

**MINUTES OF A REGULAR MEETING OF  
THE BOARD OF ZONING APPEALS  
OF THE CITY OF JASPER, INDIANA AND PUBLIC HEARING  
August 2, 2017**

Chairman Josh Gunselman called the Regular Meeting of the Board of Zoning Appeals to order at 6:30 p.m. Roll call was taken as follows:

Josh Gunselman, Chairman	-Present	Anthony Seng	- Present
Dan Buck, Vice Chairman	- Present	Darla Blazey, Director of C.D./Planning	- Present
Matt Schaick, Secretary	- Present	Renee Kabrick, City Attorney	- Present
Randy Mehringer	- Present		

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**APPROVAL OF THE MINUTES**

Minutes of the July 5, 2017 regular meeting were reviewed. Randy Mehringer made a motion to approve the minutes as mailed. Matt Schaick seconded it. Motion carried 5-0.

**STATEMENT**

Chairman Josh Gunselman 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 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."

**NEW BUSINESS**

**Petition of Regency Properties (as owner) and Custom Sign & Engineering (as petitioner) for a variance from the City of Jasper's Sign Ordinance Title 18, Section 18.035.060 (Business and Industrial Zoning Sign Standards) to allow two multi-tenant signs of which each exceeds the 200 square-foot limit**

Debra Mounts of Custom Sign and Ross Balboni, of Regency Properties, were present to request a variance to allow two multi-tenant signs at 3605 Newton Street of which each exceeds the 200 square-foot limit specified in the City's sign ordinance. A sketch of the proposed signs was displayed. Plans are to use the same foundation while removing old wiring to the signage and update with any new tenants.

Board members expressed concern regarding the impact the proposed monument sign on the south end of the lot would have as vehicles exit the parking lot. Following some discussion, it was decided that the large foliage located directly east of the sign was more of an issue, which the developer plans to have removed.

With no remonstrators present, Vice Chairman Dan Buck made a motion to close the public hearing. Anthony Seng seconded it. Motion carried 5-0.

Matt Schaick made a motion to grant a variance to allow the two signs as presented, with the condition that the impeding foliage be removed. Vice Chairman Dan Buck seconded it. Motion carried 5-0.

**Petition of Geoff and Shirley Stallwood for a variance from Section 4.12 (General Business) of the City of Jasper's Unified Development Ordinance No. 2016-30 to build within zero (0) feet of the side yard setback**

Jon Schnarr, of Universal Design, was present on behalf of Geoff and Shirley Stallwood to request a variance to construct a detached garage within zero (0) feet of the side yard property line. Mr. Schnarr presented a site plan. The Stallwoods would like to avoid intruding on their existing patio. The property is located at 2107 Newton Street.

Discussion followed. Chairman Gunselman explained that it is not typical of the board to allow a zero (0) setback due to various reasons, namely consideration of adjacent property owners and maintenance of the building. Board members shared some options for the Stallwoods to consider in order to avoid a zero (0) set back. Randy Mehringer suggested narrowing the width of the proposed garage.

There were no remonstrators present. Vice Chairman Dan Buck made a motion to close the public hearing. Matt Schaick seconded it. Motion carried 5-0.

Vice Chairman Dan Buck made a motion to grant a variance to construct a detached garage as measured from the furthest point of the overhang, within five feet of the side yard setback line. Matt Schaick seconded it. Motion carried 5-0.

**Petition of Robert and Linda Wehr for a variance from Section 4.2 (Agricultural General) of the City of Jasper's Unified Development Ordinance No. 2016-30 to build within 20 feet of the rear yard setback and a variance from Section 7.10 (Accessory Uses and Structures) of the City of Jasper's Unified Development Ordinance No. 2016-30 to allow an accessory structure that is not subordinate in height to the primary structure**

Robert and Linda Wehr were present to request a variance to build within 20 feet of the rear yard setback and a variance to allow an accessory structure that is not subordinate in height to the primary structure. The property is located at 1527 W 100 S.

Mr. Wehr explained the details of the request. Plans are to remove the old building. The new building would be used to store recreational vehicles. Board members asked for clarification on the height of the new building in comparison to the house. Mr. Wehr said the height difference was approximately one foot above the primary structure.

There were no remonstrators present. With no more discussion, Randy Mehringer made a motion to close the public hearing. Dan Buck seconded it. Motion carried 5-0.

Randy Mehringer made a motion to grant the two variances as presented. Anthony Seng seconded it. Motion carried 5-0.

**Petition of Ralph and Pam Hughes for a variance from Section 7.10 (Accessory Uses and Structures) of the City of Jasper's Unified Development Ordinance No. 2016-30 to allow a third accessory structure**

Ralph and Pam Hughes were present to request a variance to construct a third accessory structure on their property at 416 E 190 N. There is currently a small storage building and a pool house on the property. Mr. Hughes explained the urgency for needing additional storage is that a deceased relative left behind several personal items to the Hughes family. The size of the proposed building measures 560 square feet.

Some discussion followed. With no remonstrators present, Anthony Seng made a motion to close the public hearing. Vice Chairman Dan Buck seconded it. Motion carried 5-0.

Anthony Seng made a motion to grant a variance as presented. Randy Mehringer seconded it. Motion carried 5-0.

**Petition of Richard Hurst for a variance from Section 7.10 (Accessory Uses and Structures) of the City of Jasper's Unified Development Ordinance No. 2016-30 to allow an accessory structure that is not subordinate in area to the primary structure**

Richard Hurst was present to request a variance to build an accessory structure on his property at 2133 E State Road 164. The proposed building measures 30 x 56 feet, which would not be subordinate in area to the primary structure, 30 x 42 feet.

Following some discussion also on the location and height of the accessory structure, the board did not see the small difference in size to be an issue. With no remonstrators present, Vice Chairman Dan Buck made a motion to close the public hearing. Anthony Seng seconded it. Motion carried 5-0.

Matt Schaick made a motion to grant a variance as presented. Vice Chairman Dan Buck seconded it. Motion carried 5-0.

**Petition of Duane and Amy Hopf for a variance from Section 4.2 (Agricultural General) of the City of Jasper's Unified Development Ordinance No. 2016-30 to build within 22 feet of the side yard**

Duane Hopf was present to request a variance to construct a residential addition within 22 feet of the side yard on his property located at 4886 N Portersville Road. The City's new Unified Development Ordinance requires a 50-foot side yard setback in an A-1 (Agricultural General) zone. Mr. Hopf explained that the existing home measures 15 feet from the side yard and pointed out that the adjacent properties are undeveloped agricultural land.

There were no remonstrators present. Following some discussion, Vice Chairman Dan Buck made a motion to close the public hearing. Anthony Seng seconded it. Motion carried 5-0.

Vice Chairman Dan Buck made a motion to grant a variance to build a residential addition within 22 feet of the side yard, as presented. Anthony Seng seconded it. Motion carried 5-0.

**Petition of SERVUS! Inc. and LV Associates LLC for a variance from the City of Jasper's Unified Development Ordinance No. 2016-30 Section 16.03.150(1) to allow a Planned Unit Development District with proposed non-residential uses in an area of land less than 25 acres on a B-3 General Business zoning classification**

David McGimpsey, of Bingham Greenbaum Doll, and Jason Kelly, of SERVUS! Inc., were present on behalf of SERVUS! Inc. and LV Associates LLC, to request a variance to allow a Planned Unit Development District on an area of land less than 25 acres in a B-3 (General Business) zone located at Brucke Strasse and South Newton Street.

Vice Chairman Dan Buck asked about the intended uses for the building. Attorney McGimpsey explained the plan for the multi-use development which would include three stories involving commercial use, a McAllister's Deli, office space use, the new headquarters for SERVUS! Inc. and high-end residential apartments. A second phase of the project may include constructing a similar stand-alone building on the lot if phase one proves to be beneficial.

Discussion followed. With no remonstrators present, Vice Chairman Dan Buck made a motion to close the public hearing. Anthony Seng seconded it. Motion carried 5-0.

Vice Chairman Dan Buck made a motion to grant a variance as presented. Randy Mehringer seconded it. Motion carried 5-0.

**Rifle and Gun Club**

City Attorney Renee Kabrick explained the situation of the summary judgement between the Gun Club, plaintiffs involved, and the City. They are now waiting for the judge to rule, possibly at a time in early October.

**New Hire – Danika Fleck**

Director of Community Development and Planning Darla Blazey welcomed Danika Fleck, the City's new planning technician for the Community Development & Planning Department.

**ADJOURNMENT**

With no further discussion, Vice Chairman Dan Buck made a motion to adjourn the meeting, seconded by Anthony Seng. Motion carried 5-0, and the meeting was adjourned at 7:41 p.m.

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Josh Gunselman, Chairman

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Matt Schaick, Secretary

Recording Secretary, Kathy Pfister