

**MINUTES OF A REGULAR MEETING OF  
THE BOARD OF ZONING APPEALS  
OF THE CITY OF JASPER, INDIANA, AND PUBLIC HEARING  
June 5, 2024**

The Board of Zoning Appeals met on Wednesday, June 5, 2024. 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	✓	—	—
Gerry Miller	✓	—	—
Julie Dutchess	✓	—	—
Secretary Blake Krueger	✓	—	—
Dennis Tedrow	✓	—	—
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 May 1, 2024, regular meeting were reviewed. Dennis Tedrow made a motion to approve the minutes. Blake Krueger 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."

## **NEW BUSINESS**

### **Tiffany Nicholson, as owner petitioner, for a special exception pursuant to 16.04.06.B aka Chapter 4 Districts, Single Family Residential (R2), Special Exception Uses, of the City's Unified Development Ordinance to allow a home occupation in an R2 Zone**

Tiffany Nicholson was present on behalf of a special exception petition filed to allow her to operate a photography studio at her residence at 174 Ashbury Court. Ms. Nicholson reported she planned to operate the business on a part-time basis by appointment only. She also noted she recently had an Improvement Location permit approved and would be building an accessory structure in her back yard to use as her studio.

Chairman Seng asked if there were remonstrators present. John Lechner, 173 Ashbury Court introduced himself and reported he had no objections to Ms. Nicholson opening the business and agreed her hours of operation would not cause issue. As there were no other remonstrators present, Dennis Tedrow made a motion to close the public hearing, seconded by Jerry Miller. Motion carried 5-0.

After further discussion, Blake Krueger made a motion to allow the special exception permitting a home occupation in an R2 zone with the stipulation of operating hours being 7 AM – 9 PM. Julie Dutchess seconded it. Motion carried 5-0.

### **William J. Nonte as owner, and Jasper Southgate Industries, Inc. as petitioner, for a variance from 16.04.12.C aka Chapter 4 Districts, General Business (B3), District Standards, to allow Central Business (B2) District Standards in a B3 Zone**

Ethan Hopf with Trimark Surveying was present on behalf of William Nonte, owner of Southgate Industries, Inc. Mr. Hopf explained the request to allow B2 standards in a B3 zone would aid in future plating and promote marketing lots and divide party walls. Mr. Hopf noted that Southgate currently consists of seven or eight different parcels and buildings were built across these parcels. Mr. Hopf also reported that road frontage standards for B2 and B3 zones would be met.

Gerry Miller asked if there were plans to add new construction. Mr. Hopf reported there are no plans for new construction at this time. Chairman Seng asked if there were remonstrators present. As there were none, Dennis Tedrow made a motion to close the public hearing. Gerry Miller seconded it. Motion carried 5-0.

After further discussion, Blake Krueger made a motion to allow B2 standards in a B3 zone at Southgate Industries as presented. Gerry Miller seconded the motion. Motion carried 5-0.

**Mason C. Boone & Savannah M. Stafford, as owner and petitioner, for a variance from 16.07.10 aka Chapter 7 Section 7.10 (Accessory Uses and Structures) A.4 To allow an accessory structure not subordinate in height to the primary structure, and a variance from Chapter 7 Section 7.10 (Accessory Uses and Structures) Subsection A.5 To allow an accessory structure not subordinate in area to the primary structure, and a variance from Chapter 7 Section 7.10 (Accessory Uses and Structures) A.8 (Compatible in style and materials with the principal use or structure) of the City's Unified Development Ordinance regarding an accessory structure**

Brad Eckerle, Brosmer Land Surveying and Engineering was present on behalf of Mason and Savannah Boone. Mr. Eckerle reported that the seven-acre property is located at 1935 N 350 W, southwest of Schuetter Road and north of Buschkoetter's Nursery. The proposed structure requiring variances is 60 feet by 80 feet and 5,000 square feet in area. Mr. Eckerle noted that the petitioners intend to paint the primary structure in the future and the colors will be compatible with the proposed accessory structure. Mr. Eckerle also reported that the primary structure is 3 feet taller than the accessory structure.

Chairman Seng asked if there were remonstrators present. As there were none, Dennis Tedrow made a motion to close the public hearing. Julie Dutchess seconded it. Motion carried 5-0. After further discussion, Dennis Tedrow made a motion to allow the variances as presented. Gerry Miller seconded it. Motion carried 5-0.

**S & R Engine Exchange, as petitioner, and Terrance L. and Jacqueline A. Messmer, as owner, for a variance from 16.04.13.C aka Chapter 4 Districts, Light Industrial (I1), District Standards, to allow a minimum front setback of less than 40 feet**

Brad Eckerle, Brosmer Land Surveying and Engineering was present on behalf of Rick Vaal regarding a one-acre property located along the south side of CR 100 S that will be used as automobile storage. Mr. Eckerle reported that a variance is required to allow a minimum front setback less than the required 40 feet minimum.

Chairman Seng asked if there were remonstrators present. Jeff Ruxer, adjacent property owner introduced himself and asked for clarification of any impacts to his property if this variance would be granted. Mr. Eckerle explained that the proposed use would not impact any further development. As there were no other remonstrators present, Dennis Tedrow made a motion to close the public hearing. Julie Dutchess seconded the motion. Motion carried 5-0.

After further discussion, Blake Krueger made a motion to approve the variance as requested to allow a minimum front setback of less than 40 feet. Gerry Miller seconded the motion. Motion carried 5-0.

**AKG Properties LLC, as petitioner, and Gerald Newton, as owner, for a special exception from 16.04.12.B aka Chapter 4 Districts, General Business (B3), B (Special Exception Uses) of the City's Unified Development Ordinance to allow a contractor's warehouse/storage facility (enclosed)**

Brad Eckerle, Brosmer Land Surveying and Engineering was present on behalf of Darryl Spellmeyer requesting a special exception permitting an enclosed contractor's warehouse in a B3 zone at a property located at the intersection of Woodlawn Drive and Executive Boulevard. Mr. Eckerle noted Mr. Spellmeyer's lawn care business is similar to surrounding business types in the area. Hours of operation will be 7:30 AM – 6:30 PM.

Chairman Seng asked if there were remonstrators present. As there were none, Dennis Tedrow made a motion to close the public hearing, seconded by Gerry Miller. Motion carried 5-0. After further discussion, Gerry Miller made a motion to approve the special exception as requested. Dennis Tedrow seconded the motion. Motion carried 5-0

**Kelly S. Schwenk Revocable Trust, as owner, Ralph & Kelly Schwenk, as petitioner, for a variance from 16.04.5.C aka Chapter 4 Low Density Residential (R1) District Standards of the City of Jasper's Unified Development Ordinance to allow an accessory structure to exceed 22 feet; and a variance from 16.07.10.A. aka Chapter 7 Development Standards, Accessory Uses and Structures, (Allowance), to allow an accessory structure with varied compatibility in style and materials to the primary structure**

Brad Eckerle, Brosmer Land Surveying and Engineering was present on behalf of the Kelly S Schwenk Revocable Trust. Mr. Eckerle explained that Ralph and Kelly Schwenk own three connecting lots in Shiloh Estates, and it was their intent to build a 40 foot by 56-foot accessory structure on a lot without a primary structure. Other variances are required as the proposed structure will exceed the 22 feet height limit as well as the proposed structure not being compatible in style and materials.

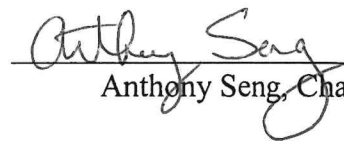
Chairman Seng asked if there were remonstrators present. Byron and Ruth Jarboe, 175 N Skyview Drive introduced themselves and noted their concern of the size, materials, and location of the proposed accessory structure. Mrs. Jarboe noted her concern of the structure water run off increasing an already present water drainage problem in the area. She also expressed concern of the Convenance forbidding accessory structures must be built of 60 percent masonry materials.

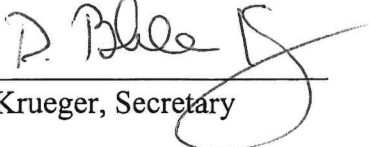
City Attorney Renee Kabrick read a letter from Bob Moynahan which expressed concern of the proposed building increasing already present waterflow issues toward their property at 185 N Skyview Drive. As there were no other remonstrators present, Dennis Tedrow made a motion to close the public hearing. Julie Dutchess seconded the motion.

After further discussion, Julie Dutchess made a motion to deny the variance requested to allow an accessory structure to not be compatible in style and materials with the primary structure. Dennis Tedrow seconded the motion. Motion carried 5-0. Blake Krueger then made a motion to allow the variance allowing the proposed structure to exceed the 22 feet height requirement contingent on the setback being moved 20 feet forward, toward Threasa Court. Gerry Miller seconded the motion. Motion carried 5-0.

## **ADJOURNMENT**

With no further discussion, Julie Dutchess made a motion to adjourn the meeting, seconded by Blake Krueger. Motion carried 5-0, and the meeting adjourned at 8:13 p.m.

  
Anthony Seng, Chairman

Attest:   
Blake Krueger, Secretary

Recording Secretary, Becki Moorman