

**Minutes**  
**Board of Zoning Appeals**  
**January 27, 2021**

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The Board of Zoning Appeals of the City of Washington met on January 27, 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, Michael Allen via phone, David Gray arrived mid meeting, Don Spillman. Dan Gress and Attorney Tim Dant were absent. After the rolcall, the Chairman stated a quorum was present.

Also attending were Building Commissioner Jon Casper, Code Enforcement Officer Brandt Powden and Plan Commission Secretary Maria Sergesketter.

Minutes from the Board of Zoning Appeals meeting held on December 9, 2020, were approved. Motion to approve the Minutes was made by Bill Summers and seconded by Larry Mullen. A voice vote was taken, Minutes were approved with all in favor.

**Election of Officers:** Bill Summers made a motion to nominate Donald Spillman to be re-elected as Chairman and Dan Gress as Vice Chairman. Larry Mullen seconded. Greg Haag made a motion to close nominations. A voice vote was taken, and all members present voted in favor. Greg Haag made a motion to retain Tim Dant as attorney for the Board of Zoning Appeals. Larry Mullen seconded the motion. A voice vote was taken, and all members present voted to retain Tim Dant as attorney. Motion carried 5-0.

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 DV-1-21:** Jordan Briggeman is requesting a Developmental Variance. He would like a 90 ft reduction from the required 150 Road Frontage requirement. This property is zoned Residential single-family R-1. The property is located at 2306 Glennwood Drive. Property size is .2 acre. Parcel number for the property is 14-10-25-203-004.000-017. Jordan Briggeman was present to answer questions. He presented the Board with a site plan and explained that he would be keeping approximately 3 acres to build a new residence and selling his current home with the remaining acreage. He did not want to

have a shared drive with the future owner. He wanted the Developmental Variance to have his own private driveway. There are no plans and really no way to develop any more houses on his current property. With no other questions, Chairman Donald Spillman put the case before the board. Acting Secretary Maria Sergesketter took a roll call vote. Motion passed 5-0 with Dan Gress & David Gray being absent.

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

- 1. The Board determined that it will not be injurious to the public health, safety, morals, and general welfare of the community.**
- 2. The Board determined that the use and value of the area adjacent to the property included in the variance/conditional use will not be affected in a substantially adverse manner.**
- 3. The Board determined that the strict application of the Zoning Ordinance will result in practical difficulties in the use of the property without the developmental variance in question, the lot would be unusable. The homeowner would not be able to construct a home on it.**

**Case DV-2-21:** Wilson Pizza Property is requesting 4 Developmental Variances. 1. 60ft front setback reduction from Hwy 50 2. 28.6 ft front setback reduction from Kretz Street. 3. 1.6 ft side setback reduction from west property line. 4. Lot coverage variance. This property is zoned Commercial Roadside Business C-4. The property is located at 416 & 418 E National Highway. Property size is .27 acres. Parcel numbers for the property is 14-10-34-101-128.000-017 & 14-10-34-101-129.000-017. Scott Wilson was present to answer questions. He stated that Hogan Helms, Landmark Surveying, was working with his Architect Brian Stepan of Rust Architects. Upon working together, they thought the application needed to be amended slightly. Building Commissioner Jon Casper explained the amendments. The following are the changes. 1. 60ft to a 62ft front setback reduction from Hwy 50. 2. 28.6 ft to 25.6 ft front setback reduction from Kretz Street. 3. 1.6 ft to 4.6 ft side setback reduction from west property line. Also, he mentioned the only concern he had with the project is the drive-thru exit on to Hwy 50. He would like to see it be a right turn only on to Hwy 50 with the curb only allowing a right-hand turn. He stated that there was sufficient parking according to our ordinance. Greg Haag asked how close the building will be to the west property line. Building Commissioner Jon Casper stated 18.8 feet. Bill Summers made a motion to make the amendments to the application and to add the right-hand turn only condition. Greg Haag seconded. With no other questions, Chairman Donald Spillman put the case before the

board. Acting Secretary Maria Sergesketter took a roll call vote. Motion passed 5-0 with Dan Gress absent & David Gray stating he was present.

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

- 1. The Board determined that it will not be injurious to the public health, safety, morals, and general welfare of the community.**
- 2. The Board determined that the use and value of the area adjacent to the property included in the variance/conditional use will not be affected in a substantially adverse manner.**
- 3. The Board determined that the strict application of the Zoning Ordinance will result in practical difficulties in the use of the property without the developmental variance in question, the lot would be unusable. The business owner would not be able to construct a business on it.**

**Case SE-3-21:** Allen Brown is requesting a Special Exception. He would like to use this parcel as a parking lot as a parking lot for a period of 5 years then return parcel to a residential lot. This property is zoned Residential multi-family R-3. The property is located at 7 Harned Ave. Property size is .17 acre. Parcel number for the property is 14-10-34-102-079.000-017. Allen Brown was present to answer questions. He explained that the lot is currently being used as a parking lot due to the Hwy 50 Construction Project. He said that he is going to use his commercial lot for food trucks to operate and the lot on Harned Ave would be for customers to park their vehicles. He also stated that due to the traffic light being installed on Meridian Street, he thought that it would be safer for customers to park at this lot and use the alley to exit the lot. He said he would have 15 to 18 parking spots which would remain gravel for a period of 5 years. After the 5-year period, it would return to a residential lot. Currently there are 3 homeowners and 3 rental houses on this block. He also explained that he would be open for business on Friday & Saturday evenings, but there may be other food trucks there operating during lunch hours thru the week. With no other questions, Chairman Donald Spillman put the case before the board. Acting Secretary Maria Sergesketter took a roll call vote. Motion passed 5-1 with Dan Gress absent and Michael Allen voting nay.

**Case DV-4-21:** Nick & David Dahl are requesting a Developmental Variance. He would like a 30 ft reduction from the required 80 Road Frontage requirement. This property is zoned Residential single-family R-1. The property is located at 18 Woodmere Drive. Property size is 1.7 acre. Parcel number for the property is 14-10-26-301-005.001-017. Dr. Nick Dahl was present to answer questions. He stated he wanted to build his residence that would require this developmental variance to be built. Bill Summers asked if Woodmere would be extended. Dr. Dahl stated that the end of Woodmere would basically be where his driveway would start. Don Spillman asked if there would be room for anymore house to be built? Dr. Dahl stated that there would not be any room for more houses to be built next to his residence. With no other questions, Chairman Donald Spillman put the case before the board. Acting Secretary Maria Sergesketter took a roll call vote. Motion passed 6-0-1 with Dan Gress absent and Bill Summers Abstaining.

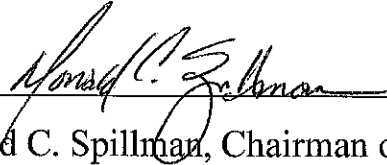
**In order to grant a Conditional Use exception or a Variance the Board of Zoning Appeals must determine that one or more of the following criteria exists:**


- 1. The Board determined that it will not be injurious to the public health, safety, morals, and general welfare of the community.**
- 2. The Board determined that the use and value of the area adjacent to the property included in the variance/conditional use will not be affected in a substantially adverse manner.**
- 3. The Board determined that the strict application of the Zoning Ordinance will result in practical difficulties in the use of the property without the developmental variance in question, the lot would be unusable. The homeowner would not be able to construct a home on it.**

**Case C-8-20:** Stryker Excavating LLC is officially withdrawing a request for a Conditional Use to operate a lawncare, landscape, excavating business from a residential zoned lot. This property is zoned Suburban Residential S-1. The property is located at 180 E 140 S. Property size is 3 acres. Parcel number for the property is 14-13-02-203-007.000-016. This application has formally been withdrawn by applicant. Our office received a complaint that there is still business being conducted on the property. Code Enforcement Officer Brandt Powden drove by the property this afternoon (1-27-21 at 2:00 p.m.) and confirmed this to be a true statement. The Board of Zoning Appeals has asked to City Attorney Tim Dant to send a Cease-and-Desist letter to the property owner and to the business owner. The complainant will be advised to call the Daviess County Sheriff Department if any future incidents take place.

In other business, Building Commissioner Jon Casper asked the Board about clarification on the Modular/Trailer ordinance. We also discussed the gravel parking lots in town and trying to find a date in which the ordinance that requires lots to be hard surfaced was added to our Code Book. We have looked and we can find it in the book as early as 2006. He also informed the Board that currently we have 2 cases for February's regular meeting and 1 case for our special meeting on February 10, 2021.

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