

A meeting of the Jasper County Board of Zoning Appeals was held Monday, February 26, 2024 at 6:00pm. at the Annex Meeting Room at 910S. Sparling Avenue, Rensselaer, Indiana. Members present: Kent Korniak, Scott Walstra, Dave Webb and Mark Jordan. Also present: William T. Sammons, Law Offices of William T. Sammons P.C.; Mary Scheurich, Director and Kelli Standish, Secretary. Absent was: Matt Sheaffer.

Meeting was called to order by Chairman Scott Walstra. The Pledge of Allegiance was recited. The first order of business was the call for approval of the November 2023 minutes.

Kent Korniak made the motion to approve the November 2023 minutes. Motion was seconded by Dave Webb and carried unanimously.

Election of Officers for 2024

Motion was made by Dave Webb and seconded by Mark Jordan to retain the same officers from the previous year. Motion carried unanimously.

Officers for 2024 are as follows:

Chairman ----- Scott Walstra
Vice Chairman ----- Kent Korniak

Special Exception

Cause#BZA-1-24

Applicant: Brittany Baughman
Landowner: Laird Scape LLC
Location: Sec.10-28-7 – Jordan Twp. – 850S. E. of 880W. N-side
Use: Use the existing home as a short-term rental (Airbnb)

Public hearing held pursuant to notice published February 26, 2024 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.

Brittany Baughman was present and stated that Laird Scape owns a house that sits on an 80 acre parcel of land. They would like to use the existing home as a short term rental. This would be an Airbnb or VRBO rental.

Mark Jordan stated that you said there will be short term rentals but there will not be any long term rentals, just short term correct.

Brittany Baughman replied affirmatively.

Kent Korniak asked if you have had a lot of interest in someone renting this or how has this come up?

Brittany Baughman replied that the existing home has been rented out for a long term rental. There seems to be a lot of opportunity for this area. They have had various work crews ask them about renting out the house for a few weeks or a month as well as people coming

through for agritourism opportunities or just traveling through.

Kent Korniak asked what is the max capacity for the house.

Brittany Baughman replied that the max capacity is 8 people. The platform they would mostly use is the Airbnb and they have to set the amount of occupant that would be allowed.

Scott Walstra asked if they can rent the house for a day or two or is there a limit as to how long you have to rent?

Brittany Baughman replied that currently they have it set as to stay one night and anything that goes beyond one month requires approval from them through the Airbnb. The maximum is normally a month long stay.

Scott Walstra asked if anyone present had any opposition to the application. There was none.

Kent Korniak made the motion to grant approval of the Special Exception with the stipulation that the approval stays with the applicant (Laird Scape LLC), it does not run with the property. Motion was seconded by Mark Jordan and carried unanimously.

Brittany Baughman 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: The proposed Special Exception is consistent with the purpose of the zoning district and the Jasper county Comprehensive Plan: as stated in the Jasper County Unified Development Ordinance, a property in the A1 zoning district is permitted for use as Agricultural Tourism. Using the property's home as a short-term rental provides lodging for those participating in Agricultural Tourism activities at Laird Farms, an entity of Laird Scape, located less than a mile away. Not all guests will participate in Agricultural Tourism activities, but the opportunity is offered to all guests. Additionally, the use of the home as a short-term rental is consistent with the Jasper County Comprehensive plan in several important ways. First, it provides quality jobs to local residents as it employs a property manager, social media specialist, and several housekeepers. It also serves as a way to preserve and enhance the county's rural character by drawing guests that will not only see refuge in this quiet country setting, but will also participate in Agricultural Tourism and thereby be exposed to the inner workings of an Indiana food-producing farm. Guests also regularly stimulate the local economy by visiting businesses and restaurants during their stay. Furthermore, granting of this special exception will not inhibit the land's continued use for agricultural purposes for which it is already being use.

- (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: The proposed Special Exception will not be injurious to the public health, safety, morals and general welfare of the community. The use of the property's house for short-term rentals will not cause injury or negatively impact the welfare of the community. This property can support the needs of the community by providing comfortable housing for area work crews, agricultural tourism, and increase the enjoyment of the area for families traveling through Northwest Indiana.

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

Response: The proposed Special Exception is in harmony with all adjacent land uses. The house sits on 80 acres, 74 of which are farmland. This special exception will not disturb that use in any way. The special exception will serve to enhance operations at nearby agricultural tourism site, Laird Farms.

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

Response: The proposed Special Exception will not alter the character of the district. There will be no development projects to alter the physical character of the district.

- (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: The proposed Special Exception will not substantially impact property value in an adverse manner. Property will be closely monitored between short-term rental guests, and any damage incurred (very unlikely) will be quickly mitigated. Appropriate insurance has been obtained to ensure the property value does not decrease. Additionally, as the house is not in close proximity to neighbors, there is no risk of this special exception impacting the property value of neighboring land.

- (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 appreciable environmental harm is anticipated. Short-term rental guests will only be accessing the residential portion of the property. This will result in light use of the non-farmland acreage, and no increased use of the farmland acreage.

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).

- 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 met 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).

Kent Korniak made the motion to adopt the proposed Findings of Facts as presented by the Applicant. Motion was seconded by Mark Jordan and carried unanimously.

Upon motion duly made and seconded, meeting was adjourned.

A TRUE RECORD;

Scott Walstra, Chairman