

Minutes
Board of Zoning Appeals
December 26, 2018

The Board of Zoning Appeals of the City of Washington met on December 26, 2018, 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, David Gray, Dan Gress, 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 and Plan Commission Secretary Maria Sergesketter.

Minutes from the Board of Zoning Appeals meeting held on November 27, 2018 were approved as presented. 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 Attorney Tim Dant.

The following case was heard by the Board of Zoning Appeals:

Case V-24-18: Dylan Madden is requesting a Variance for privacy fence setbacks. This property is zoned Residential multi-family R-2. The property is located at 11 W Highland. Property size is 127 feet by 116 feet lot. Lot is 15000 TSF. Parcel number for the property is 14-10-34-301-002.000-017. Mr. Madden's property was not surveyed when he purchased it. Mr. Madden feels like there was a miscommunication with the Building Commissioners Office. The Building Commissioner approved the fence permit according to the stakes Mr. Madden placed. Mr. Madden placed the fence approximately 3 ft farther than the stakes. He stated the stakes were just a rough guideline of where he thought his property line was. It is the responsibility of the property owner to know where his/her property lines are located. The Building Commissioners Office has received a couple of phone calls regarding safety issues over the fence. Board Members agreed that this is a safety issue. The City's right-of-way was discussed as well as the homes to the south of him (Gary Hart Homes). Chairman Don Spillman and Board member Dan Gress explained to Mr. Madden the history behind those homes and his

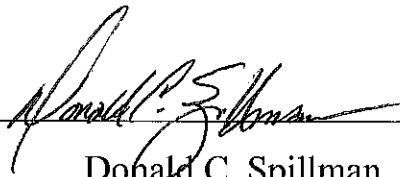
home. The City Engineer Ed Barnett did a boundary Survey of Lot 44. Mr. Madden did not like the results of the Boundary Survey that our City Engineer had done. Mr. Madden had made assumptions of where his property line should be yet did not offer any other evidence that the City Engineer Boundary Survey was incorrect. The Board can only rule from what evidence was presented to them. The Board also suggested to Mr. Madden that he could go to the City Council to ask the city to vacate part of the right of way. Mr. Madden requested to meet with Mayor Wellman and Building Commissioner Don Williams. Mr. Madden also questioned who was going to pay for his fence to get moved. Chairman Don Spillman suggested to speak to the Mayor about that issue. Board member Bill Summers made a motion to approve his fence to be on his property line per the City Engineer's Boundary Survey. David Gray seconded. Motion passed 6-0 with all members present voting in favor. Michael Allen was absent. Board Member Greg Haag also informed Mr. Madden that once the ruling is in effect all liability would be on Mr. Madden if an accident occurs due to the fence and it is still illegally placed. The City of Washington would not be held liable.

The Board of Zoning Appeals made the following finding:

- 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community if it conforms to the property line determined by the City Engineer.**

In other business, Chairman Don Spillman gave a little history on the Ride Solutions parking lot. This case has been pushed back for over 10 months by the applicant. Greg Haag made a motion that Attorney Tim Dant send a letter to Ride Solutions Head Quarters to make them aware of the situation and the possibility of fines if this case is not addressed. David Gray seconded.

With no other business, the meeting was adjourned.



Donald C. Spillman, President



Maria Sergesketter, Secretary