

Minutes
Board of Zoning Appeals
April 24, 2019

The Board of Zoning Appeals of the City of Washington met on April 24, 2019, at 7:00 pm in the City Council Chambers. Chairman Don Spillman called the meeting to order with the following members present were Bill Summers, Larry Mullen, Greg Haag, Dan Gress, David Gray, Don Spillman and Attorney Tim Dant. Michael Allen was absent. After the roll-call, the Chairman stated a quorum was present.

Also attending were Building Commissioner Don Williams, Code Enforcement Officer Brandt Powden, Plan Commission Secretary Maria Sergesketter and County Assistant to the Plan Director, Sarah Underhill.

Minutes from the Board of Zoning Appeals meetings held on March 27, 2019 and April 10, 2019 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 case was heard by the Board of Zoning Appeals:

Case V-3-19: Isauro Quinonez Florian is requesting a Variance to build an Attached Garage. It will be 36 feet x 24 feet for a total of 144 TSF. A Variance is needed to exceed the 35% lot coverage, side and rear setback variances. This property is zoned Residential multi-family R-3. The property is located at 900 W. Main Street. Property size is .12 acres. Parcel numbers for the property are 14-10-28-404-085.000-017. Mr. Quinonez was present along with Jazmin Murfee, City of Washington employee, to translate. After hearing this request, the board discussed it for a brief time. Greg Haag made a motion to amend the request to a 20 feet rear setback, 2 feet westside setback, 0 feet eastside setback and to build a 29 feet x 24 feet garage also to waive the 35% lot coverage standard. Larry Mullen seconded. There was a voice vote taken. The motion passed 6-0 with Michael Allen being absent. It was suggested that he slope his roof toward 9th street and have gutters to prevent water drainage issues for his neighbor. Chairman Don Spillman put the

case before the board. Acting Secretary Maria Sergesketter took a roll call vote. Motion passed 6-0.

The Board made the following findings of fact in support of the variance condition exception.

In IC 36-7-4-918.5 it has been determined that 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 will not be affected in a substantially adverse manner.**

Case V-5-19: Eric Graber is requesting a Variance to allow apartments in C-4. This property is zoned Commercial Roadside Business C-4. The property is located at 412 E National Hwy. Property size is 4104 TSF. Parcel number for the property is 14-10-34-101-127.000-017. Mr. Graber was present to answer questions for his case. Building Commissioner Don Williams spoke to the Board of how the property used to be a Bed and Breakfast many years ago and over the years it morphed into apartments. Mr. Graber wants to get this corrected in order to keep his building as apartments. After hearing this request, the board discussed it for a brief time. Chairman Don Spillman put the case before the board. Acting Secretary Maria Sergesketter took a roll call vote. Motion passed 6-0 with Michael Allen being absent.

The Board made the following findings of fact in support of the variance condition exception.

In IC 36-7-4-918.5 it has been determined that 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 will not be affected in a substantially adverse manner.**

Case V-7-19: Fernando Hernandez is requesting a Variance to exceed the 35% maximum lot coverage. This property is zoned Residential Two-Family R-2. The property is located at 315 S.E. 7th Street. Property size is 5292 TSF. Parcel number for the property is 14-10-34-101-108.000-017. Mr. Hernandez was present along with Jazmin Murfee, City of Washington employee, to translate. During the

discussion it was discovered that the picture that was taken for the packet was the incorrect home. Once the correct picture of the home was looked up on GIS the board discussed it for a brief time. Chairman Don Spillman put the case before the board. Acting Secretary Maria Sergesketter took a roll call vote. Motion passed 6-0 with Michael Allen being absent.

Case C-3-19: Todd and Becky Duzan are requesting a Conditional Use to operate their business office from their residence. This property is zoned Residential Multi-Family R-3. The property is located at 319 W 150 S. Property size is 1 Acre. Parcel number for the property is 14-13-03-400-015.000-016. Todd and Taylor Duzan were present to answer all questions pertaining to the case. The Board discussed it for a brief time. Bill Summers made a motion to amend the request to have an office in his home for his dustless blasting business and allow him to do small jobs in his garage/accessory building. David Gray seconded. There was a voice vote taken. The motion passed 6-0 with Michael Allen being absent. The Duzan's will also provide 2 off street parking spots. Don Spillman put the case before the board. Acting Secretary Maria Sergesketter took a roll call vote. Motion passed 6-0.

The Board made the following findings of fact in support of the variance condition exception.

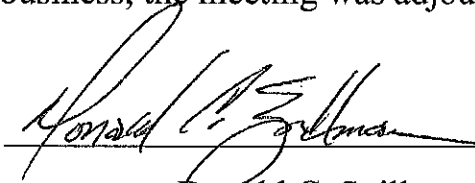
In IC 36-7-4-918.4 it has been determined that the following criteria exists.

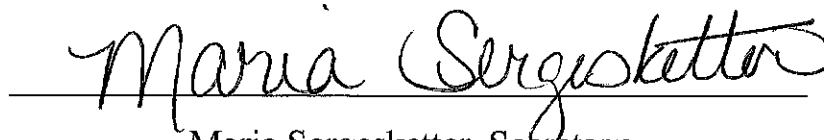
- 1. The approval will not be injurious to the public health, safety, morals and general welfare of the community.**

In other business Building Commissioner Don Williams informed the Board that he was contacted by Geoff Stoner from the Health Department of a permit that he received. It was a permit for a migrant worker camp on a house located inside the City limits. Attorney Tim Dant said that migrant worker camps are limited to be in areas that are zoned Agriculture. The person that sent Geoff Stoner the permit stated that although she was from the Indiana State Board of Health, our local zoning would determine if it was even allowed in our area. Her job is to inspect homes to see if the housing, plumbing etc. is adequate for multiple migrant workers to live in the house she is inspecting. She also informed Geoff Stoner that there are several more homes in Washington that she must inspect. Attorney Tim Dant requested a list of those addresses. Also, a commercial property owner had inquired about getting a variance to build a pole barn on his commercially zoned land to be used for personal use without getting a State Design Release. Secretary Maria Sergesketter had informed the Board that he had come in to get an

application, but she had told him that he could not ask for something that we have no control over. The State of Indiana regulates State Design Releases. The property owner understood and decided he would think about his project some more before completing the application.

With no other business, the meeting was adjourned.


Donald C. Spillman, President


Maria Sergesketter, Secretary