

MINUTES
CASS COUNTY BOARD OF ZONING APPEALS
Monday March 25, 2013
6:00PM

Richard Fife called the regular meeting of the Cass County Board of Zoning Appeals to order at 6:00 PM in the Commissioners Hearing Room on the 2nd floor of the Cass County Government Building.

ROLL CALL:

Members present: Richard Fife, Fred Seehase, Bob Barrett and Allen Paschen.

Staff present: Arin Shaver, Chris Gaumer and Peggy Dillon

Public in attendance: Brett Mennen

ACTION ON MINUTES:

Minutes of January 28, 2013 were presented. Fred Seehase motioned to approve as presented. Allen Paschen seconded the motion and all were in favor.

Mr. Fife asked if any member of the Board has been in contact with the petitioner, advocates or opponents for this case, all members replied they had not.

Staff informed the Board that proof of notification had been met.

All wishing to speak were sworn in.

PUBLIC HEARING:

CCBZA Case #13-02 : A petition of Hartman Farms, LLC requesting a Special Exception to allow for the expansion of a legal non-conforming confined feed operation. The property is located at 2111 W. 275 N. Logansport, IN and is zoned AG, Agricultural.

Chris Gaumer explained that the petitioner has an existing confined feed operation and wishes to expand. Mr. Gaumer sited the property location and the proposed building. Mr. Gaumer explained the following:

- No additional lighting proposed
- No additional signage proposed
- Hours of operation: 6:30am – 3pm Mon. – Fri.; 6:30am – 11:00am Sat. & Sun.
- 3 existing access points off 275 N will remain
- No bufferyard is required
- Currently 5 employees

Brett Mennen, 7327 E. 300 N. Michigantown, IN, explained that 2 building will be razed before the new building is constructed. Allen Paschen questioned the type of building. Mr. Mennen stated that swine will be housed for the purpose of farrowing to wean. Mr. Mennen explained that he has 50 – 60 sows and will be expanding by approximately 10%.

Mr. Fife asked for further questions or comments from the public or the Board, there were none.

The following conditions of approval were in the staff report:

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 are obtained and proof be given to the Zoning Administrator.

The Board completed the findings of fact. Fred Seehase made a motion to approve this case. Allen Paschen seconded the motion and roll call vote was unanimous to approve CCBZA #13-02.

REPORTS: None

OLD BUSINESS: None.

NEW BUSINESS: Educational Session: Mrs. Shaver gave a brief educational session with the following points of interest:

- Powers of the BZA include: Appeals & Determinations for Special Exceptions (SE), Use Variances (UV), Variances from Developmental Standards (VDS) and Variances for Floodplain Standards (VFP).
- Hearing Officer may make a determination for SE and VDS.
- Findings of Fact for SE's are development through the Plan Commission and Mrs. Shaver presented 2 amendments to them:
 1. Eliminate #1 – It is redundant and not necessary
 2. Change consistent to harmonious in #5

The Board agreed that these amendments be taken to the Plan Commission.

- UV is the hardest to approve due to the need to prove a hardship to the property.
- Variances are needed when a practical difficulty goes with the property.
- VFP is basically a height variance for regulations in place

A discussion of examples and situations followed.

There being no further business to be brought before the Board, the meeting was adjourned at 6:58PM on March 25, 2013.

Officer, CCBZA

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Peggy Dillon, Recording Secretary