

**MINUTES OF A REGULAR MEETING OF
THE BOARD OF ZONING APPEALS
OF THE CITY OF JASPER, INDIANA, AND PUBLIC HEARING
January 3, 2024**

The Board of Zoning Appeals met on Wednesday, January 3, 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	✓	—	—
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 December 6, 2023, regular meeting were reviewed. Julie Dutchess made a motion to approve the minutes. Blake Krueger seconded it. Motion carried 4-0.

ELECTION OF OFFICERS

Blake Krueger made a motion to elect the following officers for 2024; Anthony Seng as President, and Dan Buck as Vice President. Dennis Tedrow seconded it. Motion carried 4-0. Anthony Seng made a motion to elect Blake Krueger as Secretary. 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.”

NEW BUSINESS

Singh Basra LLC, as owner and Gagan Basra, as petitioner for a variance from 16.04.12.A aka Chapter 4 Districts, General Business (B3), (Permitted Uses), of the City of Jasper's Unified Development Ordinance to allow a two-family dwelling in a B3 zone, and a variance from 16.04.17.D.15 aka Chapter 4 Districts, Lot Standards & Matrix, Lot Standards Measurement, Primary Structures per Lot, of the City of Jasper's Unified Development Ordinance to allow a two primary structures on a single lot.

Gagan Basra was present on behalf of his petitions filed to allow an apartment in a B3 zone and also allow two primary structures on a single lot. Mr. Basra reported that the former restaurant and bar building located at 1163 Wernsing Road was vacant as the business closed, and his plan is to convert the former business into a two-family apartment. Mr. Basra noted that there was ample parking behind the building as well as the spaces in front of the building on Wernsing Road. He also stated that each apartment would provide 1,044 square feet of living space.

Chairman Seng asked if there were remonstrators present. Renee Nord, 1434 Park Street, introduced herself and asked Mr. Basra if he planned to keep the parking spaces in front of the building. Mr. Basra reported that his plans included keeping the paved spaces in place. Josh Gunselman, Director of Community Development and Planning asked Mr. Basra if the blue container remained on the lot and if it was being used as living space. Mr. Basra noted that the container was on the property but was not being used as an apartment. As there were no other remonstrators present, 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 approve the variance to allow a two-family dwelling in a B3 zone, and the variance to allow two residential structures on a single B3 lot. Dennis Tedrow seconded it. The motion carried 4 -0.

Jason and Renee Nord, as owner and petitioner, for a variance from 16.07.14.D.2 aka Chapter 7 Development Standards, Fence and Wall Standards, (Residential Use Restriction) of the City of Jasper's Unified Development Ordinance to allow a retaining wall and railing to exceed the maximum height of 6 feet in the side yard and 8 feet in the rear yard, and a variance from 16.07.14.B.4 aka Chapter 7 Development Standards, Fence and Wall Standards, General Standards, (Fences Setback from Property lines) of the City of Jasper's Unified Development Ordinance to allow a retaining wall to not meet the required setback of 2 feet

Jason and Renee Nord were present on behalf of petitions filed to allow them to replace a failing retaining wall on their properties located at 1430 & 1434 Park Street. Mrs. Nord explained that the plans included a solid concrete retaining wall to be built within the 2-foot property line setback, which does not meet the requirement. An additional variance is requested to allow the height of the fence on the wall to exceed the maximum height requirement. Mrs. Nord reported that replacing the retaining wall would provide safety for alley traffic as well as improve the aesthetics of the neighborhood.

Chairman Seng asked if there were remonstrators present. As there were none, Blake Krueger made a motion to close the public hearing. Julie Dutchess seconded it. Motion carried 4-0. After further discussion, Blake Krueger made a motion to grant the variance to build a retaining wall with an integrated

safety rail that exceeds the maximum height of 6 feet in the side yard and 8 feet in the rear yard and a variance to allow an integrated safety rail within the 2-foot property line setback between lots 16 and 17. Julie Dutchess seconded it. Motion carried 4-0.

Charlotte Weeks, as owner, and petitioner, for a variance from 16.04.04.A aka Chapter 4 Districts, Rural Residential (RR), (Permitted Uses), of the City of Jasper's Unified Development Ordinance to allow an animal grooming business in an RR zone.

Charlotte Weeks was present on behalf of a variance requesting permission to provide pet grooming services at her home located at 3995 W 400 N, which is zoned Rural Residential (RR). Mrs. Weeks reported that she would provide grooming services to a maximum of four animals per day, the animals would remain inside her home, and her hours of operation would be 10 AM – 3 PM.

Chairman Seng asked if there were remonstrators present. Joseph Weeks, 3997 W 400 N and 4001 W 400 N introduced himself as the petitioner's son. He noted that he was also representing a neighbor, Joseph Cleveland, 4003 W 400 N. Mr. Week's reported he nor Mr. Cleveland had any concerns with the petitioner's pet grooming business. Elaine Kluesner, 4005 W 400 N introduced herself and noted her concerns of dogs barking until 10 PM, increased traffic on a private drive, unkept property, as well concerns of a dog breeding facility. John Butler, 3993 W 400 N introduced himself and shared concerns of increased traffic as well as barking dogs. Tom Kluesner, 4005 W 400 N introduced himself and noted his concerns of increased traffic on a private drive due to the animal grooming business as well as increased Fed-Ex deliveries for the business. Gene Goeppner, 4040 W 400 N introduced himself and noted concerns of disposal of waste materials from the business. Andy Lechner, 3999 W 400 N introduced himself and shared concerns of the increased traffic and visitors from the business using his driveway for a turn-around.

Mrs. Weeks reported that she bathes small dogs, and the waste goes into her private septic tank. She also reported that clippings are swept up and disposed of in her trash can. Josh Gunselman asked what address the dog breeding business was located. Mrs. Weeks reported that her address was listed but the breeding business was managed by her son, at his address.

Dennis Tedrow made a motion to close the public hearing, seconded by Blake Krueger. Motion carried 4-0. Blake Krueger then made a motion, based on the information presented, to deny the variance to allow an animal grooming business in a RR zone. Dennis Tedrow seconded the motion. Motion carried 4-0. Anthony Seng then made a motion to allow the grooming business to continue for a maximum of two weeks, until all clients were notified. Blake Krueger seconded the motion. Motion carried 4-0.

City of Jasper by and through its Jasper City Parks and Recreation Board, as owner and petitioner, for a variance pursuant to 16.07.14 aka Chapter 7 Section 7.14 (Fence and Wall Standards) of the City's Unified Development Ordinance to allow fence and retaining walls exceeding six feet in height, a variance from 16.08.06 aka Chapter 8 Section 8.06 (Standards for Agricultural and Residential Districts) to allow a free-standing monument sign in a residential zoning district, and a variance from 16.08 aka Chapter 8 Signs to allow a free-standing monument sign exceeding 50 square feet of surface area

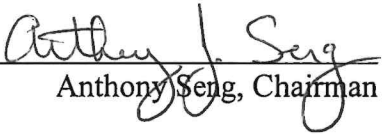
Tom Moorman, Director, Parks and Recreation was present on behalf of petitions filed to allow a retaining wall exceeding 6 feet in height and a monument sign in an R2 zone and to exceed height and square feet of surface area requirements. Brad Eckerle, Brosmer Land Surveying and Engineering was also in attendance. Mr. Eckerle noted that the new improvements are proposed to replace the current swimming pool facility. The proposed retaining wall/fence will be consistent with the height of the existing building.

Mr. Eckerle reported that the new retaining walls and fencing will be much more aesthetically pleasing than the existing facility.

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. Blake Krueger then made a motion to approve the variances as requested. Dennis Tedrow seconded the motion. Motion carried 4-0.

ADJOURNMENT

With no further discussion, Julie Dutchess made a motion to adjourn the meeting, seconded by Dennis Tedrow. Motion carried 4-0, and the meeting adjourned at 7:50 p.m.


Anthony Seng, Chairman

Attest: 
Blake Krueger, Board Member

Recording Secretary, Becki Moorman