. Mrs. Shaver said it would be State, because it is a commercial building, and would be through the Health Department for septic. He will also need to locate where the septic is, and he will need to call 811, all that will be done before we will issue a building permit. That's just how our process is anyway.

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

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 petitioner maintains the existing buffer.
2. That if drive way become a safety issue tat the petitioner will work with the staff.
3. That if the lighting becomes an issue that the petitioner will work with the staff.
4. That no materials will be stored outside on the property.
- 5.

The petitioner agreed to these conditions and commitments of approval.

Mr. Seehase asked if there was a motion to bring #22-08 to a vote, Mr. Shepler motioned and Mr. Barrett second the motion. The Findings of Facts were completed. Roll call vote was taken. The CCBZA # 22-08 was approved.

Mr. Seehase explained the appeal process.

CCZA #22-09: A petition of Scott Jellison for a Special Exception and various variances from developmental standards to allow a campground. The property is located at E CR 625 N (nest to 6688 E CR 625 N) zoned AG, Agricultural

Mrs. Harper located the property and explained the following: The petitioner is requesting to open a campground. Recreational vehicle park and campgrounds shall have direct access to a public street with sufficient frontage thereon for the proper construction of entrances and exits. Conditions of soil, ground water level, drainage, geologic occupants, nor shall the site be subject to the hazards of objectionable smoke, odor, or noise, or the possibility of subsidence, sudden flooding, or severe erosion. The density of a park should not exceed 17 recreational vehicles or camping spaces per acre of gross site area. Camping spaces should be separated from each other and from other park structures by at least 10 feet. Complying with any required side and rear yard requirements of the district in which in the park is located: camping spaces shall be bearer than 50 ft to the right-a-way line or street. Where the boundary line of recreational vehicle park coincides with that of a residential district. A yard of at least 25 ft shall be provided for a camping space. In Agricultural District, food stores, restaurants, sporting goods store, laundromat, and similar convenience and service shops shall be permitted in recreational vehicle parks and campgrounds which contain 50 or more spaces provided. All applicable regulations of the Board of Health shall be met. Proposing a pole lighting 12-15 ft, located in the main drive areas. If the lighting becomes an issue, the petitioner will work with staff. The petitioner proposing 1 sign, 4'x6' made of steel and wood with low voltage. It will be located on the main road by 625 North. Hours of operation will be 24-hours access. Parking/Access lighting Classification A-2 per dwelling unit or pad or campsite plus 1 per home occupation. There is no buffer proposed. There will be no employees.

Mr. Seehase asked the petitioner to step towards the microphone and state your name and address for the record. Scott Jellison, 8809 E 600 N Twelve Mile. The petitioner has been working with Dan Musselman with the septic. It will be a two-mound septic system. The people that will be staying there will be those who have work in the area, and could stay for months or even years. They will have full hook up and septic, and will not have dump stations. Mrs. Shaver asked if the spaces would be big enough to hold two vehicles. The petitioner said yes. If there would be a parking issue that they have other areas to park if needed. Mrs. Shaver asked that the petitioner would be able to meet the 50' from the highway and the 25' side yard. The petitioner said that would not be an issue. Mrs. Shaver said that the petitioner changed the amount of sites from 50 to 60 sites on the first phase. The petitioner said yes. Mr. Barrett asked if there is a cemetery? The petitioner said yes and he is working with the state over the mound and that he is 100 ft away. Mr. Pryor asked of he could live there for two years on the campground? The petitioner

replied that it's seasonal, however of there is someone working in that area could stay longer. There would be someone on site if there were ever any issues.

Mr. Seehase asked if there were anyone in the audience that had anything to add to this case.

There was a discussion from the audience regarding extra traffic, litter from the campground and concerns about the water table extra people in that area.

Mr. Seehase asked the Board of there are any more questions. There were none.

Mr. Seehase asked if anyone in the public had any questions, there were none.

Mr. Seehase asked if there were any written correspondence, there were none.

Mr. Seehase asked if there was a motion to bring this case to a vote, Mr. Barrett motioned and Mr. Shepler second the vote.

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 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 petitioner will work with staff on the buffer at the west side of property per phase.
2. That the petitioner will work with staff if lighting becomes an issue.
3. That the approval stays with the current owner only.
4. That the signs stating stay on property be placed at west and south property lines.

Mr. Seehase motioned that the Board bring Case #22-09 to a vote. Mr. Barrett seconded the motion. The Findings of Facts were completed. A roll call vote was taken. The CCBZA #22-09 was approved.

REPORTS: None

OLD BUSINESS: None

NEW BUSINESS: None

PUBLIC IN ATTENDANCE:

See Sign in Sheet

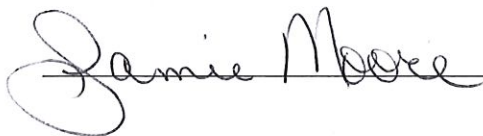
There being no further business to be brought before the Board, the meeting was adjourned at 7:41 PM, November 28, 2022.



CCBZA Officer



CCBZA Officer



Jamie Moore, Recording Secretary