

Minutes
Board of Zoning Appeals
September 22, 2021

The Board of Zoning Appeals of the City of Washington met on September 22, 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, Larry Mullen, Greg Haag, Dan Gress, Don Spillman and City Attorney Tim Dant. Members absent were Michael Allen and David Gray. 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 meeting held on August 25, 2021, was 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 C-13-21: Cory & Brandy Jewett are requesting a Conditional-Use. They would like to have a by appointment only clinic in their home. This property is zoned Suburban Residential S-1. The property is located at 701 Central Ave. Property size is .54 acres. Parcel number for the property is 14-13-03-104-017.000-016. Dr. Brandy Jewett was present to explain her business and answer questions. She explained that Covid caused her to have to start her own business. She said that she has 2 Occupational Therapy Customers. She only sees these patients at their places of employment. She has 2 Physical Therapy Clients that are area schools. She is onsite for those patients as well but may have a client that need extra attention so she will schedule an appointment. She stated that with her work load her maximum number of patients seen at her home has been 4. All clients seen are done by appointment as this is also her family home. She stated that she has 2 off-street parking spaces, and the only signage is a small, laminated paper that says entrance. There were several remonstrators present along with a several people who consent to having the business in the neighborhood. The Remonstrators were Kay Stafford and Marvin Thompson. The people giving their consent were Bill McCain and Larry Stafford. Concerns from the remonstrators were about parking and more traffic in the neighborhood, already seeing clients, growth of business and property values. The supporting neighbors said that the traffic has not increased and that they welcomed the

business into the neighborhood. Mr. Spillman informed the audience that the focus of this Board was to decide if the business in the neighborhood would affect the health and safety, morality, and overall character of the neighborhood. Mrs. Jewett told the Board that she was happy to be here to discuss her business with her neighbors as she wants to be a good neighbor. She also stated that if her business grew much more, she would have to find another place to allow for that growth. She stated as for seeing clients already, she was unaware of the 2-mile zoning boundary. She apologized for not knowing. The Board informed Mrs. Jewett that she has not been the only business to do that. Board Member Greg Haag reminded the Board that at any time her case could be recalled if there were numerous complaints about growth of business and or increased traffic. Chairman Spillman also let the Jewett's know that the conditional use was only good for this business at this location. If they would move, this process would need to be done again if the zoning requires it. Chairman Donald Spillman put the case before the board. Acting Secretary Maria Sergesketter took a roll call vote. Motion passed 5-0.

Cases SE-37-21: Yuliana Castaneda is requesting a Special Exception. Special Exception is over 35% lot coverage, 2' side setback reduction, 5' rear yard setback reduction and garage will be closer than 10' away from the residence. This property is zoned Residential Multi-family R-3. The property is located at 313 S Meridian Street. Property size is .12 acres. Parcel number for the property is 14-10-34-201-078.000-017. Ms. Castaneda was present to answer questions about her application. Jazmin Murfee was also present to assist in translating for the Board. Building Commissioner Jon Casper informed the Board that technically she would not need the special exception of 5' rear setback reduction as this building is a detached accessory building and only requires a 3' setback. She explained that the garage would be used for personal use of storage of a car and materials purchased to remodel the house. After many questions, it was determined that the building would be built from wood with a metal exterior. 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.

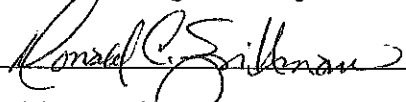
RECALLING Case C-9-20: Michael Anderson is requesting a Conditional Use to operate a small engine repair shop on a residential zoned lot. This property is zoned Residential single-family R-1. The property is located at 802 Front Street. Property size is .2 of an acre. Parcel number for the property is 14-10-27-203-023.000-017. Michael Anderson was present to answer the Boards questions. Mr. Anderson said that he has had multiple workers at his shop this season but none of them have stayed. This has required him to have to work long hours and neglect some of the upkeep around the building. He also spoke of bringing in a used semi box trailer to store items in and putting up a fence.

Several Board members stated that the property has turned into a junk yard. They also agreed that bringing in a box trailer might make the property look even worse. Board Member Dan Gress made a motion to give Mr. Anderson until the end of October to make major improvements on the cleaning of the property, to look for another option for a storage building and possibly add a fence. Greg Haag seconded. All were in favor. Board Chairman Don Spillman reminded Mr. Anderson that if improvements were not made the Conditional Use could be rescinded. Code Enforcement Officer Brandt Powden informed the Board that a clean-up order has been sent to Mr. Anderson but has not been carried out yet due to him being recalled. If the property is not any better at the end of October, then the cleanup order would be executed.

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.

Jon Casper informed the Board that we do not have any cases yet for October, but potentially could since we still have time until the deadline.

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



Donald C. Spillman, Chairman or Acting Chairman



Maria Sergesketter, Secretary