

A meeting of the Jasper County Board of Zoning Appeals was held Monday, June 24, 2024 at 7:00pm. at the Annex Meeting Room at 910S. Sparling Avenue, Rensselaer, Indiana. Members present: Kent Korniak, Scott Walstra, Dave Webb and Matt Sheafer. Also present: William T. Sammons, Law Offices of William T. Sammons P.C.; Mary Scheurich, Director and Kelli Standish, Secretary. Absent was: Mark Jordan.

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 May 2024 minutes.

Matt Sheafer made the motion to approve the May 2024 minutes. Motion was seconded by Dave Webb and carried unanimously.

Variance

Cause#BZA-5-24

Applicant: Rita Fultz & Gail Moffitt

Location: Sec.8-30-6 – Barkley Twp. – 400N. E. of 450W. S-side

Use: Lot Width Variance

Public hearing held pursuant to notice published June 13, 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.

Kevin Sayers with Turning Point Surveying was present and is representing the applicants. The applicants own a 40 acres piece of property and also another 40 acres to the East of the proposed variance. They are requesting a 100ft. lot width to get back to the wooded area that will then be a 20 acre parcel. The requirement for a lot width in an A1 zoning is 400ft, but 75% (which would be 300ft.) of that can be at the road and then widen to 400ft. at the building site. The request for the variance is to preserve the farm ground, so that is why they are requesting a 100ft. lot width. Some of the 40 acres is in a Classified Forrest program.

Matt Sheafer asked if the property is going to be for a buildable site and have you had soil test done?

Kevin Sayers replied affirmatively that they would like this to be a buildable site down the road. They have not had soil testing done at this time.

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

Kent Korniak stated that as the applicant stated that we have done several of these in the past especially to preserve the farm ground.

Kevin Sayers then read the Findings of Facts.

- (i) The approval of the variance will not be injurious to the public health, safety, morals and general welfare of the community.

Response: The approval of this variance will not be injurious to either this area or to Jasper County as a whole. The purpose of this variance is to allow for the reduction of frontage, required by the UDO, to 100-feet, allowing for this 20 acre tract to become a buildable parcel, while only slightly affecting tillable ground. The public will only see a new driveway near the area of existing filed access.

- (ii) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

Response: The approval of this variance will not adversely affect the use and value of any adjoining property to the variance request. The public will only see a new driveway near the area of existing field access, therefore not affected in an adverse manner.

- (iii) The strict application of the terms of the ordinance will result in practical difficulties in the use of the property.

Response: The strict application of the terms of the current UDO standards will result in practical difficulties for this property. Without this variance, the frontage requirements of 400-feet would be required, removing a considerable amount of tillable area from the parent tract. This variance is being applied for to protect the remaining tillable area.

Scott Walstra stated that there is a motion to approve the application, and the board must consider the findings in Article 9, Variance 20.90.190 (7)(a)(i) through (iii). He then read the Findings of Facts.

- i. The approval of the variance 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 (i).
- ii. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
The board unanimously voted that the applicant met the requirements of (ii).
- iii. The strict application of the terms of the ordinance will result in practical difficulties in the use of the property.

The board unanimously voted that the applicant met the requirements of (iii).
Matt Sheafer made the motion to adopt the proposed Findings of Facts as presented by the Applicant. Motion was seconded by Dave Webb and carried unanimously.

Upon motion duly made and seconded, meeting was adjourned.

A TRUE RECORD;

Scott Walstra, Chairman