

Minutes
Board of Zoning Appeals
July 28, 2021

The Board of Zoning Appeals of the City of Washington met on July 28, 2021, at 7:00 pm in the City Council Chambers. Chairman Don Spillman called the meeting to order with the following members present: Bill Summers, Greg Haag, Michael Allen, Dan Gress, David Gray, Don Spillman and City Attorney Tim Dant. Larry Mullen is absent. After the rollcall, the Chairman stated a quorum was present.

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

Minutes from the Board of Zoning Appeals meetings held on June 23, 2021, and July 7, 2021, were approved. Motion to approve the Minutes was made by Greg Haag and seconded by Dan Gress. 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 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. Clarence Line was present to answer questions. He explained that he wanted to have a place to prepare his food, in a commercial kitchen, to continue selling ribs and chicken salad. He is asking for a conditional use to be able to keep his customers safe as directed by health codes for his Health Department Inspected commercial kitchen. Building Commissioner Jon Casper stated that he had discussed with Mr. Line that the building was 2' too close to another structure. Mr. Line said he would move it, but he just needed some time to do so. Matt and Rikki Lyford, remonstrators, were concerned about people parking in their driveway and or blocking it. Chairman Don Spillman asked if there were any other businesses in the area. Building Commissioner Jon Casper said that Campton's was down the road. Chairman Don Spillman stated that he read on Facebook and doubled checked on the Indiana State site that there is a tumbling facility that is owned by the Lyford's currently in operation. Rikki Lyford stated that it has been closed. Chairman Don Spillman stated

that Facebook needs to reflect that it is closed and if they ever reopen the business, they will need to get a conditional use. Board Member Dan Gress asked Mr. Line to let all his customers know where to park. Board Member Greg Haag made a motion to put in a privacy fence. Michael Allen seconded. This motion was amended to state that a fence/fence like barrier must be put up at least to the edge of the west corner of the building and to move the commercial kitchen over 2 feet within a 60-day time frame. Board Member Michael Allen made a motion to accept the amended stipulations. Greg Haag seconded. All were in favor. Chairman Donald Spillman put the case before the board. Acting Secretary Maria Sergesketter took a roll call vote. Motion passed 6-0 with Larry Mullen absent.

Case SE-28-21: Scott Neukam is requesting Special Exceptions. He would like a 3' side setback reduction to place a detached carport over a concrete pad and over 35% lot coverage. This property is zoned Residential Two-Family R-2. The property is located at 307 SE 13th Street. Property size is .15 acres. Parcel number for the property is 14-10-35-202-062.000-017. Scott Neukam was present to answer any questions. He explained his project to the Board. Board Member Dan Gress asked if he was asking for the full 3' side setback reduction. Building Commissioner Jon Casper stated that he would only be needing an 8-inch side setback reduction. The building would be set at 28 inches off the property line. With no other questions, Chairman Donald Spillman put the case before the board. Acting Secretary Maria Sergesketter took a roll call vote. Motion passed 6-0 with Larry Mullen absent.

Cases SE-30-21 & V-31-21: Doug & Michelle Bubalo are requesting Special Exceptions and Variances. Special Exceptions are 5' side setback reduction 20' down to 15' and accessory structure without a primary residence. Variances are Total Square Foot (2785 TSF), sidewall height (13') and peak height (27'). This property is zoned Suburban Residential S-1. The property is located at 904 State Road 257. Property size is 4.99 acres. Parcel number for the property is 14-10-35-400-015.000-016. Doug & Michelle Bubalo were present to answer all questions. Chairman Don Spillman addressed the Board about re-numbering V-31-21 to SE-31-21 since the land is not the issue that would force them to build where they are going to build. Michelle Bubalo explained that eventually they may build a house on this parcel. They want to place the accessory building on the property to allow for their future potential plans. With no other questions, Chairman Donald Spillman put the case before the board. Acting Secretary Maria Sergesketter took a roll call vote. Motion passed 6-0 with Larry Mullen absent.

Case V-32-21: Crissy LaFollette is requesting a Variance. She would like a variance to reduce the minimum lot size requirement needed. This property is zoned Residential multi-family R-2. The property is located at 1501 Fox Run Drive. Property size is 1 acre. Parcel number for the property is 14-10-35-403-012.000-016. Chrissy LaFollette was present to answer all questions. She stated that due to deeding a little bit of land to Charlie Heller to make his property correct she was now .02 acres out of compliance on her property. She wants to get this corrected in order to sell this home in the future. Board Member Dan Gress asked about Fox Run Drive. She stated that Mr. Heller gave her easement from 100 and Fox Run. She stated that this is in the process of being recorded. She also stated that there was a neighborhood association to help pay for the maintenance of Fox Run. With no other questions, Chairman Donald Spillman put the case before the board. Acting Secretary Maria Sergesketter took a roll call vote. Motion passed 6-0 with Larry Mullen absent.

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.

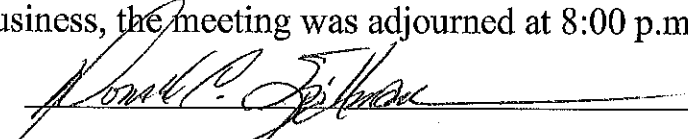
The Board has determined there will be no adverse effect on neighboring property.

The Board determined there is a need for the variance due to some condition particular to the property involved. Legal Requirements would make the land unusable and unsellable without a variance.

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 August 25th meeting.

With no other business, the meeting was adjourned at 8:00 p.m.


Donald C. Spillman, Chairman or Acting Chairman


Maria Sergesketter, Secretary