

**Minutes
Board of Zoning Appeals
June 24, 2020**

The Board of Zoning Appeals of the City of Washington met on June 24, 2020, at 7:00 pm in the City Council Chambers. Chairman Don Spillman called the meeting to order with the following members present: Bill Summers, Larry Mullen, Greg Haag, Don Spillman, David Gray, Michael Allen, Dan Gress and Attorney Tim Dant. After the rollcall, the Chairman stated a quorum was present.

Also attending were Building Commissioner Jon Casper, Code Enforcement Officer Brandt Powden and Plan Commission Secretary Maria Sergesketter.

Minutes from the Board of Zoning Appeals meeting held on March 25, 2020, were approved. Motion to approve the Minutes was made by Greg Haag and seconded by Larry Mullen. A voice vote was taken, Minutes were approved with all in favor.

All persons present who desired to speak during the hearings on cases before the Board were sworn in by Chairman Don Spillman.

The following cases were heard by the Board of Zoning Appeals:

Case V-9-20: Kelly & Marilyn McCullough is requesting a variance to build a 1400 TSF accessory building. This property is zoned Suburban Residential S-1. The property is located at 1442 N State Road 57. Property size is 2.66 acres. Parcel number for the property is 14-10-23-300-017.000-016. Kelly & Marilyn McCullough were present to answer any questions. Marilyn McCullough stated that the building will be 1400 TSF. It will be used for personal storage of their vehicles, lawn mower and miscellaneous items. It will be located behind her house. Board member Greg Haag clarified the spot in which the building was going to be built. Marilyn affirmed that was the spot it was going to be built. With no other questions or statements, Chairman Donald Spillman put the case before the board. Acting Secretary Maria Sergesketter took a roll call vote. Motion passed 7-0.

The Criteria for a Variance from Developmental Standards are set out in IC 36-7-4-918.5 in order to grant a Variance from the City's Developmental Standards the Board of Zoning Appeals must determine that at least one of the following criteria exists:

- 1. The approval will not be injurious to the public health, safety, morals, and general welfare**

of the community:

2. **The use and value of the area adjacent to the property included in the variance/conditional use will not be affected in a substantially adverse manner:**

Case V-10-20: Howard Demontagnac is requesting 2 variances. The first variance is to build an accessory building with 12ft sidewall and the second is a 2ft side setback. This property is zoned Residential Two-family R-2. The property is located at 6 Woodland Court. Property size is .4 of an acre. Parcel number for the property is 14-10-35-203-006.000-017. Howard and Lisa Demontagnac were present to answer any questions. Mr. Demontagnac presented the BZA with a property survey. The building will be located on the east side of the lot. They also stated that the reason for needing a side setback variance is due to an existing gas line and the slope of the ground. The building will also have a foundation. He stated that he would like to have the taller sidewalls to put a car lift in the building. Board Member Bill Summers asked if he would be running a business. Mr. Demontagnac stated that he only works on project cars for himself as a hobby. With no other questions or statements, Chairman Donald Spillman put the case before the board. Acting Secretary Maria Sergesketter took a roll call vote. Motion passed 7-0.

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3. **The strict application of the zoning ordinance will result in practical difficulties in the use of the property.**

Case V-11-20: Matt & Kelli Merold are requesting 3 variances. The first variance is a 22ft side setback reduction due to being on a corner. The second is over 35% max lot coverage and third 2ft front setback reduction. This property is zoned Residential Two-family R-2. The property is located at 805 Bedford Road. Property size is .22 of an acre. Parcel number for the property is 14-10-26-302-009.000-017. Matt Merold was present to answer any questions. Mr. Merold explained the reason for this addition. Building Commissioner Jon Casper stated that the additions will be on the inside of the fence. Mr. Merold stated that eventually the fence would be removed. With no other questions or

statements, Chairman Donald Spillman put the case before the board. Acting Secretary Maria Sergesketter took a roll call vote. Motion passed 7-0.

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- 3. The strict application of the zoning ordinance will result in practical difficulties in the use of the property.**

Case V-12-20: Tienda Mi Rancho is requesting a variance. The variance is to place a commercial dumpster on a residential lot. This property is zoned Residential Two-family R-2. The property is located at S side of Vine Street, East of Fuller Street. Property size is .2 of an acre. Parcel number for the property is 14-10-28-303-027.000-017. Eustaquio & Nada Revolorio were present to answer any questions. Ms. Revolorio explained why they wanted to move the dumpster from where they originally proposed to place it. There is not a lot of space behind the store to place the dumpster. Building Commissioner Jon Casper stated there was approximately 12 feet to get the trash truck back there to get the dumpster. Eventually they would like to build an accessory building for storage for the store on the lot where the dumpster is going to be placed. Chairman Don Spillman questioned if this should be a Conditional-Use versus a variance. Motion to change the variance request to a Conditional-Use was made by Bill Summers and seconded by Greg Haag. A voice vote was taken, it was approved with all in favor. The new case number will be C-13-20. There were a few remonstrators present at the meeting. Robert Bateman and David Neubert. Their concerns were about the smell and location of where the dumpster currently sits. Ms. Revolorio stated that the dumpster is dumped twice per week. The construction company moved the dumpster temporarily to complete their work. The remonstrators also requested that the meat be double bagged. The problem with that is when the trash gets compacted in the truck, the bags break open. Tienda Mi Rancho wants to be good neighbors and improve their location. Board Member Dan Gress stated that the hardship of improvement should be placed on them not the neighbors. An agreement was reached that the dumpster would be moved to the front of the store until a plan is presented to the Board of Zoning Appeals for the Accessory Building. With no other questions or statements, Chairman Donald Spillman put the case

before the board. Acting Secretary Maria Sergesketter took a roll call vote. Motion was tabled 7-0.

Case V-13-20: Julie Seal is requesting a variance. The variance is to build a front porch with a 6ft reduction of the front setback. This property is zoned Residential Two-family R-2. The property is located at 1107 NE 5th Street. Property size is .2 of an acre. Parcel number for the property is 14-10-27-101-039.000-017. Julie Seal was present to answer any questions. She explained that she would just like to build a porch to replace her stoop. With no questions or statements, Chairman Donald Spillman put the case before the board. Acting Secretary Maria Sergesketter took a roll call vote. Motion passed 7-0.

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Case C-8-20: Stryker Excavating LLC is requesting a Conditional Use to operate a lawncare, landscape, excavating business from a residential zoned lot. This property is zoned Suburban Residential S-1. The property is located at 180 E 140 S. Property size is 3 acres. Parcel number for the property is 14-13-02-203-007.000-016. Ian Johnson and Krystal Knepp were present to answer any questions. Ms. Knepp explained that they operate 5 to 6 days a week from 7 – 7:30 am to 6 – 6:30 pm depending on weather. The equipment that they have on the property is also used to maintain Mr. Ross' property. They equipment that they own is 3 mowers, a trailer, small dump truck and snowplows. Ms. Knepp stated that they have removed 11 tons of trash and debris off they property since they have started using the property. There were several remonstrators present. Mr. Tom Sumner, Mrs. Diana Peel, and Mrs. Lisa Peel-Stremlau. Several of the complaints were due to the uncleanliness of the property, noise, mosquito breeding spots, large piles of debris, no set operation hours, types, and size of equipment going onto property, roadway safety and property values. A few of the neighbors Mr. Vince VanOrder & Mr. Jerry Bernard did not have an issue with their business but just wanted to know to what extent they would grow and did not have any issue with noise.

Ms. Knepp stated that they did not realize a conditional use was needed. They were not intentionally going around the rules. They are willing to work with the neighbors to correct the issues. The Board members asked about moving to another location. Ms. Knepp and Mr. Johnson stated that if they had to move the business, they would have to close the business. After much discussion a motion was made by Greg Haag to table this case until the neighbors could present a list of concerns, wishes to Building Commissioner Jon Casper and during this time Stryker Excavating would present a list to him on things they would be willing to do to appease the neighbors with a reasonable timeline for each item on the list. The deadline for these lists will be July 31, 2020. Also, Stryker will park their vehicles at the bottom of the hill toward Mr. Ross' house. Bill Summers seconded. With no other questions or statements, Chairman Donald Spillman put the case before the board. Acting Secretary Maria Sergesketter took a roll call vote. Motion was to table Case C-8-20 7-0 until the August 26th meeting. The adjoining property owners would like a copy of the lists compiled by both parties mailed to them prior to the August meeting.

Case C-9-20: Michael Anderson is requesting a Conditional Use to operate a small engine repair shop on a residential zoned lot. This property is zoned Residential single-family R-1. The property is located at 802 Front Street. Property size is .2 of an acre. Parcel number for the property is 14-10-27-203-023.000-017. Michael Anderson was present to answer any questions. He stated that he wanted to run a lawnmower repair shop out of this location. Several Board Members thought that several businesses had been run out of this location prior to Mr. Anderson coming in tonight for his business. Chairman Don Spillman gave a brief history on the property. Attorney Tim Dant stated that Mr. Anderson has kept the building and yard area looking well kept. Mr. Anderson also stated that eventually he would like to purchase the building. Mr. Anderson stated that his hours would be 8am – 5 pm. Motion to change the hours of operation from 8am-5pm to 8am – 6pm. was made by Dan Gress and seconded by David Gray. A voice vote was taken, it was approved with all in favor. With no other questions or statements, Chairman Donald Spillman put the case before the board. Acting Secretary Maria Sergesketter took a roll call vote. Motion passed 7-0.

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Case C-10-20: Michelle Lemon is requesting a Conditional Use to operate a small business on her property. This property is zoned Residential single-family R-1. The property is located at 706 Brett Cabel Road. Property size is .521 of an acre. Parcel number for the property is 14-10-27-104-048.000-017. Michelle Lemon was present to answer all questions. Ms. Lemon stated that she has had her pampered chef business since 2002 and BriAnn's Boutique since 2005. She said she does not have set operation hours; it is when she is not working her primary job. She stated that the building is a place to do her crafts and have her inventory. There will be porch pick up only. Building Commissioner Jon Casper stated that he spoke with Ms. Lemon prior to tonight's meeting. Jon had stated that State Fire Marshall Carl Deel had reached out to him about a complaint his boss had received about an over-load capacity issue. Jon had explained to Ms. Lemon about the State Jurisdiction, fire codes and customer traffic. It was decided by Ms. Lemon that her building would be a porch pick-up only site. No customers would be allowed inside. This would satisfy any issues with the State. It was also discovered that the portable building was set to close to the property line. At this time Mike Allen made a motion to add a 6.5 side setback reduction to this application to correct this situation. Larry Mullen seconded. It was also discussed that there was adequate off-street parking available at her home. There was one remonstrator present. Traci Fowler stated that she did not like her open houses that are in her back yard as it takes away her privacy in her backyard. There was much discussion between the parties. It was decided that if Ms. Lemon's fence was replaced this would appease Ms. Fowler. A motion was made by Greg Haag that there was to be NO open houses until the fence was replaced. Larry Mullen seconded. With no other questions or statements, Chairman Donald Spillman put the case before the board. Acting Secretary Maria Sergesketter took a roll call vote. Motion passed 7-0.

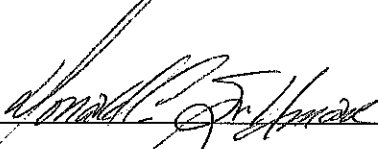
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variance/conditional use will not be affected in a substantially adverse manner:

Building Commissioner Jon Casper informed the Board that currently we have 8-11 cases for August. The Board requested that we move our meeting to 6 p.m.

With no other business, the meeting was adjourned at 10 p.m.



Donald C. Spillman, Chairman or Acting Chairman



Maria Sergesketter, Secretary