

A meeting of the Jasper County Board of Zoning Appeals was held Monday, July 20, 2020 at 7:00pm. via Zoom with the following members online: Kent Korniak, Jim Martin, Scott Walstra, Lance Strange and Mark Jordan. Also present: William T. Sammons, Law Offices of William T. Sammons P.C., Mary Scheurich, Director and Kelli Standish, Secretary. Absent were: None.

Meeting was called to order by Chairman Scott Walstra. The first order of business was the call for approval of the June 2020 minutes.

Lance Strange made the motion to approve the June 2020 minutes. Motion was seconded by Kent Korniak and carried unanimously.

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Special Exception

Cause#BZA-10-20

Applicant: Matthew Gifford

Location: Sec.25-28-7 –Union Twp. – Hwy 231 N. of 400N. E-side

Use: Mechanical work – Home Based Business Type 3

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Public hearing held pursuant to notice published July 8, 2020 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 Charlene Malinowski, Clerk of the Rensselaer Republican.

Matt Gifford was present and stated that he is asking for Special Exception approval to be able to run a mechanical shop from his residence in his shop. He does do some towing for the customers to get the vehicles there. His hours will be from 8-5 but he does sometimes start later and go into the evening when it is really hot. He has containers that the oil goes into. He does not store vehicles on his property.

Lance Strange asked how many vehicles are in and out at a time.

Matt Gifford replied that he has approximately 4-5 cars on the property not including his own.

Jim Martin asked how many vehicles do you have for sale.

Matt Gifford replied that he has 2 for sale that are his vehicles.

Kent Korniak asked if Matt Gifford has looked at the Standards of Home Business Type 3 to make sure he has meet all the requirements. It states that there can't be more than 8 vehicles at a time.

Matt Gifford replied that with his own vehicles and the vehicles he works on he does not have 8 or more located there.

Scott Walstra asked if anyone present had any opposition to the application.

Jerry Fant was present and stated that he is concerned with the noise and the light security system he has on the property. The light is so bright that it lights up half his yard. There are security cameras that face his property so he feels like he is being watched. He can count 8 vehicles that are there now. He is concerned about the tires that he has. He was concerned about the oil but it sounds like he is taking care of that. There have been times that he is working on vehicles until 9:30-10:00 at night.

Scott Walstra stated that he has been by the property and there are other people that are doing the same thing he is. He feels if the application is approved that there should be a time frame put on the approval to make sure he is abiding by the standards.

Matt Gifford replied that the lights are on the front of the building where it can light up the camera, it is a dusk to dawn light.

Jim Martin asked if the building where the shop will be was done to code.

Mary Scheurich replied affirmatively.

Kent Korniak asked if he plans on working on tires since he has some there.

Matt Gifford replied that he does have tires on the property but he has someone that comes to pick them up. He is getting a storage container for them in the meantime.

Scott Walstra asked if a special exception runs with the owners or the land.

Attorney Todd Sammons replied that the special exception will run with the land unless a motion is made stating otherwise.

Jim Martin asked if this is a full time business. How long have you been doing this type of business here?

Lance Strange asked about the retail of vehicles.

Matt Gifford replied that this is his full time business and he has been doing this type of work here for approximately 5 years. They built the shop about a year ago. He has about 3 or 4 vehicles for sale. Is there anything against him selling vehicles by the road? It is vehicle's that they get and fix them up to sell.

Kent Korniak made the motion to grant approval for the Special Exception for a two year period (he will have to reapply), that it runs with the applicant and that the Home Base Type 3 criteria is being followed and addressed. Motion was seconded by Lance Strange and carried with a vote of 4 members in favor and Jim Martin opposed.

Scott Walstra read the finding of facts.

1. The proposed Special Exception is consistent with the purpose of the zoning district and the Jasper County Comprehensive Plan:

**Response: The type 3 home business meets all the requirement that were wanting to do.**

2. 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 harm to the county just looking to have a mechanic shop and work on vehicles. Were on a main highway and other business up the road.**

3. The proposed Special Exception is in harmony with all adjacent land uses.

**Response: There are other business in the area. We live on a main highway.**

4. The proposed Special Exception will not alter the character of the district.

**Response: No it's not going to looking any different from now.**

5. 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 the property will stay looking the same and make improvements in the future.**

6. 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: There will be no harm in the special exception of the home based business. Just looking to be able to have a mechanic shop and work on vehicles. I have concrete floors in the shop and special containers to put any of the liquids from the vehicles in.**

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;

Passed with a vote of 3 members in favor and Jim Martin opposed 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

Passed with a vote of 3 members in favor and Jim Martin opposed 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 Lance Strange and carried unanimously.

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Upon motion duly made and seconded, meeting was adjourned.

A TRUE RECORD;

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Scott Walstra, Chairman