

Minutes
Board of Zoning Appeals
June 23, 2021

The Board of Zoning Appeals of the City of Washington met on June 23, 2021, at 6:30 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, Michael Allen (showed up at 7 pm), Dan Gress, David Gray, Don Spillman and City Attorney Tim Dant. After the rollcall, the Chairman stated a quorum was present.

Also attending were Building Commissioner Jon Casper, Building Commissioner Secretary Maria Sergesketter.

Minutes from the Board of Zoning Appeals meetings held on May 26, 2021, 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 SE-25-21: Greg Haag is requesting a Special Exception. He would like a 14' side setback reduction 20' down to 6' for a carport. This property is zoned General Agriculture AG. The property is located at 2071 N 75 E. Property size is 1.5 acres. Parcel number for the property is 14-10-14-403-009.000-016. Greg Haag was present to answer any and all questions. Mr. Haag explained that he would like to have the carport attached to his house versus detached. He said it would look better if it was attached. If it were detached it could be 3' from the property line but since he wants it attached, it must be 20' from the side property line this is why he is asking for the special exception. With no other questions, Chairman Donald Spillman put the case before the board. Acting Secretary Maria Sergesketter took a roll call vote. Motion passed 5-0-1 with Michael Allen absent at this time and Greg Haag abstained.

Case C-8-21: John Cline is requesting a Conditional Use. He would like to operate an internet gun sales, manufacturing, and gun repair shop from this property. This property is zoned Residential Multi-Family R-3. The property is located at 620 W Main Street.

Property size is .08 acres. Parcel number for the property is 14-10-27-303-088.000-017. Mr. Cline was present to answer any and all questions. Mr. Cline explained that he would only do business by appointment only. He wants to take time with each customer and make it more personable. He said that he would not be selling ammo nor place a business sign. He also said he understood that customers are not allowed in the home unless he gets a State Design Release. He also added that in about 8 months he would be the owner of the home as he is buying it on contract. With the stipulation added that there will not be ammunition sales at his home, Chairman Donald Spillman put the case before the board. Acting Secretary Maria Sergesketter took a roll call vote. Motion passed 6-0 with Michael Allen absent at this time.

Case SE-29-21: Richard Nardine is requesting Special Exceptions. 1. To move his manufactured commercial building to this location 2. A 1-year extension to pave his parking lot. This property is zoned Commercial General Business C-2. The property is located at 603 W Oak Street. Property size is 1.066 acres. Parcel number for the property is 14-10-34-202-008.000-017. Mr. Nardine was present to answer any and all questions. He explained that the property was bought by DCEDC, and he retained his laundry mat. He wants to place his commercial building in a nice area. He said several of his customers are employees of Perdue Farms. This location would make it more convenient for them. He spoke about part of the property being in the Floodplain fringe. He said that the building would be out of the fringe. He said the only part of the project in the fringe might be the parking lot. Sandy Rice of Feed my Sheep was present to ask about water run-off from placement of building. Dan Gress said that the lot should drain to the west not east toward Feed My Sheep. Building Commissioner Jon Casper stated that the commercial building is a one-piece unit and may require a police escort to have it moved to this location. Mr. Nardine stated that he hired MFC out of Petersburg to move it. With the stipulation added that the lot would be designed to allow water run-off drain to the South and the West, Chairman Donald Spillman put the case before the board. Acting Secretary Maria Sergesketter took a roll call vote. Motion passed 6-0 with Michael Allen absent at this time.

Case C-10-21: Clarence Line is requesting a Conditional Use. He would like to operate a commercial State inspected kitchen for food prep from this property with by appointment only food pick up. This property is zoned Residential Two-Family R-2. The property is located at 711 NW 16th Street. Property size is .887 acres. Parcel number for the property is 14-10-28-204-017.000-017. Mr. Line was present to answer any and all questions. Mr. Line explained his project to the Board Members. He said that if an order comes in it would be pick up by appointment only. He said that he may smoke

meat about 2-3 times a week. He said that food was prepared inside the building that will be State Inspected. He acknowledges that he understands that no customers would be allowed in the kitchen. Remonstrator Matt Lyford has concerns about business hours that are posted on Facebook. Bill Summers asked if the smoker could be moved away from the property line? Mr. Line said that the smoker is movable. Dan Gress asked if he owned the property in question. He does not, but the Landowner Matt Coakley signed the Owner's Affidavit to allow this on his property. The picture included in the packet was not of the correct portable building. Dan Gress made a motion to table the case until July 28th meeting. Greg Haag seconded. All Present Board Members were in favor. Chairman Donald Spillman put the case before the board. Acting Secretary Maria Sergesketter took a roll call vote. Motion tabled 6-0 with Michael Allen absent at this time.

Case SE-21-21: Mark Halter is requesting a Special Exception. He would like to have a 3' side setback reduction to place an addition on his storage building. The addition would be on the property line. This property is zoned Residential One-Family R-1. The property is located at 27 Green Acres. Property size is .69 acres. Parcel number for the property is 14-10-26-204-006.000-017. Mr. Halter was present to answer any and all questions. He explained that the SW corner of the building would be very close to the property line but not on the property line. He said that Landmark Surveying came to his property, and they felt confidence that the addition would be located on his property and will not encroach on the neighbor's property. Chairman Don Spillman stated that he needed to be 100% accurate. He also asked Mr. Halter if the addition could be moved to the eastside of his building. Mr. Halter said he did not want to cut down the apple trees located on the eastside, and he said that he would like to use the excess, less desirable ground on the westside. After more discussion, Chairman Donald Spillman put the case before the board. Acting Secretary Maria Sergesketter took a roll call vote. Motion denied 0-7

Case SE-19-21 & V-20-21 Daviess County Commissioners are requesting Special Exceptions. They would like to exceed 35% lot coverage, 5' side setback reduction, 5' front setback reduction and having an Accessory Structure without a primary residence. The Variance requested are exceeding the 1200 TSF max (2500 TSF), exceeding 10' sidewall height (14' sidewalls), exceeding 18' peak height (23' peak height). This property is zoned Residential Multi-Family R-3. The property is located at 300 E Hefron Street. Property size is .85 acres. Parcel numbers for the properties is 14-10-27-402-110.000-017 and 14-10-27-402-121.000-017. Scott Schnarr, Maintenance Supervisor for Daviess County, was present to answer any and all questions. He explained their project

and stated that the building would be used for storing maintenance equipment used for the Courthouse and Annex Building. He stated that the building would be metal, but the color would match the stone on the Annex. Michael Allen had numerous questions about the application and their project. There was much discussion and explaining about their project. Mr. Schnarr stated that the size of the building would be determined by what the BZA approves. After more discussion, Dan Gress made a motion to make the following changes:

Special Exceptions

1. Exceed 35% lot coverage - OK
2. 5' Side setback reduction (North side of Acc Building) – This Exception is for the Retaining Wall only and the North Wall of the Building will be @ 5' off the Property Line.
3. 5' Front setback reduction (West side of Acc Building) – The front set back will be reduced from 35' down to 25' which is a 10' front setback reduction.
4. Accessory Structure with no primary residence - OK

We would like to ask for these Variances

5. Exceed 1200 TSF building size (2500 TSF) - OK
6. Exceed 10' sidewall height (14' sidewalls) - OK
7. Exceed 18' Peak Height (23' Peak) - OK

Larry Mullen seconded. All were in favor. With no other questions, Chairman Donald Spillman put the case before the board. Acting Secretary Maria Sergesketter took a roll call vote. Motion passed 5-1-1 with Michael Allen voting nay and David Gray abstaining.

In order to grant a Developmental Variance, the Board of Zoning Appeals must determine that one or more of the following criteria exists: (IC 36-7-4-918.5 & IC 36-7-4-918.4)

The Board has determined that the project is not injurious to the public health, safety, morals, and general welfare of the community.

The Board has determined there will be no adverse effect on neighboring property.

The Board determined there is a need for the variance due to some condition particular to the property involved.

The Board has determined that the strict application of the ordinance will result in problems for the business.

Case SE-22-21 & V-26-21: Chris Winkler is requesting a Special Exception & Variances. The Special Exceptions are 50' road frontage reduction 150' down to 100'. The Variances are exceeding the 1200 TSF max (4800 TSF), exceeding 10' sidewall height (14' sidewalls), exceeding 18' peak height (24' peak height). This property is

zoned General Agriculture AG. The property is located at 2270 N 200 W. Property size is 8.9 acres. Parcel number for the property is 14-10-16-300-020.002-016.

Case SE-23-21: Patricia Hammons is requesting a Special Exception. She would like a 150' road frontage reduction 150' down to 0'. This property is zoned General Agriculture AG. The property is located at 2280 N 200 W. Property size is 8.9 acres. Parcel number for the property is 14-10-16-300-020.001-016. Chris Winkler was present to answer any and all questions pertaining to all 3 cases. He explained that his mother Patricia Hammons purchased a large parcel of land, and it will be subdivided in to 3 parcels. One parcel will have the existing cabin on it. The second parcel of land will have a new house built for his mother and the third parcel will have a new house built for himself. He presented the Board with a survey. He explained how the driveway would enter the property and that he will have an easement and a maintenance agreement recorded. It is at the courthouse in the process of being recorded. Dan Gress had questions about his driveway asking if the county would be taking it over at any time. Mr. Winkler stated that the driveway would have to be built to county road specs in order for the county to take it in. He stated that the driveway is not built in such a manner so it would not be taken in by the county. Remonstrators Kimberly Schnarr and Barbara Graff were at the meeting as well. Both ladies were questioning the survey and the number of houses that were going to be built. Chairman Don Spillman stated that if they had questions about the survey, they would need to hire an attorney for this civil matter. Michael Allen questioned if he was building a subdivision. After more discussion, Chairman Donald Spillman put the case before the board. Acting Secretary Maria Sergesketter took a roll call vote. Motion was tabled 7-0 due to the fact that the Board thought they needed to look up Subdivision standards to make sure this case does not need to be heard by the Plan Commission.

Case C-5,6,7-21: Brianna Scott is requesting a Conditional Use. She would like to operate a daycare from this property. This property is zoned Residential Multi-Family R-3. The property is located at 209 W Oak Street. Property size is .2 acres. Parcel number for the property is 14-10-34-201-052.000-017. The property is located at 210 W Sycamore Street. Property size is .16 acres. Parcel number for the property is 14-10-34-201-069.000-017. The property is located at 214 W Sycamore Street. Property size is .16 acres. Parcel number for the property is 14-10-34-201-068.000-017. Brianna Scott was present to answer any and all questions. She said that she would have 4 off street parking spots. Bill Summers asked how many children would be attending. She stated that there would be up to 32 kids in the Oak Street building and up to 12 kids in the Sycamore Street building. After some discussion, Chairman Donald Spillman put the

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

Case C-9-21: Scott Matteson is requesting a Conditional Use. He would like to operate vending machines for public use from this property. This property is zoned Residential One-Family R-1. The property is located at 812 Front Street. Property size is .51 acres. Parcel number for the property is 14-10-27-203-007.000-017. No one was present to represent this case. The office received a letter and a call from adjoining property owners stating they did not want this business in their neighborhood. Chairman Don Spillman had concerns about there not being a crosswalk and the safety of children crossing the street. Greg Haag made a motion to go ahead and vote on the case. Larry Mullen seconded. All were in favor. With no other discussion, Chairman Donald Spillman put the case before the board. Acting Secretary Maria Sergesketter took a roll call vote. Motion was denied 1-6 with Dan Gress voting yea.

Case SE-24-21 & V-27-21: Tony Brumett is requesting a Special Exception. He would like a 2' side setback reduction from 3' down to 1' for his shipping container. The variances requested are exceeding the 1200 TSF max (1824 TSF), exceeding 10' sidewall height (12' sidewalls), exceeding 18' peak height (20' peak height). This property is zoned Suburban Residential S-1. The property is located at 1095 N State Road 57. Property size is .98 acres. Parcel number for the property is 14-10-23-300-040.001-016. Mr. Brumett was present to answer any and all questions. He said that he inherited the property from his mother after she passed away. He uses the conex box to store things in. He called a surveyor to locate all his pins for his property. He said that he called the Accessors Office to see how far a building needs to be away from the property line. They informed him 1 foot was the setback. He said that was his mistake by calling the wrong office. He put it on the property at an angle to be able to build a carport/leanto from his existing garage over to the conex box. Michael Allen made a motion to change the language on the application from shipping container to accessory structure. Greg Haag seconded. All were in favor.

I am needing a special exception for:

1. a 2' side setback reduction for the accessory structure (3' down to 1')

Variances needed:

1. carport addition to an 800 TSF garage that would make the overall TSF over 1200TSF (adding $32 \times 32 = 1024$ TSF) (TSF would add to be 1824)
2. Peak height exceeds 18' (will be 20')
3. exceeds 10' sidewall height (will be 12') apply to existing building.

Michael Allen also had a question about number 3 on the application. Building Commissioner Jon Casper explained it to him. Mr. Paul McCracken, remonstrator, had questions about the survey. Chairman Don Spillman told Mr. McCracken if he had questions about the survey, he would need to hire an attorney for this civil matter. After some discussion and the stipulation that Mr. Brumett must provide a survey before a permit can be issued, Chairman Donald Spillman put the case before the board. Acting Secretary Maria Sergesketter took a roll call vote. Motion was passed 6-1 with Michael Allen voting nay.

In order to grant a Developmental Variance, the Board of Zoning Appeals must determine that one or more of the following criteria exists: (IC 36-7-4-918.5 & IC 36-7-4-918.4)

The Board has determined that the project is not injurious to the public health, safety, morals, and general welfare of the community.

The Board has determined there will be no adverse effect on neighboring property.

The Board determined there is a need for the variance due to some condition particular to the property involved.

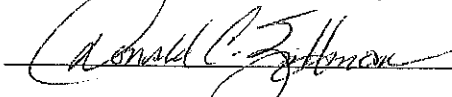
The Board has determined that the strict application of the ordinance will result in problems for the use of the property.

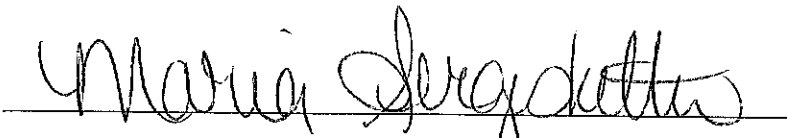
In other business, Chairman Don Spillman put case C-3-21 Christopher Mirande 620 NW 16th Street before the board. He has not called nor contacted the Building Commissioner to discuss any further plans with his project. Acting Secretary Maria Sergesketter took a roll call vote. Motion was denied 0-7.

Board Member Greg Haag asked about 301 W Walnut Street. Building Commissioner Jon Casper stated that Code Enforcement Officer Brandt Powden has been keeping a very close eye on it due to all the cars that are on the property.

Jon Casper informed the Board that we will have several cases for the July 28th meeting.

With no other business, the meeting was adjourned at 9:20 p.m.


Donald C. Spillman, Chairman or Acting Chairman


Maria Sergesketter, Secretary