

Minutes
Cass County of Zoning Appeals
Monday August 28,2023

Fred Seehase called for the meeting of the Cass County Board of Zoning Appeals to order at 6:00 PM

Members Present: Fred Seehase, Randy Pryor, Dave Shepler, Stacy Odom

Members absent: Bob Barrett

Staff present: Jamey Harper, Jamie Moore

Public in attendance: See sign in sheet

ACTION ON MINUTES: Minutes for July 24, 2023 were presented. Mr. Seehase asked if there were any questions or corrections. There were none

Mr. Shepler motioned to approve the minutes as presented. and Mr. Odom second the motion. All were in favor.

Mr. Seehase asked if any Board members have been in contact with the petitioners, advocates or opponents in regards to today's case. All replied no.

Mr. Seehase swore all in attendance.

PUBLIC HEARING:

CCBZA # 23-05 the petition of Tim Garland – Garland Venues for a Use Variance and various variances from developmental standards to allow a Reception Hall/ Event Venue. The property is located behind 5394 S 600 E, Walton, IN 46994 and is zoned AG, Agricultural District.

Mrs. Harper located the property and explained the following: The petitioner is requesting a Use Variance and various variances from developmental standards to allow reception hall on his property. A reception hall is only allowed in the B4 district. They are permitted with a Special Exception in the AB and I1 districts. For lighting, they are proposing to do a full cut-off. The height will be 20 feet and the location will be along the entrance drive and parking lot. For signage the petitioner proposes 1 double sided sign that will be 4 feet by 6 feet (24 sqft). The materials will be wood and stone and it will be placed along CR 600 South with backlighting. Signs permitted in all districts are signs accessory to an agricultural use located on a parcel of not less than 20 acres for the purpose of identifying such AG uses or advertising. They can't exceed 30 feet in agricultural and they can't exceed 8 feet in height or be located closer than 10 feet to any street right-of-way. Their sign does meet the standards for AG district. Typically, in business and industrial district. Hours of operation will be 4 pm – 11 pm Friday – Sunday. The access drive will be off of CR 600 South and they have 101 parking spaces. For a reception hall, they are a classification V for parking, which is 1 space per 3 persons based upon maximum occupancy plus 1 for employee. Some examples of occupancy of the building are: They would need at least 3 parking spaces for employees. If maximum occupancy is 200 persons, 67 spaces would be required plus the 3 for employees for a total of 70 spaces. If maximum occupancy is 250 persons, 84 spaces would be required plus the 3 for employees for a total of 87 spaces. If maximum occupancy is 275 persons, 92 spaces would be required plus the 3 for employees for a total of 95 spaces. Which they meet all three of those. All parking areas shall be maintained in good condition without holes and shall be kept free of all trash and other debris. They would need to get a driveway permit from the County. The county and highway department said that it is considered a commercial driveway. The driveway is located at 600 S and is approximately 19ft wide. The property is the second drive from US 35 once you turn onto 600 S. The petitioner lives in the house that you would pass. There will be a Buffer along the south and east sides

of property. A large wooded area is to the west that will remain and provide additional buffering. The buffer yard is a classification D, level 5 buffer and they are doing a 25' width buffer with 1 deciduous tree, 1 deciduous shrub and 3 evergreens. The variance is for the north and the west side of the property. They will have 3 employees. A refuse disposal container (dumpster) and/or refuse storage area or corral for a commercial or industrial use shall not be located within any required front or side yard. The areas shall be opaquely screened from the public streets and adjacent properties. This screening may be achieved by walls, landscaping or the buffer yard, or by virtue of the location on the lot.

Mr. Seehase asked the Petitioner to step towards the microphone and state your name and address for the record; Tim Garland 5394 S 600 E, Walton, IN 46994.

Mr. Odom asked Mr. Garland if there was a reason why you don't want to put a buffer along the north side area? Mr. Garland stated from the venue itself, there is about 1000 feet from the neighboring property. Mr. Odom stated that having more trees in that area would be best in his opinion, since this is an agricultural area that there could be a farmer out working on his field whether it be dust and other issues that could cause a problem. Mr. Garland stated that it is something to consider. Mrs. Shaver stated that the buffer can go around the parking and the structure, it doesn't have to go around the whole property. Mr. Seehase asked about the electric. Mr. Garland stated that they are working with RMC.

Mr. Seehase asked if there was anything else the petitioner wanted to add. Mr. Garland stated that this has been something the whole family has been wanting to do. Mr. Shepler asked about the driveway whether or not it was going to be paved. Mr. Garland stated that the front as you enter would be paved and then gravel going around the back as a temporary. The front would have specifications for wheelchair use with clean walkways. Our plan is to have golf carts for those who need them. Mrs. Harper asked about what type of trash containers will be used. Mr. Garland stated that there would be dumpsters near the gravel where the trucks had easy access. Mrs. Shaver asked if the petitioner knew where he wanted the sign to be? Mr. Garland stated that it would be about 10' from the road and double sided.

Mr. Seehase asked the Board and public if there are any more questions.

James Winters 3186 S. CR 325 East stepped forward and asked if there was going to be alcohol? Mr. Garland stated yes, that for now people can bring it in and a bartender will serve it. Mr. Winters asked if he was going to have security? Mr. Garland stated yes. Mr. Winters asked what his plans were for the dust since it was going to be gravel. Mr. Garland stated that with the trees, there should be limited amount of dust and spraying water on the gravel before an event should help. He also showed on the map exactly where the paved area and gravel starts and stops. Mr. Garland planned to have it opened on April of 2024, and due to the expense, they would be able to consider getting it paved in about 2 years after being opened. Mr. Shepler stated that the petitioner could look into having Center Paving to come out and spray it with a calcium treatment to keep the dust at a minimum. Mr. Garland stated he would keep that in mind.

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

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

Mr. Odom read the Conditions and Commitments.

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 the buffer meets all standards.

COMMITMENTS of APPROVAL:

1. That if lighting becomes an issue the petitioner must work with the Planning Department staff to resolve the issue.
2. That the proposed and existing tree lines be maintained.
3. That the area stays free of trash and debris, including the tree lines.

Mr. Seehase motioned that the Board bring Case # 23-05 to a vote and Mr. Odom second the motion. Roll call vote was taken and the Findings of Facts were completed. The CCBZA # 23-05 was unanimously approved.

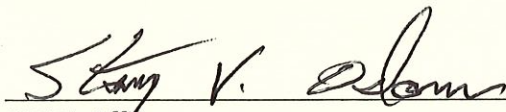
Mr. Seehase explained the appeal process.

Reports: None
Old Business: None
New Business: None

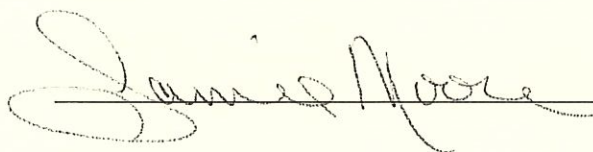
There being no further business to be brought before the Board, the meeting was adjourned at 6:45 pm.



CCBZA



CCBZA Officer



Jamie Moore, Recording Secretary

