

**Minutes**  
**Board of Zoning Appeals**  
**March 24, 2021**

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The Board of Zoning Appeals of the City of Washington met on March 24, 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, David Gray, and Don Spillman. Michael Allen and Attorney Tim Dant were absent. After the rollcall, the Chairman stated a quorum was present.

Also attending were Building Commissioner Jon Casper and Plan Commission Secretary Maria Sergesketter.

Minutes from the Board of Zoning Appeals meetings held on February 24, 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 Chairman Don Spillman.

The following cases were heard by the Board of Zoning Appeals:

**Case C-1-21:** Mike & Jill Spaulding are requesting a Conditional Use. They would like to operate an internet t-shirt shop in a portable building on their property. This property is zoned Suburban Residential S-1. The property is located at 1271 N St Johns Road. Property size is 5.46 acres. Parcel number for the property is 14-10-22-304-001.000-016. Mr. Spaulding was present via phone but was called away for an emergency. Mr. Spaulding is a flight medic. This case was tabled until next month

**Case DV-11-21 & SE-12-21:** Jeremy & Amy Bennett are requesting a Special Exception and 2 Developmental Variances. The special exception is to have an accessory building on a property without a primary structure. Developmental Variances for total size will exceed 1200 TSF and sidewall height will exceed 10 feet tall. This property is zoned Suburban Residential S-1. The property is located at 1339 E 150 S. Property size is 4.64 acres. Parcel number for the property is 14-13-01-300-021.004-016. Jeremy and

Amy Bennett were present to explain their project and answer questions. Mr. Bennett explained that they have a cattle operation. They would like to build this accessory structure to house their show cattle. He said that the smaller portable barn would be moved, and the new construction would be attached to the existing permanent barn. Chairman Don Spillman asked if the portable building would be moved on the property or removed from the property. Mr. Bennett said it would remain on the property, but in a different spot in the field. Chairman Don Spillman also added that this ground has historically been farm ground for many, many years. Chairman Don Spillman also added that this Developmental Variance would only apply to the barn being constructed, not the entire parcel. All Board members were in favor. 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 Michael Allen absent.

**In order to grant a Developmental Variance, the Board of Zoning Appeals must determine that one or more of the following criteria exists:**

**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 has determined that the strict application of the ordinance will results in problems for the business.**

**Case C-2-21:** James & Kari Williams are requesting a Conditional Use to operate Kendall Jane Boutique from their garage addition. The property is located at 221 NE 9<sup>th</sup> Street. Property size is .2 acres. Parcel number for the property is 14-10-26-302-026.000-017. James & Kari Williams were present to answer any and all questions. Mr. Williams explained that they had closed in their carport to create a room for their boutique. This room would house all the women's clothing they sell by internet. He said that this would get boutique items out of their home into their own space. Building Commissioner Jon Casper said that he explained to Mr. Williams about what triggers a visit from the State Fire Marshall. He explained that having employees, customers who go into the addition to browse or pick-up items would all be instances that would trigger the State Fire Marshall. Mr. Williams stated that it would only be him or his wife in the addition and all sales are done by internet. If anyone would have to stop by the home to pick-up it would be very rarely and would be porch pick only. Bill Summers asked how customers get their items. Mr. Williams stated by shipping it to them. Chairman Don

Spillman addressed the 2 required off street parking spaces. He questioned if they were needed since this would be an internet sales boutique. Don Spillman made a motion to waive the 2 required off street parking due to no walk-in customers or employees. Greg Haag seconded. All in attendance were in favor. 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 Michael Allen absent.

**Case DV-13-21:** George Wilz is requesting a Developmental Variance. This Accessory building will be 1408 TSF which exceeds the 1200 TSF max. This property is zoned Suburban Residential S-1. The property is located at 1184 N Sugarland Rd. Property size is 1.93 acres. Parcel number for the property is 14-10-23-404-009.000-016. Mr. Wilz was present at the meeting. He explained that he would like to put this accessory building approximately ½ way back on his parcel. This would be for personal storage. He said there is a concrete pad that he would like to put it on. He also stated that depending on feasibility, he may move an older barn that is all the way at the back of his property up to this spot and build an addition on to that barn. Neither the new building nor the old barn with an addition would exceed the 1408 TSF. 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 Michael Allen absent.

**In order to grant a Developmental Variance, the Board of Zoning Appeals must determine that one or more of the following criteria exists:**

**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 has determined that there are practical difficulties this request addresses.**

Board Member Greg Haag asked why is there a rise in the number of Special Cases? Building Commissioner Jon Casper said it had to do with people not wanting to wait and for only \$50 more they can have a special meeting. Greg Haag then asked the question of was the price too low for a special meeting? There was much discussion on this matter. It might be re-addressed at a later date.

Board Member Greg Haag mentioned that Purple Joe's is having issues with inside noise levels. He said that the Board needs to monitor this situation incase the Special

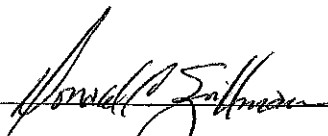
Exception would need to be pulled. Building Commissioner Jon Casper and Chairman Doon Spillman stated that Mr. Addington was at the City Council Meeting on Monday and this was addressed. The Washington Police Department will respond to noise complaints.

Board Member David Gray said he received a call about a piece of equipment belonging to Stryker Excavating was parked out at Bill Ross' residence. The Board advised Building Commissioner Jon Casper to reach out to Ian Johnson and let him know that there is not to be any business equipment on this property.

Chairman Don Spillman asked if the Board looked over the suggested criteria for Developmental Variances, Special Exceptions and Conditional-Uses. Since they use special criteria for variances, this would help in making decisions in the other types of cases.

In other business, Building Commissioner Jon Casper informed the Board that currently we have 1 case for April's regular meeting, and we have a special meeting on April 14<sup>th</sup> at 6p.m. prior to the Plan Commission Meeting at 6:30 p.m.

With no other business, the meeting was adjourned at 8:15 p.m.

  
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Donald C. Spillman, Chairman or Acting Chairman

  
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Maria Sergesketter, Secretary