MINUTES OF MEETING OF
WASHINGTON COUNTY PLAN COMMISSION
BOARD OF ZONING APPEALS
Held March 5, 2024
Washington County Conference Room

The Washington County **Board of Zoning Appeals** (BZA) was called to order by John Mischler at approximately 6:00 P.M. Those in attendance included John Mischler, President, Lori Gilstrap, Vice President, Marcia Dailey, Board Member, Lisa Fleming, Attorney and Board Member, Todd Ewen, County Commissioner, and Travis Elliott, County Building Commissioner/Plan Director. BZA Board Member, Denise Coots, was absent.

Also present were members of the public, Terry Cottongim, Jesse Garber, Lois Garber, Doug Turner. Rhonda Greene and Max Greene.

John Mishler offered a prayer and all in attendance recited the Pledge of Allegiance.

The **meeting minutes from the January 16, 2024 Board of Zoning Appeals** were approved by unanimous vote.

A. Doug Turner addressed the BZA and discussed his request for a variance from the 60-feet Setback requirement for a garage he wants to build on his property at 6502 W. Nesmith Road, Fredericksburg, Indiana 47120. Mr. Turner noted a contractor he hired had already completed excavation and had placed gravel at the proposed building site and that he had already paid for the building materials for the large garage. He said that he had invested about $48,000 so far and that his garage would be 40-feet wide, 60-feet long, and two stories tall to accommodate a semi. The location where he wants to place his garage would be just 12-feet from the edge of the road if constructed as planned. He told the BZA that this was the only location on his 1.35-acre lot where he could place the planned structure. He indicated that his property has a grade change as you go toward the back of his property and there is a lateral field on the other side.

   The BZA members posed questions to Mr. Turner to see if there were any other options that would allow him to meet the 60-feet set-back requirement. During the discussion, Mr. Turner mentioned that his mother lives next door. One BZA member asked if he had considered asking his mother if he can purchase some land from her to increase his lot size and meet the setback requirement. Other members asked if he had considered reducing the size of his building, constructing two smaller buildings placed outside the setback area, moving the building to the rear of his home or to the other side of his home, or adding more fill further back from the road near the proposed location to get the building out of the setback area. After a lengthy discussion, the BZA members unanimously voted to deny Mr. Turner's variance request and asked him to consider some of the options they suggested.

B. Terry Cottongim addressed the BZA on behalf of Jesse and Lois Garber, owners of property at 5882 S. Becks Mill Road, Salem, Indiana 47167. The Garbers have a Metal Sales business at this location and had recently constructed an office building in front of an existing large metal industrial building on the property. The new building sits 28-feet from the edge of Becks Mill Road, near the intersection with Kansas Church Road. The dimensions are 48 feet in length and 36-feet in width. A front porch runs the length of the building. The structure includes offices and a restroom. The Garbers plan to use this building as their sales office, with 2-3 people working inside. The Garbers indicated that the sales staff would be working inside the building and would not be outside on the porch much at all.

The BZA members posed questions to Mr. Cottongim about the type of construction of the building and asked if it could be moved. Mr. Cottongim told the BZA that it was slab-on-grade construction, and that approximately $245,000 had been spent on the structure. Mr. Cottongim explained that it would not be feasible to move the building due to the manner in which it was constructed. He explained that the office building was placed at this location in order to achieve the required 60-feet of separation between the new and existing building in order to be compliant with the State Fire Code. He indicated that it was also placed at this location to be visible from the road, easily accessible to customers and conveniently located as close to the existing commercial building as possible while meeting the state fire code requirements. Mr. Cottongim stated that he was not aware of a 60-feet set-back requirement even though he had about 50 years of construction experience in the County. After a lengthy discussion, the BZA members unanimously voted to approve the variance request and allow the new office structure to remain at its current location.

The meeting adjourned at approximately 7:15 P.M.

Board of Zoning and Appeals by:

John Mishler, President

Lori Gilstrap, Vice President

Marsha Dailey

Denise Coots

~~Vacant~~

Lisa M. Fleming, WCPC/BZA Attorney

Washington County BZA Guest Speaker(s) Sign in Sheet

Date | *time*3/5/2024 | 6:30-8:00pm

Location: Commissioners & Council Chambers (Courtroom)

Guest Speakers:

1. Tony Cottongim
2. Douglas Turner.
3.
4.
5.
6.
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10.

5.03 Time Limits:

1.0 Discussion of any Item shall be limited as follows:

- **a.** The petitioner shall have 15 minutes to present his or her case.
- **b.** Remonstrators and those in support:
  - **i.** Remonstrators and those in support shall have 3 minutes per person for the presentation of evidence in opposition or support. However, multiple individuals may defer, his or her comment time to a spokesperson who shall accrue time of those who defer, subject to a limit of 10 minutes for rebuttal and to answer questions raised by the public.
  - **ii.** The petitioner shall then have 5 minutes for rebuttal and to answer questions raised by the public.
- **c.** No limit shall be placed on the amount of time the WCPC/WCBZA takes to discuss a proposal.
- **d.** The WCPC/WCBZA may grant additional time for discussion if it deems it necessary to make an informed decision. The additional time should be allocated between the applicant and the public.

Attendance:

Washington County Planning Commission & BZA

Date|Time: 3/05/2024|6:00pm

Location: Courthouse Courtroom (2nd Floor)

PC Members	Attend
Lisa Fleming	✓
Travis Elliott	✓
Emily Rodman	✓
Danielle Walker	—
Todd Ewen	✓
Rondale Brishaber	✓
Deidre Miller	—
Kevin Baird	✓
~~Mark Hartman~~ MARSHA DAILY	~~DECEASED~~ ✓
Andrew Katt	✓
Lori Gilstrap	✓

BZA Members	Attend
Lisa Fleming	✓
Denise Coots	—
John Mishler	✓
Marsha Dailey	✓
TODD EWEN	
Lori Gilstrap TRAVIS ELLIOTT	✓

Public	Attend
Rhonda Greene	✓
Max Greene	✓
DANIEL BLAIR	✓
DOUG TURNER	✓
TOMMY COTTINGIM (GARRETT, JESSE & LOIS)	✓