

Minutes
Board of Zoning Appeals
July 27, 2022

The Board of Zoning Appeals of the City of Washington met on July 27, 2022, at 6:30 pm in the City Council Chambers. Chairman Don Spillman called the meeting to order with the following members present: Bill Summers, Larry Mullen, Jim Pfoff, Jon Pierce, Don Spillman and City Attorney Tim Dant. Greg Haag and David Gray were absent. After the rollcall, the Chairman stated a quorum was present.

Also attending were Code Enforcement Officer Brandt Powden, Daviess County Assistant Plan Director Jazmin Murfee, and BZA Secretary Maria Sergesketter.

Minutes from the Board of Zoning Appeals meetings held on June 22, 2022, was approved. Motion to approve the Minutes was made by Jim Pfoff and seconded by Jon Pierce. A voice vote was taken, Minutes were approved with all in favor.

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

SE-21-22: Doug Page is requesting a Special Exception. Build a carport with a front yard setback reduction. This property is zoned Residential Two-Family R-2. The property is located at 12 Hemlock Drive. Property size is .28 acre. Parcel number for the property is 14-10-28-103-006.000-017. Mr. Page was present to explain his project. He stated that he would like to add a covered parking area to his residence. Chairman Don Spillman had some concerns with parking within the right of way. Mr. Page said that he understood. Building Commissioner Jon Casper explained to the Board the setback reduction and how it would still be 4-5 feet out of the right of way. With no questions, Chairman Donald Spillman put the case before the board. Acting

Secretary Maria Sergesketter took a roll call vote. Motion passed 4-0-1 with Greg Haag and David Gray being absent and Larry Mullen abstaining.

V-20-22 & SE-19-22: Shawn Gabhart is requesting a Variance and Special Exceptions. He is requesting a reduction of the lot size requirement, road frontage reduction and front yard setback reduction. This property is zoned Suburban Residential S-1. The property is located at 964 E 75 S. Property size is .50 acre. Parcel number for the property is 14-10-35-400-019.031-016. Shawn Gabhart was present to explain his project. Chairman Don Spillman explained why they were asking for a variance along with a special exception. A variance can be granted if the property is unusable if not granted. After discussing the project with Mr. Gabhart, he decided that he would need a 25' front yard setback reduction instead of a 21' reduction. Larry Mullen made a motion to amend the application. Bill Summers seconded. All were in favor. Building Commissioner Jon Casper spoke to the Board saying that everything that Mr. Gabhart was asking for was not out of the ordinary for this area. With no questions, Chairman Donald Spillman put the case before the board. Acting Secretary Maria Sergesketter took a roll call vote. Motion passed 5-0 with Greg Haag and David Gray being absent.

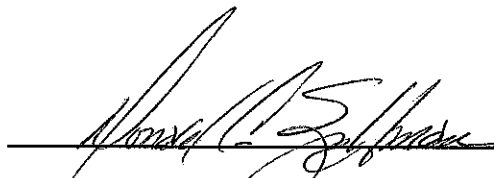
SE-22-22: Art Obaseki is requesting a Special Exception. He is requesting a rear yard setback reduction. This property is zoned Residential Two-Family R-2. The property is located at 1108 E Main Street. Property size is .18 acre. Parcel number for the property is 14-10-26-303-100.000-017. Mr. & Mrs. Obaseki were present at the meeting. Chairman Don Spillman went thru the history of this property and their past applications and requests. He also asked Building Commissioner Jon Casper when did he find out that the accessory structure turned into a residence. Mr. Casper replied that it was after the first of the year after their initial application was approved for the accessory structure. He informed the Obaseki's that since it went from an accessory structure to a "residence" this opens several issues that need to be addressed. The issues include total square footage and setbacks. Mr. Obaseki

stated that their house sold very quickly, and they had to make the accessory structure their residence. The Building Commissioner's Office also informed Mr. Obaseki prior to any of his cases that his house would sell quickly due to the trend in the market. Mr. Obaseki took Mr. Casper to the "residence" for an inspection prior to the May 25, 2022, meeting. Mr. & Mrs. Obaseki did not attend this meeting at which their application was denied. Mr. Casper stated that the building was sturdy and by the State of Indiana's building codes it would meet the requirements. (Bedrooms must be at least 70 TSF etc.) Chairman Don Spillman asked Building Commissioner Jon Casper how many times you have spoken with Mr. Obaseki. Mr. Casper stated at least 8 – 10 times. Mr. Obaseki stated that once he received the letter from the City to stop all construction on the property, he did. He also brought in a garage that is now placed in front of the "residence," which is also against city ordinances. City Attorney Tim Dant said that issue will need to be addressed at another meeting. Mr. Obaseki feels like they did not have any other choice due to their house selling so quickly and all their medical bills. Chairman Don Spillman feels like it was a "bait and switch." There were several questions asked about the garage, number of buildings on the parcel, and fence. Mr. Obaseki stated that they were going to take out the fence on the front of the property. The Board asked why you do not keep the accessory structure as your accessory structure and build a house in front of the accessory structure. Mr. Obaseki stated that they could not afford to do that. Chairman Don Spillman is concerned that EMS would not be able to get vehicles behind their house. Building Commissioner Jon Casper stated that there is an alley to the west of the property. The Board also had concerns of what would happen to the property after they were done using it. Mr. Obaseki stated that it would be a nice home and his children would be in charge of it. Board Member Jon Pierce asked if the addition to reach the 792 TSF would be built on a foundation? Mr. Obaseki stated yes. Graber Post would be doing the work. City Attorney Tim Dant stated that if the application was approved

permits would need to be obtained. A permit was not given at time the accessory structure was built since it was then turned in to a "residence" and square footage had to be added to meet minimum S.F. for a residence. With no questions, Chairman Donald Spillman put the case before the board. 1. To approve a 792 TSF residence that is now currently an accessory structure. 2. Approve the rear setback request of a 7' reduction. Acting Secretary Maria Sergesketter took a roll call vote. Motion passed 4-1 with Greg Haag, David Gray being absent and Don Spillman voting nay.

Board of Zoning Appeals members were informed that we will have 3-4 cases for next month.

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



Donald C. Spillman, Chairman or Acting Chairman



Maria Sergesketter, Secretary