

Minutes
Board of Zoning Appeals
February 27, 2019

The Board of Zoning Appeals of the City of Washington met on February 27, 2019, 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, Don Spillman and Attorney Tim Dant. David Gray and Larry Mullen were 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 meeting held on January 23, 2018, were approved. Motion to approve the Minutes was made by Greg Haag and seconded by Michael Allen. 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 C-2-19: Kimberly Alzman is requesting a Conditional-Use to continue operating a State Licensed Day Care. This property is zoned Residential multi-family R-2. The property is located at 1507 Grand Avenue. Property size is 53 feet by 116 feet lot. Lot is 6148 TSF. Parcel number for the property is 14-10-26-301-076.000-017. No one showed up to represent this case. Bill Summers made a motion to table C-2-19 until next meeting on March 27, 2019. Greg Haag seconded. A voice vote was taken, and Motion passed 5-0 with all members present voting in favor.

Case V-1-19: Ride Solutions is requesting a Variance to allow for more time to pave parking lot. This property is zoned Commercial General Business C-2. The property is located at 915, 917 E Main Street, 1001 and adjoins (2) to 1001 E Main Street. Property size is 1.35 acres. Parcel numbers for the property are 14-10-26-303-109.000-017, 14-10-26-303-110.000-017, 14-10-26-303-111.000-017, 14-10-26-303-112.000-017, 14-10-26-303-113.000-017. Becky Guthrie was present to represent Ride Solutions. She had

several questions on how and why this issue arose. Chairman Don Spillman explained the Ordinance and the role of the BZA in this matter. She asked if the Non-Profit status of Ride Solutions had any effect on this case. She also questioned why other properties have gravel parking lots. She was informed that this Ordinance does not exclude any groups and zoning of properties decide what rules they must follow. She stated that Ride Solutions does not have the money to pave/concrete their employee parking lot. She also spoke of Grant Money and how that impacts Ride Solutions. Michael Allen made a motion to allow the gravel parking lot to remain an additional 365 days with the stipulation that Ride Solutions must present the BZA paving/concrete quotes and time frame in which project can be completed. Greg Haag Seconded. After a discussion about case V-1-19 and hearing all questions Chairman Don Spillman put the case before the board. Acting Secretary Maria Sergesketter took a roll call vote. Motion passed 5-0 with all members present voting in favor of a temporary 365 days (1 year) variance to leave the lot gravel with the stipulation that Ride Solutions must have paving/concrete quotes and time frame in which project can be completed. David Gray and Larry Mullen were 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 use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.**
- 2. The strict application of the terms of the zoning ordinance will constitute and unnecessary hardship if applied to the property for which the variance is sought.**

Case V-2-19: BMS Marketing LLC is requesting a Variance to allow apartments in C-4. This property is zoned Commercial Roadside Business C-4. The property is located at 307 Harned Avenue. Property size is .3479 acres. Parcel number for the property is 14-10-34-102-092.000-017. Beverly Lengacher was present to represent BMS Marketing LLC. She stated that she would like to operate this building as an apartment building. Currently apartments are not allowed in C-4. Mrs. Lengacher has been very accommodating and compliant with the State Fire Marshall. She is also currently working with Donovan & Donovan to bring the building up to code. She answered all questions from Board Members. The Board discussed putting a stipulation of it having to get inspected every 2 years. There was much discussion on this matter. It was expressed by Michael Allen and Dan Gress that if this stipulation is attached to this case then it should be attached to all rental units that come before the BZA. Bill Summers made a

motion to allow an apartment building in C-4 with the stipulation that the Fire Chief and Building Commissioner/Code Enforcement Officer inspect every 2 years. Greg Haag seconded. Acting Secretary Maria Sergesketter took a roll call vote. Motion passed 4-1 With Michael Allen having the 1 Nay vote. After a final discussion about case V-2-19 and hearing all questions Chairman Don Spillman put the case before the board. Acting Secretary Maria Sergesketter took a roll call vote to allow an apartment building in C-4 with the stipulation that the Fire Chief and Building Commissioner/Code Enforcement Officer inspect every 2 years. Motion passed 5-0

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.**

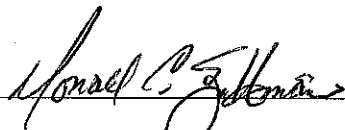
In other business, Greg Haag made a motion to create a policy to attach to all rental properties that come before the board asking for variances. He would like to have the following stipulation added:

- 1. Rental properties that come before the BZA must be inspected every other year by the Local Fire Marshall and Building Commissioner/Code Enforcement Officer at no fee.**

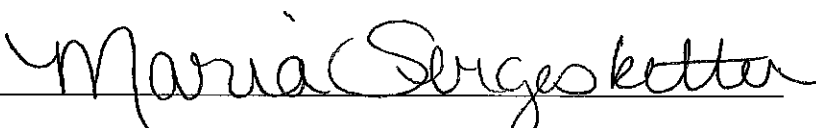
Michael Allen seconded.

Chairman Don Spillman also spoke of an upcoming case regarding 901 W Van Trees. He gave a little history on the property.

With no other business, the meeting was adjourned.



Donald C. Spillman, President



Maria Sergesketter, Secretary