

A meeting of the Jasper County Board of Zoning Appeals was held Monday, October 17, 2022 at 7:00pm. in the Commissioners' Room of the Jasper County Courthouse, Rensselaer, Indiana. Members present: Scott Walstra, Jim Martin and Lance Strange. Also present: William T. Sammons, Law Offices of William T. Sammons P.C., Mary Scheurich, Director and Kelli Standish, Secretary. Absent was: Kent Korniak and Mark Jordan.

Meeting was called to order by Chairman Scott Walstra. The first order of business was the call for approval of the August 2022 minutes.

Lance Strange made the motion to approve the August 2022 minutes. Motion was seconded by Jim Martin and carried unanimously.

Special Exception

Cause#BZA-14-22

Applicant: Michel Keck & Brice Bauer

Location: Sec.18-32-6 – Wheatfield Twp. – 1450N. W. of 500W. N-side

Use: Host artist retreats, quilting retreats and vacation rental

Public hearing held pursuant to notice published September 29, 2022 in the Rensselaer Republican, a newspaper of general circulation printed and published in Jasper County, Indiana; also pursuant to notice to adjacent landowners. All as shown by the affidavit of Janet Echlin, Clerk of the Rensselaer Republican.

Michel Keck was present and stated that there is an existing Pole Barn on the property that they have a company Still Point Retreat LLC that they would like to host artist retreats, quilting retreats and scrapbooking. They are also proposing to rent out the existing home for vacation rental. There is no rooms or bathrooms in the Pole Barn.

Lance Strange asked if anyone resides in the existing house and if there are what happens when the home is being rented?

Michel Keck replied in the negative. No one resides in the existing home, they would rent out the entire house. Her and Brice Bauer live approximately 7 miles away if there are any problems.

Scott Walstra asked if anyone present had any opposition to the application. There were none. He did receive a letter from an adjoining landowner that reads: "Jasper County BZA Board, Scott Walstra, Regarding the request by Brice Bauer and Michel Keck for a Special Exception I only have one concern and that being if this is granted I would prefer that the exception only apply to the current owners. They have been peaceful, quiet, and good neighbors and I wish them well. Respectfully, Lee Magiera."

Lance Strange made the motion to grant approval for the Special Exception with the exception that the approval stays with the existing applicant/owners and the approval is good for 3 years. If they still want to continue with the Special Exception they will have reapply in 3 years (new application). Motion was seconded by Jim Martin and carried unanimously.

Scott Walstra read the Findings of Facts.

- (i) The proposed Special Exception is consistent with the purpose of the zoning district and the Jasper County Comprehensive Plan:

Response: Our proposed Special Exception is consistent with the both the purpose of the zoning district and the Jasper county Comprehensive Plan. The home and property that we are requesting special exception for will be used in the exact same manner as it was already previously approved for when it was built; i.e. home and workshop for living and working space. The only specific difference in purpose now is that it will be for visiting guests overnight stays instead of just being occupied by one family. No additional buildings have been added to the property.

The workshop on the property will be used for artists to create artwork, mixed media works, sculptures and paintings during artist led classes. The workshop will also be used as space for quilting/scrapbooking retreats for women coming in from out of town to work together on their quilting or scrapbooking projects.

According to the Jasper County Comprehensive Plan, Jasper County seeks to balance the inherently conflicting issues of land use, growth rate, economic prosperity, environmental quality, government services, and quality of life. By this definition our quests will not be harming the environmental quality of the land in any way. In regards to economic prosperity, our guests to our vacation rental will be bringing in additional business to the local businesses of Jasper County as our guests are provided with ample information on all the best that Jasper County has to offer in regards to shopping entertainment and dining.

Because Jasper County takes into consideration the growth rate of the community, our company Still Point Retreat provides upscale vacation rental experience to help with the overflow of traffic of visitors coming into Jasper County from out of town who would otherwise have to stay in other counties if they are looking for upscale whole home rental. Whole home vacation rentals are highly sought after by many people no longer wish to stay in hotel rooms while traveling or vacationing.

Surveys and research show that whole home vacation rentals (Airbnb's) are preferred by larger numbers than hotel stays.

“Goldman Sachs found that those who use home-sharing end up preferring it over hotels: [79% prefer traditional hotels](#) but, once they experience a vacation rental, that number dropped to 40%. In other words, home-sharing siphons off 39% of hotel's target market. Another survey [found](#) that 60%

who use both hotels and Airbnb prefer Airbnb versus hotels.”

[*https://listwithclever.com/research/airbnb-vs-hotels-study/](https://listwithclever.com/research/airbnb-vs-hotels-study/)

As larger number of travelers are now seeking whole home vacation rentals, approval of upscale home rentals, such as Still Point Retreat, benefits the community by bringing in additional revenue and growth to the community.

- (ii) The proposed Special Exception will not be injurious to the public health, safety, morals and general welfare of the community (consider whether the special exception will hurt or potentially cause harm to the county).

Response: No, the special exception will not be injurious in any way to public health, safety, morals or general welfare of the community. There are guidelines our guests must follow such as no loud noise outdoors after 10 pm. A large majority of our guests will choose to stay with us because they are wanting a relaxing, and creative environment. Other guests will be solely in from out of town and looking for whole home rental for the in town events they will be attending; i.e. weddings, family events.

- (iii) The proposed Special Exception is in harmony with all adjacent land uses.

Response: The adjacent land usage to the north of our property is farm ground. The adjacent land usage to the west of our property is farm ground. Directly to the east of our property is an open filed that separates the house and workshop on our property from the house of our neighbor’s house. Directly to our south of our property is a thick wooded grounds with an entrance to our neighbor’s property where the home on that property is set back a far distance from the road.

From this property, 5538 West 1450 North Wheatfield, In., one is unable to physically view any of the neighboring homes due to the woods and fields.

While this property is not used as agriculture like the property to our north and to our west, we are in harmony with the adjacent properties to our east and south.

- (iv) The proposed Special Exception will not alter the character of the district.

Response: No it will not alter the character of the districts as no additional buildings are being added to the property. It will not altered from the current state it is in.

- (v) The proposed Special Exception will not substantially impact property value in an adverse manner (consider whether neighboring property will suffer any major negative impacts).

Response: No this special exception will not impact the property value in an adverse manner. We have made significant improvements to the interior of the entire home as it has been completely remodeled.

The home remodeling that has taken place has greatly improved the property value not lowered it. Higher property value of a home generally helps the value of the surrounding homes as well, will not lower them.

- (vi) No appreciable environmental harm will result from the use allowed by the special exception or if such harms could result, such resulting harms are eliminated or reasonable mitigated by best practice measures taken by the applicant or others in relation to the use of the special exception.

Response: No environmental harm will result from the special exception use. The only gardens on the property both vegetable and flower are 100% organic.

Scott Walstra stated that there is a motion to approve the application, and the board must consider the findings in Chapter 20.90.140, Special Exception (e)(7)(i) through (vi). Scott Walstra then read the Findings of Facts.

- i. The proposed special exception is consistent with the purpose of the zoning district and the Jasper County Comprehensive Plan;

The board unanimously voted that the applicant met the requirements of (i), they did omit the statement starting at “Surveys until the end of the website of https”.
- ii. The proposed special exception will not be injurious to the public health, safety, morals and general welfare of the community;

The board unanimously voted that the applicant met the requirements of (ii).
- iii. The proposed special exception is in harmony with all adjacent land uses;

The board unanimously voted that the applicant me the requirements of (iii).
- iv. The proposed special exception will not alter the character of the district;

The board unanimously voted that the applicant met the requirements of (iv).
- v. The proposed special exception will not substantially impact property value in and adverse manner; and

The board unanimously voted that the applicant met the requirements of (v).

- vi. No appreciable environmental harm will result from the use allowed by the special exception, or, if such harms could result, such resulting harms are eliminated or reasonably mitigated by best practice measures taken by the applicant or others in relation to the use of the special exception.

The board unanimously voted that the applicant met the requirements of (vi).

Lance Strange made the motion to adopt the proposed Findings of Facts as presented by the Applicant. Motion was seconded by Jim Martin and carried unanimously.

Upon motion duly made and seconded, meeting was adjourned.

A TRUE RECORD;

Scott Walstra, Chairman