

**MINUTES OF A REGULAR MEETING OF  
THE BOARD OF ZONING APPEALS  
OF THE CITY OF JASPER, INDIANA, AND PUBLIC HEARING  
September 6, 2023**

The Board of Zoning Appeals met on Wednesday, September 6, 2023. Notice was given in compliance with Indiana's Open Meeting Law.

**CALL TO ORDER**

Chairman Anthony Seng called the meeting to order at 6:30 p.m.

**ROLL CALL**

	In person	By Zoom	Absent
Chairman Anthony Seng	✓	—	—
Secretary Dan Buck	✓	—	—
Julie Dutchess	✓	—	—
Blake Krueger	✓	—	—
City Attorney Renee Kabrick	✓	—	—
Director of C.D./Planning Josh Gunselman	✓	—	—

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**APPROVAL OF THE MINUTES**

Minutes of the August 2, 2023, regular meeting were reviewed. Blake Krueger made a motion to approve the minutes. Julie Dutchess seconded it. Motion carried 5-0.

**STATEMENT**

Chairman Anthony Seng 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."

**WELCOME DENNIS TEDROW**

Chairman Seng introduced and welcomed new Board member, Dennis Tedrow.

## **NEW BUSINESS**

**Evimero LLC, DBA Cornerstone Rentals LC, Andy Smith, as owner and petitioner, for a variance from 16.04.07.C.R3 aka Chapter 4 Districts, Medium Density Residential, (District Standards) of the City's Unified Development Ordinance for a Variance from the required Minimum of 900 feet of total living space.**

Andy Smith, Cornerstone Rentals LLC, was in attendance requesting a variance from the required 900 square feet minimum of total living space. Mr. Smith plans to convert a single-family home located at 329 W 8<sup>th</sup> Street into a duplex with an upstairs studio apartment containing 650 square feet of living space. Mr. Smith noted tenant parking needs would be met as four parking spaces would be provided. He also reported that his plans include exterior improvements to the home.

After further discussion, 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 5-0. Dan Buck then made a motion to approve the variance as requested. Julie Dutchess seconded it. The motion carried 5 -0.

**Ronald Kraus, as owner and petitioner, for a variance from 16.07.10.A.7 aka Chapter 7 Development Standards, Accessory Uses and Structures, (Allowance), of the City of Jasper's Unified Development Ordinance to allow an accessory structure in the required front yard, and a variance from 16.07.10.A.8 aka Chapter 7 Development Standards, Accessory Uses and Structures, (Allowance), of the City of Jasper's Unified Development Ordinance to allow an accessory structure not compatible in style and materials with the principal structure, and a variance from 16.07.10.A.1 aka Chapter 7 Development Standards, Accessory Uses and Structures, (Allowance), of the City of Jasper's Unified Development Ordinance to allow an accessory structure larger in area than the principal structure, and a variance from 16.04.17.C.d. aka Chapter 4 Districts, Lot Standards, General Lot Standards, (Allowance), of the City of Jasper's Unified Development Ordinance to allow an accessory structure to not meet the required existing setback average requirement.**

Ronald Kraus was in attendance requesting four variances that would allow him to expand the size of his current detached accessory building. Mr. Kraus noted that he had run out of storage space in his current building. Mr. Kraus explained a variance to expand the building in the required front yard was needed as he could not expand on the side of the current building due to a public utility easement. Other variances requested were to allow the proposed accessory structure to not be compatible in style and materials, be larger than the primary structure, and not meet the average setbacks on his block. Mr. Kraus's home is 2,188 square feet and the plans for the proposed accessory structure would be 2,439 square feet.

Chairman Seng asked if there were remonstrators present. Kenny and Cathy Egler, 1200 N Hayland Drive, introduced themselves. Mr. Egler stated that they were not opposed to the plans for Mr. Kraus to expand his building as they would rather see his camper and other items enclosed in storage. Dan Buck made a motion to close the public hearing. Blake Krueger seconded it. The motion carried 5-0.

Dan Buck noted that he was concerned about the height of the proposed structure. Mr. Kraus stated that he would re-measure to ensure the accessory structure was subordinate in height to his primary structure and if not, his contractor could adjust the height to ensure it met this standard. Chairman Seng asked Mr. Kraus if he would like the Board to table their decision until next month after the height measurements were complete. Mr. Kraus asked the Board to go ahead with the votes and he would ensure the height of the accessory structure would not exceed the height of his primary structure. After further discussion, Dan Buck made a motion to grant the

variance to allow the accessory structure in the required front yard. Dennis Tedrow seconded it. The motion carried 5-0. Dan Buck then made a motion to approve the variance to allow the accessory structure to not be compatible in style and materials. Julie Dutchess seconded it. The motion carried 5-0. Dan Buck made a motion to grant the variance allowing the accessory structure to be larger than the primary. Dennis Tedrow seconded it. Motion carried 5-0. Dan Buck made a motion to grant the variance allowing the accessory structure to not meet the setback average. Blake Krueger seconded it. Motion carried 5-0.

**Brandon Levan, as owner and petitioner, for a variance from 16.07.14.D.2 aka Chapter 7 Development Standards, Fence and Wall Standards, of the City of Jasper's Unified Development Ordinance to allow a privacy fence to exceed the maximum height of 4 feet in the front yard.**

Brandon Levan was present on behalf of a variance petition to install a 6-foot privacy fence on his property at 891 Giesler Road. Mr. Levan reported that the privacy fence would provide safety for his young child while playing outside. Mr. Levan noted that his plans included meeting all setback requirements and would not impair sight visibility requirements.

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

**City of Jasper by and through its Jasper City Parks and Recreation Board, as owner and petitioner, for a special exception pursuant to 16.04.06.B aka Chapter 4 Districts, Single Family Residential (R2), B (Special Exception Uses) of the City's Unified Development Ordinance to allow a public swimming pool with appurtenances.**

Tom Moorman, City of Jasper Park Director was in attendance and explained that as the current City pool will be demolished and replaced with a new City pool, a Special Exception was required to allow a public swimming pool in an R-2 zoned location. Mr. Moorman noted that the current public swimming pool had been in this location since 1956 and had not caused any issues being located in an R-2 zone.

**City of Jasper by and through its Jasper City Parks and Recreation Board, as owner and petitioner, for a variance pursuant to 16.07.5 aka Chapter 7 Section 7.5 (Parking Standards) of the City's Unified Development Ordinance from the minimum number of on-site parking spaces and to allow a shared parking arrangement.**

Brad Eckerle, Brosmer Land Surveying and Engineering was present on behalf of the City of Jasper, to request a variance from the minimum number of required parking spaces as well as to allow a shared parking arrangement with the Indiana National Guard. Mr. Eckerle explained that the entrance plans for the new pool actually created additional parking spaces.

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 5-0. After further discussion, Dan Buck made a motion to allow the Special Exception as requested, to allow a public swimming pool in an R-2 zone. Dennis Tedrow seconded it. Motion carried 5-0. Dan Buck then made a motion to allow the parking variance as requested. Blake Krueger seconded the motion. Motion carried 5-0.

**January 2025 Board of Zoning Appeals Meeting Date Selection**

Josh Gunselman, Director of Community Development and Planning explained that meetings for January 2025 are included in the 2024 calendar. As the 2024 calendars are being prepared, it was discovered that the

January 2025 Board of Zoning Appeals meeting would fall on January 1<sup>st</sup> (New Years Day). As City offices are closed in celebration of the Holiday, Mr. Gunselman suggested that the meeting on Wednesday, January 1, 2025, be rescheduled for Thursday, January 2, 2025. Anthony Seng made a motion to approve this date. Blake Krueger seconded it. Motion carried 5-0.


### **ADJOURNMENT**

With no further discussion, Dan Buck made a motion to adjourn the meeting, seconded by Julie Dutchess. Motion carried 4-0, and the meeting adjourned at 7:36 p.m.

Attest:



Dan Buck, Secretary

  
Anthony Seng, Chairman

Recording Secretary, Becki Moorman