

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

The Board of Zoning Appeals met on Wednesday, December 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	✓	—	—
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 November 1, 2023, regular meeting were reviewed. Blake Krueger made a motion to approve the minutes. Dennis Tedrow seconded it. Motion carried 4-0.

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."

Schoenbachler noted the garage would be 4 feet from the property line. He also reported that his primary structure is 1,8247 square feet and the new garage, including the addition, would be 1,902 square feet.

Chairman Seng asked if there were remonstrators present. As there were none, Dennis Tedrow made a motion to close the public hearing. Blake Krueger seconded it. Motion carried 4-0. After further discussion, Julie Dutchess made a motion to grant the variances as requested. Blake Krueger seconded it. Motion carried 4-0.

Juan Miranda, as owner and petitioner, for a variance from 16.04.06.C.aka Chapter 4 Districts, Single Family Residential (R2), District Standards, of the City of Jasper's Unified Development Ordinance to allow an addition to a primary structure to not meet the required rear setback requirement

Juan Miranda was present on behalf of his petition requesting permission to build an addition to his primary structure that will not meet the required rear setback standard. Mr. Miranda noted that the rear setback requirement is 15 feet, and his addition would fall short at 6.5 feet. Mr. Miranda reported that the building materials for the addition would match those of his home.

Chairman Seng asked if there were remonstrators present. J.P. Stemply, property owner at 330 E 23rd Street, introduced himself and stated that he did not have an issue with Mr. Miranda's plans for an addition but suggested his property lines were not accurate. After further discussion, Mr. Miranda reported that his plans included adding two additions and thought those plans had been communicated. He noted he had spoken to surrounding property owners and stated none had issue with his plans.

City Attorney Renee Kabrick explained that as his plans included a seconded addition, the Board's approval must be contingent on proof of notice to Oscar Lopez, 2305 Stacy Lane. Dennis Tedrow made a motion to close the public hearing, seconded by Julie Dutchess. Motion carried 4-0. Blake Krueger then made a motion to approve the variance as requested with conditions of notifying Oscar Lopez, and the additions could be no closer than 6 feet from the property lines. Julie Dutchess seconded the motion. Motion carried 4-0.

BCJ Group LLC, as owner and Adrian Miranda, petitioner, for a variance from 16.04.17.C.2. 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 side setback requirement, and a variance from 16.04.17.C.2. 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 rear setback requirement, and a variance from 16.07.A.2 aka Chapter 7 Development Standards, Accessory Uses and Structures, (Allowance), of the City of Jasper's Unified Development Ordinance to allow an accessory structure without a primary structure, and a variance from 16.07.08.K.2 aka Chapter 7 Development Standards, Landscaping, Landscaped Buffer and Screen Requirements (Dumpster Screening), of the City of Jasper's Unified Development Ordinance to allow a dumpster screening to exceed the maximum of 8 feet in height

Adrian Miranda was present on behalf of his petition to allow a dumpster enclosure at Miranda's located at 1338 Newton Street. Mr. Miranda presented his plan for the screening structure that has already been constructed. As he owns three adjacent lots; one includes the primary structure and the second and third lots are the location of the business parking lot. Mr. Miranda reported that his goal was to locate the dumpster in a location that provides safe navigation through the parking lot.

Chairman Seng asked if there were remonstrators present. As there were none, Blake Krueger made a motion to close the public hearing. Dennis Tedrow seconded it. Motion carried 4-0. Dennis Tedrow then made a motion to approve the variances as requested. Julie Dutchess seconded the motion. Motion carried 4-0.

Gregory Highsmith as owner, and Ben Klipsch, JSP Newton Street LLC, as petitioner, for a variance from 16.07.18.C.2.e. aka Chapter 7 Development Standards, Design Standards, Site Layout (Establishments where the principal use is the drive-through type of business are not permitted), of the City of Jasper's Unified Development Ordinance to allow a drive-through only coffee business, and a variance from 16.04.07.A.e aka Chapter 4 Districts, R3 (Medium Density Residential), Permitted Uses, to allow a coffee shop, and a variance from 16.07.13.A.3.D aka Chapter 7 Development Standards, Outdoor Sales, Display, and Storage, Trash Receptacles, (Setbacks), to allow a dumpster container to be placed within the front or side yard


Jim Morely, Jr. with Morley Architects-Engineers-Surveyors was present on behalf of petitions filed requesting a variance to allow a drive-through only coffee shop in an R3 zone at 2426 Newton Street. Mr. Morely explained the sale of the property was contingent upon the outcome of the hearing. He further explained that the R3 property is situated adjacent to B3 zoned properties, and despite the location, the current zoning does not permit the requested use. Mr. Morely noted that the plans for business were much smaller in size than the current building and would add more green space.

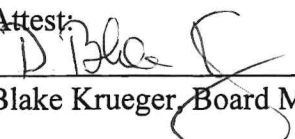
Chairman Seng asked if there were remonstrators present. City Attorney, Renee Kabrick, read a letter submitted by Nicholas Kress, 2515 Birk Drive. Mr. Kress's letter presented his concerns about increased traffic hazards, noise, and appearance to residents on Birk Drive, and the proposed location of a trash dumpster. Mr. Morely explained that the location of the dumpster had been adjusted and the potential owner would comply with all city requirements for screening and dumpster location.

Dennis Tedrow made a motion to close the public hearing, seconded by Blake Krueger. Motion carried 4-0. Dennis Tedrow then made a motion to approve the variances as requested. Julie Dutchess seconded the motion. Motion carried 4-0.

ADJOURNMENT

With no further discussion, Blake Krueger made a motion to adjourn the meeting, seconded by Dennis Tedrow. Motion carried 4-0, and the meeting adjourned at 7:53 p.m.


Anthony Seng, Chairman

Attest:

Blake Krueger, Board Member

Recording Secretary, Becki Moorman