

**MINUTES OF A REGULAR MEETING OF  
THE BOARD OF ZONING APPEALS  
OF THE CITY OF JASPER, INDIANA, AND PUBLIC HEARING  
February 2, 2022**

The Board of Zoning Appeals met on Wednesday, February 2, 2022. Notice was given in compliance with Indiana’s Open Meeting Law.

**CALL TO ORDER**

Chairman Josh Gunselman called the meeting to order at 6:30 p.m.

**ROLL CALL**

	In person	By Zoom	Absent
Chairman Josh Gunselman	✓		
Vice Chairman Anthony Seng	✓	—	—
Secretary Dan Buck	✓	—	—
Randy Mehringer	✓	—	—
Paul Lorey	✓	—	—
Director of C.D./Planning Darla Blazey	✓		
City Attorney Renee Kabrick	—	✓	—

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**APPROVAL OF THE MINUTES**

Minutes of the January 5, 2022, regular meeting were reviewed. Paul Lorey made a motion to approve the minutes as mailed. Randy Mehringer seconded it. Motion carried 5-0.

**STATEMENT**

Chairman Josh Gunselman read the following statement. “We are now ready to begin the public hearing 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 2016-30, entitled “Unified Development Ordinance of the City of Jasper, Indiana and its jurisdictional area” and any and all amendments thereto, and the City of Jasper Comprehensive Plan. Pursuant to Article V, Sections 2, 3 and 4 of the BZA rules of procedure, presentation by a Petitioner shall be limited to 15 minutes. The Call for remonstrators shall be limited to 20 minutes; with individuals limited to no more than 5 minutes at the Chairman’s discretion. Such time limits may be increased by a majority vote of the board members present.”

**NEW BUSINESS**

**Petition of Premier Property Management Kerstiens Realty (Petitioner) and City of Jasper, Indiana, Redevelopment Commission (Owners) for a use variance from the City of Jasper’s Unified Development Ordinance 2016-30 Chapter 4, Section 4.7 Medium Density Residential A. R3 Permitted Uses, aka 16.04.7.A to allow dwelling, multi-family use in a R3**

**zone and a variance from Chapter 4, Section 4.7 Medium Density Residential C. R3 District Standards, aka 16.04.7.C for modified minimum front setback**

Brad Eckerle, of Brosmer Land Surveying and Engineering, was present on behalf of Premier Property Management Kerstiens Realty, to request a variance to allow a multi-family use in an R3 zone and a variance for a modified minimum front setback at 1116 Main Street, formerly the Jasper Public Library. Developer Ruger Kerstiens was also present.

Mr. Eckerle gave a brief summary of the former library property and stated that the plan from Premier Property Management, named Library Square, was chosen from three plans presented to the Jasper Redevelopment Commission last year. If the variances are granted at tonight's meeting, and primary approval is granted from the Jasper Plan Commission to plat the property, the next step will be to complete the transfer of ownership between the Redevelopment Commission and Premier Property Management. A final technical advisory committee meeting would then review the construction plans and if no other concerns, demolition could occur as early as mid-March.

A site plan displayed two townhomes with nine units each, for a total of 18 units to be developed on the property between Main, Jackson, 11<sup>th</sup> and 12<sup>th</sup> Streets. The 1,100 square-foot two-bedroom townhomes would face Main and Jackson Streets and have off-street parking available behind each unit. Main Street parking will remain available for the public's use.

A variance was also requested to build within 15 feet of the front yard setback along Jackson Street, 10 feet of the front yard setback along 11<sup>th</sup> Street and 10 feet of the front yard setback along 12<sup>th</sup> Street. The setbacks were established for the referenced streets that are similar or exceed the average setbacks of existing building structures in adjacent blocks.

Some neighbors to the proposed development were present to share their concerns. Tony Egler, of 1014 Main Street, read a letter he addressed to the board. Attached to the letter were several signatures from other property owners in the community who share Mr. Egler's concerns. The letter stated five main reasons Egler and the others were against the development.

1. The loss of neighborhood and community character
2. A decrease in the market value of their home
3. Increased traffic congestion
4. The destruction of green space and mature trees as well as driving animals out of the area
5. This type of apartment complex does not aesthetically fit into the signal family neighborhood

Mr. Egler also shared his concern that after the development was approved, the developer could amend the plan from what was initially presented.

Mr. Kerstiens reaffirmed the contractual obligations in the project. He explained that he has a contract signed with Redevelopment Commission. If he changes the design standards in a way that is not sufficient with the review panel, it could revert back to the Redevelopment Commission, and he would be out of the money spent. Kerstiens said he intends to complete the development with the integrity that has been proposed.

Drew Englert, of 1102 Jackson Street, asked if a traffic study had been completed due to the increased traffic the new development would bring to the neighborhood.

City Engineer Chad Hurm said a traffic study was not required but explained that, according to planning standards from the Institute of Transportation Engineers, single-family dwellings can expect to have one trip per living unit at peak hours. A library would have about

eight trips per 1,000 square feet of building space during peak hours. The former library was approximately 11,000 square feet or 80 trips during peak times compared to 18 for the townhome development.

Brian Wright, of 1108 Jackson Street, agreed with the other remonstrators regarding the parking and traffic issue the proposed development could create. Wright said although he is not against a development on the former library property, six units in each townhome would be more appropriate for the density of the area.

Mr. Kerstiens told the board that the project is not fiscally feasible with anything less than the 18 units he proposed to the Redevelopment Commission.

Although the board listened to those that remonstrated, the majority agreed the proposed development would be a good fit and that Mr. Kerstiens would develop the area as presented.

Paul Lorey made a motion to close the public hearing. Dan Buck seconded it. Motion carried 5-0. Paul Lorey then made a motion to grant a variance to allow the multi-family townhomes at 1116 Main Street as presented. Randy Mehringer seconded it. Dan Buck voted nay. The motion carried 4-1.

Randy Mehringer made a motion to grant a variance to build within 15 feet of the front yard setback along Jackson Street, 10 feet of the front yard setback along 11<sup>th</sup> Street and 10 feet of the front yard setback along 12<sup>th</sup> Street. Dan Buck seconded it. Motion carried 5-0.

**Petition of Mehringer, LLC, as owner and petitioner, for a use variance from the City of Jasper's Unified Development Ordinance 2016-30 Chapter 4, Section 4.7 Medium Density Residential A. R3 Permitted Uses, aka 16.04.7.A to allow a parking lot in a R3 zone**

Brad Eckerle, of Brosmer Land Surveying and Engineering, was present on behalf of Mehringer, LLC to request a variance to allow a parking lot in an R3 zone. Anne Mehringer, owner of Mehringer LLC, was also present. The proposed property is the existing gravel area along the south side of 5<sup>th</sup> Street, east of McCrillus Street.

Mr. Eckerle displayed an aerial view of the subject tract while sharing a brief history of the property owned by Mehringer LLC. He stated that the subject tracts were utilized for vehicle parking associated with 402 McCrillus Street beginning in 1995. There was an addition to the parking lot in 2008 and again in 2016. Since an update of the Unified Development Ordinance (UDO) in 2016, a parking lot is not allowed in an R3 zone.

Discussion followed. Mr. Eckerle said the intent is to utilize the existing infrastructure and keep the area as is, part concrete, part gravel and allow for parking across all lots. Plans are to use the concrete portion at this time.

Paula Marshall, of 410 E. 5<sup>th</sup> Street, appeared before the board to share her concerns and asked if there would be future improvements to the parking lot, such as lighting, landscaping, and paving the entire lot. Mr. Eckerle said any improvements would be installed and follow the UDO.

Anthony Seng made a motion to close the public hearing. Dan Buck seconded it. Motion carried 5-0. Paul Lorey then made a motion to grant a variance to utilize the improved concrete

surfaces only, with a requirement to come back before the board when future uses and/or additional need arises pertaining to the two eastern unimproved lots for parking. Per diagram, use is allowed for 1995 and 2008 areas. Further approval would be needed to use 2016 and 1995 areas for parking. Dan Buck seconded it. Motion carried 5-0.

**Petition of Puzzles And Padlocks Escape Room LLC, as petitioner, and Mehringer LLC, as owner, for a use variance from the City of Jasper's Unified Development Ordinance 2016-30 Chapter 4, Section 4.14 Heavy Industrial (I2) A. I2 Permitted Uses, aka 16.04.14.A to allow an indoor entertainment recreation (escape room) in an I2 zone**

Brad Eckerle, of Brosmer Land Surveying and Engineering, was present on behalf of Beth Underwood, owner of Puzzles and Padlocks Escape Room LLC, to request a variance to allow the operation of an indoor escape room in an I2 zone. Ms. Underwood and Anne Mehringer, owner of the building, were also present. The property is located at 402 McCrillus Street.

Plans are to use a portion of the existing building, formerly utilized as the office of Mehringer Plumbing and Heating. The area used for the escape room would have a small attendance. Hours would be Monday thru Wednesday by appointment only. The remaining days would be evening hours, closing by 9:00pm.

A brief discussion followed. With no remonstrators present, Paul Lorey made a motion to close the public hearing. Dan Buck seconded it. Motion carried 5-0. Paul Lorey then made a motion to grant a variance to allow an escape room in an I2 zone as presented. Randy Mehringer seconded it. Motion carried 5-0.

**New Hire for Community Development and Planning Assistant position**

Darla Blazey introduced Becki Moorman as her new assistant in the department of Community Development and Planning. Ms. Moorman will be replacing Kathy Pfister, who will be retiring March 31, 2022.

**ADJOURNMENT**

With no further discussion, Paul Lorey made a motion to adjourn the meeting, seconded by Anthony Seng. Motion carried 5-0, and the meeting adjourned at 8:05 p.m.

Attest:

  
Dan Buck, Secretary

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Josh Gunselman, Chairman

 Anthony J. Seng, Vice Chairman

Recording Secretary, Kathy Pfister

