

**MINUTES OF A REGULAR MEETING OF
THE BOARD OF ZONING APPEALS
OF THE CITY OF JASPER, INDIANA AND PUBLIC HEARING
June 1, 2016**

Chairman Jerry Uebelhor called the Regular Meeting of the Board of Zoning Appeals to order at 6:30 p.m. Secretary Dan Buck took roll call as follows:

Jerry Uebelhor, Chairman	-Present	Randy Mehringer	-Present
Josh Gunselman, Vice Chairman	-Absent	Darla Blazey Director of Community Development/Planning	-Present
Dan Buck, Secretary	-Present	Renee Kabrick, City Attorney	-Present
Matt Schaick	-Present		

PLEDGE OF ALLEGIANCE

Chairman Uebelhor led the Pledge of Allegiance.

APPROVAL OF THE MINUTES

Minutes of the May 4, 2016 regular meeting were reviewed. Randy Mehringer made a motion to approve the minutes as mailed. Secretary Buck seconded it. The motion carried 4-0.

STATEMENT

Chairman Uebelhor read the following statement. “We are now ready to begin the public hearings scheduled for this evening. With respect to tonight’s meeting and public hearings, we are hereby incorporating by reference into the record of tonight’s meeting and public hearings, City of Jasper Ordinance Number 1993-17, entitled “Zoning Ordinance of the City of Jasper, Indiana and its jurisdictional area” and any and all amendments thereto, and the City of Jasper Comprehensive Plan. Audio and videotapes of these proceedings are also incorporated by reference into this evening’s record.”

OLD BUSINESS

Petition of Mike W. Chou, M.D., P.C. for the following variances: (1) from Section 16.035.040(4) [visual impairment]; and (2) from Section 16.035.050(1)(d) [square footage of sign]

TABLED

NEW BUSINESS

Petition of Mark Kieffner for a variance from Section 16.02.140 (Height Regulations) for a proposed accessory building

Nick Hasenour, of Hasenour Construction, was present on behalf Mark Kieffner to request a variance to construct a 44ft. x 60ft. accessory building with a height of 30 feet. The property is located at 4949 N. Portersville Road. Plans are to use the garage for personal storage including cars, recreational vehicles and agricultural equipment. There is currently an old garage that will be torn down and replaced by the new one.

Discussion followed. With no remonstrators present, Secretary Buck made a motion to close the public hearing. Matt Schaick seconded it. Motion carried 4-0.

Secretary Buck made a motion to grant a variance to construct a garage on the A-1 (Agriculture) zoned property with the height of the garage not to exceed 30 feet at 4949 N. Portersville Road. Matt Schaick seconded it. Motion carried 4-0.

Petition of Kim Racey (owner) and Rodney White (petitioner) for a variance from Section 16.02.120 (Lot & Yard Requirements)(3)(A)(b) to construct an accessory building on a vacant lot

Kim Racey and Rodney White were present to request a variance to construct an accessory building on a vacant lot adjacent to their residence at 220 Lechner Lane. The petitioners explained that the lot is an odd shape and small in size, which does not allow for much use other than an accessory building. Plans are to construct a 3-car garage to be used for parking vehicles and personal storage.

Attorney Kabrick suggested that, if a variance is granted, there should be a stipulation added to the motion that the vacant lot cannot be sold separately. Discussion followed. With no remonstrators present, Secretary Buck made a motion to close the public hearing. Matt Schaick seconded it. Motion carried 4-0.

Secretary Buck made a motion to grant a variance to construct a 3-car garage on a vacant lot adjacent to 220 Lechner Lane, including a commitment added to the deed stating that the proposed lot cannot be sold separately from the lot on which the primary residence is located. Matt Schaick seconded it. Motion carried 4-0.

Petition of Marcus and Stacy Kurucz for a variance to allow an accessory building (Section 16.07.020(1) Accessory Use or Structure) on a vacant parcel without a primary residence

Brad Eckerle, of Brosmer Land Surveying, was present on behalf of Marcus and Stacy Kurucz to request a variance allowing an accessory building to be constructed on a vacant lot adjacent to their residence at 4363 W. Anya Court. A sketch of the 1,300 square-foot pool house was displayed showing the structure to include a kitchen, greenhouse, porch area, bathroom and family room.

Discussion followed. Attorney Kabrick suggested that if a variance is granted, the motion should include a commitment added to the deed stating that the proposed lot cannot be sold separately from the lot with their home. With were no remonstrators present, Secretary Buck made a motion to close the public hearing. Matt Schaick seconded it. The motion carried 4-0.

Secretary Buck made a motion to grant a variance to construct an accessory building (pool house) on a vacant lot adjacent to 4363 W. Anya Court, including a commitment added to the deed stating that the proposed lot cannot be sold separately from the lot in which the primary residence is located. Matt Schaick seconded it. Motion carried 4-0.

Petition of Our Lady of Loreto for a variance to allow an accessory building (Section 16.07.020(1) Accessory Use or Structure) on a vacant parcel without a primary residence and from Section 16.02.140 (Height Regulations) for a proposed accessory building

Attorney Bill Kaiser, of Bingham Greenebaum Doll, was present on behalf of Tony Uebelhor, President of Our Lady of Loreto LLC, to request a variance to allow an accessory building on two vacant lots located west of the residence at 1203 W. 6th Street. Plans are to construct a garage on Lots 8 and 9 in O. Eckerle's West Heights Addition. An old shed located next to the rental home on Lot 7 will be removed.

Mr. Uebelhor currently stores his lawn mowing equipment for the rental property in the existing shed, however, the shed needs to be replaced. A site plan was displayed showing the new building to be built across Lots 8 and 9. In addition to tools and lawn mowing equipment, Mr. Uebelhor intends to store antique cars in the garage and potentially place a hydraulic lift in the structure, therefore, a variance is also being requested to construct the building with a height of 23 feet. A bathroom would also be installed.

Discussion followed. The board showed concerns whether or not the building was subordinate to the home on Lot 7. Attorney Kaiser said that the building would be subordinate to the home on Lot 7 because it would be used to store tools for the renter's use.

Adjacent property owner, Len Lorey, appeared before the board with inquiries about a potential business operating at the proposed location. He explained that the neighborhood is very quiet and that storing several cars in the garage with a hydraulic lift and a bathroom are hints to him that, in the future, Mr. Uebelhor would turn it into a shop or museum causing traffic and noise issues in the neighborhood.

Board members assured Mr. Lorey that if Mr. Uebelhor ever intends to operate a business in the proposed location, he would need to come before the board to request a variance to do so. Attorney Kaiser explained that Uebelhor has a number of other facilities he stores his vehicles in and said the proposed garage is not a mainstay structure for the storage of vehicles.

Secretary Buck made a motion to close the public hearing. Randy Mehringer seconded it. Motion carried 4-0.

Randy Mehringer made a motion to grant a variance to allow an accessory building to be used for storage only; no living quarters shall be constructed; restroom shall be allowed; Lots 7, 8 and 9 shall remain under common ownership and shall not be sold separately. Secretary Buck seconded it. Motion carried 4-0.

Randy Mehringer made a motion to grant a variance to construct the proposed accessory building with a height not to exceed 23 feet. Matt Schaick seconded it. Motion carried 4-0.

ADJOURNMENT

With no further discussion, Matt Schaick made a motion to adjourn the meeting, seconded by Secretary Buck. Motion carried 4-0, and the meeting was adjourned at 8:25 p.m.

Jerry Uebelhor, Chairman

Dan Buck, Secretary

Recording Secretary, Kathy Pfister