

**Minutes**  
**Board of Zoning Appeals**  
**September 23, 2020**

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The Board of Zoning Appeals of the City of Washington met on September 23, 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, Michael Allen, David Gray, Dan Gress and Attorney Tim Dant. After the roll call, 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 August 26, 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 City Attorney Tim Dant.

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

**Case V-24-20:** Pregnancy Care Center is requesting a front setback variance for a sign. A 9' front setback reduction from Front Street and a 15' front setback reduction from Walnut Street. This property is zoned Commercial Local Business C-1. The property is located at 714 W Walnut Street. Property size is .3 acres. Parcel number for the property is 14-10-28-404-025.000-017. Kenneth Swartzentruber was present to answer questions about the project. The old sign was taken down and we just want to replace with a new sign. Bill Summers asked if it would cause any line-of-sight issues. Building Commissioner Jon Casper said he did not think it would cause any issues. Kenneth Swartzentruber said it would be 10' to the bottom of the sign using a single post. He also asked about an additional sign on the building. Building Jon Commissioner said he would be fine as long as each sign would be less than 150 TSF. Mr. Swartzentruber thanked the City for their work on the sidewalk program. 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 Conditional Use exception or a Use Variance are set out in IC 36-7-4-918.5 in order to grant a Conditional Use exception or a Use Variance the Board of Zoning Appeals must determine that at least one of the following criteria exists:**

**After hearing the case the Board of Zoning Appeals determined that**

- 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-25-20:** Kent Carroll & Chris Hoover are requesting a road frontage setback variance. First lot requests a 105' road frontage setback reduction. Second lot requests a 150' road frontage setback reduction with an easement in place. This property is zoned Suburban Residential S-1. The property is located at 1353 E 100 N. Property size is 13.507 acres. Parcel number for the property is 14-10-25-202-006.004-016. Kent Carroll and Chris Hoover were present to answer questions about the project. Mr. Hoover explained that they will each be building single family residences. They spoke of the easement that will be in place for access to their property. Mr. Carroll explained that the 1<sup>st</sup> easement with AJ Miles benefitted all parties. Mr. Miles will receive additional land and the turn into their drive would be easier to turn east. They would have a second easement for Mr. Hoover to access his property using Mr. Carroll driveway. Chairman Don Spillman spoke about issues that have and can occur if an easement is not agreed upon and recorded with the deed. He said usually these issues happen several owners down the line. Mr. Hoover stated that in the agreement it says that they will have a 50/50 maintenance agreement. Chairman Don Spillman stated his concern for the parcel to be further subdivided. Mr. Carroll and Building Commissioner Jon Casper said with the lay of the land it would be highly unlikely for the parcel to be split again. Dan Gress asked about utilities. Mr. Carroll said that it would be REMC, City Water, Vectren and Septic Tank. Mike Allen stated that we are going down a path to ask people to record items with their deeds. Would this be considered a covenant? Attorney Tim Dant said yes, it would be considered a covenant. It would be an agreement between the 2 owners. Attorney Tim Dant, Don Spillman and Mike Allen discussed adding conditions/covenants to their deed along with other topics for this property. Bill Summers made a motion to add the following stipulation

1. The purchase agreement with the maintenance agreement would be recorded with the deed. This agreement will outline use of access easement, repair, maintenance schedule,

and financial responsibility. There will be a covenant placed on the deeds to ensure proper maintenance of the driveway before permits will be issued.

Greg Haag 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. With stipulation added.

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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-26-20:** Hogan Helms/DKP Real Estate are requesting 4 variances. 1. To allow the property to continue being used for manufacturing (light or heavy). The existing primary building will be expanded to the west to allow for growth of the business. 2. To allow for stone parking for the new addition. 3. Reduce setbacks within C-4 zoned area, to 35' along the east boundary and 5' along the north boundary, to bring the existing buildings into compliance. 4. Existing property has no access to public street or right of way request variance to bring into compliance. This property is zoned Residential two-family (R-2) and Commercial Roadside business (C-4). The property is located at 885 S State Road 57. Property size is 11.574 acres. Parcel number for the property is 14-10-34-304-010.001-016. Hogan Helms attended the meeting and was representing DKP Real Estate. Mr. Helms wanted to clarify that the existing property does not have access to public street or right of way but they were there prior to that zoning code but they just wanted to clean up the issues with the property if they should ever sell. Bill Summers asked what the nature of their business is. Mr. Helms stated that they make manhole covers and concrete-like polymer mix underground utility structures. Michael Allen asked if the company has done a concrete or asphalt cost assessment? Mr. Helms said no they have not. They discussed the other businesses around DKP Real Estate. Mr. Spillman stated that there were not any adjoining property owners were there to

remonstrate. After much discussion, Chairman Donald Spillman put the case before the board. Acting Secretary Maria Sergesketter took a roll call vote. Motion passed 5-1-1 with Dan Gress abstaining and Michael Allen voting to deny variance

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**7. Case V-28-20:** Beulah A.M.E. Church is requesting a 1ft front setback reduction variance for a handicapped ramp. This property is zoned Residential multi-family (R-3). The property is located at 805 W Walnut Street & 809 W Walnut Street. Property sizes are .24 acres and .21 acres. Parcel numbers for the properties are 14-10-28-404-039.000-017 and 14-10-28-404-038.000.017. Caden Wininger was present to explain his Eagle Scout Project. Mr. Wininger explained how and where the ramp would be built. Building Commissioner Jon Casper spoke about the project as well. He told the BZA Board that Mr. Wininger was very prepared to complete this project. Mr. Wininger explained that if the ramp needed to be moved in the future it could move. It will be the main entrance for the church at this time. 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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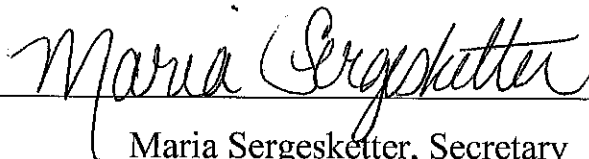
Building Commissioner Jon Casper informed the Board that currently we have several cases for October along with a Special meeting on October 6<sup>th</sup>.

With no other business, the meeting was adjourned at 8:45 p.m.



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Donald C. Spillman, Chairman or Acting Chairman



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Maria Sergesketter, Secretary