

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

The Board of Zoning Appeals met on Wednesday, July 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 6:28 p.m.

ROLL CALL

	In person	By Zoom	Absent
Chairman Josh Gunselman	✓	—	—
Vice Chairman Anthony Seng	✓	—	—
Secretary Dan Buck	✓	—	—
Julie Dutchess	✓	—	—
Blake Krueger	—	—	✓
City Attorney Renee Kabrick	✓	—	—

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

APPROVAL OF THE MINUTES

Minutes of the June 7, 2023, regular meeting were reviewed. Anthony Seng made a motion to approve the minutes. Julie Dutchess seconded it. Motion carried 4-0.

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

Josh and Sarah Blackgrave, 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.

Sarah Blackgrave was present on behalf of a variance petition to replace her 4-foot picket fence with a 6-foot privacy fence at her property at 280 Ridgewood Lane. Ms. Blackgrave reported that all 18 neighbors within 200 feet of the property signed off on the project. Ms. Blackgrave noted that the new fence would be located 2 feet off the property line and 10 feet off the easement. Ms. Blackgrave stated that while there is a 4-foot option, she felt the 6-foot option would provide more privacy.

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. Dan Buck seconded it. The motion carried 4-0. Dan Buck then made a motion to approve the variance as requested. Anthony Seng seconded it. The motion carried 4-0.

Michael and Brittany McMahon, as owner and petitioner, for a variance from 16.04.05.C aka Chapter 4 Districts, District Standards, (Minimum Rear Setbacks) of the City's Unified Development Ordinance to allow the minimum depth of the rear setback to be less than the required 15 feet for an accessory structure.

Michael and Brittany McMahon, 1771 White Oak Drive, were in attendance requesting a variance to allow a pool house to be constructed 10-feet from the side setback on their property. Mr. McMahon reported that the pool house will be constructed inside a fence on the property. He noted that he met with 11 neighbors who all signed off on the project. Mr. McMahon reported that the fence is 6 feet tall and is surrounded by rock and a drop-off.

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. Dan Buck seconded it. The motion carried 4-0. Anthony Seng then made a motion to approve the variance with a correction to a side setback instead of a rear setback. Julie Dutchess seconded it. The motion carried 4-0.

Jeffrey and Emily Ricker, as owner and petitioner, for a variance from 16.04.07.C aka Chapter 4 Districts, District Standards, (Minimum Rear Setbacks) of the City's Unified Development Ordinance to allow the minimum rear setback to be less than the required 5 feet.

Emily Ricker was present on behalf of a request for a variance to allow a new shed to be constructed less than 5-feet from the property line at 2526 Alois Court. Ms. Ricker reported the current shed in the backyard is 15 inches off the property line. She reported all her surrounding neighbors' sheds are located on their property lines. Ms. Ricker stated that her backyard has a slope and would require her to dig should she have to move her shed off the property line. The current shed is 8 feet by 10 feet and the new shed would be 16 feet by 10 feet. Ms. Ricker noted that she notified 23 surrounding neighbors who had no issue.

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. Dan Buck seconded it. The motion carried 4-0. Anthony Seng made a motion to approve the variance as requested. Julie Dutchess seconded it. The motion carried 4-0.

Mel Harder, as owner and Angelino Dubon, as petitioner for a variance from 16.04.11.A aka Chapter 4 Districts, Central Business (B2), (Permitted Uses), of the City of Jasper's Unified Development Ordinance to allow an auto detail show in a B2 zone.

Angelino Dubon was present on behalf of a request for a variance to establish an auto detailing shop at 413 Mill Street. Mr. Dubon reported that the shop was originally his brother's idea 2 years ago. Mr. Dubon reported that outside of the benefits of a properly maintained car, clean cars are better for physical and mental health. Mr. Dubon reported that there will be 2 employees at the shop, and operating hours would be 8am – 5pm Monday through Saturday. He reported that cars would wait in the gravel lot before being moved into the shop, and then picked up or delivered to the owner when done.

Mike Harder was present on behalf of Mel Harder as owner of the building located at 413 Mill Street. Mr. Harder stated the auto detailing business would be in the old Herald printing storage building. Harder stated that the building owns the parking lot across the street which houses 10-12 parking spots.

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. Julie Dutchess seconded it. The motion carried 4-0. Chairman Gunselman advised to avoid stacking cars on Mill Street. Anthony Seng made a motion to approve the variance as requested. Julie Dutchess seconded it. The motion carried 4-0.

PCR Group LLC, as owner and petitioner, for a variance from 16.04.12.C aka Chapter 4 Districts, General Business (B3), District Standards (minimum front setback), of the City of Jasper's Unified Development Ordinance to allow a building addition to be positioned closer to the street than allowed, and a variance from 16.07.05.A.1 aka Chapter 7 Development Standards, Parking Standards, (general parking standards), of the City of Jasper's Unified Development Ordinance to reduce the number of required minimum number of parking spaces, and a variance from 16.07.08.H.3 aka Chapter 7 Development Standards, Parking Standards, (parking lot perimeter landscaping), of the City of Jasper's Unified Development Ordinance to eliminate the requirement for parking lot perimeter landscaping, and a variance from 16.04.17.C.2.a aka Chapter 4 Districts, Lot Standards and Matrix, General Lot Standards (setback standards), of the City of Jasper's Unified Development Ordinance to allow parking spaces in the front yard setback.

Davin Spayd was present on behalf of PCR Group LLC in request for a variance to expand square footage at Videotech on the South side of the building. Other Variances requested were to allow less than the 18 required parking spots, a variance to eliminate the requirement for a buffer adjacent to right of way, and a variance to allow parking spaces in the front setback at 3710 Newton Street. Mr. Spayd reported that PCR Group plans to expand the building 20 feet on the South side, which currently sits 40 feet from the property line. He reported that the south side is the only direction that the building can expand. Mr. Spayd reported that the nature of the business will remain the same but will increase the showroom floor. Mr. Spayd reported that there will be a sidewalk constructed on the south side of the building, with added parallel parking spots.

Chairman Gunselman asked if there were any remonstrators present. Steve Stallings introduced himself and noted that he lives on 37th Street, which is across the street from Videotech. Mr. Stallings asked for confirmation of the amount of square footage to be added to the building. It was noted that 20 feet will be added with a 4-foot awning. Mr. Stallings then questioned the distance between the street and the parking spaces on the South side. Mr. Stallings expressed concerns about traffic and cars backing onto the street. Mr. Stallings reported that 37th Street experiences a lot of high-speed traffic.

Davin Spayd reported that there is a 5-foot sidewalk that wraps around the building. He noted that there is a grass buffer when turning on to US-231. Mr. Spayd stated that parking spaces begin at 5 feet off the building, and spaces are 8 feet wide. There is another 5 feet to the property line, and the property line is another 5 feet

away from the street. Mr. Spayd reported that adding the 4 spaces on the South side was only for compliance with general parking standard requirements.

Chairman Gunselman asked if there were additional remonstrators who would like to speak. Steve Stallings acknowledged the Board for their attitude towards business. He shared his concern that he thought cars were to be parked on the sidewalk.

Nancy Eckerle introduced herself on behalf of the Jasper Chamber of Commerce. She acknowledged that PCR Group was requesting multiple variances and also noted that they are significantly contributing to the community. Ms. Eckerle asked that the Board be willing to work with the owners as they wish to update and revamp the business.

Chairman Gunselman reported that between two properties that are not zoned similarly, it is common practice to require a buffer of some sort. He reported that if the Board wishes to throw out the parking requirements on the South side and improve the buffer to the East, then they will be close to reaching an agreement. City Attorney Renee Kabrick noted that either a privacy fence or landscape buffer would be adequate for a buffer between the two zones.

Dan Buck emphasized that going from a 40-foot setback down to a 16-foot setback is significant. He expressed concern with the proximity of the building to the street, even though it is not the front setback.

Marsha Stallings introduced herself. She reported that semi-trucks have to drive on to 37th street in order to back into the parking lot behind the store to make deliveries. She noted they often use her driveway to make turns. She questioned if these proposed additions would make it harder for semi-trucks to back into their lot. Ms. Stallings expressed concern about how fast the traffic goes in front of her house.

Chairman Gunselman asked if anyone else wanted to speak on the matter. Anthony Seng made a motion to close the public hearing. Julie Dutchess seconded it. The motion carried 4-0. After further discussion, Chairman Gunselman informed Mr. Spayd that all 4 items would be voted on individually and that he needed 3 Board members to pass any one petition. It was decided that the Board go ahead with a vote on the four requested variances.

Anthony Seng made a motion to approve the variance to allow a building addition to be positioned closer to the street than allowed as presented at 16 feet. Chairman Gunselman seconded it. The motion carried 3-1 with members Seng, Dutchess, and Chairman Gunselman voting in favor, and Buck voting against.

Anthony Seng made a motion to approve the general parking standards variance, which allows the number of required minimum number of parking spaces to 12. Dan Buck seconded it. The motion carried 4-0.

Anthony Seng made a motion to approve the parking lot perimeter landscaping variance, which would allow eliminating the requirement to provide a buffer on the South side of the building but require a buffer on the East. Julie Dutchess seconded it. The motion carried 3-1 with members Seng, Dutchess, and Chairman Gunselman voting in favor, and Buck voting against.

Anthony Seng made a motion to approve the setback standards variance to allow one parking space on the West and disallow any parking spaces on the South. Julie Dutchess seconded it. The motion carried 4-0.

Tom and Kim Beck, as owner and petitioner, for a variance from 16.07.10.C aka Chapter 7 Development Standards, Accessory Uses and Structures, (After Principal Building) of the City's Unified Development Ordinance to allow an accessory structure to be built without a primary structure.

Brian Kieffner of Kieffner Renovations was present with Tom Beck. Brian Kieffner asked the Board to suspend Article 8 Section 3 of the Rules of Procedure for the Board of Zoning Appeals. Article 3 Section 1 of this mandates that variances must be filed not less than 40 days prior to the meeting in which the hearing will be held. Although Mr. Kieffner filed the application on June 6th, 2023, he was requested to petition at the July 5th, 2023 meeting. Chairman Gunselman made a motion to approve the request. Dan Buck seconded it. The motion carried 4-0.

Mr. Kieffner reported that this property is located to the West side of the old Becks trailer court on 47th Street. He reported that heading North on Portersville Road and taking a right on 47th Street, this property is located on the right side. Mr. Kieffner noted that there was a barn that had been on the property for years that was falling apart. He reported that they tried to dismantle it and the building fell. He reported that they want to building a building in the approximate same footprint of the barn to be used for storage. Mr. Kieffner reported that all the neighbors have been contacted about the project. He commented that the new development is on the other side of the road to the North. Mr. Kieffner reported that part of the barn was salvaged and is still standing. Mr. Kieffner reported that the original barn was 36 feet by 50 feet with an approximate height of 30 feet at the apex. The new building plan is to have 12-foot ceilings with an apex of 17 feet. He reported the approximate size of the new building will be 32 feet by 40 feet.

Chairman Gunselman asked if there were any remonstrators present. As there were none, Anthony Seng made a motion to close the public hearing. Dan Buck seconded it. The motion carried 4-0. Anthony Seng made a motion to approve the variance as requested. Julie Dutchess seconded it. The motion carried 4-0.

ADJOURNMENT

With no further discussion, Anthony Seng made a motion to adjourn the meeting, seconded by Julie Dutchess. Motion carried 4-0, and the meeting adjourned at 7:55 p.m.

Attest:


Dan Buck, Secretary


Anthony Seng, Vice Chairman

Community Development and Planning Intern, Cameron Weisheit