

MINUTES
CASS COUNTY BOARD OF ZONING APPEALS

Wednesday, August 22, 2011

6:00 P.M.

Richard Fife Called the meeting of the Cass County Board of Zoning Appeals to order at 6:00 p.m. in the Commissioners' Hearing Room on the 2nd floor of the Cass County Government Building.

ROLL CALL:

Members present: Robert Hopper, Tom Steinberger, Richard Fife, Fred Seehase and Bob Barrett.

Members absent: None

Staff Present: Arin Shaver, Chris Gaumer, Peggy Dillon and legal counsel Jeff Stanton

Public in attendance: See sign in sheet

ACTION ON MINUTES:

Minutes of July 25, 2011 were amended. Tom Steinberger made a motion to approve as amended, Bob Barrett seconded the motion and all were in favor.

Mr. Fife asked if any of the members were in contact with the petitioners, advocates or opponents in these cases, all stated that they had not.

Staff informed the Board that proof of notification had been met in both of the cases but the newspaper affidavit for Warren needs to be presented to planning staff.

All wishing to speak were sworn in.

PUBLIC HEARING:

CCBZA Case # 11-06: A petition of Brian Sparks requesting a Variance from Developmental Standards to allow a mobile home that is older than (20) twenty years to be placed on the property at 7475 E. Old US 24 or 1428 S. CR 825 E. Peru, IN . The properties are zoned AG, Agricultural.

Robert Hopper recused himself from this case and left the meeting because his daughter owns an adjoining property and he has financial interest in the case.

Mr. Gaumer sited both proposed locations that the mobile home may be placed, presented pictures of the proposed mobile home and explained the following issues:

- Both sites are currently vacant
- The mobile home was manufactured in 1988
- Which ever site is utilized, the other site will become null and void for a mobile home
- The mobile home must be structurally sound, maintained weatherproof, be uniform in color and have suitable safe stairs and porch or deck

Brian Sparks, 8526 E. Canal Lane, Peru, stated that the mobile home has been remolded inside, this will be a rental for him and he prefers the 1428 S. Lewisburg location.

Brady Young, 1603 N. SR 25, Logansport, spoke of his concern of another mobile home at the US 24 location. Mr. Young explained that there are several mobile homes in this area and felt this will lower the re-sale value of his new home.

Mr. Fife asked for further questions from the board, there were none.

Mr. Fife asked for written correspondence on this issue, there was none. Tom Steinberger made the suggestion that with the objection of the US 24 location, the petitioner utilize the property at Lewisburg.

The following condition and commitments 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 state and local permits be obtained and proof be given to the Zoning Administrator.
4. That the current buffer yard be maintained.
5. The property that will be used be cleaned up and existing debris disposed of properly.
6. Meet all regulations as stated in Section 506 of the ordinance.
7. Petitioner receives a mobile home moving permit from the Treasurer's office prior to issuance of Improvement Location permit (ILP).
8. Petitioner receives Health Department approval and/or permit prior to issuance of an ILP.
9. Petitioner provides a site plan, meeting the setback regulations found in Table B of the zoning ordinance prior to the issuance of an ILP.
10. This mobile home be located at 1428 S. CR 825 E.

Mr. Sparks agreed to these conditions and commitments.

The board completed the findings of fact. Tom Steinberger motioned to approve this case, motion was seconded and roll call vote was unanimous to approve #11-06.

Robert Hopper returned to the meeting.

CCBZA case #11-07: A petition of Jamie Warren requesting a variance from developmental standards to allow a mobile home that is older than twenty (20) years to be placed on the property, which is not allowed by ordinance. The property that is to be considered is located at 8143 W. CR 150 S., Logansport, IN and is zoned AG, Agricultural.

Mr. Gaumer sited the location of the mobile home and presented a picture of it along with these issues:

- Built in 1989
- Petitioner states the mobile home is in good condition
- Has received a septic permit at this property and will share a well with adjacent property owner
- Ordinance requires the exterior walls and roof be structurally sound, exterior surfaces be uniform in color, be weather proofed and stairs and porch or deck be safe

Mr. Hopper questioned the sharing of the well and Mr. Gaumer stated that a permit has been issued and that is sufficient to planning staff.

Jamie Warren was sworn in and then stated that she has bought the house next door and will have her son living in this mobile home. Ms. Warren stated that she has a highway permit and health department permit.

Mr. Hopper questioned how long it will remain and Ms. Warren stated that it will be permanent. There was no written correspondence.

Mr. Fife asked for further questions from the board or the public, there was none.

The following conditions of approval 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 state and local permits be obtained and proof be given to the zoning administrator.
4. Affidavit from the newspaper be given to zoning administrator.
5. Mobile home meet all regulations as stated in section 506 in zoning ordinance.
6. A mobile home moving permit be obtained
7. A site plan meeting setbacks be presented before an ILP is issued

Petitioner agreed to these conditions. Fred Seehase made a motion to approve. Motion was seconded by Tom Steinberger and roll call vote was as follows: Tom Steinberger, yes; Fred Seehase, yes; Dick Fife, yes; Bob Barrett, yes; Robert Hopper, no. Petition #11-07 was approved.

REPORTS

Mobile Home standards: Mrs. Shaver questioned the board to determine whether they would like to retain the present standard of 20 years or less for mobile homes or take the issue to the Plan Commission. The board was in agreement that the standard should remain and a review of mobile homes older than 20 years should continue.

OLD BUSINESS

None

NEW BUSINESS

There being no further business to be brought before the Board, the meeting was adjourned at 6:52 PM on August 22, 2011.

Richard Fife, President

Robert Hopper, Secretary

Peggy Dillon, Recording Secretary