MINUTES

**WARRICK COUNTY AREA PLAN COMMISSION**

Regular meeting to be held in Commissioners Meeting Room,

Third Floor, Historic Court House,

Boonville, IN

Tuesday, April 9, 2024, 6:00 PM

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

**MEMBERS PRESENT:** Dave Goldenberg, Bob Johnson, Jeff Willis, and Jeff Valiant. Members absent Richard Reid, Amanda Mosiman and Greg Webb.

Also present were Morrie Doll, Attorney, Molly Barnhill, Executive Director, Kim Kaiser, Assistant Director, Julie Newton and Shelli Clark, staff

**MINUTES:** President Valiant asked if everyone received a copy of the minutes from the March meeting. He asked are there any additions or corrections. He stated if not I will entertain a motion.

Bob Johnson made a motion to approve the March 11, 2024 minutes. Jeff Willis seconded the motion and it carried unanimously.

President Valiant stated it looks like we have a couple of plat issues and a rezoning. Plats will be finalized here and rezoning will go as a recommendation for or against to the next Commissioners meeting. He stated it looks like our first item has a rezoning that goes with that so we will handle those at one time.

**PRIMARY PLATS:**

**PP-24-05: Wyngate West PUD:** PETITIONER: Aaron Miller OWNER: Barrington Custom Homes, LLC by Aaron Miller, Member. Approximately 2.12 acres located on the east side of Old State Road 261 approximately 0’ north of the intersection formed by Old State Road 261 and Wyngate Drive being Lot 39 in Wyngate Subdivision Section A, Re-plat of lots 17, 18, and 39. Ohio Township Section 34-6-9. (*Advertised in The Standard February 29, 2024) Continued from January 8, 2024 meeting.*

**PC-R-24-03:** PETITIONER/ OWNER: Barrington Custom Homes, LLC by Aaron Miller, Member. To rezone 2.12 acres located on the east side of Old State Road 261 approximately 0’ north of the intersection formed by Old State Road 261 and Wyngate Drive from “R-O” Residential Office to “R-1/PUD” One Family Dwelling Planned Unit Development Ohio Township Section 34, Township 6 South, Range 9 West. *Complete legal on file.* (*Advertised in The Standard February 29, 2024) Continued from January 8, 2024 meeting.*

Scott Buedel of Cash Waggner and Associates, and Aaron Miller representing Barrington Custom Homes were present.

President Valiant asked for a staff report.

Mrs. Barnhill stated the plat and zoning notices were sent together, we have all of the green cards except four. She continued we do have the white pay receipts showing they were mailed correctly. She said the lot size is 2.12 acres, and there is no flood plain. She stated current zoning is “R-O”, Residential Office and proposing “R-1/ PUD”. She stated the street construction plans were approved today by the Commissioners and the drainage plans were approved today. She continued Newburgh Sewer has capacity and Indiana American Water also has capacity. She stated the proposed seven residential lots with three outlots range in size from .142 acres to 3.17 acres. She continued outlot A is designated for a detention basin and landscaping, outlot B is designated for landscaping and ingress/egress on the plat, and outlot C is designated for the private road so the plat would be in order. She stated they have requested a waiver for no sidewalks. She stated the proposed plat shows a 22 foot wide shared private access drive instead of a private road which would normally require a minimum right of way of 40 feet. She stated the county engineer is not in favor of the right of way being this narrow because it doesn’t allow for proper maintenance if it was ever turned into public right of way. She continued so he has asked for the road to be a platted outlot for ingress/egress instead, to be maintained by the homeowners association and will never be publically maintained. She stated that the narrowest right of way that was allowed like this was 33 feet wide ingress/egress which allowed for 24 feet of pavement with a curb and gutter and that one also had 4 feet of sidewalks on each side, so therefore if the sidewalk waiver is not approved for this one, new street plans along with an updated plat will be required because they simply don’t have the room for it. She stated the zoning on the Comprehensive Plan shows a low to medium density residential with community amenities and neighborhood commercial. She continued the existing land is vacant and the surrounding zoning and land use to the north is zoned “C-4” General Commercial being Newburgh Plaza South. To the east is zoned “R-O” Residential Office being part of Wyngate Sub Sec A Replat of lots 17, 18 and 39 and “R-2” Multiple Family being part of Wyngate Sub Section A. To the south is zoned “R-1A” One-Family Dwelling being part of Wyngate Sub Section A and “C-4” General Commercial with single-family dwellings or vacant. She said to the west is zoned “A” Agricultural being Rose Hill Cemetery and “R-1A” with single-family dwellings or part of Rose Hill Cemetery. She stated they are proposing the private road with access to Wyngate Circle, which if approved would be in compliance. She continued so then any approvals on the plat would be subject to the rezoning being approved by the Commissioners at their next meeting.

President Valiant asked if the gentlemen present had anything to add to the staff report.

Scott Buedel stated yes, just a couple of things. He continued we’ve gone through a number of renditions on the layout of this site. He stated it is a challenging site, when we first started we had couple of extra lots that were proposed to be platted basically to make it make sense from a development standpoint to have a couple extra buildable lots. He continued due to the grades, there are some heavy grades on this property, due to those grades we were going to be putting in numerous retaining walls to be able to fit these lots in there. He continued we kind of went back and forth on a couple of different layouts and Aaron just decided to pull that back and I think we may have taken out 3 lots on this last go around and pulled everything back into the middle of the property to eliminate as many of the walls as we could on the property. He said to make it a little bit more friendly just to get around the side and then eliminate the cost of those walls and the extra density with those lots. He stated as far as the road, like Molly said, we are platting that as an outlot and there would never be any intention of making that public roadway. He stated the whole purpose of creating the roadway the way we have it is to kind of keep in line with the existing Wyngate that’s there now, all of those lots are rear access so they have I guess if you want to call that an alley in Wyngate. He continued I know that’s not the place you would think of alleys, but they basically have alleys to get rear access to their property and that is basically what our road is intended to be is just rear access to the garages. He said all the houses on the property would face Wyngate Drive, the 4 houses on the south side would face Wyngate Drive and the 3 houses on the north side would face State Road 261. He stated I guess that is still the name of it, I know it’s been taken over by the County but State Road 261 is where the frontage would be for those houses, but again, rear access is the whole purpose of the outlot in what we’ve called Wyngate West Drive. He continued like you said everything was approved, the roads were approved. He said we did have one change just recently from a site review meeting, we got the road to line up with Wyngate Circle to the south, so whenever they come out you’ll be able to get around the median and be able to pull in so that it would be a full access drive, the drives do line up and even though that’s basically a driveway it should meet the requirements of a full road intersection where there’s no offset in that. He continued other than that, like I said, we’ve gone through a couple other layouts on this property and really the whole intent of this was to eliminate walls.

Aaron Miller asked Attorney Doll if he needed a smaller copy of the plat and asked would that help.

Attorney Doll said sure.

Aaron Miller said the idea of keeping what the theme of the subdivision is if we don’t have rear access they would be front load garages, so going down the boulevard you’d have front load garages and I think that that would probably, potentially bring some remonstrators.

Mrs. Barnhill stated the biggest difference between the first one and the second one is the road being moved to the east.

President Valiant asked so the lot shifted over.

Mrs. Barnhill said yes.

President Valiant asked if there were any questions from the Board at this time. Seeing that were no questions, he asked the crowd if we have any remonstrators for or against this project and if so please step up to the podium. He continued there should be a sign in sheet up there for you to put your name and address down and we’ll give you a moment to speak.

Dan Bugher asked sign here.

President Valiant said yes there should be a notepad up there to sign in.

Dan Bugher said yes I see it. He continued my name is Dan Beuhler, and I live in the neighborhood of Wyngate and I’m not necessarily remonstrating I just really have a question because I can’t understand from the designs that we’ve seen how this is going to play out. He stated the issue, if you’ve seen the site as it’s being worked right now, there is a hill that is being taken out and then that butts up against two lots in the neighborhood 17 & 18 where the hill is being carved out. He continued what I can’t understand is when that is done, how is that 20 some odd foot wall going to be retained from the hill collapsing frankly, not just sliding erosion, but hill damage, as that carve out continues to occur. He stated I’ve heard as I’ve asked Aaron about it that there might be a sort of a gentle slope of grass but when you look at the sites today it appears like you are going from somewhat a couple foot elevation per 20/30 feet to a large elevation in a very short period or short expanse of space which would imply to me that it’s going to look like a cliff at some point, so I just don’t understand how to address that. He stated I don’t know if it is remonstration or not but I think it needs to be discussed how that hill is going to be protected as the development occurs. He asked is that enough.

President Valiant said yes sir.

Dan Bugher said thank you.

President Valiant said thank you. He asked if there was anyone else.

Megan Tas introduced herself and that she lives at 8204 Wyngate Cirlce Lot 17. She stated so I don’t know how I can fully explain to you, but I can show you with a photo. She showed a photo on her phone to the Board. She continued so, going on what he mentioned, I have a few points. She continued so piggy backing on what he said this is a photograph of 6 feet from my property line there is a large drop off and there is no gentle slope whatsoever. She stated that they mentioned outlot B I suppose, which was created it says for landscaping and that the retaining walls were removed for the gentle slope. She said our understanding, per the builder, is that outlot B will be used for parking and it will be used for parking for the construction crew and there will also be a little pavement section that will be for parking as well. She continued so it doesn’t make sense to me how that has to be flat for parking that there will be even more elevation so it’s definitely not going to be for landscaping. She said then my third point is safety issues. She continued because as I mentioned in the 4 o’clock meeting, I have children and I have children who catch the bus at the end of where 261 and Wyngate meet. She said there is no sidewalk on this drawing you have going from 261 up through Wyngate along 39 where there will be several construction trucks coming in and out of; the traffic will significantly increase and you have young children who will be getting on and off the bus. She stated I don’t know how, from a safety standpoint, you can justify there not being a sidewalk. She asked is that ok, I um, I’m pretty upset and this is pretty serious for me, you have no sidewalks, you have a significant cliff and you are being told its for landscaping when it’s very much not.

President Valiant asked you are in lot 17 correct.

Megan Tas said correct, sorry 18 sorry I can’t even tell you which lot I’m in. She said I’m in 8204.

President Valiant stated you said your child catches the bus there at the end, how are they getting there now.

Megan Tas stated they are going up the south side and have to cross the street where construction vehicles will be coming out.

President Valiant stated I’m just trying to get my picture together.

Megan Tas said yes thank you.

President Valiant asked if there was anyone else for remonstrators.

Robert Kent said thank you for allowing us to present what we feel, I might have a way to solve that issue for her.

President Valiant asked can I get you to state your name please.

Robert Kent yea, I’m sorry, I’m Robert Kent I live at 8012 Wyngate Circle. He continued we’ve always been concerned about the safety issues and so forth and when you add this new construction in here, you know, we were not against your 20 foot approval if it made sense. He stated after talking to the fire people and so forth, I know they can now get around since you moved the entry way another probably 15 feet to the east. He said if you’ll take a look at lot number 17 & 18, the issue I have is I’m going say 8 to 10 years ago one of your ordinances had us add to our sidewalk situation because they needed to be able to come in and go all around Wyngate. He continued so we spent a few dollars to go ahead and make sure that took place. He said I think you can accommodate what Mrs. Tas is talking about if you will make sure that sidewalks will be in front of lot number 17 and lot number 18 coming around the curve cause that way if those children…

Megan Tas told him she had sidewalks in front of her lot number 18 (from the audience)

Robert Kent continued, I know, I apologize, 17 then the one I think you’re looking at but there needs to be a sidewalk coming across lot number 17 so those children can leave her home, walk across to the other side where the boulevard is at and go down on the south side of Wyngate. He continued now we’d like to ask for the sidewalk going all the way down but I don’t think that’s going to be done. He asked so am I making any sense at all. He stated we need a protective situation for these kids because we’ve got probably, what, 15 children in the neighborhood and again the mothers and fathers have them walk basically from either lot B section in the back to the front down the hill and so forth to pick up the bus. He continued it’s not going to be that expensive to do that and it might save a lot of dollars over the years because what happens is, is you allow the construction trucks to come in where the new entrance will be at this time, those kids would be walking right past it so they have to find a way to get across from the north side of the street to the south side of the street to the boulevard, does that make any sense.

Bob Johnson said yes sir, but I have a question for you though.

Robert Kent said ok.

Bob Johnson asked thinking long term, when this property is developed and we stick our sidewalk at 17, what’s going to happen to the children of the houses that are developed there.

Robert Kent answered well here’s what happens, I have a responsibility for the 27 homeowners in Wyngate. He continued I’ve been told and I think I’m probably correct, I hope I am, that we really don’t have a lot of say so with the development other than remonstrating and I don’t know because I don’t know because I don’t know who is going to live in there or move in there. He stated now if I’m Aaron, I’m going to try to do everything I possibly can to ensure the fact there are safe mechanisms for people to be in there, to walk or not, that’s going to be up to him. He continued I would much rather stand up here and ask that you take the sidewalk all the way down ok cause what happens is that the bus comes in and drops people off on the south side and when they come back the opposite way they drop them off on the north side.

Bob Johnson said yes sir.

Robert Kent said but what’s going to happen is when all these trucks come in to do that, there is a chance, I hope not, but there’s a chance that somebody could be injured.

Bob Johnson said sure.

Robert Kent said so we need sidewalks and the erosion issue, it makes a lot of sense if you come out and look at the place, I don’t know how they can take that much dirt out but it’s you know there’s mud flowing everywhere. He continued I expect that to a point, but not to the point that I’m seeing. He stated there is mud all through the fountain area we have, it’s coming down the hill and so forth and I guess what happens is that when you spend the money that we spend you’d like to have an attractive entrance.

Bob Johnson said absolutely.

Robert Kent stated you know my point is that I tell everyone that I live across from Rose Hills Cemetary but my problem is, which is fine, but what happens is when you have people coming over and so forth you know maybe from a selfish standpoint, I think you are the same way. He asked what attracts you. He continued and I think a great looking entrance which makes a difference to a lot of people and I just hope you will do everything you can to support what our cause is right now because we want Aaron to do a good job and we want him to win. He said we want to win on our side and I think we can come together and probably get those things done but without an open dialog, which is very difficult, it’s hard for us to understand exactly what is taking place. He said thank you for your time.

President Valiant said thank you sir.

Bob Johnson said thank you.

Mrs. Barnhill said I will add that lot 17 is part of the next section over and not part of this subdivision, it’s been left out. She continued it is still owned by Barrington but it’s not in this plan.

President Valiant asked if there was anyone else for remonstration. He continued I will ask that we not repeat the same thing so we’ve already discussed sidewalks and so on, so if you’ve got something new, thank you.

Ray Graham said hi, my name is Ray Graham, I live at 8051 Wyngate Circle and I’d just like to have a clarification. He continued that entrance road that comes up into the subdivision makes those roads fairly narrow with the median through there and when the new homes are built over on 39 um, I believe I’ve heard Aaron say that he’s not going to allow any parking out on that street that all of the parking to the homes will have to go around behind and come in the back of the homes. He stated I’d like to see it in writing whenever the PUD is developed there will not be any parking allowed on that street because if we narrow it up with people visiting, parking along the curve, it’s going to be almost impossible to get in and out of that subdivision thank you.

President Valiant said thank you sir.

Robert Kent said the street he’s talking about is only 14 foot from curb to curb so it’s very difficult to get two vehicles through it.

Ray Graham said thanks I didn’t know the measurement of it, thanks for giving me the exact measurement.

President Valiant asked is there anyone else. After ascertaining there was no one else, he asked Mr. Miller and Mr. Buedel to come back up to the podium and maybe you can address some of the concerns that have been raised.

Scott Buedel stated I think the first comments were on the site elevations and what this is going to look like when it’s completed and constructed. He continued there is a steep hill that’s out there today that needs to be chopped off, so that’s in progress as far as that happening, but as far as like the road coming into the development, its relatively flat. He said it goes from basically 454 out at Wyngate to, it’s got a low point in the middle, but it’s basically 454 and ½ at the very end of it. He continued so it’s got a couple of high and low places just for drainage purposes so that road that is going to be on outlot C is relatively flat within the development. He stated there is not going to be any uncomfortable turns and elevation differences that’s going to make that difficult to happen. He stated and then from the standpoint of east of the road going up towards Megan’s house, that elevation difference, it is about 10 feet but it’s a large and pretty long slope. He continued that is where we wanted to put houses previously that backed up along that road, so that slope is going to be on the order of 5-1 or 6-1 going back up that hill which is very gradual. so easily mowable.

President Valiant asked when you are done.

Aaron Miller said when we’re completed, we’re far from completed.

Scott Buedel said yes, yes absolutely right, and then the slope that goes from the future houses out on 261 out towards the highway the same thing, whenever we had those houses pushed closer to the highway there was going to be a need for walls and so forth that were gonna be out there but when we pulled everything back to the middle of the site further, that will be a gradual slope that goes down to the highway. He continued so again on the order of 5-1 slope which again is very mowable, 3-1 is mowable, but 4-1 is definitely, and 5-1 is much better. He said so the slopes are not going to look anything like they look today, and I get that an in progress excavation that’s happening out there what things may look like, but that’s not the end product of what’s going to be there. He stated I guess one thing about the comment on the fire service, I think there was a comment early on that fire trucks, that it was questionable whether they were going to be able to get in there and in that back roadway, that all went away. He continued we’ve talked to Indiana American and we are actually going to extend… Indiana American wants a connection of their water line that goes down Wyngate out to 261 to loop their water line in. He stated it’ll provide better pressures and reliability in their water service, so they want that connection to be made and there won’t be any water that is up inside the development so everything just like the existing houses that are out there, everything would be serviced, you know, from hydrants and mains that are on the perimeter of the site. He continued so there’s really no need for firetrucks to pull up inside there, but if they did, they have a crew of people, you know, that they can make the turns and get in and out of there with people standing around watching them make that maneuver. He said but again, it’s a flat road, it’s not like there’s dangerous slopes or anything like that they’re gonna have to deal with. He stated I guess from the standpoint of sidewalks along the side of the development, you know, the way it looks now, the way they cross the road and they get to the south side of Wyngate where the sidewalk is today, that’s where the bus would stop going north on 261, so I think if you would put a sidewalk all the way down Wyngate there has to be… someone is going to have to cross the road at one point or another. He asked so, you know, would it be better to cross internal to the development and up the hill a little further or to cross the road right at the intersection of 261 and Wyngate. He stated so having that second sidewalk on the other side of the road down there, it does provide an access point but again you still have to cross the road at some point in time, so it’s almost like where are you directing them to cross the road. He asked at that intersection at 261 or further into the development. He also stated and then I guess the other thing that Mr. Kent had mentioned was as far as Barrington and their end and things that they have done and the reason they bought in Wyngate and why they’re proud of their subdivision and in what they have, Aaron’s built everything in that development. He continued he’s going to build everything in this development and I’m sure you’ve been through there before, but it’s impressive. He stated there is a lot of features in there that makes it stand out and it’s a signature subdivision in Warrick County and I don’t think Aaron is going to hamper that by constructing something that is not pleasant to look at or that is dangerous in any way for the community.

President Valiant asked outlot B I think was brought up, about how on the edge of that were going to be walls where it meets up with 17 & 18 or no or will it just slope right down to that property.

Aaron Miller answered no, it will just slope down.

President Valiant asked and that will be landscaped, there will not be parking on there, I think that is a question that came up.

Aaron Miller answered the homeowners asked me to keep everybody within the subdivision. He stated I did tell them in the boulevard people may be loading or unloading in the boulevard, my goal is not to have parking. He continued I can’t control that, Amazon, I can’t control UPS. He said I can control my guys as best as possible.

President Valiant asked but there is not going to be permanent parking.

Aaron Miller said no, I have no permanent parking on the boulevard. I am going to try to do temporary parking in the back and also behind each house will have parking. He continued I’ve allowed 18 foot behind each house so we’ll have parking behind that. He stated I will have temporary parking in lot B, I have not set up where or how much.

President Valiant asked so you will have parking in outlot B.

Aaron Miller answered temporary parking.

President Valiant confirmed temporary parking.

Mrs. Barnhill said for construction.

President Valiant affirmed for construction purposes.

Megan Tas said from audience that’s what I’d like to see.

President Valiant stressed ma’am. He continued and asked then the entrance down there, we are talking about parking on the street, you are not going to have parking out there on the entrance at 261 right.

Aaron Miller replied I can’t.

President Valiant said yea, just making sure.

Mrs. Barnhill asked the plat does have a note that outlot B will be used for landscaping and for ingress/egress, what does that mean exactly, could you clarify that.

Aaron Miller replied so the landscaping there is going to be grass, sloping grass that is our goal to have that so it is maintained for erosion. He continued the ingress/egress, we had to do a turn-around is my understanding.

Mrs. Barhill said uh huh, right that’s that part of the outlot, it’s part of your outlot C.

Scott Buedel said we actually put that in C.

Aaron Miller said ok, in C ok.

Scott Buedel said so I guess that could be changed. (unintelligible mumbling between Scott Buedel and Aaron Miller) He continued I guess when we were sketching C and B, C was basically the roadway and then this last go around, they wanted, I think Bobby wanted a turn-around at the end of the road so we added the turn around. He stated so I think the initial draft was that turn around back by lot 6 was going to be on lot B but we just included in lot C and included it in the roadway.

Mrs. Barnhill asked ok so we can take ingress/egress off of the note for B.

Scott Buedel replied for B yes. He continued C now contains the roadway and the turn around and that was going to be on B when I first drafted it, but I changed it.

President Valiant asked if there were questions from the Board.

Dan Beuhler asked if could say something else.

President Valiant said yes.

Dan Beuhler said that hill we were talking about they are saying isn’t permanent, but the construction period could be 5 years or so, how will that hill be protected from erosion during those 5 years. He said there’s 2 lots there and their back yards are going to have problems.

President Valiant asked do you have something else ma’am. He said we are still not repeating the same things.

Megan Tas said I do. She stated when he mentioned that outlot B did not need a retaining wall that it was going to be removed because it was, I don’t know your jargon from this to this slope, 6 feet from my property line there is a 30 foot drop. She continued I don’t know how you can say that the slope from this point to 30 feet down is not going to need a retaining wall.

President Valiant replied I think we asked and they are nowhere near done so there will probably be some grading and smoothing down.

Megan Tas asked within 6 feet there’s gonna be enough of a grade for the slope to justify not to have retaining.

President Valiant asked if Mr. Buedel and Mr. Miller would you like to address that again.

Scott Buedel said I guess the first comment as far as erosion, we do have an erosion control plan that is in place and there will be measures taken to stabilize those slopes once they’re graded out. He continued during construction, you know, if we get a heavy downfall when we’re out there moving dirt, there is a chance there could be some run off but as soon that slope is graded out just like on any site, you know, we seed and straw, we stabilize those slopes, we have inlet protection on the stormwater and everything on this site will be channeled through and run through our drainage basin. He continued so everything will be directed to facilities that are onsite that will act as a sediment basin for anything that is leaving the site and Warrick County has a… Geralyn is very involved with erosion control, so she does keep a very tight eye on what’s going on and makes sure that there’s no undue violations with what you’re supposed to be doing with the plan that’s in place. He stated as far as the other, I’m just trying to look at some elevations on here, there is a knob out there as far as a hill that has been cut down but from the standpoint of the amount of slope or drop from the property line, there’s potentially a 6 foot wall that would be near her property line basically but that’s on lot 17, that’s the lot that’s adjacent to this development and once we get onto our development, it’s for the most part just a gradual slope, it’s going to be a 5-1 or a 6-1 that goes down to that internal roadway. He continued and like I said we’ve got a design of 465 and a design of 453 but again that’s at the widest part of the property, that’s outlot B, so a 12 foot drop in elevation across that long distance is just not significant and would easily be able to be mowed or if Aaron chooses, landscaping. He said you could put some landscaping in there but again just the slope alone is manageable.

President Valiant said thank you sir and asked if there were questions from the Board.

Robert Kent raised his hand.

President Valiant said one more.

Robert Kent said I know you don’t like it but I want to say something else.

President Valiant said you are only supposed to remonstrate one time but go ahead.

Robert Kent said well you bring up new things to me all the time so I have to ask another question and I apologize to you. He asked who do we call on a 14 wide street going down the boulevard when you continue to see a number of construction trucks, who do we call when they need to be removed or how do we protect ourselves from that. He continued I’m not trying to be funny about it, I’m being honest, if a street is 30 foot wide and we got 14 feet, and you put a 7 foot truck in there and ladies are driving down the hill constantly and the trucks going in and out all day, so how do we protect ourselves. He again asked so I’m just saying who do we call.

President Valiant replied I’m going to assume the Sherriff’s Department, this Council doesn’t have another answer.

Robert Kent said that’s fine you got a very good Sherriff Department thank you.

President Valiant asked if there are any questions from the Board.

Bob Johnson asked on the sidewalks on the north side of Wyngate Drive, when the construction is done is there room there to put a sidewalk in going down Wyngate.

Aaron Miller answered we are pretty tight against the street right now. He continued my issue is, to be honest with you, is that I don’t know which type or style of sidewalks I’m going to have coming out of the house. He stated this is a unique subdivision so the front door may not go to the street and I know that sounds very odd but there’s a potential that it will not, there’s a potential the sidewalks for the house will be across the front then over to the back of the property.

Bob Johnson said and that would make sense especially if you don’t have people parking on Wyngate Drive, but I’m talking about going down the street itself, going down Wyngate.

Aaron Miller said so then I’d have 2 sidewalks.

Bob Johnson stated one on the south side and one on the north side.

Aaron Miller replied no, no, no, on the same property I’d potentially have 2 sidewalks, so potentially a public walk for the public right along the streets edge and then one right against the house that would go across and then turn back and go the house. He continued so we’re talking about affordable housing too, we gotta make sure that I don’t have double sidewalks on every piece of property. He said the subdivisions that we’re developing, some subdivisions are releasing all sidewalks, subdivisions in the town of Newburgh we did a sidewalk on one side so you can cross the street and cross to the sidewalk. He said it is the same theory here, uh, of having a sidewalk on one side of the street, at some point kids are gonna have to cross the street to get to the bus, it’s just at what point are they going to be crossing.

Bob Johnson stated I’m going to be honest with you Aaron, that’s my biggest concern right now is that sidewalk that does not extend past 18 to 17.

Aaron Miller said but the sidewalk will go to nowhere, the sidewalk has no place to go, it would actually go into the front entrance then the kids would have to cross the street to get to the other side. He continued I’m having a hard time understanding, I get where you guys are coming from and I truly understand where she’s coming from, at some point those kids are going to have cross the street to get on the bus. He said at some point they’re going to have to cross, so either they walk down this side and cross the street or they cross the street and walk on the side with the sidewalk that is existing. He stated I understand where everyone is coming from but the kids living on the other side of the subdivision have to cross the street at some point. He continued that is also a pretty steep area, it’s about 6%, most ADAs are 5% or less, so I’d be fighting some of that too.

President Valiant acknowledged Megan Tas and said yes ma’am, you’d have to come back to the podium because this is all being recorded and we have to get you on the mic.

Megan Tas said I’m not trying to be difficult, if there’s a sidewalk on both sides, they don’t have to cross the street.

President Valiant said I thought we discussed that the bus stops on the south side of the entrance.

Megan Tas said predominantly the children live on the north side.

President Valiant asked so where does the bus stop though, on the south side.

Megan Tas replied it depends on which direction its going.

Bob Johnson asked Aaron, can you come up here for a moment please.

Aaron Miller said sure absolutely.

President Valiant said watch your step there chief.

Bob Johnson asked show me, is this the road you’re talking about they’d have to cross or what.

Aaron Miller said so right here, I have sidewalks here, where her house is she can cross the street and walk this sidewalk and then she has to cross the street.

Bob Johnson said right.

Aaron Miller said if I would put a sidewalk here she’d have to walk all the way down and cross the street there, at some point someone has to cross the street.

Jeff Willis asked so when the bus stops it probably blocks off that whole intersection, if it’s stopping down on 261.

Aaron Miller said yea.

Jeff Willis said so if they can come down the south side, wait there until the bus get there and then cross when the bus stops traffic.

Bob Johnson asked so the bus stops here.

Aaron Miller said yes.

Bob Johnson asked or does it stop here.

Aaron Miller asked Megan does the bus stop on 261 or in the subdivision.

Megan Tas replied (from the audience) it does not go inside the subdivision.

Robert Kent said (from the audience) it stops on 261 only.

Bob Johnson said ok that, to me, even sounds dangerous, ok.

President Valiant asked if there are any questions from the Board. After determining there were no questions he said if anyone wants to make a motion, I’d say let’s start with the rezoning, so as far as rezoning PC-R-24-03, what are the wishes of the Board.

Jeff Willis made a motion to recommend approval the rezoning for PC-R-24-03. Bob Johnson stated he had no issue with the rezoning, then seconded the motion and it carried unanimously.

Mrs. Barnhill said that carries and it will go on May 13th to the County Commissioners with a positive recommendation.

President Valiant asked for the plat it will need a motion on the sidewalks, correct.

Attorney Doll replied if there’s a waiver, yes.

President Valiant said yes, we need a yes or no on the waiver and asked did you have another condition as well.

Mrs. Barnhill stated well the 22 foot road but they did it as an outlot, so just the sidewalks.

President Valiant said so in reference to PP-24-05, the sidewalk waiver what are the wishes of the Board.

President Valiant made a motion to approve the waiver and asked if there was a second. He continued I’m not hearing a second, which would mean denied, the waiver is failed.

Attorney Doll said put fail, the waiver would fail.

President Valiant said right.

Attorney Doll said I’m sorry.

President Valiant said so primary plat PP-24-05 what are the wishes of the Board.

Jeff Willis said well if it doesn’t have the sidewalk waiver then…

Attorney Doll said yea, without the sidewalk waiver…

Aaron Miller said and I guess I know there’s been discussion about sidewalk on the perimeter.

Attorney Doll said on 17 yes

Scott Buedel asked but then we’re not talking about sidewalks along the alley or the internal driveway right.

Attorney Doll asked where were you asking for the waiver.

Scott Buedel replied on everything.

Mrs. Barnhill said the entire thing.

Attorney Doll said ok, well that failed so do you want to proceed with the plat without it, I mean you’d have to put sidewalks in if the plat is approved without the waiver. He asked do you understand what I’m saying.

Mrs. Barnhill asked on the entire thing, on the interior street and exterior.

Attorney Doll replied yea, I think so.

Mrs. Barnhill confirmed on both sides.

Attorney Doll asked so do you want to proceed with the plat. He continued I’m sorry at the beginning of tonight’s presentation I thought there was some conversation or someone made the statement that the narrowness of the street didn’t work if you had to put the sidewalks in.

Mrs. Barnhill said right, yes.

Attorney Doll asked so is this a feasible plat, that’s what I’m asking, without the waiver because the waiver has failed right now.

Aaron Miller replied so you are asking for sidewalks throughout the interior of the subdivision and the exterior of the subdivision.

Attorney Doll replied that’s what the ordinance requires.

President Valiant said it would be per the ordinance, yea.

Scott Buedel stated but the interior road here is a private outlot, it’s a driveway, so I’m just for clarification for what we’re… and then does that include 261 and Wyngate and I mean where…

Bob Johnson replied me personally, so you know where I’m at with this Scott and Aaron, I’m just looking for an extension of this sidewalk from lot 18

Aaron Miller said 18 yes

Bob Johnson continued past 17 and maybe down here to the end of this…

Aaron Miller asked where the main entrance would come out.

Bob Johnson said this area right here (pointing at the plat), cause he made a good point, the bus is going to stop right here so they’re going to have to cross, but I don’t want them crossing up here. He continued I’d rather have them cross somewhere it’s safer down here, does that make sense.

Robert Kent replied (from the audience) yea.

Scott Buedel asked Aaron would you be good with that.

Attorney Doll said so I think for clarification...

Bob Johnson said but I’m just one person, ok.

Aaron Miller said sure, I appreciate that.

Jeff Willis asked is there a house on 17 or is that still a lot where you’re building right now.

Aaron Miller said it’s an empty lot.

Jeff Willis said ok because it looks like the same owner owns that lot in the subdivision.

Attorney Doll said well I want to get it clarified, so are you talking about a sidewalk, is there a sidewalk on 18 now.

Megan Tas answered (from audience) yes.

Attorney Doll said so you’re talking about a sidewalk across the front of 17 right.

Bob Johnson said yes sir.

Attorney Doll asked and then are you talking, Commissioner, about a sidewalk all the way to State Road 261.

Bob Johnson replied no sir.

Attorney Doll asked alright so where would it stop, at the edge of 17 and the new proposed development.

President Valiant said probably where the new entrance would be.

Aaron Miller said probably lot 1.

Bob Johnson said I don’t know how to describe it to you.

Aaron Miller asked right here.

Mrs. Barnhill asked there (while Bob Johnson is showing her and Attorney Doll what he is meaning)

Bob Johnson replied right here.

Attorney Doll said let me get my bearings.

Bob Johnson said because they’re going to have to cross the road, I’d rather them to cross the road here than here.

Attorney Doll asked ok, you want to bring it to the intersection with Wyngate Circle.

Bob Johnson said yes right here.

Attorney Doll said the east side of, this would be the east.

Mrs. Barnhill stated so across lot 17 and along lot 1.

Bob Johnson said yea this little outlot road here.

Attorney Doll said ok but that goes away, that’s a construction…

Bob Johnson replied I’m just talking about right there.

Aaron Miller said just to get that other connector across the road.

Attorney Doll asked so you’re talking about a sidewalk on the north side of Wyngate Drive and Wyngate Circle across the front of lot 17 around the corner to the intersection with Wyngate Circle to the east side of that intersection.

Bob Johnson replied correct.

Attorney Doll asked right.

Bob Johnson replied yes sir.

Attorney Doll said so…

Bob Johnson said like I said I am one person.

Attorney Doll said you can conditionally approve a plat and make that a condition of the approval if that’s… it doesn’t have to be accepted but that would be what you’re proposing.

President Valiant said you can make whatever motion you want, we’re not telling you one way or the other.

Bob Johnson asked and how would I describe this again, why don’t you describe and I can say so moved.

Attorney Doll said the proposal would be to approve the plat as presented subject to the condition of the sidewalk being constructed across the front of the existing lot 17 down the north side of Wyngate Circle, into Wyngate Drive to the intersection once again with Wyngate Circle on the east side of that intersection where the crosswalk would be.

Bob Johnson said yes, so moved.

President Valiant asked with the motion with the new sidewalk condition on the floor, is there a second. Jeff Willis seconded and it carried unanimously. He asked do you understand.

Aaron Miller said I’m in agreeance.

Attorney Doll clarified so it’s a partial waiver of a sidewalk and the requirement of the sidewalk as outlined right.

President Valiant replied yes.

Attorney Doll stated now you still haven’t voted on the plat.

President Valiant said yes, that was his motion.

Bob Johnson said yes we did.

Attorney Doll asked was that the plat, ok alright I stand corrected.

Aaron Miller clarified the plat has a condition of a modified sidewalk.

Attorney Doll confirmed modified sidewalk.

**PLAT VACATION:**

**PV-24-01 Lot 2 Libbert Road Minor Subdivision:** APPLICANT: Lawrence D. & Barbara Richardson OWNERS: Lawrence D. & Barbara Richardson, Co-Trustees of the Lawrence D. & Barbara Richardson Living Trust. Property located on the east side of Libbert Road approximately 1320 feet north of the intersection formed by Libbert Road and Vann road. Lot No. 2 in Libbert Road Minor Subdivision. Ohio Township 22-6-9 *Advertised in The Standard March 28, 2024*

Scott Buedel with Cash Waggner & Associates, Larry & Barbara Richardson were present.

President Valiant asked for a staff report.

Mrs. Barnhill stated they did send notices to the adjacent property owners and we have all the green cards except for one, but we have the white paid receipts. She added minor subdivisions do not dedicate easements, therefore letters of no objection from the utilities were not required. She continued there is an existing waterline easement that was recorded in 1997 that will remain, that was not part of this plat… you know issued as part of the plat.

President Valiant responded thank you. He asked anything to add to the staff report.

Scott Buedel stated just to give you a background of where we are with this. He continued so in 2022 the property to the south of the Richardson’s was up for sale, and there was some interest in subdividing that property. He added the Richardson’s had an interest in buying some of that property basically as a buffer to their existing house. He continued they weren’t looking to create a new buildable lot, and have it for any other reason other than of more of a buffer. He added so to do that, the piece that they were wanting to buy just directly adjacent to their property…without having a tail that went all the way out to Libbert Road was landlocked. He added so we included the Richardson’s property, existing property, into the subdivision and then replatted their lot in addition to the other lots. He stated so now they own lot 2 in Libbert Road Minor Subdivision. He added then fast forward, a year or so, and they got their tax bill…and they were very surprised at how they were assessed on this property. He continued based upon their prior assessments, when they owned a metes and bounds property and their house…so they’ve gone through all the avenues they possibly could to ask for any kind of relief on the tax situation, and I believe they were also told you’re assessed according to being in a subdivision now, and not a metes and bounds property. He added I, myself, thought it was always just based upon use, so I didn’t think the use of the property necessarily changed, and I was surprised at how much of a difference it was. He stated they’re wanting to take the step of being able to vacate their lot… basically remove it back out of the subdivision, umm, and then go back to a metes and bounds property, and hopefully gain some relief with the county in their…

Larry Richardson added easy for us to argue that situation, since all the other properties around there are individuals, except that minor sub.

Attorney Doll asked what about access, Scott, in ingress/egress.

Scott Buedel replied their…yeah that, from the northwest corner of their property lot 2, there’s an ingress/egress easement that is there, and it was there whenever we…when we plated this it was in existence. He added that’s how they got to their property, and always have gotten to their property…and so, when we did the minor subdivision we were able to utilize that same access drive.

Larry Richardson said we came in front of you a couple years ago, and got a variation, which is the reason you got this here. He continued if she tripped…

Larry & Barbara Richardson started laughing.

Board Members started laughing.

President Valiant said I thought she looked familiar now.

Mrs. Barnhill stated they did…they received a variance to use the ingress/egress easement.

Attorney Doll asked was the variance for the subdivision, or was the variance for the lot…

Barbara Richardson replied our easement wasn’t…

Larry Richardson replied it was, it was a 40 foot easement, and the house is 50 years old…I think you said what are we doing here. He started to laugh.

Board Members started laughing.

Larry Richardson stated it should have been grandfathered in…and it didn’t meet the 50 foot requirement of the newer properties, so that’s I guess what the problem was…but, you granted the variance so…

Mrs. Barnhill stated the variance was to build something back there.

Attorney Doll asked but I’m curious whether the, the road easement ingress/egress easement is to the subdivision or is it to just this lot.

Mrs. Barnhill replied it’s just their own private…

Attorney Doll asked how do you get to these other lots.

Scott Buedel replied they have frontage on Libbert…

Mrs. Barnhill stated in front of the road, umm…

Attorney Doll asked lot 3 and lot 4.

Mrs. Barnhill replied yeah, they all have frontage on what’s this road…

Scott Buedel replied Libbert, yes.

Attorney Doll replied Libbert.

Mrs. Barnhill stated Libbert, down here.

Scott Buedel stated and if you see the dates on the ingress/egress easement that are noted on the exhibit that you have, I mean the one is 1997 and the other one is 2019 which are prior to…

Attorney Doll responded right.

Scott Buedel continues the subdivision that we did in 2022…so the easement was always in existence.

Attorney Doll asked Scott, how much additional area looks like its 7.7…7.95 acres now that umm, the folks that own, the Richardson’s own. He continues how, how much umm…has that lot grown with the addition of the buffer.

Larry Richardson replied we had 4.96 acres before we bought 3 more.

Scott Buedel stated so if you see where that easement kind of extends up into the property, which again was prior to the subdivision.

Attorney Doll asked waterline easement.

Scott Buedel replied yes, where it stops and dead ends. He continues that’s where their property line was…prior to.

Attorney Doll asked well, does the increase in the size have anything to do with the increase in the tax. He continues the property tax.

Scott Buedel replied I think it does, but it was a significant amount and when we talked about this and they went every avenue they could to try to find relief…I don’t think there is a guarantee that they are going to walk out of here and be tax free…

Attorney Doll responded well nobody’s tax free…nobody’s tax free.

Board Members laughed.

Scott Buedel stated but, they’re wanting to try this and see if we can get back to closer to what we were before…and they realize that they added property. He continues you know that there’s a higher value to their property, but it was significant.

Larry Richardson stated we just wanted to be…in consideration with all the other property owners, and be in equality with their taxes, as ours instead as of a subdivision.

Barbara Richardson stated we thought our 3 acres was going to be added to our house and 5 acres, instead our house and 5 acres got moved into a minor sub…we didn’t know that, we didn’t want that.

Attorney Doll responded okay, that answers my questions.

President Valiant asked questions from the Board…any remonstrators for or against this project, if so please step forward. He stated I don’t see anyone moving. He asked the Board one more time, any questions.

Jeff Willis made a motion to approve PV-24-01. The motion was seconded by Dave Goldenberg and unanimously approved.

Attorney Doll said good luck.

Scott Buedel replied thank you…we’ll let you know.

Board Members laughed.

Mrs. Barnhill said you let me know.

Bob Johnson said see you next year.

Board Members laughed.

**PV-24-02 Lots 1, 2, 3, 4, & 5 Meijer Warrick Subdivision:** APPLICANT & OWNER: Meijer Stores Limited Partnership by Philip Quartey, Real Estate Program Manager. Property located on the west side of Libbert Road approximately 0 feet south of the intersection formed by Libbert Road and Warrick Trail. Lots 1, 2, 3, 4, & 5 Meijer Warrick Subdivision Ohio Township 21-6-9 *Advertised in The Standard March 28, 2024*

Brian Smallwood, Woolpert Engineers, was present.

Brain Smallwood stated we are the civil engineer for Meijer on this project.

President Valiant responded thank you, sir. He asked Molly, do we have a staff report.

Mrs. Barnhill stated yes, they did send notices to adjacent property owners and we have gotten those back…and we do have all the white paid receipts, that was done correctly. She added we have letters of no objection from Chandler Water, INDOT, and Newburgh Sewer. She added this did go to the Drainage Board today for consensus, and they passed that today. She stated the plat, they’re asking for everything within this exhibit; its all south of Warrick Trail. She stated when it was originally platted it included Warrick Trail, but that road has been done and dedicated to the public. She continued so they have cut that out…so it’s a partial vacation with some of the, umm utility easements that have already had utilities installed remaining. She said so you guys should have a colored exhibit to show the remaining easements…

Attorney Doll said yellow stays.

Mrs. Barnhill continued in yellow. She added so then everything else in here will be, umm…

Attorney Doll asked it will be a vacated, it will be…metes and bounds described…

Brian Smallwood replied yes.

Attorney Doll continued property.

Brian Smallwood replied yep.

Mrs. Barnhill stated so this has been, it’s been recorded for a while the secondary…

Brian Smallwood said for a long time, yeah.

Mrs. Barnhill continued so as part of that they had to put up letters of credit, and we’ve been doing this year after year…

Brian Smallwood said year after year, like we are on our third or fourth year Molly, I think…on extensions.

Mrs. Barnhill continued we are close to $300,000 in letters of credit. She added so once this is done we’d ask the Commissioners to release the letter, and they can start over when they are ready.

Brian Smallwood replied yeah, absolutely. He continued and when at the time Meijer chooses to develop this property, we’ll have to come back through the entire process that the current configuration of platting wouldn’t even really work for their current footprint and how they would want to do the out lots and all that. He stated so we basically would have to start over anyway, so we are working with Molly to figure okay, well it’s vacated, take it back to a piece of property and we’ll start from square…start from scratch when the time comes.

President Valiant asked any questions from the Board…remonstrators for or against this project if so step forward. He said I don’t see anyone moving. He asked for a motion.

Bob Johnson made a motion to vacate the plat. The motion was seconded by Dave Goldenberg on PV-24-02 and it carried unanimously.

Mrs. Barnhill asked Brian Smallwood to give the check to Kim Kaiser to get it recorded.

Brian Smallwood replied thank you.

Mrs. Barnhill replied thank you.

President Valiant said thank you, sir.

**OTHER BUSINESS:**

**COMP 23-02:** Benjamin Modlin & Leland Powell. 221 Third St. Lynnville Possible zoning violation.

President Valiant said Molly.

Mrs. Barnhill stated this was brought as a complaint initially…umm about a year ago, April of 23. She added they did, Leland Powell came in and filed to rezone it. She continued Benjamin Modlin, he is here tonight, was added to the property as part owner. She stated umm, then the Area Plan Commission did not give it a favorable recommendation and the town of Lynnville did not take action so it failed. She continued so we still have an open complaint for apartments in the industrial zoning. She added the Zoning Inspector went out there April 2nd…you have those pictures, I believe they’re in the back, yeah those are it they’re stamped. She added and it still looks like we might have some people still living in there.

Benjamin Modlin was present.

President Valiant said sir, you have anything to add to the report.

Benjamin Modlin replied yeah, umm…there are currently still people in there. He added there is, I’ve emptied about half of them out. He continued there is one moving out this week, and that will just leave my caretaker.

President Valiant asked you know how many you currently have in there. He continued so it sounds like you have two.

Benjamin Modlin replied yeah.

Bob Johnson asked sir, did you decide not to rezone.

Benjamin Modlin said hum…

Bob Johnson asked did you decide not to rezone that property.

Benjamin Modlin replied uh no, as far as right now I’m still going to try but, I’ll have to come back in June better prepared.

Mrs. Barnhill stated since it failed, he has to wait 6 months.

Bob Johnson asked it failed with the state.

Attorney Doll replied no.

Mrs. Barnhill replied the zoning failed with the town of Lynnville.

Bob Johnson replied oh, it did, it did…I gotcha, okay sorry.

Mrs. Barnhill said yes.

Bob Johnson said I was confused.

President Valiant asked one is moving out this week you said, and the other one is moving out when.

Benjamin Modlin replied I should be…sorry what is today. Umm…

President Valiant said today is Tuesday.

Bob Johnson said 9th.

President Valiant said 9th.

Benjamin Modlin continued should be out in less than two weeks…hopefully sooner, I’m hoping by Friday.

President Valiant asked feelings of the Board.

Bob Johnson said give him two weeks…get them out, I don’t know.

Attorney Doll said well…you’re not going to meet in two weeks.

President Valiant said yeah, I was going to say two weeks to a month…Umm

Bob Johnson stated well, we have people that can go out and check.

President Valiant responded right…but

Bob Johnson said it’s up to you, you’re the President.

President Valiant said whoever makes, makes a motion.

Mrs. Barnhill said so you could close it conditionally, or…

Attorney Doll replied yes.

Mrs. Barnhill continued continue it, and have the inspector go out before next meeting on May 13th…yep.

Bob Johnson asked are you making that motion.

Board Members laughed.

Mrs. Barnhill replied no, I’m giving…those are your options.

Dave Goldenberg asked what’s been the delay of getting the renters out…

Benjamin Modlin replied umm…not to speak of anybody, but there was some nonpayers that were just kinda squatting.

Dave Goldenberg said okay…and they’re gone.

Benjamin Modlin replied yeah.

Dave Goldenberg asked so you got two…quote, unquote renters in there now.

Benjamin Modlin replied there is a paid tenant left that’s moving out, and then there is the last tenant that will be my caretaker.

Dave Goldenberg asked and he is moving out also.

Benjamin Modlin replied no, the caretaker is not…no

Dave Goldenberg asked so you’re still going to have a caretaker in the building…

Benjamin Modlin responded yes.

Dave Goldenberg continued living in your apartment. He asked is that within zoning.

Attorney Doll replied no.

Bob Johnson said I don’t think you can do that.

Dave Goldenberg responded no, I didn’t think so either.

Benjamin Modlin said that should be within zoning.

Dave Goldenberg responded we’re checking, I think.

Attorney Doll asked Board Members it’s umm, is it commercial…or is it…

Dave Goldenberg said it’s M-1.

Mrs. Barnhill said it’s Industrial.

Attorney Doll said Industrial, there is no residence…is it Light Industrial M-1 or M-2.

President Valiant said M-1

Attorney Doll said page 113.

Mrs. Barnhill stated it says any commercial use is excluding dwelling purposes.

President Valiant said I didn’t think we were uh…

Dave Goldenberg said so the caretaker can not…

President Valiant said I didn’t think we were going to be able to have anybody living there…

Benjamin Modlin responded I was under the impression the caretaker could be under the M-1…

Board Members replied umm no.

Benjamin Modlin continued okay then it will be empty, uh but…when do you meet agan.

President Valiant replied well it will be another month. He asked could you get that done in 30 days.

Attorney Doll stated article 29 section 1 excludes dwellings.

Dave Goldenberg asked and then, just asking the questions so everyone understands…what happens to the existing apartments that are already there, do they have to be dismantled…or can they stay there, who knows…I’m just asking.

Attorney Doll responded as long it’s not being used as a dwelling, he can have walls up and appliances in and things of that sort.

Dave Goldenberg said I just wanted to make sure.

Attorney Doll added as long as no one is living there.

Dave Goldenberg responded right.

President Valiant asked feelings from the Board.

Attorney Doll asked it will be tabled until the May meeting.

Bob Johnson said I liked what Molly said, but I can’t repeat it.

Attorney Doll said subject to…

President Valiant said talking about closing it conditionally…

Mrs. Barnhill said and then we are relying on the inspector to go out and get pictures to prove that it’s…empty.

President Valiant responded empty.

Attorney Doll responded no longer a dwelling.

Dave Goldenberg asked is that in two weeks or is that in a month.

Bob Johnson replied well I think that we don’t meet…just before the next meeting.

President Valiant responded so let’s just say 30 days.

Bob Johnson said 30 days.

President Valiant said or whatever the next meeting is…13th.

Bob Johnson responded May 13th.

President Valiant asked do you think that will give your guy…ya know obviously if he could get out sooner the better, but…

Benjamin Modlin responded right.

President Valiant continued cause then you can call up and they can have the inspector come out.

Mrs. Barnhill asked can we say May 10th .

Benjamin Modlin asked ma’am.

Mrs. Barnhill said can we say May 10th.

Benjamin Modlin responded yes.

Mrs. Barnhill added so that the inspector can go out there on the 10th.

Bob Johnson added and we can have it before the meeting…yep, that will work.

President Valiant asked is that your motion.

Bob Johnson replied yes, sir.

Attorney Doll said wait a minute, wait a minute…

Board Members laughed.

Attorney Doll continued so is the motion…

President Valiant replied conditionally closes.

Dave Goldenberg stated conditionally closes the complaint.

Bob Johnson said and have everybody out, and Jeff or the inspector will inspect before May 10th…or around May 10th…before our next meeting.

Attorney Doll stated no later than May 10th.

Benjamin Modlin said if he would like he could reach out to me…I can meet with him.

Dave Goldenberg responded and then we have to come back to the next meeting again or…

Jeff Willis said he’s right back there.

Dave Goldenberg continued he would have to come back to the next meeting again, or if it’s gone it’s gone…

Mrs. Barnhill replied it’s done.

Dave Goldenberg continued so he doesn’t have to come back up, okay…

 President Valiant said as long as he follows through…yep we’re good.

Dave Goldenberg replied okay.

President Valiant said there was a second, or was there a second….I’m sorry.

Dave Goldenberg seconded the motion and unanimously approved.

President Valiant said alright…

Attorney Doll said it remains unoccupied.

Bob Johnson said thank you.

**COMP 23-03 & 23-04:** Harley & Paula Walker. 3284 & 3294 E SR 62. Possible zoning violation. *Continued from August 14, 2023, November 13, 2023, & January 8, 2024 meetings.*

Harley and Paula Walker was present.

Mrs. Barnhill stated we have updated pictures in the back of your packet dated April 2, 2024. She added it doesn’t look like anything has changed according to the pictures. She stated this was filed in June of 23, and our last motion was to give them 90 more days in January.

Harley Walker asked did you say nothing had changed.

Mrs. Barnhill replied I mean by the pictures it doesn’t look like anything has changed.

Harley Walker replied wow…you have no idea how much stuff’s been hauled out of there and how much stuff has been tore down.

Mrs. Barnhill replied okay, I’m glad you’re here…you can tell the Board about it then.

Harley Walker asked huh…

Mrs. Barnhill responded I’m glad you’re here…

Paula Walker said tell them.

Mrs. Barnhill continued you can tell the Board.

President Valiant stated yeah because this is the same exact place, January and, or sorry let me go in order January and April and there’s actually more cars and the trailers are still there…

Harley Walker stated there is a few more cars, but they are all personal stuff. He continued there is no…there originally it was all about the umm…conducting a business and that is no longer happening, and there was four campers tore down to just the frames this winter. He added and two motorhomes tore down to just the frames that are left.

President Valiant responded maybe it’s a bad angle on the shot let me…

Harley Walker said I mean…we made a ton of progress.

Mrs. Barnhill stated the County Inspector is here who went out and took the photos if you guys have any questions for him as well.

Harley Walker said I mean we’re making progress on it, ya know…it’s not an overnight deal. He added the biggest thing on thing I got from the…on the letters is in violation of a commercial thing and there is no commercial thing going on.

President Valiant responded well that was the…

Harley Walker said none.

President Valiant continued that was the repair of the mobile…or the trailer, camper, repair business correct.

Harley Walker replied right.

Dave Goldenberg asked you said you stopped that.

Harley Walker replied yeah.

Dave Goldenberg said yeah.

Harley Walker stated I’m not out of business, but I stopped working on anything at the house.

President Valiant asked but we were, thought we were going clean up the property too.

Harley Walker stated and all the…

Paula Walker said he has…a lot.

Harley Walker continued trees are gone, and most all that stuff is gone. He added most of all those vehicles belong to our families personal stuff…I’ve got two customers units that I haven’t been able to get them to come pick them up.

Paula Walker added yeah there are two that aren’t ours.

Mrs. Barnhill stated complaint was “abandoned house, abandoned inoperable vehicles, and RV campers.” She added “appears to maybe be a business…maybe car repair.”

Harley Walker replied and you know what, I’ve yet to see any of those people here.

President Valiant stated so, and I’ll, so I will give you…I mean okay so these do look like running cars, the cars look decent. He added umm, but when we still got…

Attorney Doll added no, now what a minute…look at the last page.

Harley Walker responded there is some collectors items out there that are non running.

President Valiant replied all the old bugs.

Harley Walker added but the majority of that stuff can be…

Paula Walker said my son has a collection of bugs.

Harley Walker continued those are antiques…those are family projects.

President Valiant replied I gotcha, but I’m also still looking at the same mobile homes still sitting over here, that camper still there…

Harley Walker replied that is, I use that for storage.

President Valiant continued there’s a, like a two part, is this like a double wide mobile home sitting there…

Harley Walker replied well that is full of…parts.

President Valiant asked so everything’s storage.

Harley Walker replied originally that was not part of the issue. He continued part of the issue was…

President Valiant responded well the issue was the business, and the condition of the property…so you know that was part of the agreement was you were going to clean it up.

Harley Walker replied and we are cleaning it up.

President Valiant replied and I guess I’m, I’m…

Harley Walker responded I mean good lord.

Paula Walker said go look, go look at the pictures.

President Valiant said if, if yeah I almost want to sit down with you and have you…

Paula Walker said go look at the pictures…

President Valiant continued tell me what has been moved because I’m seeing, I mean…

Paula Walker continued go look, go look at the pictures.

Harley Walker replied well they are seeing the same pictures, but my goodness.

President Valiant said I mean, I don’t know the Board, what do you guys, are you seeing…am I missing something here.

Bob Johnson said so I think, umm…

Paula Walker said the second…they might not of got it after we moved the other camper.

Harley Walker responded they might not of got it after we moved the other camper. He continued what is today the 10th, 9th…

Paula Walker said you need to look at them and see what it is…they did it on the second.

Attorney Doll stated you just need to lay the pictures side by side

Mrs. Barnhill replied yes.

Paula Walker said I think you need to look at them.

Harley Walker stated so all, all the, the garbage is gone…most the trees are cut, I still got some more to cut. He asked what do you want. He continues I’m not conducting a business, that’s the whole idea at the beginning…

President Valiant said so that, so that….

Harley Walker and bad foliage…

President Valiant replied yeah there’s no business, we are good on that part, but like I said…

Harley Walker stated and no foliage.

President Valiant replied well I’m not worried some of a tree that is falling over, but…

Harley Walker said but…

President Valiant continued I’m looking at this and there is no difference.

Harley Walker replied there…

Paula Walker said go up there and look at it.

Bob Johnson said I think part of the problem is going to be, sir to be quite honest with you is that some of your family heirlooms, and your antiques, your vehicles like the bugs…

President Valiant responded well those I mean, those are even in the back…

Bob Johnson continued their not...

President Valiant continued you can’t see them from the road that I can tell.

Bob Johnson said I’m just voicing my concern.

President Valiant responded I gotcha.

Bob Johnson stated they’re not plated, you can’t have massive masses of unplated vehicles on your property when it’s zoned residential.

Harley Walker replied we’re not, personal projects.

President Valiant said and again I’m looking at…

Harley Walker stated I guess I need to study back up on the Amendment 4 and Amendment 6.

Paula Walker stated some of them are just for parts.

President Valiant continued mobile home, camper, two part in half mobile home, another camper, that’s what I’m looking at. He added and it’s, nothing is, nothing is different…

Paula Walker said ask if you can look at them.

Harley Walker asked can I look at those…

President Valiant said I will bring them right out to you right now, here. He added and you can see exactly what I’m seeing...this was April, there is January. He asked show me the difference.

Harley Walker replied this is gone, that’s down to a frame. He added this is one…that is not the same trailer.

President Valiant asked so you took one out and brought a new one in.

Harley Walker replied this one is gone, this was one that I had in storage that I had to bring home that I own…okay. He added we’re going to resale, we’re going… remodeling it and going to resale it. He continued it’s not part of the business…this one here is down to the frame, it’s right here the cap…okay that’s it. He added yeah I dropped this one, this one, and this one, this was my wife…

President Valiant replied I will give you personal cars there.

Harley Walker continued this one runs, this one runs, that one runs…

President Valiant said alright so what’s this we got more pictures…keep going. He asked what have we changed here.

Harley Walker replied this is a storage building, I put it in here to block the stuff behind it obviously…

President Valiant responded it’s a mobile home not a storage building, but you’re storing stuff in it…

Harley Walker said well there is no walls in it, so it’s a storage building.

Paula Walker added there’s no plumbing no walls in it.

Harley Walker stated no nothing in it just storage.

Paula Walker said no electric either… laughed.

Harley Walker added this one has to go away they haven’t come to pick up, this ones almost tore down, this one runs, that’s a collector item, that’s a collector’s item, that one runs, that’s a collector’s item, that’s an old service truck. He continued but you know there is no pictures of all the crap that was behind here that is now gone.

Paula Walker added and in front up by our house.

Harley Walker added all the brush is gone I mean truck loads. He continued I don’t know how many trips I’ve made to the recycle place to get rid of this stuff…so yes, do I need, is there more work that needs to be done absolutely.

President Valiant said that’s all I wanted to hear.

Paula Walker added they’re not done he’s…

Harley Walker responded I am not done. He added I was supposed to have knee replacement two weeks ago and I canceled it…one because of this mess, two because my other technician has to have prostate surgery so no…am I done, no; is there more to do, yes.

Harley Walker asked is it going to get neater, yes.

President Valiant asked to go back to the podium please.

President Valiant asked what’s the uh, what’s the feelings from the Board.

Attorney Doll asked what does the Inspector say.

President Valiant responded yes, actually yeah. He asked would the inspector care to step up.

Jeff Daily, County Inspector, came to the podium.

Jeff Daily stated umm when I went out and inspected it, I think the time before, umm some of the stuff he has done some of the stuff, but and I shouldn’t say the problem, but what happens a lot of times is when he’s pulling stuff out to get other stuff it ends up just moving the piles around. He added he makes the piles smaller because he’s cleaning out a bunch of stuff, but it still looks cluttered. He continues as far as my department the nuisance there’s still lots of umm ya know parts and stuff that are laying around and stuff like that, that need to be organized and stuff. He added he did do a lot better with his mowing and stuff like that behind the house and stuff and along the sides which is one of the great things about him cleaning it up. He continued umm and he has moved some of them…he did talk to me about the one camper in the back was not owned by him and the guy had evidently hadn’t showed up and stuff like that, but there’s still quite a…

Jeff Daily continued and then I did notice that the building on the south your parcel, it has a covered porch and stuff. He added last time I was there that was all pretty much cleared and then you’ve got a bunch of stuff piled back up on there. He continued and as far as, not as far as their department, but as far as my department is nuisance it’s kind…yes, kind of yeah know trying to keep the property organized keep stuff away so that the people driving down the road aren’t seeing your neighbors aren’t coming out of the house and seeing all of that. He added so that was like I said there has been progress, but there is still a long way to go.

Harley Walker replied there is a long way to go, I agree.

Paula Walker replied it took a long time to get it that way.

Jeff Daily responded I know, but I don’t think it’s unrealistic to understand people’s frustration and the amount of work that has been done and still the amount left. He added I know you’ve…

Harley Walker responded I agree.

Jeff Daily continued I know you’ve had some problems with the knee and stuff like that and it adds it, but that’s the reason why I guess it’s important to every chance you get that you can do to health or whatever reason…can clean on it. He continued that’s what would really at least impress me, and I haven’t…

Harley Walker responded yeah but you haven’t been out there in the last week.

Jeff Daily replied I haven’t, I just took, I just, I didn’t, I didn’t trespass…I just drove past and drove in a little bit on that second lot because I don’t normally, next time I’ll meet you there and we’ll walk…

Paula Walker asked did you get toward the, he moved that one camper back and where was that, all that by the house that was done.

Jeff Daily asked uh on the house to the south.

Paula Walker replied our house, yeah.

Jeff Daily replied your house, okay. He continued all I did was…

Harley Walker replied the house to the south is a storage house.

Jeff Daily responded yeah, just to your house I just took it from the street I didn’t get on your property, and then…

Paula Walker responded yeah, I know but did you get where it’s all clean through there…

Jeff Daily asked in behind it.

Paula Walker continued in front of the garage.

Jeff Daily replied yes, yes I did, the pictures do show that but at least from my stand point of enforcing the nuisance ordinance, I try to gauge the area and I hope this comes across right. He continued I try to gauge the area that I am protecting if, and I use extreme examples if I am in a subdivision in Ohio Township that’s going to be a different requirement than if I am in Yellow Banks or something like that.

Board Members laughed.

Harley Walker asked why.

Jeff Daily stated there, well because, well because the expectations of the community are going to be different. He added if you’re in a subdivision that doesn’t allow pole barns and all that stuff and that’s what I’m doing, and…

Harley Walker asked and you think I’m going to live in a damn subdivision.

Jeff Daily responded well I know, but the point is your, I’ll be truthful your area is in a transition where you go further out the lots get larger. He added the people are further back from the road and you are not and that’s part of the reason why yeah…

Paula Walker replied yeah we’re not.

Jeff Daily continued and that’s part of the reasons why…

Harley Walker said and that’s probably why two old women are fusing because they’re afraid property value is going to go down and you know what I have never seen them at a meeting in the last year.

Jeff Daily replied I can’t…

Harley Walker said man.

Jeff Daily continued I can’t address what people do, all I do is I will tell you this whenever I get a complaint I still evaluate it myself, and if I disagree with them then I don’t, I don’t enforce it.

Harley Walker stated one of them actually wave at me the other day.

Jeff Daily responded I can’t help that either, but uh…

President Valiant said thank you.

Jeff Daily replied not a problem.

Bob Johnson said thanks Jeff.

Jeff Daily replied no problem.

President Valiant said appreciate it sir…He continued Mr. Walker now I wanted, I wasn’t trying to say you haven’t done anything; I’m just, you saw what I saw…

Harley Walker replied I get it…my frustration level…

President Valiant said right, I gotcha…

Harley Walker continued way up here with everything to.

Paula Walker said 10 hours a day sometimes working on that.

President Valiant responded going back and looking at the original pictures, night and day difference right. He added from the original pictures.

Bob Johnson asked do you think if we gave you another 60 days you’d be able to make some more improvement.

Harley Walker replied let’s make it 90…yes and yes.

Bob Johnson asked 90.

Harley Walker responded I’d go with 60, I don’t care…yes.

Bob Johnson replied okay.

Harley Walker said so what do you want, what I think yes I’ve made a lot of different piles. He added there’s a lot of piles that we aren’t scrapping because I’m trying to generate a little bit of cash return on all this…not a lot, but you know so I’ve got different piles. He added some of it is salvageable, some of it’s not, some of it’s got to go away. He said so yes I’m making different piles that’s where he got that. He asked big item what do you want to see.

Bob Johnson replied well…

Harley Walker responded my goal is most all those vehicles, the big white mobile home that is sitting this way, was brought in there and there is no walls or no nothing. He continued it was given to me, great storage building because I couldn’t afford to buy a couple conex containers. He added my goal is to most all that stuff behind there to where you can’t see it from the road.

Bob Johnson replied well it’s not what I want to see because I’m not going to go out and I’m not going to evaluate you. He added I think maybe work with Jeff…ask Jeff what he would like to see.

Harley Walker said I get along with him okay.

Bob Johnson responded that’s fine…we all do…

Board Members laughed.

Bob Johnson continued but you know I think he’s the one going out and looking at your property, I’d ask him you know what would you like to see. He added not me because I’m not going to be going out there sir…but I, I think that…

Paula Walker said so you talk to him and have him walk you around the property and see what he wants to do.

Harley Walker responded I’ve got a pretty good idea.

Mrs. Barnhill said well I think…

President Valiant said uh yes, Jeff.

Mrs. Barnhill continued as far as the zoning complaint though Jeff’s going to need some guidance…what’s the Board want.

Jeff Daily stated well I just really quickly looked off those photos when I was back there and I counted and it’s like I understand you have a lot of the hobby car, ya know the cars your using for parts. He added the problem is, is I showed 12 cars total of course that included your silver and the other cars which are obviously the cars you’re driving immediately…but a lot of that 12 was those all those bugs in the back, and what I think part of the problem is it’s okay to have a hobby but I use ridiculous examples…if you have one scrap car for that, that’s great…if you have 40 you can obviously believe well that 40’s ridiculous. He continued well then what we are doing is we are saying 12 probably 6 or 7 at least those, that’s a lot of cars to have for parts. He said if you could really focus on the ones…well but if you could focus…

Harley Walker said only 2-3 cars are parts cars….

Jeff Daily continued but if you could focus on those and get those stripped down as quickly as possible. He added maybe get them in that building that you’ve got to the side for storage, or those back buildings, and limit it down to I want to keep these two frames because…I’m just using the numbers…these two frames because those can be converted, but these other ones all these are, are really for parts let’s get those down, get the rest of it scrapped out, put those things in those sheds that you’ve…the buildings, the trailers or whatever your using, and get them out of sight. He added go through those and clean up all the area so that you can keep mowing it like you’ve been doing it. He continued and then it gives the whoever it is less reason to complain, and I can at least come in and say look you’re not in a subdivision he has a right to have a certain amount of stuff…

Harley Walker said you know if they haven’t opened their pie hole since this first thing originally started. He added now here’s what I would like to do…

Dave Goldenberg responded yeah, but that’s really neither here nor there…

Harley Walker replied I understand…I get it…I get it…

Dave Goldenberg continued yeah know, if they are using it or not…You’ve got to come under the restrictions on the county and what we want done…

Harley Walker said but according to people I know…

Dave Goldenberg continued so leave the other people out right now.

Harley Walker continued ya know, we could go, I can have my day in court too. He added and I’m trying to work with you guys…okay, because there’s some violations on the 4th Amendment and the 6th Amendment going on too but I don’t want to go into that…

Attorney Doll replied we can go to court now…

Harley Walker added but I would like to have…

Dave Goldenberg responded do you, do you want to do that. He added that is your right sir…that is your right.

Attorney Doll said we can go to court.

Harley Walker said exactly…but I’m trying to avoid all of that.

Attorney Doll stated we can go to court if that’s what you wish.

Harley Walker replied I don’t want to, and I don’t think you guys…

Dave Goldenberg responded okay, then don’t mention it.

Attorney Doll stated we have been there before…

Dave Goldenberg said that’s a threat.

Attorney Doll continued and we will go again.

Jeff Daily said let’s try to stick to the subject.

Harley Walker stated what I would like to do…

Dave Goldenberg said I don’t take threats very well…

Harley Walker continued is have a meeting with you on my property…

Jeff Daily responded we’ve done that before yeah.

Harley Walker continued I’d like to have another one.

Jeff Daily replied okay, sure.

Harley Walker said so we can go through this item for item.

Jeff Daily replied okay…

Harley Walker stated so I have what your expectations are, and what I’m at…

Jeff Daily replied okay.

Harley Walker said okay.

Jeff Daily said alright, the item and items are going to be a little difficult because you’ve got a lot of items there…

Harley Walker replied okay.

Jeff Daily continued and I’m willing to do more, more than one meeting…

Harley Walker said let’s, let’s, let’s areas…let’s do areas then.

Jeff Daily said okay. He continues and that seems reasonable so that way you can get an area and what I’ll do is I’ll monitor the other ones, no offense…

Harley Walker responded so I know exactly where you’re coming from and you’ll know exactly where I’m coming from.

Jeff Daily replied right, and I’ll monitor all the areas so that nothing is moving around.

Harley Walker said no offense…my frustration level is up here with this whole mess.

President Valiant said well I gotcha, and I would also hope you would understand that this has been going on since August, and we usually aren’t this lenient on stuff like this so you’ve been… we’ve given you a lot on this. He continued so I want you to understand that as well.

Dave Goldenberg asked as you guys are doing this, if you could come up with a plan to have this done in 60 days or 90 days…you know let’s try to build some parameters in there so we can make sure we are moving forward with what needs to be done…okay.

Harley Walker responded I have no problem with that, I have no problem with that.

Board Members agreed 60 days.

Bob Johnson made a motion for 60 days and Dave Goldenberg seconded it.

President Valiant stated motion is…

Jeff Daily said I will probably come out in the next few days to get a good…I’m sorry go ahead…

President Valiant continued motion is seconded for a 60 day extension on this and it carried unanimously.

Jeff Daily said okay, I go out I’ll talk to you the next few days I’m working with Dennis a lot so…

Harley Walker replied give me a call so we can set up a time because like I said my other technician is getting prostate surgery tomorrow…

Mrs. Barnhill said June 10th is our meeting.

President Valiant stated so that meeting will be on June 10th, and we will reconvene then. Thank you Mr. and Mrs. Walker...Mr. Doll…

**ATTORNEY BUSINESS:**

Attorney Doll stated nothing.

**EXECUTIVE DIRECTOR:**

Mrs. Barnhill stated nothing.

President Valiant said I will entertain a motion to adjourn.

Bob Johnson made a motion to adjourn the meeting. Dave Goldenberg seconded the motion and the meeting adjourned at 7:34 pm.

ATTEST:

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Molly Barnhill, Executive Director Jeff Valiant, President