

**Minutes
Board of Zoning Appeals
January 26, 2022**

The Board of Zoning Appeals of the City of Washington met on January 26, 2022, 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, Jim Pfoff, Jon Pierce, David Gray, Don Spillman and Attorney Tim Dant. Larry Mullen was absent. After the rollcall, the Chairman stated a quorum was present.

Also attending were Building Commissioner Jon Casper, Code Enforcement Officer Brandt Powden, Daviess County Assistant Plan Director Jazmin Murfee, and Plan Commission Secretary Maria Sergesketter.

Minutes from the Board of Zoning Appeals meeting held on December 8, 2021, were approved. Motion to approve the Minutes was made by Greg Haag and seconded by David Gray. 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 Greg Haag as Vice Chairman. David Gray seconded. 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. David Gray seconded the motion. A voice vote was taken, and all members present voted to retain Tim Dant as attorney. Motion carried 6-0.

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

Case V-2-22: Washington Rotary Club is requesting a Developmental Variance. He would like a 15 ft reduction from the required 20 ft Rear Setback. This property is zoned Residential multi-family R-3. The property is located at 501 S Meridian Street. Property size is .05 acre. Parcel number for the property is 14-10-34-201-122.000-017. A.J. Miles, President of the Washington Rotary Club, was present to answer questions about this project. Mr. Miles explained the project along with Don Spillman. There will only be 3 fence panels. Fence panels will be 6' tall. With no other questions, Chairman Donald Spillman put the case before the board. Acting Secretary Maria Sergesketter took a roll call vote. Motion passed 5-0-1 with Larry Mullen being absent and Don Spillman abstaining.

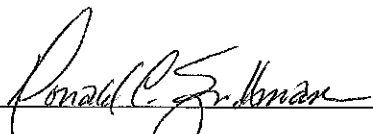
In order to grant a Conditional Use exception or a Variance the Board of Zoning Appeals must determine that one or more of the following criteria exists:

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 lot is too small to use for any purpose without a variance.**

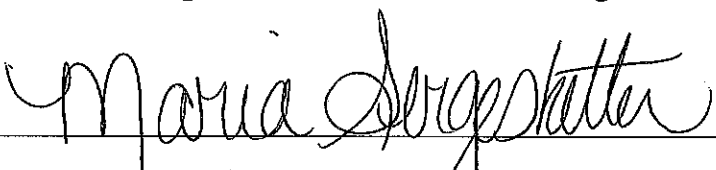
Case C-3-22: Melissa Poselwait is requesting a Conditional-Use. She would like to operate a daycare from her residence. This property is zoned Residential multi-family R-3. The property is located at 601 W Sycamore Street. Property size is .25 acre. Parcel number for the property is 14-10-34-202-027.000-017. Ms. Poselwait was not present nor returned any of the adjoining property owner certificate of mailing receipts. This case is unable to be heard. Building Commissioner Jon Casper explained to the Board the issues we have been having with Ms. Poselwait. Everything from advertising her business, changing her name on Facebook and readvertising after she was advised not to do so. Greg Haag made a motion for the Code Enforcement Officer Brandt Powden to check on business activity at this property. Jon Pierce seconded. If business activity is occurring, Attorney Tim Dant will send a letter to Cease & Desist.

In other business, Building Commissioner Jon Casper asked the Board about several upcoming topics. Mobile Home Park setbacks, several home projects and things coming back to BZA or Plan Commission. He stated that we will have a couple of cases for February.

With no other business, the meeting was adjourned at 7:45 p.m.



Donald C. Spillman, Chairman or Acting Chairman



Maria Sergesketter, Secretary