

**Minutes**  
**Board of Zoning Appeals**  
**November 27, 2018**

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The Board of Zoning Appeals of the City of Washington met on November 27, 2018, 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, David Gray, Don Spillman and Attorney Tim Dant. Michael Allen, Dan Gress were absent. After the roll-call, the Chairman stated a quorum was present.

Also attending were Building Commissioner Don Williams, Code Enforcement Officer Brandt Powden and Acting Plan Commission Secretary and County Assistant to the Plan Director, Maria Sergesketter.

Minutes from the Board of Zoning Appeals meeting held on October 24, 2018, were approved as presented. 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 case was heard by the Board of Zoning Appeals:

**Case C-7-18:** Phil Hart is requesting a Conditional-Use to operate a State Licensed Daycare. This property is zoned Residential single-family R-1. The property is located at 1120 Everett Lane. Property size is 128 feet by 93 feet lot. Lot is 11904 TSF. Parcel number for the property is 14-10-35-204-017.000-017. Mr. Hart explained that the previous daycare owner had a Conditional-Use, but it had expired when he purchased daycare. He needs a Conditional Use to satisfy the State of Indiana's requirements also to fulfill City requirements. After a discussion about case C-7-18 and hearing all questions Chairman Don Spillman put the case before the board. Acting Secretary Maria Sergesketter took a roll call vote. Motion passed 5-0 with all members present voting in favor. Michael Allen and Dan Gress were absent.

**The Board made the following findings of fact in support of the variance condition exception.**

**In IC 36-7-4-918.5 it has been determined that the following criteria exists.**

- 1. Granting the variance will not alter the land use characteristics of the vicinity and district, diminish the marketable value of adjacent land and improvements or increase the congestion in the public streets**

**Case C-8-18:** Charles & Judy Heller are requesting a Conditional-Use to build 2 Greenhouses for business use, but not used as a retail store. This property is zoned Residential multi-family R-2. The property is located at 1505 Fox Run Drive. Property size is 127 feet by 1024 feet lot. Lot is 36727 TSF. Parcel number for the property is 14-10-35-404-022.000-016. Mr. Heller told the Board of his plans for this property. He recently purchased Sturgeons Garden Center. The green houses would be a storage place for all the plants from this business just during the off-season. Mr. Randy Katter, a neighbor, came to the meeting not to remonstrate but to inform Mr. Heller of a possible issue with the septic bed. A few conditions were added to the Conditional-Use.

1. Keep property free of debris. Greg Haag made a motion. Bill Summers seconded. Motion passed 5-0 with all members present voting in favor. Michael Allen and Dan Gress were absent.

2. Have Daviess County Health Department check on location of septic tank and fingers. Conditional -Use will be approved if Health Department's findings support Conditional -Use. The Conditional -Use will be denied if the Health Department informs us the placement of the greenhouses will impact the septic system. Greg Haag made a motion. Larry Mullen seconded. Motion passed 5-0 with all members present voting in favor. Michael Allen and Dan Gress were absent.

After a discussion about case C-8-18 and hearing all questions Chairman Don Spillman put the case before the board. Acting Secretary Maria Sergesketter took a roll call vote. Motion passed 5-0 with all members present voting in favor per approval of Health Department. Michael Allen and Dan Gress were absent.

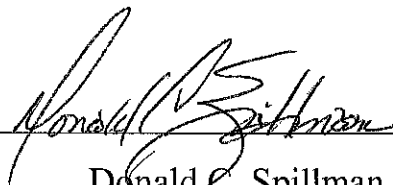
**If Approved by Health Department, The Board made the following findings of fact in support of the variance condition exception.**

**In IC 36-7-4-918.5 it has been determined that the following criteria exists.**

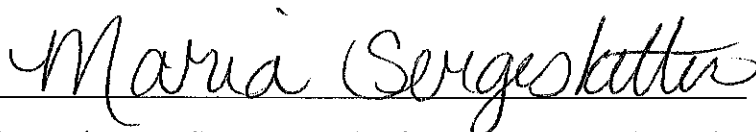
- 2. Granting the variance will not alter the land use characteristics of the vicinity and district, diminish the marketable value of adjacent land and improvements or increase the congestion in the public streets**

**Case V-24-18:** Dylan Madden is requesting a Variance for privacy fence setbacks. This property is zoned Residential multi-family R-2. The property is located at 11 W Highland. Property size is 127 feet by 116 feet lot. Lot is 15000 TSF. Parcel number for the property is 14-10-34-301-002.000-017. Mr. Madden gave the Board a little history about his family moving to Washington and why he built the privacy fence. There was not a survey done for the property he purchased. Mr. Madden feels like there was a miscommunication with the Building Commissioners Office. The Building Commissioner approved the fence permit according to the stakes Mr. Madden placed. Mr. Madden placed the fence approximately 3 ft farther than the stakes. He stated the stakes were just a rough guideline of where he thought his property line was. The Building Commissioners Office has received a couple of phone calls regarding safety issues over the fence. Board Members agreed that this is a safety issue. The City's right-of-way was discussed as well. The fence will need to be moved but no one knows where his property line is. The Board also discussed the possibility of the City helping with the expense of the fence being moved. The Board proposed that our City Engineer Ed Barnett do a boundary Survey of Lot 44. The Board feels a decision can not be made until the completion of the Boundary Survey. Greg Haag made a motion to table V-24-18 until the next meeting when the Boundary Survey is complete. David Gray seconded. Motion passed 5-0 with all members present voting in favor to table V-24-18 until the December 26, 2018 BZA meeting. Michael Allen and Dan Gress were absent.

With no other business, the meeting was adjourned.



Donald C. Spillman, President



Maria Sergesketter, Secretary, Assistant County Plan Director