

**MINUTES OF A REGULAR MEETING OF
THE BOARD OF ZONING APPEALS
OF THE CITY OF JASPER, INDIANA, AND PUBLIC HEARING
May 3, 2023**

The Board of Zoning Appeals met on Wednesday, May 3, 2023. 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	✓	—	—
Julie Dutchess	✓	—	—
Blake Krueger	✓	—	—
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 April 5, 2023, regular meeting were reviewed. Anthony Seng made a motion to approve the minutes. Blake Krueger 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."

OLD BUSINESS

Petition of Tom & Juanita Eckert, as owner, and Larry W. Carpenter III, as petitioner, for a variance from 16.04.06.A aka Chapter 4 Districts, Single Family Residential (R2), (Permitted Uses), of the City of Jasper's Unified Development Ordinance to allow a grazing pasture in an R2 zone, and a variance from 16.08.06.E aka Chapter 8 Signage Section 8.6 Standards for Agricultural and Residential Districts (Advertising) of the City of Jasper's Unified Development Ordinance to allow a commercial wall sign and a monument sign in an R2 zone, and a variance from 16.04.06.A aka Chapter 4 Districts, Single Family Residential (R2), (Permitted Uses), of the City of Jasper's Unified Development Ordinance to allow a realty company in an R2 zone.

Withdrawn.

NEW BUSINESS

Petition of Todd Fromme, as owner and petitioner for a variance from 16.04.14.A aka Chapter 4 Districts, Heavy Industrial (I2), (Permitted Uses), of the City of Jasper's Unified Development Ordinance to allow a restaurant in an I2 zone.

Todd Fromme was present on behalf of his petition to request a variance to allow a restaurant, Emerald Greens, to be located at his property at 1280 Vine Street which is zoned I2. Mr. Fromme noted that Barry Dunlop, owner of Emerald Greens, and Andrew Knies, owner of The Broken Tee were also in attendance. The proposed venue would share space with Broken Tee, which is an indoor virtual sports business.

Mr. Fromme reported that he had notified 28 surrounding property owners of the plan to open a restaurant at this location. Mr. Fromme also noted that there are over 20 non-industrial businesses that have relocated to the Vine Street area in the past 10 years. Mr. Fromme noted that parking requirements would be met with 91 available parking spaces.

After further discussion, Chairman Gunselman asked if there were remonstrators present. As there were none, Dan Buck made a motion to close the public hearing. Anthony Seng seconded it. The motion carried 5-0. Dan Buck then made a motion to approve the variance as requested. Julie Dutchess seconded it. The motion carried 5-0.

Petition of Snaps Property LLC, as owner and petitioner, for a variance from 16.08.06.E aka Chapter 8 Signage Section 8.6 Standards for Agricultural and Residential Districts (Advertising) of the City of Jasper's Unified Development Ordinance to allow a commercial wall sign and a projecting sign in an R2 zone.

Snaps owner, Kim Mitchell was present on behalf of her petition to request a variance to allow a projecting sign at her restaurant, located at 610 Main Street. Ms. Mitchell commented that the sign will make it easier for customers find the restaurant. The proposed sign will be 4 feet by 6 feet and will be located above the front entrance facing Main Street.

After further discussion, Chairman Gunselman asked if there were remonstrators present. As there were none, Anthony Seng made a motion to close the public hearing. Blake Krueger seconded it. The motion carried 5-0. Dan Buck made a motion to approve the variance as requested and not to exceed UDO sign standards for a commercial business. Anthony Seng seconded it. The motion carried 5-0.

Petition of Cassandra Bare and Pamela Muller, as owner and petitioner, for a variance from 16.04.17.C.2.d aka Chapter 4 Districts, Lot Standards, (General Lot Standards) of the City's Unified Development Ordinance to allow the minimum depth of the front yard to be less than the average depths of the existing front yards in the block.

Chairman Josh Gunselman excused himself from this petition.

Pam Muller, 1640 Hill Road, was in attendance requesting a variance to allow the minimum depth of their front yard to be more than the average depth of the existing front yards on the block. Ms. Muller explained that due to the topography of the lot, it would remain unbuildable without a variance. Ms. Muller noted that the average front yard setbacks in the neighborhood block is 52 feet, and they are requesting an 89 foot setback variance.

After further discussion, Vice Chairman Seng asked if there were remonstrators present. As there were none, Dan Buck made a motion to close the public hearing. Blake Krueger seconded it. The motion carried 4-0. Dan Buck then made a motion to approve the variance as requested. Julie Dutchess seconded it. The motion carried 4-0.

Petition of Whitley Duncan & Carlos Martinez, as owner and petitioner, for a special exception from 16.04.6.B. aka Chapter 4 Districts, Single Family Residential (R2), B (Special Exception Uses) of the City's Unified Development Ordinance to allow an animal boarding/kennel (small or medium)

Whitley Duncan and Carlos Martinez were present on behalf of their petition to allow a small animal boarding kennel at their home located at 1140 Hopf Avenue. Ms. Duncan explained that she was diagnosed with a neurological disorder and was prescribed a service dog as part of her treatment plan. Her current service dog is four years old, and years of service are normally six to eight years. Ms. Duncan reported that she and her husband own two non-service dogs, a cat, and her current service dog. As it can take up to two years to train a replacement service dog, they will need to purchase a replacement service dog soon to begin the training process. This number of pets exceeds the four that are allowed per household per city ordinance.

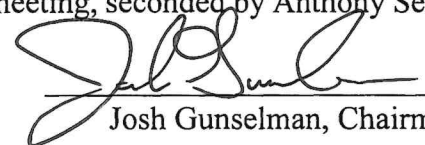
After further discussion, Chairman Gunselman asked if there were remonstrators present. Tim Doersam, 1133 Hopf Avenue, introduced himself as a neighbor to the petitioners. Mr. Doersam reported that he has no issue with granting the special exception as the current pets are responsibly cared for and contained.

City Attorney Renee Kabrick noted that as the property is zoned residential, this determined the need for a special exception to allow a small kennel to accommodate the number of pets residing at 1140 Hopf Avenue. Anthony Seng made a motion to close the public hearing. Dan Buck seconded it. The motion carried 5-0.

Dan Buck made a motion to grant the special exception which would allow a maximum of six total (service and nonservice) animals for private use vs. commercial. Blake Krueger seconded it. The Motion carried 5-0.

ADJOURNMENT

With no further discussion, Dan Buck made a motion to adjourn the meeting, seconded by Anthony Seng. Motion carried 5-0, and the meeting adjourned at 7:25 p.m.


Josh Gunselman, Chairman

Attest:


Dan Buck, Secretary

Recording Secretary, Becki Moorman