

MINUTES
CASS COUNTY BOARD OF ZONING APPEALS
Monday January 28, 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, Stacy Odom and Robert Heckard.

Member absent: Allen Paschen

Staff present: Arin Shaver and Peggy Dillon.

Public in attendance: Scott Jellison and Connie Neininger

ACTION ON MINUTES:

Minutes of December 17, 2012 were approved as presented.

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

Mr. Fife asked if any members have been in contact with the petitioner, advocates or opponents of this petition, all said they had not.

All wishing to speak were sworn in.

PUBLIC HEARING:

CCBZA Case #13-01: A petition of The Old Mill General Store & Pizzeria, LLC requesting a Use Variance to allow for an off-premise sign. The property to be considered is located at the northeast corner of State Road 16 and State Road 25, Twelve Mile, Indiana and is zoned RR, Rural Residential. Mrs. Shaver explained that standards exist for off-premise signs where they are allowed but they are not allowed in this zoning district, RR. If this is approved, no regulations or standards exist and can be set for this case by the board. Mrs. Shaver gave the following information:

- ✓ Sign is 4'X8', 32 sq. ft.
- ✓ Height is 8' tall
- ✓ Lighting will be indirect, flood lights
- ✓ Placement can be viewed as obstructing the view of oncoming traffic

Dick Fife asked if there are any state standards for signage. Mrs. Shaver stated there are none that she knows of.

Scott Jellison, 8809 E. 600 W. Twelve Mile, stated that he is looking for approval of his signage and the property owner, Ray Brumbaugh, has given permission for the sign. Mr. Jellison stated that the sign is back 20 feet and further back it would be blocked by the barn when driving south.

Stacy Odom questioned the easement, right-of-way where the utility poles are located. Mrs. Shaver stated that surveys are not required and staff is not sure.

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

A letter from Karen Clements, 7083 N. SR 25 expressed concern of the sign blocking view of vehicles coming up to SR 25 from the east.

Mr. Jellison replied that traffic has to pull up past the stop sign to see north or south traffic whether the sign was there or not.

Mr. Fife asked if the sign can be moved back a few feet. Mr. Jellison proposed taking off the lower section of the sign and answered yes, it could be moved.

Mr. Odom stated that the intersection is at an angle and visibility is difficult. Mr. Barrett agreed that if the sign was moved back, it could help visibility.

Mrs. Shaver suggested that the sign be moved to the east of the utility poles and to contact the Utility Company to determine the utility easement. Mr. Jellison stated that he is requesting lights to be on the sign and will contact them for this purpose.

A discussion followed on possible solutions including taking the lower section off and moving the sign.

The board added a condition of approval: Move the sign 8 feet to the east.

Mrs. Shaver suggested adding wordage to consider the easement.

The board added: subject to any easement or right-of-way out of this board's control.

Further discussion resulted in adding a time limit for moving the sign.

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. Move the sign 8 feet to the east, subject to any easements or right of way out of this board's control.
5. Sign to be moved within 6 months of this days date.

Petitioner agreed to these conditions.

Fred Seehase made a motion to bring this Use Variance to a vote. Bob Barrett seconded the motion and roll call vote was unanimous to approve CCBZA #13-01.

Fred Seehase made a motion to adopt the majority findings of fact. Mr. Barrett seconded the motion and all were in favor.

REPORTS:

None.

OLD BUSINESS:

None.

NEW BUSINESS:

Authorization Letter:

Mrs. Shaver presented a template for an Agent Authorization Letter and explained this will be required when a petitioner does not own the property in their case.

ELECTION OF OFFICERS:

Mr. Fife asked for nominations of officers. Robert Heckard motioned to retain the present slate of officers: Dick Fife, president; Fred Seehase, Vice President; Bob Barrett, secretary.

Fred Seehase seconded the motion and all were in favor.

There being no further business to be brought before the Board, the meeting was adjourned at 6:38 on January 28, 2013.

CCBZA Officer

CCBZA Officer

Peggy Dillon, Recording Secretary