

MINUTES

WARRICK COUNTY AREA PLAN COMMISSION
Regular meeting to be held in Commissioners Meeting Room,
Third Floor, Historic Court House,
Boonville, IN
Monday,
December 12, 2022, 6:00 PM

PLEDGE OF ALLEGIANCE: A moment of silence was held followed by the Pledge of Allegiance.

MINUTES: To approve the Minutes from the last regular meeting held October 10, 2022. Doris Horn made a motion to approve the minutes as distributed, Amanda Mosiman seconded the motion and it carried unanimously.

President Valiant asked for a motion to approve no meeting in November.

Amanda Mosiman made a motion to approve the no meeting in November, the motion was seconded by Jeff Willis and carried unanimously.

MEMBERS PRESENT: Jeff Willis, Doris Horn, Jeff Valiant, Amanda Mosiman and Greg Webb, Bob Johnson.

Also present were Morrie Doll, Attorney, Molly Barnhill, Executive Director, and Jen Hollander, Staff.

President Valiant said it looks like we have a few primary plat and a rezoning as well as some other business on the agenda tonight. He continued so as we go through these if the applicant and owner would step up to the podium, should be a sign in sheet for you as well, and we will hear the cases.

PRIMARY PLATS:

PP-22-17: Springcorner Replat of Lot 17 Subdivision: PETITIONER/OWNERS: Paul J. Roberts & Jonathan W. & Lauri Reitz. Approximately .717 acres located on the east side of Spring Corner Road. Approximately 125 feet south of the intersection formed by Jennie Lane and Spring Corner Road. Being Lot 17 in Springcorner Subdivision as recorded in Plat File #1 Card #309 in the Warrick County Recorder's Office. Ohio Township 36-6-9. (*Advertised in the Standard November 23, 2022.*)

Don Gries with Andy Easley Engineering and Jon Reitz property owner were present.

President Valiant called for a staff report.

Mrs. Barnhill said on their notices to the adjacent property owners, we are missing 5 green cards but we do have the white receipts and they were mailed correctly. She continued, the zoning is “R-1A” One Family Dwelling Zoning District & “A” Agricultural, there is no flood plain. She said the proposed development is 1 lot totaling 0.717 acres. She said the Commissioner’s approved the request for no street plans today and the Drainage Board approved the request for no drainage plans today. She continued, Newburgh Sewer is existing, Indiana American Water is existing, and the plat is in order.

President Valiant asked if there is anything to add to the staff report gentleman.

Don Gries said no, I’m sorry not at this time.

President Valiant asked if there were any questions from the Board at this time.

Amanda Mosiman asked so we are basically expanding Lot 17 a little to the south.

Don Gries said that is correct.

Amanda Mosiman asked for what purpose.

Don Gries said recreational, just to establish a larger back yard, fire pit, and etcetera.

Jon Reitz said he is currently using for that purpose now, I have given him that permission. He continued there is a drainage ditch that comes through my property that does not allow me access to that triangle, its 6’ deep verses 10’ wide and I would have to build a bridge to maintain it. He said he is utilizing it from the previous owners, so I approached him and said “hey do you want to purchase it”.

Amanda Mosiman said okay, thank you for the explanation, I appreciate that.

President Valiant asked if there were any remonstrators for or against this project if so please step forward. He said seeing no one moving, I will bring it back to the Board. He asked any other questions from the Board.

Doris Horn made a motion to approve primary plat PP-22-17, Bob Johnson seconded the motion and it carried unanimously.

President Valiant said thank you Gentleman.

Don Gries said thank you Members.

PP-22-18: Morgan Manor Subdivision: PETITIONER/OWNER: Brandon Morgan. Approximately 6.52 acres located on the south side of Inverness Drive. Approximately 1600 feet southeast of the intersection formed by Woodlawn Drive and Inverness Drive. Being Parcel 1 in Rancho La Costa Minor #2 Subdivision as recorded in Document #2019R-007106 in the Warrick County Recorder’s Office and Lot 4 in Sharon Hills Estates Section C Subdivision as recorded in

Document #2001R-007166 in the Warrick County Recorder's Office. (*Advertised in the Standard November 23, 2022.*)

Jeremy Elrod with Morley at 4800 Rosebud Lane was present.

Jeremy Elrod said we are just here for this primary plat, the petitioner Brandon Morgan is here with us tonight if we have any questions for him. He continued so I passed around just kind of a real conceptual what's going on here, you guys have the plat in front of you.

President Valiant said hey Jeremy hold on one second we are going to have Molly give the staff report.

Jeremy Elrod said okay, I knew I was missing something, sorry.

President Valiant said your fine.

Mrs. Barnhill said missing 4 green cards from the notice, but we have the white pay receipts showing it was done correctly, zoning is "R-1A" One Family Dwelling Zoning, no flood plain, and its 1 lot totaling 6.52 acres. She said the Commissioner's approved the request for no street plans today, the Drainage Board approved the request for no drainage plans today. She continued Newburgh Sewer is existing and Indiana American Water is existing, so the plat would be in order.

President Valiant said thank you.

Jeremy Elrod said sorry Molly.

President Valiant said now Jeremy do you have anything to add to the staff report.

Jeremy Elrod said nope, just a few things big picture why we are here, and that is the photo that I passed around. He said so ultimately Mr. Morgan is trying to build a pool in their backyard, on the plat kind of right where his house is, you can see in the northern tip there is a dashed line or a dotted line that goes east to west...so north of there was a lot that was part of Sharon Hills Estates. He said the house lot, the existing parcel, and the piece that goes to the south was a parcel that was part of a previous minor sub I believe....but ultimately the pool....so Mr. Morgan owns all of these lots/parcels...but the pool that he is wanting to build goes over that lot line and I believe that the ordinance says that you can't have the accessory structure on...it has to be on the same lot as the primary structure. He said so we are here to basically consolidate those. He said I believe what triggered the major subdivision is it was a partial replat of a lot that was within a prior major subdivision so that's what brings us here. He said I just wanted to explain the big picture why we are here, what that is for.

President Valiant said thank you sir, any question from the Board at this time. He asked any remonstrators for or against this project if so please step forward.

Doug Wurmnest was present

Doug Wurmnest said hi I am a resident of Inverness Drive and it's as much about questions as it is remonstrating against it. He said the questions that I have is we currently have a set of restrictions, deed restrictions that go with all of these lots, and it's my understanding that when they create the subdivision all of these go away. He continued, these include what you can and can't put on a subdivision, completing the sidewalk around the cul de sac which are the only ones that were missing so. He said that is why I am objecting to it.

President Valiant said okay.

Jay Jacobs was present

Jay Jacobs said same thing, Inverness Drive neighbor, just wanted to make sure that those things are done and that no street can be built through that area. He said we are in a subdivision on a cul de sac for a reason.

Mrs. Barnhill asked have you seen the proposed plans.

Jay Jacobs said yeah, I have them here, I don't totally understand all of that.

Doug Wurmnest said so it was my understanding, we talked to Jim Morley earlier, and he said there can't be any street through here because that wasn't part of the plan, it's just going to be a lot. He continued we don't actually object to putting the lots together, it's just then not being held to the same restrictions as all of the other houses in our area.

Jay Jacobs said same.

President Valiant said we will let them address your concerns.

Jeremy Elrod said so I was talking with Mr. Morgan, as far their plan for what they are doing it's just for the pool improvement. He said I have not, I wasn't aware or carefully reviewed any covenants, but I don't think this would replace those. He said I don't think this process would have the ability to do that. He said there was the question, so Jim Morley, my boss was at the Commissioner's meeting...there was some questions about the sidewalks...Molly not to put you on the spot...I didn't know if we knew...so, I was talking to Brett prior to this meeting as far as how this lot came to be. He said there was actually a major sub, a couple of parcelizations, a minor sub, but ultimately it kind of boils down to if we are here for the major sub tonight are the sidewalks required around that cul de sac....I know they have talked with Jim....I think they were going to follow up with Bobby Howard, County Engineer, to see who ultimately is responsible for those sidewalks. He said we are not here to change that responsibility, so for lack of better terms who is responsible for them yesterday or today, would also be responsible for them tomorrow, we just...we were unclear on whether that is the applicant or the original developer for Estate Hills Subdivision. He said we can definitely chase that down and clarify that, but definitely not trying to get out of that as part of the pool Mr. Morgan is trying to build. He said Sharon Hills Estates, sorry that is the sub I meant.

Mrs. Barnhill said right, I don't know how it got to the point that it is, but we are not holding any surety for sidewalks, I mean they are what they are right now.

Jeremy Elrod said so there is no current surety for Sharon Hills Estates.

Mrs. Barnhill said correct, and there is a minimum lot size before a sidewalk is required.

Jeremy Elrod said I mean we are one big lot, I'm sure we are over our minimum lot size, we are a 6.5 acre lot. He said maybe its 7 acres, I'm not sure.

Mrs. Barnhill said it's like a .5 acre or something or an acre.

Attorney Doll said isn't it the developer.

Mrs. Barnhill asked what.

Attorney Doll said isn't it the responsibility of the developer.

Mrs. Barnhill asked to put sidewalks in.

Attorney Doll said yes.

Mrs. Barnhill said that is who we would get money from.

Attorney Doll said I don't know why we don't have surety.

Jeremy Elrod said it looks like Sharon Hills was an older sub, I'm seeing 2001 deed numbers, so I think that for all parties is part of the lack of clarity, I would think.

Mrs. Barnhill said it is how it happened to start with.

Jeremy Elrod said how it happened and ultimately who is responsible.

Mrs. Barnhill said well I would have to dig into the history of it.

Attorney Doll said history.

Mrs. Barnhill said when Sharon Hills was platted and what was said in the minutes.

Jeremy Elrod said and for that, I brought you some of those plats and minor subs, Brett sent them with me.

Mrs. Barnhill said okay, do you have the minutes from those meetings on you by chance.

Jeremy Elrod so the minutes no, I did not have time to pull those.

Mrs. Barnhill said okay.

Bob Johnson jokingly said what do you do all day.

Jeremy Elrod said in my free time I will make sure and chase those down.

Amanda Mosiman said I mean by putting these lots together we are not changing...he would still have to adhere to.....

Attorney Doll said the question is who is he.

Amanda Mosiman said right.

Jeremy Elrod said yeah that's probably the bigger question.

Amanda Mosiman said no, I was more worried about the....

Jeff Willis said covenants.

Amanda Mosiman said thank you, that's the word I'm looking for. She asked we are not changing any of those requirements by putting these together are we.

Bob Johnson said just made the lot bigger.

President Valiant said yeah, just a bigger lot.

Mrs. Barnhill said the house was mostly on parcel one, when we permitted the home it was all on parcel one, which is in a minor subdivision. She said so that was not part of the restrictions.

Jeremy Elrod said not a part of the restrictions.

Amanda Mosiman said so he didn't to qualify for them any way is what you're saying.

Mrs. Barnhill said no he didn't before, but now they are going to combine it.

Amanda Mosiman said then I think there is....

President Valiant said we can't hear you, we are recording this, and we are not going to be able to hear you.

Jeremy Elrod asked do you want him to come back up here.

President Valiant said yeah, please.

Doug Wurmnest said I believe these restrictions do include that parcel as well that is shown on the plat, and it does say that it includes the minor subdivision number 1 within Sharon Hills Estates C

and then these additional lots, parcel 2 in Sharon Hills Minor Subdivision number 1. He said that is what these covenant restrictions do or cover.

Bob Johnson asked so what are you trying to point out, I'm sorry, I mean we are combining these two lots.....

Doug Wurmnest said we just want to make sure they continue to abide by these that is our requirement.

Bob Johnson said yeah, well they should.

Doug Wurmnest said and it does say in the sidewalks, that is the responsibility of the lot owners and parcel owners to put the sidewalks in so.

Bob Johnson said okay.

Mrs. Barnhill asked does it talk about Rancho La Costa Minor.

President Valiant said watch you step please.

Mrs. Barnhill said well that's not really.....

Amanda Mosiman said I think we are going to need some time to dig into this thing.

Mrs. Barnhill said yeah that's the minor that it is coming out of is Rancho La Costa.

Amanda Mosiman said okay, this is weird. She said this feels weird....a major, a minor and a couple of parcelizations, I don't quite know what we are.....

Mrs. Barnhill said this says Sharon Hills Minor Lots 1-4 include, includes Lot 7 Sharon Hills Estates.

Jeremy Elrod said may I suggest we take a little more time to have not only staff, but us, and kind of work through this and maybe we can talk to the adjoiners. He said some of these issues were brought to our attention tonight too, so unless Molly you think that you have that figured out after reading that for a few seconds.

Mrs. Barnhill said nope.

Jeremy Elrod said we are more than happy to work with all parties and possibly come back next month if that will...the Board will entertain that.

Amanda Mosiman made a motion to table PP-22-18 to the January 2023 agenda. The motion was seconded by Doris Horn and carried unanimously.

Attorney Doll said that will be on the second Monday of January at 6:00 PM.

Mrs. Barnhill said the 9th.

Amanda Mosiman asked with the holidays does that give you enough time.

Mrs. Barnhill asked me.

Amanda Mosiman said yeah, to find what we are looking for maybe.

President Valiant said she will have plenty of time.

Mrs. Barnhill said yeah, I can do it.

Amanda Mosiman said lets go forth with holiday good cheer.

Doug Wurmnest said I can take those back if you want or you can keep them.

Mrs. Barnhill asked can I have them.

Doug Wurmnest said you can have them.

Amanda Mosiman said thank you.

Jeremy Elrod said thank you.

Doris Horn said thank you.

President Valiant said thank you Gentlemen.

PP-22-19: Spring Creek 3 PUD Subdivision: PETITIONER/OWNER: Spring Haven, LLC by John Elpers, Manager. Approximately 1.044 acres located on the south side of Vann Road. Approximately 280 feet east of the intersection formed by Vann Road and Bell Road. Being Part of Lot 2 in Martin Bell Subdivision as recorded in Document #2013R-002629 in the Warrick County Recorder's Office. (*Advertised in the Standard November 23, 2022.*)

President Valiant said gentleman state your name for the record.

Scott Buedel with Cash Waggner and Associates and John Elpers were present.

President Valiant asked Molly do we have a staff report.

Mrs. Barnhill said this does have a zoning that goes with it, do you want these read together.

President Valiant said I missed that.

Amanda Mosiman said it's on the back.

President Valiant said we will go ahead and address the rezoning as well.

PC-R-22-11: PETITIONER/OWNER: Spring Haven, LLC by John Elpers, Manager. To rezone 1.044 acres located on the south side of Vann Road. Approximately 280 feet east of the intersection formed by Vann Road and Bell Road from “R-1” One-Family Dwelling Zoning District to “R-1/PUD” One-Family Dwelling Planned Unit Development Zoning District. Being Part of Lot 2 in Martin Bell Subdivision as recorded in Document #2013R-002629 in the Warrick County Recorder’s Office. (*Advertised in the Standard November 23, 2022.*)

President Valiant said alright Molly now you can.

Mrs. Barnhill said they sent the notices out together, we do have all green cards showing the adjacent property owners were notified correctly. She said the zoning is currently “R-1” One Family Dwelling Zoning District, requesting “R-1/PUD” One Family Dwelling Planned Unit Development Zoning District. She continued it is 1.044 acres with no flood plain, the proposed development shows 3 Residential lots. She said Lot A being 0.272 acres, Lot B being 0.258 acres, Lot C being 0.426 acres. She continued the Commissioner’s approved the request for no street plans today, and the Drainage Board approved the request for no drainage plans today, Newburgh Sewer has capacity, and Chandler Water has capacity. She said the plat would be in order subject to rezoning approval on the plat. She said the Comprehensive Plan projects the area to be moderate to high density residential, the existing land use is vacant, surrounding zoning and land use to the north is “R-2/PUD” Multi-Family and some “A” Agricultural being vacant, to the south and east are “R-1” One Family Zoning being Spring Creek Section 1 with single family dwellings, and to the west is “R-2B” Multi-Family being Pebble Creek Subdivision with vacant lots. She continued Lots A and B shall access to Wyatt Court within Spring Creek Section 1 Subdivision. Lot C shall access Vann Road, the stated use is Residential Subdivision which would be in compliance.

President Valiant asked anything to add to the staff report.

Scott Buedel said I’m not sure if you said this or not, but the shaded area on the plat between Lots A and B right at the intersection of Cora and Wyatt, that area was presented before the County Commissioners today and approved to vacate that portion of the right of way that was granted in section one. He said so that did take place too, so that has been vacated and the plat would turn around and grant those easement back in place for the existing facilities that are there. He said then really the whole purpose of the rezoning that is going along with the subdivision is those two lots on the south side were always intended to be fronted off of Cora Court that would have extended north, but now that that can’t happen, their development at the corner came before you within the last year and was approved for that corner. He said so this is kind of a dead end now and our lots....our frontage and address will be off of Wyatt Court so based on where our front yard and our side yard will be that is why we are coming to you with a PUD to twist our front yard and side yard around or to reduce some of those to make it a buildable lot. He said so lots would still be positioned as if Cora Court went through, but what Planning Commission would see as our front yard would be on Wyatt. He continued so instead of a 25’ front yard and a 25’ rear yard on a 75’ deep lot that pretty well takes away any buildable area, so that’s the whole purpose of the PUD is to change those setbacks and make it look like the adjacent lots to the east on those cul de sacs.

President Valiant asked any questions from the Board, seeing not at this time, are there any remonstrators for against this project if so please step forward. He said I don't see anybody hopping up so I will bring it back to the Board.

Jeff Willis asked on Lot C...are people turning in there off of Vann Road.

Scott Buedel said yes.

Mrs. Barnhill said they would have to get an approved residential driveway permit, the County Engineer has looked at this and said that it wouldn't be an issue.

Jeff Willis said that is his bailiwick so. He said that intersection is going to get busier and busier...

Amanda Mosiman said remind me of what our (inaudible coughing) for that R-2, do we know.

Attorney Doll said sorry.

President Valiant said say that again.

Amanda Mosiman said remind me what this corner, the PUD is on it.

Scott Buedel said I believe there is 8 units.

Amanda Mosiman said 8 units.

Mrs. Barnhill said yeah....

Scott Buedel said four duplexes.

Mrs. Barnhill said yeah duplexes, they had a small road coming in off of Vann Rd up there.

Amanda Mosiman said so we are going to put more buildings around it basically, but they are all not going to be really connected, okay.

Jeff Willis said and so Lot C that was in the old plat, I don't have that in front of me.

Mrs. Barnhill said it use to be an out lot right.

Scott Buedel said it was an out lot section one lots A and B were platted, shown on section one and lot C was on out lot with anticipation or hopes of getting that corner property and making another cul de sac like Ude Court to the east of it. He said but when that didn't happen then we kind of had that left over property just on the out skirts of that acre at the southeast corner of Bell and Vann, so we are just platting the remainder of the property that John owns.

Amanda Mosiman asked they are just meant to be single one family.

Scott Buedel said correct, yes. He said just like what is in Spring Creek now.

Amanda Mosiman said okay, yeah.

President Valiant asked any further questions, if not let's do the rezoning first.

Jeff Willis said so you are going to have the sidewalks and stuff just like you would have before going to the....

Scott Buedel said on Wyatt, yes.

Jeff Willis said on Wyatt.

Amanda Mosiman said basically the lot sizes are just so small we are....

Jeff Willis said well they were going to go up but...

Amanda Mosiman said right.

Attorney Doll said remonstrations.

President Valiant said I already asked.

Attorney Doll said have you.

President Valiant said yep.

Doris Horn made a motion to recommend PC-R-22-09 to the County Commissioner's. Bob Johnson seconded the motion and it carried unanimously.

President Valiant said now on to the plat.

Amanda Mosiman made a motion to approve PP-22-11, it was seconded by Greg Webb and carried unanimously.

Mrs. Barnhill said subject to rezoning.

President Valiant said the rezoning will go to the Commissioners.

Mrs. Barnhill said yep, it will go January 9th to the Commissioners.

Scott Buedel said January 9th, okay, thank you.

Amanda Mosiman said I don't like it, but I would (inaudible coughing and paper ruffling)

Bob Johnson said I do that a lot.

President Valiant said alright, looks like we have a couple of complaints to handle tonight.

OTHER BUSINESS:

COMP-22-03: Michael & Pam Hastings - 5268 Epworth Road. Possible zoning violation.

President Valiant asked are the Hastings here tonight. He asked Molly do you have a report on this.

Mrs. Barnhill said this is the one we met with and thought that they would qualify for a Special Use, but when he went to file it, it did not qualify because they use the shed to do the business out of, which rendered it not.....

Attorney Doll said in the house.

Mrs. Barnhill said yeah, so we caught that and they withdrew that and I refunded their money. She said so then they were to move the business off the property and so now they are back here. She continued the neighbors that filed the complaint did bring in a packet of pictures, because when the Special Use wasn't going to work and they were to move it they were to cease and desist until they got it off the property.

Mike and Pam Hastings were present.

Mike Hastings said we were to cease and desist the wrapping of vehicles is what had agreed to do, and we have not wrapped any vehicles since that time.

Mrs. Barnhill said it's the running.....

Mike Hastings said that was our agreement when we were at the last meeting is that we would not wrap any more vehicles.

President Valiant asked do you have the minutes from the last meeting.

Mrs. Barnhill said I do not have the minutes from the last meeting.

President Valiant said well we have them on an email.

Deborah Brammer (from the audience) says I have the minutes if anybody needs the minutes from the last meeting.

President Valiant said I don't remember it being just the wrapping part, it was the business as a whole.

Deborah Brammer (from the audience) said and the sign was still up.

President Valiant said I don't know who is talking back there, but...

Bob Johnson said this young lady over here, this lady.

President Valiant said yeah, okay.

Pam Hastings said and the sign is off the door.

Mrs. Barnhill said I did go out there today, and those pictures are in your packet of the ones I took today, they are stamped the 12th. She said so your son had emailed me, Daniel Hastings, on November 3rd and said he would be out in a few weeks, is he out.

Mike Hastings said he will be out before....right now he is not doing any work there, all he is doing is installing, he has other places to wrap the vehicles, and all of the equipment should be out by the end of the year.

Pam Hastings said by January, yeah, he has another place it's just not.....

Mike Hastings said he has a warehouse, but he has to put the office part in.....it has to be built, it is being built now. He said as far as the pictures from the neighbor, he is coming out and taking pictures of our house even when we have people visiting to talk to my wife and me. He said I mean it's just kind of a little over board in my opinion.

President Valiant said I can't get the minutes to pull up, so. He said did I understand, did you say the son is moving out and the business is going with him.

Mike Hastings said yes, well he isn't moving out, the business is....

Pam Hastings said he is not moving out, but his business is moving out.

President Valiant said got you, yeah that is what I was.....so he is taking the business elsewhere.

Mike Hastings said yeah we are going to move it out, we...even at the last meeting it wasn't a point of not knowing it was a business, I didn't realize we couldn't do it.

Mrs. Barnhill said at the last meeting we thought it could be a Special Use, as long as no employees came, and the work there stopped and that wasn't the case.

Mike Hastings said there are no employees.

President Valiant said when he is moving into the new property.

Mike Hastings said by January 1st.

President Valiant said by January 1st.

Doris Horn asked he is not having supplies or anything delivered to your house to take to his business otherwise.

Pam Hastings said our understanding was that he could still have supplies brought there he just couldn't do anything there, he would have to take it someplace else to do it.

Mike Hastings said because he will be moving to a warehouse area and a lot of the times he is not there.....

Pam Hastings said he is out installing.

Mike Hastings said and his materials are being delivered they can't be left outside, so there is going to have to be a place where they can be delivered. He said but there will be no work done with the materials.

Doris Horn said you are saying that he will be out of the house with his business into his new business and office by the 1st of the year.

Pam Hastings said yes.

Mike Hastings said correct.

Doris Horn said and nothing will be delivered at your house after the 1st of the year.

Mike Hastings said correct.

Pam Hastings said except for materials being delivered so he can get it out there.

President Valiant said so he will still be getting deliveries for the business at your house.

Pam Hastings said yes.

Mike Hastings said we have to, I mean the place where he is going to you can't have the material outside.

President Valiant asked Council what is your thoughts on that.

Attorney Doll said it's an element of running a business.

Mike Hastings said well then can we ask for a Special Use then, because all he will be using is a 5x5 area of the basement to put the materials in.

Attorney Doll asked are they delivered by a delivery service or a truck.

Mike Hastings said what it is a UPS or FEDX....

Pam Hastings said he does have one truck that comes in....

Attorney Doll said it's a FEDX or UPS delivery.

Jeff Willis said trying to make sure we don't have big semis coming up the....

Mike Hastings asked what.

Jeff Willis said we don't want big semis coming up the drive way....but UPS freight has a semi-truck.

Pam Hasting said no, no.

Mike Hastings said there has never been a semi-truck trailer come up that driveway for his business. He said a little of the things were misrepresented the last time.

Inaudible from the audience.

Mike Hastings said I'm not done talking.

Amanda Mosiman said stop with the ticky tacks.....stop.

President Valiant said ma'am thank you.

Mike Hastings said his business has been there for 4 ½ years, they throughout that he has wrapped boats...he has wrapped one boat and that was probably 4 years ago.

Amanda Mosiman said what he's done and what he's not done...

Mike Hasting said alright, well that is fine.

Amanda Mosiman said it's the fact that he is running a business plain and simple.

Mike Hastings said well that is why we are moving it.

Amanda Mosiman said and having deliveries is part of running a business.

President Valiant said and in the County.....

Amanda Mosiman said we can't do it.

President Valiant said having a business in your home you have to have it done properly.

Amanda Mosiman said we can't, we just can't...that's the brass tacks of it, we just can't be doing that. She said I'm sorry you guys if the Special Use doesn't fit.

Mike Hastings said I'm not upset about it that's fine.

Amanda Mosiman said so we are going to need to get everything that goes on with that business transferred to the warehouse and your saying that is going to be done after...around the 1st of the year.

Mike Hastings said correct.

President Valiant said except for deliveries, they have already said that deliveries will still be coming to the house.

Pam Hastings said well he will have to make arrangements if that is what you are saying.

Amanda Mosiman said yes.

President Valiant said yeah, because like the Council said it is still part of the business and we do have.....She is retrieving the minutes from last month.

Mike Hastings said if we are going.....

President Valiant said I don't remember an agreement to stop one part but not all of the business.

Amanda Mosiman said no, I would agree with that assessment, it was a cease and desist period until we could figure it out.

President Valiant said so with moving everything out what is the Councils feeling or the Boards feelings. He said everything will be out by the 1st to the new work shop, work building, and work office. He asked what is the Boards feeling what is Councils feelings.

Attorney Doll said you could table this until the January...

President Valiant said table it, hold it.

Attorney Doll said January meeting, but with the commitment that everything including deliveries is going to cease by January 1.

Mike Hastings said we will have to discuss that, because how can you have deliveries not being there....

Attorney Doll said because it's not zoned to be a business.

Mike Hastings said well we can zone...the only reason we are not zoning it as a business now is because we are using a shed.

Attorney Doll said you can't zone it as a business.

Mike Hastings said but going forward we are not going to be using the shed.

Attorney Doll said no.

Mike Hastings said so then we can request the special order, because...

Attorney Doll said it is zoned residential.

Mrs. Barnhill said yes.

Attorney Doll said you can't operate a business, deliveries are part of that business operation. He said you can't do that.

Mike Hastings said we will request for the special thing for just the deliveries then.

Amanda Mosiman said Special Use.

Mike Hastings said we have to. He said you are closing a business down and a guy's lively hood just because he can't have materials there.

Attorney Doll said you have started a business in a residential district, you just don't get to make the rules. He said these are rules that apply to everybody in Warrick County, that's how it is, and the deliveries are part of the business, you can't operate the business without the deliveries can you. He said I mean that is what you are saying so its part and parcel of operating a business, you can't do that having the deliveries made to the residential district.

Mike Hastings said but we can have a Special Use then if we are going to do.....the reason we can't have the Special Use is because if he is running the business out of the home and using the shed he can't use the shed. He said we are just using the part of the basement and there are no employees, it's less than the 25%, why wouldn't we be able to zone just that part for just the deliveries so that he can have materials to run his business.

Attorney Doll said anyone can file an application for anything permitted by our ordinance, that doesn't mean it will be approved.

Mike Hastings asked what would your grounds be to not approve it.

Attorney Doll said I am not going to speculate, and I don't get to vote, but I am the Council that gets to go to court to enforce the ordinance.

Mike Hastings said okay.

Doris Horn said I guess I don't understand, he went ahead and found a place to do his wrapping or whatever, why didn't he find a place where he could do the deliveries also there.

Pam Hastings said he is the only person.

Mike Hastings said he is a one man shop, so he is in a warehouse, is where he is going to do all of the work, but if he is out in his job he puts up signs. He said he goes out to hospitals, out to office and installs and if he is out installing, you know it's in a commercial area so he can't have materials sitting out and getting wet or.....it wasn't were he could set it up.

Doris Horn said I realize that and the thing of it is with technology now you can track your packages and stuff and you can have actually them at the warehouse and you can to UPS or FEDX and actually pick your stuff up now. She said I know that for a fact because I do that for testing for school.....

Mike Hastings said well then that could be an option....

Doris Horn said if I'm not going to be at the High School to get my tests, then I arrange to pick it up myself, can he not do that.

Mike Hastings said if that could be done.

Pam Hastings said well some of the stuff that he gets though is a 4x8 sheet of acrylic and for him to go to FEDX to pick it up is just not necessarily....

Doris Horn said does he not have a trailer or...

Pam Hastings said he does, but he...

Amanda Mosiman said that is a unique aspect of his business and I understand that, I can commiserate that, but that is not something for this Board, we can't help technically solve that issue, he is going to have to find something to not take delivery at your residence, his residence.

Mike Hastings said so are you saying if we request a Special Use just for the deliveries you're going to deny it.

Amanda Mosiman said if you guys get an approval for a Special Use this is a different conversation.

Mike Hastings said well that's fine, but I mean is that this Committee.

Amanda Mosiman said no.

Attorney Doll said no.

Mike Hastings said okay, are you the attorney on that.

Attorney Doll said yes.

Amanda Mosiman said yes, some of us are joint members, but not all of us.

President Valiant said but until that point everything at the house needs to stop.

Pam Hastings said effective January 1 right.

President Valiant said well technically it should have been stopped already with the cease and desist that we have from the minutes, it doesn't say anything about just the wrap, its talking about the business as a whole. He said you said he is moving out by January 1, and we are taking you for your word that he is going to move out by January 1st, everything will need to go with it, the deliveries everything needs to go. He continued I don't know if this warehouse had an address, I don't see why he can't get a delivery there, but it's....

Mike Hastings said it's not the point that the deliveries can't be make there, it's the point that no one will be there to bring the deliveries inside.

President Valiant said nobody is going to be there to get it, I got it.

Amanda Mosiman said well then that's a hiring...then he needs to hire.

Mike Hastings said that's the problem.

President Valiant said well, or work out an arrangement with FEDX or UPS whoever is delivering his stuff to him. He said yes, you apply for a Variance through the BZA and it will come to another Board and see what happens, but you don't get to do it until then, you have to cease and desist and then come back with that...correct Morrie.

Attorney Doll said yes.

President Valiant said so what is the wishes of the Board given that they have told us this will be gone by January 1st, which is another how many days.

Attorney Doll said three weeks.

President Valiant asked is that your motion.

Bob Johnson said January 9th.

Mrs. Barnhill said is our next meeting.

Bob Johnson made a motion to table Comp 22-03 to the January 9, 2023 meeting, it was seconded by Doris Horn and carried unanimously.

President Valiant said make sure you follow through what we said we were doing.

Deborah Brammer asked can I add anything to that.

Amanda Mosiman said no.

President Valiant said no.

Attorney Doll said it has been resolved.

President Valiant said yeah, that was what I was going to say. He said it has been resolved, they are moving the business out ma'am as of January 1st. He added so it will be gone.

Deborah Brammer said as of 11... as of 11/28 they have.

President Valiant said okay, were not getting you because you have to speak into the mic and that matter is kind of closed for the night, they are moving the business out. He said we can... we know what has happened in the past but we have been told it is moving out so it is moving out, the whole business is going to go. He added if it doesn't, guess what, next month there won't be any continuance. He said it will be legal action.

Deborah Brammer said I am sure they won't so...

President Valiant said okay, we are not going to get into this.

President Valiant said next item on the agenda.

COMP-22-04: Deborah & Greg Brammer - 5290 Epworth Road. Possible zoning violation.

Mrs. Barnhill said this complaint was filed by Mike Hastings on October 11th, it says, *"The neighbor is using his property as a place to store his equipment. He drives up and down the driveway 2 to 3 times a day causing excessive dust. They also have an unlicensed vehicle that is burnt and a rusted out boat makes it look like a salvage yard."*

She continued there are pictures attached and there are some of the pictures I took today when I went out there, it looks like the other home but I went as far as where the easement ended and I didn't go any farther and I couldn't see anything from the easement.

Amanda Mosiman asked what do you mean by you couldn't see anything from the easement.

President Valiant asked you took these right.

Amanda Mosiman said I was going to say, you took these.

Mrs. Barnhill said well, on these photos that I took...

President Valiant said she took these.

Amanda Mosiman said oh, my bad.

Mrs. Barnhill said all I could see was their house, I couldn't see past that.

Amanda Mosiman said I understand, okay, sorry. She said I had these with the previous... so these photos go with this complaint.

President Valiant said yes.

Mrs. Barnhill said they kind of do both but the bottom one is this home, the Hastings.

Attorney Doll asked are they across the driveway from each other.

Mrs. Barnhill said they are, they share the easement off of Epworth Road.

Deborah and Greg Brammer, home owners at 5290 Epworth Road, were present.

Deborah Brammer said as for our driveway, their easement ends 20' after the pin of their property. She said but they're allowed...

Greg Brammer interrupted there is a 400' easement but they're allowed another 20' onto our property to access their property.

President Valiant said okay, so what kind of business do we have here. He asked it looks like a mowing service.

Greg Brammer said I have a lawn mowing service, I do not have customers come to my house.

Deborah Brammer talking in the background, she said so it doesn't even run.,,

Greg Brammer said I do not have signage on my house.

President Valiant asked so you operate the business... do you operate the business out of the house.

Greg and Deborah Brammer said no.

Greg Brammer said no, I operate my business out of my truck. He said I go to a location, I do the work, I come back home. He said that it is it.

Deborah Brammer said he comes home from work and...

Amanda Mosiman asked what is your mailing address for the business.

Greg Brammer said the mailing address is 5290 Epworth Road.

Amanda Mosiman said which is the residence.

President Valiant said so it is your house, yep.

Amanda Mosiman said that's where the business is registered.

Deborah Brammer said correct, and we can change that to a postal...

Greg Brammer said I can change that to a post office box if that is what I need to do.

Deborah Brammer added a post office box, because nothing is being done on our property. She said it is our own equipment to use and maintain, not only our yard, but the easement. She said we do that, we have done that for over 20... 18 years.

Jeff Willis asked but is it the company... the equipment you use with the company.

Deborah Brammer said and its not changed.

Jeff Willis asked so do you store it there or do you store it somewhere else.

Deborah Brammer said we can store it in the garage.

Greg Brammer said yeah, I can store it in the garage.

President Valiant asked where is it currently stored, at the house.

Greg Brammer said well it had been, but it is off-site now.

Deborah Brammer said we will gladly build a fence if we have to, we can keep it in the garage. She said we talked with the Taylor's and they didn't have a problem with it.

Amanda Mosiman said this is about the same issue with the work truck.

Mrs. Barnhill said you are allowed to drive your truck home.

Amanda Mosiman repeated you are allowed to drive your truck home.

Bob Johnson said mhm.

Amanda Mosiman said but the trailer.

Jeff Willis said but the trailer with the equipment is where we always get...

Amanda Mosiman said that's the... that's where it...

Attorney Doll said we just had one of these.

Amanda Mosiman said I know and that's why I am...

President Valiant said yep.

Attorney Doll said we just had one a couple months ago.

President Valiant said right.

Attorney Doll said in the subdivision, mom owned the house and the son was operating his mowing service out of that house.

President Valiant and Amanda Mosiman said right.

Attorney Doll added mom no longer lives there, there was a fenced in back yard.

Amanda Mosiman said well he had his employees there too though.

Deborah Brammer said that was the landscaper, the landscaper. She said I looked that up, yes.

Mrs. Barnhill said I think he had a lot more equipment, snow plows.

Attorney Doll said yeah, he did.

Deborah Brammer said I, I... our complaint here is not redundant.

Greg Brammer said I have a 16' utility trailer, everything is on the trailer.

Deborah Brammer said and it's because, if we didn't take care of our property, he still has to take care of his mom and her property, so it is going to be.

President Valiant said well but you already...

Greg Brammer said whether I am using it for, for outside away from my house, personally, or for a business, I'm still going to end up with the equipment at my house because I will have to take it to my mom's house to mow her lawn.

Attorney Doll asked where does your mother live.

Greg Brammer said my mother lives in Newburgh, and I also have a brother that lives in Evansville.

Bob Johnson asked where do you park your trailer and equipment at when you are finished in the evening.

Greg Brammer said it is back behind my house.

Deborah Brammer said where it cannot be seen from the front yard.

Bob Johnson said well, it's not on the street.

Greg Brammer said just like her photos, you are not going to see it from there until you get up there. He said I do not receive shipments there for anything, outside of anything personal.

Deborah Brammer said we do everything curbside, or my husband does everything curbside.

President Valiant said so... I think it was asked earlier but I want to ask again, if we look up the business now it shows your houses address, correct.

Greg Brammer said correct.

President Valiant said okay.

Deborah Brammer said but we will change that.

President Valiant said so that would justify it being a home occupation.

Amanda Mosiman said mhm.

President Valiant said which...

Deborah Brammer said which we would qualify to get a uh...

President Valiant said which you don't have now, right.

Greg and Deborah Brammer said correct.

Doris Horn asked people call your... people call you for you to go to mow your yards and stuff.

Greg Brammer said yep.

Deborah Brammer said all the business is conducted on a cell phone.

Doris Horn said okay.

Deborah Brammer said and it is usually done away from the house. She said most of them come up to him while he's working and ask...

Amanda Mosiman said okay, um...

Deborah Brammer interjected but the thing was...

Doris Horn asked do you have an add or anything that you put out in the paper or Facebook or anything.

Greg and Deborah Brammer said no.

Doris Horn said it is just word of mouth that you mow.

Greg Brammer said yes ma'am.

Deborah Brammer said we don't even have personal Facebook pages. She said we just...

Attorney Doll said tell me about the car, the older car that's...

Greg Brammer said it is an '85 Mustang.

Attorney Doll said no, well I don't mean... but why do you have it, what's its purpose, obviously it is not...

Greg Brammer said the engine is still good in it and I wanted... I was hoping to find another '85 Mustang GT that needed an engine and have it changed out to have a running car.

Attorney Doll asked so this is a 5.0.

Greg Brammer said yes, sir.

Attorney Doll said and you hope to pull the motor out of this car and install it in some yet to be found car.

President Valiant said it is a project.

Greg Brammer said yep, that was the intent.

Attorney Doll asked what are you going to do with the carcass of this car.

Deborah Brammer said oh... oh that's salvage.

Greg Brammer said salvage, yeah.

Deborah Brammer said and we have looked at and we have talked to several people.

Greg Brammer said I have looked and I have looked, yeah, and I am in the process of...

Doris Horn asked can I interrupt you. She said I have hearing aids and I can't hear both of you talking at the same time and I appreciate, I appreciate that.

Greg Brammer said well, I am in the process in trying to sell the thing.

Attorney Doll asked and, and is this a boat parked next to it.

Greg Brammer said yep, that's a boat.

Attorney Doll said and tell me what the purpose of this boat is.

Greg Brammer said well it is an old mahogany boat that I was hoping to restore.

Doris Horn said I am on another board and I consider this junk.

Someone said woah.

Doris Horn continued and we have had this kind of stuff removed. She said I personally would not live next to this and I did at one time and actually turned my neighbor's in. She said you know, because you don't want to look at this at your front yard.

Inaudible... multiple board members chiming in at once.

Doris Horn said huh.

Attorney Doll said it is in their front yard.

Doris Horn said yeah, and I wouldn't want to look at it. She said I just think um...

Deborah Brammer said it is in the back yard.

Bob Johnson said at least move it to the back yard.

Deborah Brammer said it's in the far, far back.

Doris Horn said also, it is called pride.

Deborah Brammer said oh, oh I agree... I, I have to live like this but I will not nag my husband.

Attorney Doll asked is there... are the garages... well obviously you cannot pull into the garages because the vehicles are in front of them, the boat and the uh...

Deborah Brammer said no, you could get in.

Greg Brammer said I could get in.

Attorney Doll said okay. He asked are they full.

Deborah Brammer said no.

Attorney Doll said okay. He asked so why can't you store the boat inside.

Greg Brammer said I can, I just haven't.

Attorney Doll asked so it will fit.

Greg Brammer said yeah, it will fit.

Attorney Doll asked and the boat is worth keeping you think.

Greg Brammer said oh yeah.

Attorney Doll asked and you want to keep it.

Greg Brammer said yeah, I want to keep the boat.

Attorney Doll said okay, so would you agree to put the boat inside.

Deborah Brammer asked can we build a fence.

Attorney Doll said well let's just deal with one thing at a time. He asked would you agree to put the boat inside.

Greg Brammer said I would put the boat inside, yes.

Attorney Doll said and I don't mean just temporarily, I mean if you are going to keep the boat you would store the boat inside the garage out of public view.

Greg Brammer said mhm.

Attorney Doll said and the mustang, you have changed your mind now, you are not going to keep the mustang. He asked you are going to try to sell it.

Greg Brammer said mhm.

Attorney Doll said okay, and during what time period. He said I mean have you ran an ad, have you taken any steps to try to sell it.

Greg Brammer said well word of mouth, asking around to some of the guys I know.

Attorney Doll asked you haven't put it on craigslist or something like that.

Greg and Deborah Brammer said no.

Greg Brammer said no, no I haven't.

Deborah Brammer said I swore I had a dream that he did and I woke up and asked him about it.

Attorney Doll said um....

Doris Horn said I do know that one of the neighbors that I actually turned in, they were like you they wanted to redo cars and stuff, but I wasn't going to look at this and they actually put what they could in a storage unit to sell it, but I think you need to get rid of this or do something with it. She said that is my feelings.

Attorney Doll asked so could you put the boat in the garage by January 1st.

Greg Brammer asked uh, what about the lawn equipment.

Attorney Doll said well right now I am asking about the boat. He said you can't possibly store the lawn equipment behind the boat, behind that one garage directly behind the boat because that boat is blocking the way and the weeds are grown up and...

Deborah Brammer said well it is a four-car garage and there is a lot of room back there.

Attorney Doll said so, so I am asking the question, can the boat be put in the garage by January 1st.

Greg Brammer said yes.

Attorney Doll said and you are willing to do that.

Greg Brammer said mhm, or move it.

Deborah Brammer said or move it, yeah.

Greg Brammer said or move it.

Attorney Doll asked off this site, off this property. He added someplace else.

Greg Brammer said yep.

Deborah Brammer said we have never wanted to...

Attorney Doll said and the mustang car, how long will it take you to get rid of the mustang.

Deborah Brammer said I told him he had until yesterday but we had our cat die last night.

Greg Webb asked is there something between the mustang and the garage. He said it looks like there is something in front of it. He asked is there something else there.

Deborah Brammer said patio furniture.

Greg Webb said okay.

Doris Horn said oh, heavens.

Attorney Doll said um, okay.

President Valiant said so we are going to move the boat, were going to clean up the boat and the mustang but we need to address the business.

Attorney Doll asked I take it you mail out bills and receive payments.

Greg Brammer responded no, no.

Attorney Doll asked how do you get paid for your mowing.

Greg Brammer said I leave bills or they pay me or they...

Deborah Brammer said electronic.

Greg Brammer said electronic lawn work.

Attorney Doll asked what is the name of the lawn service.

Greg Brammer responded it is Greg Brammer Lawn Works.

Attorney Doll asked and is that an LLC or a...

Greg Brammer said uh....

Deborah Brammer asked whats and LLC.

Attorney Doll asked corporation.

Greg Brammer said its and S-Corp.

Attorney Doll said okay, well you are conducting a business in a residential neighborhood.

Deborah Brammer said our business address will be moved.

President Valiant asked what are the wishes of the Board as far as the business goes. He asked change the address, file for Home Occupancy.

Doris Horn said I think that the boat and the car, mustang whatever it is needs to be removed and if you are running a business out of the house it is just like the people before. She said you need to do it somewhere else and get your lawn mower relocated.

Deborah Brammer said we are not running it out of our house.

President Valiant said but the address is tied to it.

Deborah Brammer yelled we can change the address.

Doris Horn said maybe, maybe you can consider storing it...

President Valiant said so in the eyes of the law, the business is at the house.

Greg Brammer said okay, okay so can I change...

Doris Horn said and your not selling for that.

Deborah Brammer said the hataddress.

Greg Brammer repeated the address.

President Valiant said that is what we were just saying.

Greg Brammer said no, I am saying like a PO Box or something.

President Valiant said yeah.

Greg Brammer asked so that would...

Attorney Doll interjected yeah, you can use a PO Box but obviously I mean you can't sit here and tell us you are not running a business from your home when you have a corporation and its...

Deborah Brammer said we have...

Greg Brammer said just wait.

Attorney Doll said and its mailing address is 5290 Epworth Road.

Deborah Brammer said because all of our tax froms, or whatever forms have to have an address, just an address. She said they will not allow you to have a business and have it without an address, not even a PO Box, at least that's what we were told.

Attorney Doll said well I think you were told wrong.

Deborah Brammer said all the other stuff is done...

Greg Brammer interrupted so if I get a PO Box I'm okay is what you're saying.

Attorney Doll asked who is your tax adviser.

Greg Brammer said Brackman.

Attorney Doll said ask the tax adviser but there are lots of different businesses... my law practice has a PO Box in Newburgh and it has been that way for 22 years.

Deborah Brammer said and, and... but you don't practice out of your house.

Attorney Doll said no.

Deborah Brammer said correct, so we don't practice out of our house so we'll get a...

Greg Brammer asked so if I get a PO Box I'm okay.

Attorney Doll said your tax adviser will give you advice about that.

Deborah Brammer said but you already have.

Attorney Doll said I can't give you advice about that.

Deborah Brammer said you already have.

Attorney Doll said but I do think you're wrong, that you can't have a PO Box but you have indicated that you can store your equipment off-site.

Greg Brammer said I can.

Attorney Doll and you indicated that you can put the boat in the garage.

Greg Brammer said mhm.

Attorney Doll said and you indicated that you will get rid of the mustang.

Greg Brammer said mhm.

Attorney Doll said okay and, if you get a PO Box...

Greg Brammer said yes.

Attorney Doll continued then you are not operating a business at this residence.

Deborah and Greg Brammer said okay.

Attorney Doll asked got it.

Deborah Brammer said got it.

Attorney Doll said alright, right now it's a corporation, if it isn't a business I don't know what it is.

Greg Brammer said right.

Attorney Doll said and if it's operating at this address, which is a residential district.

Deborah Brammer said yeah I understand, yeah.

Attorney Doll said yes, you cannot do that.

Deborah Brammer said it has to be dealt with.

Attorney Doll said so by January you can have all this taken care of.

Deborah Brammer said absolutely.

Amanda Mosiman made a motion to table until the January 9th APC Meeting.

Greg Brammer said but my other question is, my other question...

Attorney Doll said wait, wait, wait... just a second. He said to Mr. Brammer go ahead.

Greg Brammer said am I not allowed to bring my equipment to my house.

Attorney Doll said your pick-up truck, yes.

Greg Brammer said but I need my equipment to mow my own lawn.

Attorney Doll said well sure if you are going to mow your own lawn but then take it back to where you store it.

Deborah Brammer said he comes home to check on me during the day.

Attorney Doll said uh...

Deborah Brammer added or eat lunch.

Doris Horn asked do you turn in what you are making on your income.

Deborah Brammer said absolutely, property tax and everything.

Greg Brammer said yes.

Doris Horn said well then it's a business.

Attorney Doll said yeah.

Doris Horn said yeah, it's a business and that's what I think.

Deborah Brammer said well you have a picture of our neighbor's front yard, if that's not cleaned up...

President Valiant said okay, we are not going to get into this. He said this is dealing with this complaint right here. He said we are not going back to the other one.

Attorney Doll said okay, well what are we doing with this one.

President Valiant said Amanda, you still had the floor there kid.

Amanda Mosiman said yes, I said we are going to table this. She said I make a motion to cease and desist the business, get it moved, move the car, move the boat...

Attorney Doll said PO Box.

Amanda Mosiman said get a PO Box, please do that. She said we are going to put it on the January 9th agenda to see if you guys are in compliance or not in compliance. Doris Horn seconded the motion and the motion carried unanimously.

President Valiant said will Mr. Hastings please come forward. He asked you are the one who filed this complaint, correct.

Mr. Hastings said correct.

President Valiant said okay, did you read the complaint form when you filled it out.

Mr. Hastings said not completely.

President Valiant said okay, because right here in this second paragraph here in the middle, it says, and I quote,

"I affirm that I am not filing this complaint as the result of any personal animosity, anger or for a vindictive purpose against the owner of the property against which the complaint is filed. I understand that if it is discovered that I have violated this requirement, Warrick County reserves to administratively dismiss this complaint and to seek to recover from me, all costs and expenses incurred by Warrick County in pursuit of this complaint."

He said it just seems odd that you filed this right after the other one.

Mr. Hastings said this is not animosity, I just didn't know the rules before now. He said for 25 years, I mean I wouldn't have even brought the claim if I wouldn't have known that it was against the rules to have it.

President Valiant said right, I see.

Mr. Hastings said so, I understand what you're reading but no there would not be a claim here, neither one of us would be standing here if the rules, you know, the rules hadn't been brought and you know, I wouldn't have known they were breaking the rules. He said so it's not out of animosity, I do have a question though on why we weren't allowed... I mean, basically he is storing it off site but he is storing it at a residential house.

President Valiant said well his is a trailer with a couple mowers and a weed eater, you were running a full-blown business out of your house.

Mr. Hastings said but the rules...

President Valiant said look were not going to go back and forth on this, this neighbor stuff, were not going to get into that. He said they were brought up separately and we are going to address them individually. He said we are not going to combine them. He said so, please do what you were asked to do tonight, as will the Brammer's and we will address these next month.

President Valiant said okay, next up on the agenda.

GRUMPS RANCH

Mrs. Barnhill said okay, so I have this on the agenda, the first page is Grump's Ranch subdivision. She said we have Mr. Sizemore here, correct.

John Sizemore, Grump's Ranch Subdivision Developer & Owner, was present.

Mr. Sizemore said yes, John Sizemore.

Mrs. Barnhill said okay, yes, John Sizemore, the owner, is here tonight. She said thank you John. She said he has an existing home towards the back and he split out two pieces along Kelly Road for additional homes for family members. She said it was brought to my attention, without any permits, that two manufactured homes were placed on one parcel, being Lot 2 in this Grump's Ranch Subdivision. She said that there is the aerial, you can see the homes pretty well in the aerial. She said I also received a letter from Dennis Lockhart, the Building Inspector, that is how it was caught, he went out there and there were no permits. She said so, I had John come into the site review in October and in site review we discussed that the two homes, they are manufactured homes, they're sitting there waiting on electric. She added they do have septic systems there that were permitted, they are just not hooked up yet, right.

John Sizemore said right, we stopped everything when we found out. He said actually I am the one who when Dennis explained to me that he didn't find the permit, I thought there was one pulled, I came to you guys with the problem and you all stopped everything at that point.

Mrs. Barnhill said so in this site review we said okay, you are going to have to figure out how to do a lot line adjustment or something to reconfigure the lots and still meet our ordinance requirements or move one of the homes. She said he then had has engineer, a licensed engineer, come up with a drawing, and my letter is included to let him know about tonight's meeting but the drawing, in the back, shows this 50' strip.

Attorney Doll said this is the second page from the back.

Mrs. Barnhill said the second from the rear, which is all I had, and I said that is not acceptable to me.

Attorney Doll said that looks like a tetris.

President Valiant said that was exactly what I was thinking.

Mrs. Barnhill said so I told them I would take it to the Board and let the Board look at it. She added then today, I did receive the very last page. She said it shows this second lot with a, they couldn't get the septic system onto the lot so they proposed a septic easement onto the front lot.

Attorney Doll said wait, the septic is requiring 2.5 acres.

Mrs. Barnhill said the Health Department requires 2.5 acres and they will not waiver on that, so they are trying to get 2.5 acres to fit around this house and leave the other house 2.5 acres.

Attorney Doll said but the Warrick County Health Department, has in the past, accepted an off-site septic system by easement as complying with the 2.5 acres.

Mrs. Barnhill said yes.

John Sizemore said I have a letter from Aaron Franz with the Health Department that says that he basically approves that.

Mrs. Barnhill said he hand delivered a copy of that letter today.

Amanda Mosiman said so basically the septic's are in the right place to the home, the septic's are approved, we are just looking at crazy lot lines.

Attorney Doll said to make the homes legal, because right now they're not.

Amanda Mosiman asked and this is all family.

John Sizemore said yeah.

Jeff Willis said for now, but in 20 years from now or 50 years from now.

Amanda Mosiman said right.

Mrs. Barnhill said yeah, that's...

John Sizemore interjected if something happens to my family those houses are going away, it's my parents and my mother-in-law.

Amanda Mosiman asked because they're mobile.

John Sizemore said they are mobile homes, they are manufactured homes, yes.

Amanda Mosiman asked so can we... legally can we do that.

Jeff Willis asked revert.

Mrs. Barnhill reiterated not mobile, they're manufactured.

Amanda Mosiman said they're not on wheels.

Mrs. Barnhill said right not mobile.

Amanda Mosiman said okay, they're manufactured homes. She asked you see our issue though, crazy lot lines, they're a pain.

John Sizemore said absolutely.

Amanda Mosiman said okay.

Jeff Willis asked were you here for our first one tonight.

John Sizemore said you know the access, the 50' access is there it's...

Bob Johnson said I don't know what that has to do with approving a lot line change.

Amanda Mosiman said right, so all were doing is approving the lot line change.

Mrs. Barnhill said yeah.

John Sizemore said right, from my understanding it meets the, uh, you know like I said we have hired it out from the get go and it has kind of been a nightmare with from the permits being pulled when I thought they were to...

Amanda Mosiman said right, I can commiserate with that there was some miscommunication between my guys and me.

John Sizemore said this has been a nightmare.

President Valiant said well I do like the second one a lot better.

Side conversations throughout the Board... Inaudible.

Mrs. Barnhill said so if you look at it, I guess this is the front and that is the rear so all around would be side yards.

Amanda Mosiman asked where we at.

Attorney Doll said well the strange thing is 277, that driveway to get to your home.

John Sizemore said yes.

Attorney Doll asked are you really going to use that driveway.

John Sizemore said right now we have, that is where the confusion started. He said we thought the original plot plan that that was the separation for the two houses we were putting on. He said the driveway now is accessible by all three of us, its family, so it is not an issue for us.

Amanda Mosiman asked so do you have a driveway easement that... for all three parcels. She asked is that a thing.

Attorney Doll said yep.

Amanda Mosiman said I know it is a thing because I have to live with one.

Jeff Willis said so did they...

John Sizemore said I mean the way it's drawn out, it...

Attorney Doll said it won't be easements, these are... these are...

Amanda Mosiman said okay. She asked that is one driveway right.

Attorney Doll said no, well it is three driveways; 277, 311, and 233. He said they all touch Kelly Road.

Mrs Barnhill said correct.

Amanda Mosiman said oh, well okay.

Attorney Doll said so they are in fact fronting on a public thoroughfare.

Amanda Mosiman said right.

Jeff Willis said okay.

Bob Johnson said we have those all over up there.

Mrs. Barnhill said they all have frontage, they are just not all going to actually use that.

Amanda Mosiman said frontage, okay.

Attorney Doll added but no one gets land locked at some future date.

Amanda Mosiman said everybody likes to have an address.

Attorney Doll asked so Molly, do you recommend this as a solution.

Mrs. Barnhill said well it is this or they would have to move it.

Attorney Doll asked and you have installed septic systems.

John Sizemore said yes.

Attorney Doll said so if you look at the front page that was what was approved, originally.

Mrs. Barnhill said yes, that is the recorded plat.

Attorney Doll said so you see you didn't even get close.

John Sizemore said well, like I said, and this is where with Clayton Homes and Mark Chamness, I actually had painted out where I wanted to put both houses because there were clear spots on the property when we purchased it so that was ideally where we put everything. He said it was no problem, done. He said they come out, took some measurements, came out to survey the land, came out to survey the septic's and everything else, and everything that I moved forward on my understanding was that driveway was splitting the two lots. He said I know, from the beginning, all three lots had the road access.

Attorney Doll said yeah.

John Sizemore said that was the main thing, once we... like I said, we started moving forward on the project, to my understanding Clayton Homes had already pulled the permits, we got the septic done, the houses came out, I don't know why the houses got set 100%. He said I think there was some miscommunication there. He said they were told they could set the houses, as long as we don't hook them up. He said I don't know who told who, but when I found out there were no permits I stopped everything and came to the office. He said so then I found out the boundaries were wrong, I did sign off on it, but I signed off on it with the understanding that that driveway was what separated the two lots. He said you know, I am responsible for it but at the same time it was a complete misunderstanding. He said when I contacted Mark he was like, "I thought we did that." He said well apparently we didn't, and its just kind of a nightmare, it has been from the get-go, from the construction starting to the weather changing to everything like that and its been going on for well over a year, and its just delayed, delayed and whatever we have to do to get it done... the houses are already set with their footings, its just kind of....

Amanda Mosiman said I mean it looks weird but legally it is fine, correct.

President Valiant said correct.

Mrs. Barnhill said yes.

Amanda Mosiman said I would hate to...

Bob Johnson said its not the only one up there.

President Valiant asked what.

Bob Johnson repeated its not the only one up there like that.

Amanda Mosiman said right.

Mrs. Barnhill said so if the Planning Commission agrees with this layout they would then proceed with a secondary plat.

Amanda Mosiman said okay.

Attorney Doll said yeah, this is too complicated for a lot line adjustment.

Mrs. Barnhill said yeah, but that would just be checked in-house and recorded and then he would be required to get Improvement Location Permits from our office.

Attorney Doll said so you are asking for the Planning Commission to tell you that the concept represented by the last page of the packet would be an acceptable secondary plat.

Mrs. Barnhill said yes.

Bob Johnson made a motion for Grump's Ranch to be filed as a secondary plat to amend the lines of the original plat. Amanda Mosiman seconded the motion and it carried unanimously.

Amanda Mosiman said yeah, I would hate to punish him for...

Attorney Doll said I know, were not trying to punish anybody.

Amanda Mosiman said yeah.

John Sizemore said you know, like I said, as soon as I found out there was an issue I made the call and came down. He said like I said, it has been a nightmare. He said thank you very much. Doris Horn said Happy Holidays.

Mrs. Barnhill said Mr. Sizemore you need to get your surveyor on it, please.

Attorney Doll said get them a secondary plat drawing. He said call her.

Mr. Sizemore said I will call you tomorrow if that's okay.

Mrs. Barnhill said yes, that's fine. She said I will be here.

Mr. Sizemore said thank you very much.

Mrs. Barnhill said thank you.

YELLOWBANKS DEVELOPMENT: Waiver Request & Development Proposal

Mrs. Barnhill said this is an exciting one, isn't it.

Bob Johnson said oh, god. He said this is like District 3 overload.

Amanda Mosiman said these things were not on the agenda, I thought I was going to be to my Center Board meeting on time.

Jeramy Elrod, Project Engineer at MORLEY, was present.

Jeramy Elrod said this one is quick.

Bob Johnson said why is it always Jeramy.

Amanda Mosiman said he sends you for the...

Jeramy Elrod said because Jim just... (inaudible, everyone laughing)

Jeramy Elrod asked is there any kind of staff report or you want me to just jump right into it.

Mrs. Barnhill said why don't you just take the lead on this one.

Jeramy Elrod said oh boy, that is what I was afraid of. He said alright, so what we are here tonight, so you will see on the agenda, as far as we are here for a waiver request and Molly I assume they have the letter that we had submitted.

Mrs. Barnhill said yes we do.

Jeramy Elrod said okay, so the Grump's Ranch was a good intro because you talked about crazy lot lines. He said so we are kind of talking about crazy parcel lines, or tax parcel lines, so we do have a project we are bringing forth out at Yellowbanks. He said we have filed for a Special Use that will be heard by BZA later this month for... but what were here tonight is there is actually an ordinance that says, so were doing a parcelization on this and I would say for a lack of better terms it is to kind of clean some stuff up. He said there are some tax parcels out there that are a little all over the place and our client owns all of them and really as part of the parcelization that were doing with the special use, we want to grab all those tax parcels and make them one, which is that big purple boundary, which is kind of just the opposite of what you all had to hear on that previous matter. He said but that will also, that parcelization, is the parcelization that we are moving forward with on the special use that will be heard later.

Attorney Doll asked so Jeramy, this is the undeveloped portion of the Yellowbanks area. He said there is no lots with houses in the parcelization.

Jeremy Elrod responded well that is kind of a loaded question. He said there is some, you can see some structures and...

Attorney Doll said but there are no houses, correct.

President Valiant said they are cabins.

Bob Johnson said there rentable cabins right.

Jeremy Elrod said yes.

Mrs. Barnhill asked around that little pond, yes.

Jeremy Elrod said you can see that smaller pond there with them, yes.

Bob Johnsons said and I think that building with the red roof is the old store.

Amanda Mosiman and Mrs. Barnhill said mhm.

Bob Johnson said and the one in the middle is just an old building.

Mrs. Barnhill said so the deal on this one is the Area Plan Commission told the previous, previous owner of Yellowbanks you are not in compliance and we are not going to do anything with you anymore.

Attorney Doll said right, no building permits.

Jeremy Elrod said right.

Mrs. Barnhill said no more permits so they have been there own island and it has been like the wild west out here. She said so Morley's has gotten with the new owner and they are trying to bring it into compliance but to do this and file anything they need the APC's blessing to move forward. She said so we have come up with phases and this would be considered Phase 1, they are starting up along the road, trying to separate this piece out with a parcelization and there are multiple parcels, which is what the waiver is for. She said to do anything else, there are so many dog legs that come off of these parcels it would be a nightmare to look at and this is just a lot cleaner way to do it. She said so they would just separate this out, go to the Board of Zoning Appeals, and have Phase 1 of this project complete.

Jeremy Elrod said yes, very excellently said by Molly. He said separating out allows us to go for the special use to do... to bring into compliance some current recreational activities and start some planned recreational activities, of course. He said to start generating some revenue with the hope and intentions with kind of cleaning it all up eventually, but this is, Molly correct me if I am wrong, but this is kind of a huge first step to get there and yeah we need the boards blessing of the consolidation of parcels so we can move forward with the special use.

Attorney Doll said and the residential areas on the picture, that are the spaghetti of roads.

Bob Johnson said mhm.

Attorney Doll said those are not legal.

Jeramy Elrod said yeah they are all private roads.

Attorney Doll said yes and my understanding is that the surveys don't even add up.

Jeramy Elrod said yeah, if we really start getting into the weeds, all of those individual lots, and that's a bit of the challenge is that they are all written off the metes and bounds descriptions so there are a lot of overlaps, there are a lot of gaps, there are a lot of...

Attorney Doll said and that is why we're not tackling, you are not tabling...

Jeramy Elrod said currently.

Attorney Doll continued those areas as part of this parcelization.

Jeramy Elrod said correct, yes.

Bob Johnson added some are private, some are not.

Jeramy Elrod said yeah, so it has taken...

Attorney Doll asked are there public roads though.

Bob Johnson said no, no.

Attorney Doll said they are all private roads.

Bob Johnson said I am not talking about the roads, I am talking about the lots.

Attorney Doll asked well if they're not private then what are they.

Bob Johnson answered owned by the Yellowbanks Corporation.

Mrs. Barnhill asked have you ever been back there, Morrie.

Attorney Doll said no.

Bob Johnson said stay away.

Attorney Doll said I take pride in saying I have never actually been back there.

Jeremy Elrod said Morrie, if you want to join me we can take our first trip together.

Bob Johnson said you could get lost back there.

Doris Horn said oh my god, you haven't been to Yellowbanks.

Attorney Doll said no.

Bob Johnson asked Jeremy, what are we going to do with that big field up north.

Jeremy Elrod responded so yeah, that is part of what you will hear, for the members that also sit on BZA for the special use, hear a little bit about what is going there. He said so this is part of the application that is going there for the special use. He said and there are... well there is kind of a grand plan, but again, we didn't file a master plan because we kind of need this thing to start accruing revenue but some of the proposed uses are camping sites, restrooms, recreational amenities, beaches, cabins, boat rentals, those kinds of things.

Bob Johnson said okay, I gotcha.

Attorney Doll said so what you need is...

Jeremy Elrod said and there is a letter.

Attorney Doll continued a request in the waiver in development proposal.

Jeremy Elrod said yeah, I think in the letter it says per Article II Section Terms Defined Subsection 45B Subsection D.

Attorney Doll said parcelization needed to be completed...

Amanda Mosiman interjected so let me ask this question, this highlighted thing in the back, that obviously Molly gave to us, these don't really match. She asked am I going off this.

Mrs. Barnhill said that is what they are wanting to separate, all that orange that goes off into the wilderness.

Amanda Mosiman said yeah.

Mrs. Barnhill said right now its all part of a main parcel right now and they are just trying to cut it off and make that nice, clean, pink parcel.

Amanda Mosiman said one.

Mrs. Barnhill said yes.

Amanda Mosiman said so some of this still remains messy.

Jeremy Elrod said there will be some residuals I will call them, yes.

Amanda Mosiman said and that is kind of my problem right, you are asking us for step one and I don't know what step 10 is, I don't know what I am stepping into, so to speak, right now. She said I would like a better picture, and I know you can't reveal all, but I am not going to grant approval for something that we are looking at for the purpose down the road. She said that is just my opinion.

Jeremy Elrod said sure, I am trying to think through that question. He said um...

Amanda Mosiman asked what is the grand scheme of this. She asked what is the end goal, can we clean this up. She said can we even...

Attorney Doll said parts of it.

Bob Johnson said parts of it can be.

Amanda Mosiman said parts of it, okay, so we can try to bring parts of it...

Bob Johnson interjected so this part here that he is wanting to do...

Attorney Doll said we can clean it up.

Amanda Mosiman said clean up some of it.

Bob Johnson said yeah, its going to be a piece of cake.

Jeremy Elrod said yeah, cause, yeah.

Bob Johnson said this down here, well the north side is okay, the south side its got a lot of... well and some of the north is bad but the south side has a lot of things.

Amanda Mosiman said I know you're from Tennyson, how are you doing north and south on that. She said that's east and west.

Bob Johnson said I am talking about up here.

Amanda Mosiman said I had to, sorry.

Jeremy Elrod said and part of this is definitely, as Molly said, it is a two-step process so the special use brings a lot of some of the other things into compliance too which is heard in a later date, this is just what we need to do that

Amanda Mosiman said so I mean the special use is in two weeks, is what you're telling me.

Bob Johnson said and I have gotten numerous, numerous nuisance complaints. He said I think 14 of them.

Attorney Doll asked it is in your district.

Bob Johnsons said yes, sir.

Amanda Mosiman asked and the nuisance complaints are what.

Bob Johnson answered abandoned homes...

Amanda Mosiman said vegetative issues.

Bob Johnson said oh, its, its...

Jeramy Elrod said '85 Mustangs.

Amanda Mosiman said I haven't been back there in a number of years.

Doris Horn said to tell my age, I can remember when this was bought and it was nothing but the lake and a house and that is basically what you're doing because they've, over 50 years, they've...

Amanda Mosiman asked how did we let it get this bad to begin with. She asked just nobody getting permits.

Mrs. Barnhill said nobody got permits and they all split them...

Jeramy Elrod said that is a part of it and the property has changed hands a few times, relatively recently and from what we know, part of that's been, because obviously there is some opportunity here and they want to pursue that but there are some hurdles and some challenges that other folks have said yeah, this is a little too messy, no thanks.

Mrs. Barnhill said it will be a lot but Amanda, I believe they just started selling little pieces off.

Bob Johnson said they did, they started selling...

Mrs. Barnhill continued here and there without proper surveys, not coming through the planning commission and they became so out of compliance because nothing lined up, nothing matched that the APC couldn't see a way to fix it.

Bob Johnson said my contention is this, it is I am glad that somebody has taken interest into fixing this up because, I will tell you what, if we don't allow them to get in there and start fixing this up its going to be one big scrappy.

Amanda Mosiman said okay, alright.

Doris Horn said this is an opportunity for this area to grow, if its done. She said I mean its going to be a handful but...

Amanda Mosiman said I mean that's my thing, if we have a problem I don't want to grow a bigger problem. She said that's where I am at.

Doris Horn said well, we have to start somewhere.

President Valiant said they are just trying to clean it up.

Amanda Mosiman said alright, okay.

Jeremy Elrod said I would agree we are not cleaning up the entire problem but we are attempting to clean up this portion of it.

Amanda Mosiman said alright.

Bob Johnson said its an elephant, its going to have to be one piece at a time.

Amanda Mosiman said okay.

Mrs. Barnhill said we would be able to now start issuing permits on the pink area, where right now we don't.

Amanda Mosiman said okay.

Jeremy Elrod said yep.

Amanda Mosiman said alright, that's what I needed.

Attorney Doll said so you are looking for a motion pursuant to Subsection 45B of the Subdivision Control Ordinance to approve a parcelization, but you have submitted this as one proposed parcel and each little line is a separately surveyed piece of property.

Jeremy Elrod said each is a parcel, yes. He said each is a current tax parcel.

Attorney Doll asked so that is a variance to the ordinance.

Mrs. Barnhill said it is a waiver to the Subdivision Control Ordinance.

Attorney Doll said okay, so the motion would have to be to grant a waiver to allow a single parcel to contain all of these tax parcels, right.

Mrs. Barnhill said yes, to allow the parcelization with multiple parcels.

President Valiant said correct.

Attorney Doll said and then to approve the parcelization pursuant to Subsection 45B.

Mrs. Barnhill said well we will still approve it in house.

Jeremy Elrod said well the parcelization will still be approved administratively, but yes, we are asking to submit that parcelization that is combining more than one current tax parcel.

Attorney Doll said you just need the waiver.

Jeremy Elrod said yeah, yeah.

Attorney Doll said so that is the issue before you.

Jeremy Elrod said yeah, there is no approval tonight, we're asking for the waiver to move forward with Molly's office with the parcelization.

Mrs. Barnhill said and the blessing to do it on this ground.

Jeremy Elrod said yeah, and for the special use to be presented to BZA.

Attorney Doll said I think it would be intuitive for you to approve the parcelization, so Molly is not hanging herself out to approve a parcelization contrary to the Area Plan Commission.

President Valiant asked what are the wishes of the Board.

Doris Horn said I think we need to move on it.

Attorney Doll asked is that a motion.

Doris Horn made the motion to approve the pursuant to Subsection 45B to allow a parcelization of multiple parcels. Bob Johnson seconded the motion and it carried unanimously.

Attorney Doll said halleluiaah.

Mrs. Barnhill said unanimous.

Doris Horn said you have to start somewhere.

Attorney Doll said I know, and this has been the thorn in the side of Warrick County for how many years.

Mrs. Barnhill said since the '90s at sometime.

Attorney Doll said since the 1990's.

Amanda Mosiman said Molly is going to make it her legacy to clean it up.

President Valiant said yes.

Mrs. Barnhill said yes.

Attorney Doll said well I don't know how you are going to clean up the other side of the lake.

Bob Johnson asked the south side.

Doris Horn said one part at a time.

President Valiant said yep.

Jeremy Elrod said part of that we have to figure out what is there too, like you said with the prior survey's.

Attorney Doll asked do we need to talk. He asked would you prefer a date for me for a meeting.

Jeremy Elrod said yes, after I wouldn't mind talking to you in the hallway.

ATTORNEY BUSINESS:

EXECUTIVE DIRECTOR BUSINESS:

Doris Horn made a motion to adjourn at 7:30 p.m. Bob Johnson seconded the motion and it carried unanimously.

EXECUTIVE DIRECTOR BUSINESS:

ATTEST:

Molly Barnhill, Executive Director

Jeff Valiant, President