

**MINUTES OF A REGULAR MEETING OF
THE BOARD OF ZONING APPEALS
OF THE CITY OF JASPER, INDIANA, AND PUBLIC HEARING
April 5, 2023**

The Board of Zoning Appeals met on Wednesday, April 5, 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 March 1, 2023, regular meeting were reviewed. Anthony Seng made a motion to approve the minutes. Dan Buck 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 Gary R. & Kristine M. Giesler, 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.

Gary and Kristine Giesler, 2090 West Skyview Drive, were in attendance requesting approval of a variance to build a detached garage. Mrs. Giesler noted their property is located on a corner-lot on a dead-end street and as this creates two front yards, they are requesting a variance to build the detached garage on what is considered one of the front yards. Mrs. Giesler stated that the garage plans include masonry on all four sides, a shingled roof, and will be lower in height than the primary structure. The plan includes placing the detached garage 35 feet from the middle of Ryan Road which is on the west side of the property.

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. Blake Krueger seconded it. The motion carried 5-0.

Petition of Mel Harder, as owner and petitioner, for a special exception from 16.04.12.B.3 aka Chapter 4 Districts, General Business (B3), (Special Exception Uses) of the City's Unified Development Ordinance to allow a religious institution in a B3 zone.

Mel Harder was present on behalf of his petition to request a special exception allowing a Hispanic church to operate at his property at 306 Wernsing Road. Mr. Harder noted that the church membership includes 38 adults and 12 children, which includes a parking plan to meet the needs of the congregation.

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 made a motion to approve the variance as requested. Julie Dutchess seconded it. The motion carried 5-0.

Petition of Klayton Terwiske, as owner and petitioner, for a variance from 16.04.05.C aka Chapter 4 Districts, Low Density Residential (R1), District Standards (minimum rear setback), of the City of Jasper's Unified Development Ordinance to allow an accessory structure to not meet the required 15 feet rear setback requirement, 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.

Klayton Terwiske, 1213 W 36th Street, was in attendance requesting a variance to allow detached metal garage to not meet the minimum rear setback of 15 feet. Mr. Terwiske stated that Colton Durcholz, Project Manager with Morton Buildings, was also in attendance. Mr. Terwiske reported that he'd like to build a detached garage on the south side of his property which will replace his current detached garage. There is a line of trees to the north of the proposed building which he would like to preserve. The proposed building will be 36 feet by 56 feet and the materials will coordinate with the primary structure's materials. The square footage of the primary structure is 2,048 feet and the proposed detached garage would be 2,016 square feet. The setbacks will be 10 feet from south and west property lines.

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 10 feet rear setback variance as requested. Anthony Seng seconded

it. The motion carried 5-0. Dan Buck then made a motion to approve the materials compatibility variance as requested. Anthony Seng seconded it. The Motion carried 5-0.

Michael Snell, as owner and petitioner, for 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 use or structure (130 S. Meridian Road)

This petition was withdrawn.

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

Larry Carpenter was present and stated he would like to propose a variance to run a realty business at the residential property located at 1700 N Newton Street. Tom and Juanita Eckert were also present. Mr. Carpenter reported the property was previously used as Eckert's Pool Supply business. Mr. Carpenter noted his purchase of the property was contingent on approval of all three variance requests. He stated he would also be requesting a variance to allow the grazing pasture to remain as well as a 4-foot tall by 7.5-foot-wide monumental sign at the base of the driveway and a 2 foot by 4-foot sign that will be attached to the storage building.

Mr. Carpenter reported the realty business would include 10 employees and 10 realtors. His plan includes using the large building behind the primary structure as a warehouse for rental and construction equipment. The primary structure will be used for office space for real estate agents.

After further discussion, Chairman Gunselman asked if there were remonstrators present. Brenda Heeke introduced herself as Tom Eckert's cousin and reported that the property had been in the Eckert family since 1847, and stated she had concerns about the proposed monumental sign, concerns about the primary structure not being used as a residence, and concerns about access to and maintenance of parts of the property.

Jennifer Leath, 324 W Fifteenth Street introduced herself and noted her concern of turning the property into a commercial property as it would disturb the peace of the neighborhood. She also reported concerns about stormwater runoff patterns.

City Attorney Renee Kabrick noted the property is zoned residential and had concerns about building materials being stored outside. Blake Krueger asked for the number of trucks and trailers that would be housed at the property. Mr. Carpenter reported he would be storing 5 company trucks that would come and go, 5 trailers of different sizes, and a landscaping truck. Dan Buck stated he would appreciate a detailed business plan and suggested the Board members submit a list of questions about the business they would like Mr. Carpenter to answer.

Dan Buck made a motion to table the petitions to the May 3, 2023, Board of Zoning Appeals meeting. Blake Krueger seconded it. The Motion carried 5-0.

Petition of Virginia and Michael Caudill, 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.

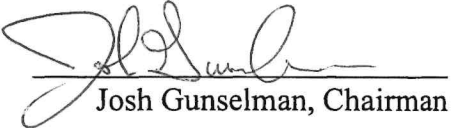
Ethan Hopf, Tri Mark Surveying was present on behalf of Virginia and Michael Caudill. Mr. Hopf did not file the variance application before the application deadline, so he read the Rules of Suspension to request the Board suspend the deadline rule and hear his petition. Anthony Seng made a motion to suspend the application deadline rule. Dan Buck seconded it. The Motion carried 5-0.

Mr. Hopf explained the average front yard setback on the block of Lot 19 Rolling Ridge Estates is 80 feet and his petition is requesting a 56-foot front yard setback. The lot being positioned on a cul-de-sac allows the homes to be somewhat in proportion. 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 made a motion to approve the variance as requested. Julie Dutchess seconded it. The motion carried 5-0.

ADJOURNMENT

With no further discussion, Blake Krueger made a motion to adjourn the meeting, seconded by Anthony Seng. Motion carried 5-0, and the meeting adjourned at 8:00 p.m.


Josh Gunselman, Chairman

Attest:



Dan Buck, Secretary

Recording Secretary, Becki Moorman