

**Minutes**  
**Board of Zoning Appeals**  
**January 22, 2020**

---

The Board of Zoning Appeals of the City of Washington met on January 22, 2020, 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, David Gray, Don Spillman and Attorney Tim Dant. Dan Gress was absent. After the roll-call, 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 11, 2019, were approved. 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.

**Election of Officers:** Bill Summers made a motion to nominate Donald Spillman to be re-elected as Chairman. Larry Mullen seconded. A voice vote was taken, and all members present voted in favor. Bill Summers made a motion to nominate Dan Gress to be re-elected 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. Larry Mullen seconded the motion. A voice vote was taken, and all members present voted to retain Tim Dant as attorney. Motion carried 6-0.

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 V-1-20:** Crissy LaFollette is requesting a Variance. She would like a 19 ft reduction from the required 35 ft front setback. This property is zoned Residential multi-family R-2. The property is located at 1501 Fox Run Drive. Property size is 1 acre. Parcel number for the property is 14-10-35-403-012.000-016. Crissy LaFollette was present at the meeting. She explained to the Board that she was fixing up the property for her daughter and wanted to get the property line issue fixed so that if in the future her

daughter wanted to sell the home it would be all cleaned up. With no questions from the Board Chairman Donald Spillman put the case before the board. Acting Secretary Maria Sergesketter took a roll call vote. Motion passed 6-0 with Dan Gress 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 approval will not be injurious to the public health, safety, morals, and general welfare of the community:**
- 2. 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 strict application of the Zoning Ordinance will result in practical difficulties in the use of the property.**

**Case V-2-20:** Kyle Cornelius is requesting a Variance. He would like to build a 24 ft x 30 ft addition to an existing building that previously required a variance. This property is zoned Residential multi-family R-2. The property is located at 664 E 150 S. Property size is 5.92 acres. Parcel number for the property is 14-13-02-100-014.000-016. Ray Lengacher, contractor, contacted the office and stated they wanted to build a 36 x 60 instead of a 24 x 30. City Attorney Tim Dant advised that they must resend letters to the adjoining property owners. Chairman Donald Spillman explained that due to this issue this case would be tabled until the next meeting in February.

**Case V-3-20:** Britten Holcomb is requesting a Variance. He would like to build a 1500 TSF, 10 ft side walls, 20 ft peak accessory building. This property is zoned Suburban Residential S-1. The property is located at 2460 W 150 S. Property size is .735 acre. Parcel number for the property is 14-13-05-103-003.000-016. Mr. Holcomb was present at the meeting to answer any questions the Board may have. Building Commissioner Jon Casper asked about the trusses that will be used in construction. 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 with Dan Gress 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 approval will not be injurious to the public health, safety, morals, and general welfare of the community:**
- 2. 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:**

**Case V-4-20:** D & L Construction LLC is requesting 2 Variances. They are requesting a 15ft reduction from the required front setback and a 5ft reduction from the required rear setback. This property is zoned Residential multi-family R-2. The property is located at 1108 North Street. Property size is .35 acre. Parcel number for the property is 14-10-28-402-100.000-017. Chris Stoll of D & L Construction was present to answer questions. Building Commissioner Jon Casper and Chairman Donald Spillman gave the Board members a history lesson and a description of the property. Board Member Greg Haag asked if a spec house was going to be built. Chris Stoll answered yes. Board Member Michael Allen asked about the rear setback reduction. Chris Stoll answered that with the angle of the lot, one of the rear corners of the house would infringe upon the rear setback. Therefore, he went ahead and asked for both variances. 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 with Dan Gress 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 approval will not be injurious to the public health, safety, morals, and general welfare of the community:**
- 2. 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 strict application of the Zoning Ordinance will result in practical difficulties in the use of the property.**

**Case C-1-20:** Victory Tabernacle is requesting a Conditional Use. They would like to operate a Stage 2 group home for women for the Lighthouse. This property is zoned Residential multi-family R-3. The property is located at 402 E Flora Street. Property size is 7744 TSF. Parcel number for the property is 14-10-27-402-084.000-017. Emory Pete Aldrich of Victory Tabernacle was present to answer questions. Pete Aldrich stated that the State has given their approval of this home. He said he would like to see 16 to 18 women in this home. Currently he has 13 women that need to be moved from the facility on Main Street to this home. He explained what a stage 2 facility is. A Stage 2 facility is a place where someone has already been through detox, has been in the facility for 45 days or more, no sex-offenders, but has been in jail. The females would have privileges after 2 months of going home to spend time with their family and or going on walks. A person can be in a Stage 2 facility for 9 months to 24 months. It depends on how fast

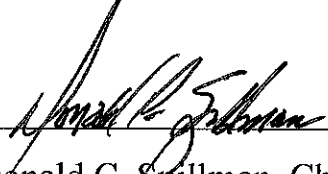
they complete their program. Supervision is by a security system or by peer supervision. He said to look at Oxford Houses as they are operated very similar to that organization. Pete Aldrich did say that he has other Group Homes around town. Chairman Donald Spillman advised him that he will need Conditional-Uses for all their Group Homes. He also reminded Mr. Aldrich of the parking requirements that were in effect regardless if they do or do not own cars. He told Mr. Aldrich that he could also ask for a variance regarding parking space requirements. Several people had questions and concerns. Julie Bassler asked about tenants having visitors, Tim Emmons had concerns about safety and parking in the neighborhood, Dean Gentry had concerns about smoking on the property since he has COPD. Sara Voges had safety concerns since this would be located between several schools. Mr. Aldrich answered all their questions or listened to their concerns. He also handed out a packet that explains their program. Chairman Donald Spillman asked what the return rate was. Mr. Aldrich said at 5 years out there is a 30% to 40% return rate. Mr. Aldrich also stated that most of the people staying in the facility is from outside of Daviess County. Chairman Donald Spillman said he had concerns about the supervision being done by peers versus professionals. Board member Greg Haag stated that with Mr. Aldrich working with or in this program he is more comfortable with this project, but most people are not comfortable. Mr. Aldrich said the residents would have mandatory drug test through the program or also through their work. He said that this home will only be used for living and sleeping. The Board questioned why he didn't proceed with his plans on the 22 acres they recently purchased. Mr. Aldrich stated that he needed a place sooner than it would take to deal with the zoning issues on the 22 acres. The Building Commissioner's Office will keep an eye out for any commercial properties if they become available as there is a need for this in Daviess County. With no other questions, Chairman Donald Spillman put the case before the board. Acting Secretary Maria Sergesketter took a roll call vote. Motion denied 6-0 with Dan Gress being absent

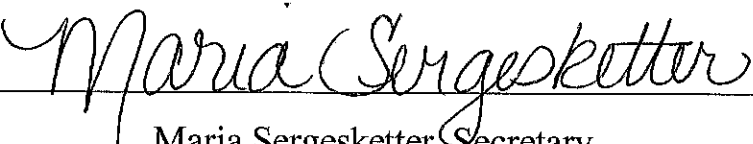
**In order to grant a Conditional Use exception or a Variance the Board of Zoning Appeals must determine that one or more of the following criteria exists:**

- 1. There was a predominate concern the approval will be injurious to the public health, safety due to proximity of schools, morals, and general welfare of the community:**
- 2. The use and value of the area adjacent to the property included in the variance/conditional use will be affected in a substantially adverse manner:**

In other business, Building Commissioner Jon Casper informed the Board that currently we have 2 cases for February.

With no other business, the meeting was adjourned.

  
\_\_\_\_\_  
Donald C. Spillman, Chairman or Acting Chairman

  
\_\_\_\_\_  
Maria Sergesketter, Secretary