

## MINUTES

### **WARRICK COUNTY AREA PLAN COMMISSION**

Regular meeting to be held in Commissioners Meeting Room,  
Third Floor, Historic Court House,  
Boonville, IN  
Monday, January 9, 2023, 6:00 PM

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

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

Also present were Aaron Doll, Attorney, Molly Barnhill, Director, Katelyn Cron, Assistant Director.

### **ELECTION OF OFFICERS:**

Mrs. Barnhill stated the first item on the agenda is to elect a President of the Warrick County Area Planning Commission to serve during the 2023 year. She asked do we have any nominations.

Bob Johnson nominated Jeff Valiant for President of the Area Plan Commission. The nomination was seconded by Doris Horn and the motion carried unanimously.

Mrs. Barnhill called for the motion to close and Amanda Mosiman moved to accept the nomination by acclamation.

President Valiant opened the floor for nominations of a Vice President of the Area Plan Commission during 2023.

Greg Webb nominated Jeff Willis for Vice President of the Area Plan Commission. Richard Reid seconded the nomination and the motion carried unanimously.

Amanda Mosiman moved to accept the nomination by acclamation.

Bob Johnson said thanks for volunteering Jeff.

Jeff Willis said yep.

Amanda Mosiman said can't break up the Jeff's.

### **ADOPTION OF RULES AND REGULATIONS:**

Mrs. Barnhill said we have no changes from last year.

Amanda Mosiman made a motion to adopt the Rules of Procedure for 2023. The motion was seconded by Doris Horn and carried unanimously.

**APPOINTMENT TO THE BOARD OF ZONING APPEALS:**

President Valiant said the first we would need is the Municipal Representative appointment.

Mrs. Barnhill said the Municipal, it is you or... you.

President Valiant said okay, well I guess that solves that one.

Mrs. Barnhill said yeah, you are the only one that qualifies but would anyone want to nominate him.

Amanda Mosiman said yeah, we probably need to for the record.

Mrs. Barnhill said yes.

Amanda Mosiman made a motion to appoint Jeff Valiant as the Municipal Representative to the BZA. Greg Webb seconded the motion and the motion carried unanimously.

President Valiant said okay, and we also need a County Representative

Mrs. Barnhill said Jeff Willis is the only one qualified for this position.

Amanda Mosiman made a motion to appoint Jeff Willis. Jeff Valiant seconded the motion and the motion carried unanimously.

**APPOINTMENT TO PLAT REVIEW COMMITTEE:**

Mrs. Barnhill said Greg Webb has done it for the last year. She added we like to have him in there to talk about school transportation if we have a major subdivision, we didn't have a lot this year really.

Greg Webb said no, not really.

Bob Johnson made a motion to keep Greg Webb on the plat committee, it was seconded by Richard Reid and the motion carried unanimously.

**SET MEETING TIME AND PLACES:**

President Valiant asked is there a schedule in here.

Mrs. Barnhill said there should be... sorry it did not get put in there. She said it all worked out perfectly this year so there is no odd days.

President Valiant said no holidays or anything like that.

Mrs. Barnhill said no.

President Valiant said okay.

Bob Johnson said I know on the Commissioner's schedule we had 3 days that times were changed, I don't know how that will effect APC, if any.

Mrs. Barnhill asked do you know what days.

Bob Johnson said one was in November, one in December, and I believe the other one was in March. He added March would be for Road School.

Mrs. Barnhill said you moved November to a morning meeting, right.

Bob Johnson said yes.

Mrs. Barnhill said still on a Monday, doesn't affect us. She asked you said December.

Bob Johnson said yes.

Mrs. Barnhill said you moved it to 12 on the 27<sup>th</sup>.

Bob Johnson said sounds right.

Mrs. Barnhill said doesn't affect us. She asked and when is Road School.

President Valiant and Bob Johnson responded March.

Mrs. Barnhill said you moved it to 10am on the 13<sup>th</sup> so that shouldn't affect us either.

Bob Johnson said okay.

Mrs. Barnhill said okay, so were all good.

President Valiant called for a motion.

Doris Horn made a motion for APC Meetings to be held on the second Monday of each month at 6:00 pm all to be held in held in Commissioners Meeting Room, Third Floor, Historic Court House Richard Reid seconded the motion and it carried unanimously.

**FEE SCHEDULE:**

Mrs. Barnhill said no changes.

Amanda Mosiman made a motion to keep the fee schedule as it stands from the previous year. The motion was seconded by Doris Horn and carried unanimously.

**ANNUAL REPORT:**

Mrs. Barnhill said it is in your packets. She said I also emailed this out in case you all wanted to look at it.

Multiple Board members replied thank you.

Mrs. Barnhill said you are welcome. She said so we were down in total number of permits, we were at 577 and last year we were at 650, but our construction value is up. She said it was \$127,000,000 and this year it is \$150,000,000.

President Valiant called for a motion.

Doris Horn made a motion to accept the Annual Report as it was emailed. The motion was seconded by Bob Johnson and carried unanimously.

**MINUTES:**

President Valiant said we need to approve the minutes from the December meeting, any additions or corrections. He said if not, I will entertain a motion.

Amanda Mosiman made a motion to approve the minutes from the December 12, 2022 meeting. It was seconded by Doris Horn and carried unanimously, being one abstention by Richard Reid.

President Valiant said it looks like we have one primary plat on the agenda tonight so as we go through these if the people involved will step up to the podium, there should be a sign in sheet for you up there as well and then we will go through the process. He added primary plat decisions would be final here tonight, if we had any rezoning's they would go to the County Commissioner's as a recommendation.

**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. Ohio Township 36-6-9. (*Advertised in the Standard November 23, 2022.*) *Continued from the December 12, 2022 Meeting.*

Jim Morley Jr., Project Engineer Morley & Associates, and Brandon Morgan, owner, were present.

President Valiant called for a staff report.

Mrs. Barnhill said so everything is the same on the staff report. She said at our last meeting I was asked to do some research on what happened with the sidewalks on these lots, the only one that would have required a sidewalk possibly was the northern lot, the northern portion of the two that they are trying to combine. She added however, it went to the APC with a waiver so they did not require any sidewalks on any of this property. She said the private restrictions did but we do not look at private restrictions. She said if someone comes into our office it is not something we even consider. She said we did have an email sent to us today from a Jay Jacobs concerned about the property being re-platted and actually part of this has been platted twice now, and if it keeps it in the private covenants or not, but I don't think that is really an APC matter. She said I think that maybe they should seek an attorney's advice if they want to talk about their private restrictions. She said that is all I have to report. She added the email is in your packet if you would like to read it. She asked or would you like me to read it.

President Valiant said yeah, please for the record.

Mrs. Barnhill said okay. She read from the email,

*"My name is Jay Jacobs and I reside at 5699 Inverness Drive. I am writing with concerns regarding the above referenced petition. First, I want to state that my family and I chose Sharon Hills Estates over a decade ago to build our home because of the quiet friendly street, cul-de-sac and wooded properties. We have been very happy with our decision ever since and are pleased that so many have followed us in building their homes in the neighborhood. We hope our new neighbors, the Morgans, love it as much as we do. I have zero objection to the stated reason for wanting to merge the lots - a swimming pool. However, I do have concerns regarding the covenants we have in place for Sharon Hills Estates. If these lots are merged, do they become a different subdivision? Can they be considered part of a subdivision that does not follow the covenants of the Sharon Hills Estates? If that happens and they would have no obligation to the covenants of Sharon Hills, I would object to the petition. It is important to the value of our properties that the cul-de-sac stay in place and the properties remain that of single family homes with paved sidewalks.*

*Thank you for your consideration,*

*Jay Jacobs"*

President Valiant said thank you Molly.

Mrs. Barnhill said mhm.

President Valiant asked Mr. Morley do you have anything else to add.

Jim Morley Jr. said yeah, first I would like to just apologize for not being able to be here last month. He said I think I was out of town actually, but so this... it seems like this piece of property has been replatted and replatted and replatted about two or three times over and there is an old set of private covenants that cover a part of the property that is in this replat and not part of the property that is in this replat. He said however, the replat of this property is in compliance with the subdivision covenants, or the subdivision code. He said whether or not the private covenants stand or not stand, I would agree with Molly, I mean that would be for each side to seek their own legal counsel that is not a part of the conversation here. He said the frontage of this part of the subdivision was part of the sidewalk waiver that was granted by the Planning Commission. He said so the County, for lack of better terms, doesn't have a dog in the fight relative to sidewalks. He added there may or may not be sidewalks relative to the private covenants but that is not something Warrick County has ever been in the business of... enforcing private covenants and, to be honest with you, I don't think Warrick County wants to be in the business of enforcing private covenants. He said so because the plat is in compliance with the Subdivision Control Ordinance we would ask that it would be approved.

Amanda Mosiman asked so could this happen other places. She said could they come in for a replat and we basically start a whole... this seems like a slippery slope, to keep replatting stuff like this for people to get out of covenants. She said that is a slippery slope.

Jim Morley Jr. I don't know that... I am not saying it does get them out of the covenants.

Amanda Mosiman said right.

Jim Morley Jr. added and no one here is saying that it gets them out of the covenants, they are either in or they are out of it.

Amanda Mosiman said I would just feel a whole lot better with this, judging on this replatting, if I knew that we were still going to stick with the covenants.

Jim Morley Jr. said yeah, and that's... the covenants are just a whole separate, and I don't know if you have an opinion one way or another (referring to Attorney Aaron Doll), but...

Attorney Aaron Doll said I don't think we have standing to enforce them.

Amanda Mosiman agreed no, we don't but we are also generally not doing a plat when they are in place. She reiterated they are in place and we have a plat in front of us.

Mrs. Barnhill said we, I mean we do.

Amanda Mosiman said generally we don't ever really have to know about that.

Jim Morley Jr. said we do it.

Mrs. Barnhill added we do it all the time.

Jim Morley Jr. said yeah.

Jeff Willis asked we replat.

Mrs. Barnhill said replat...

Jeff Willis asked we replat a plat with the covenants and merge it with a plat that is not in the covenants though.

Amanda Mosiman said that's, that's what I am saying.

Mrs. Bran hill said yeah we don't look at the covenants when we replat those lots.

Amanda Mosiman said I think they have a valid concern, a very valid concern.

Mrs. Barnhill said normally these covenants, aren't they drafted by an attorney.

Amanda Mosiman said yeah, they are and then agreed upon by the owners when the property is bought.

Mrs. Barnhill said so it is kind of... Aaron what is your opinion on that. She asked do you think they would go with the property even though it is replatted or do you want to give one. She asked should they seek their private attorney.

Attorney Aaron Doll said the developer should seek its own attorney, yes I agree with that. He added I would have to look at historically with what we have done. He said whether or not we've... I don't know off the top of my head.

Jim Morley Jr. said I mean I can tell you we have replatted a lot of property and a vast majority of them have private covenants that go with them and it is never anything we have ever discussed at this Board. He said that private covenant would be something between the... well it is relative to whoever is in that private covenant. He said if that private covenant legally still stands, everyone included in that private covenant has the right to legally enforce that private covenant. He said if that private covenant does not stand then they don't have the right to enforce it regardless that is, in my opinion, unless you all tell me different it is not for, at least not for this engineer, to tell you that legally it is or is not. He said I mean I am not an attorney and I don't want to practice law, you know what I mean. He said attorney's have way too many headaches.

Attorney Aaron Doll said I agree with you Mr. Morley and I also don't think that this Board has standing to enforce these private covenants and therefore I don't think it is proper for us to consider those private covenants, whether they are or are not going to be enforced, as part of this replat.

Jim Morley Jr. said but the plat itself is in compliance with our standards, so we would ask that it be approved.

President Valiant asked any other questions from the Board at this time, any remonstrators for or against this project please come forward. He said seeing none, any questions. He said I believe the questions from last month were on the sidewalks in the covenants, correct.

Amanda Mosiman said yep.

Mrs. Barnhill said yes.

President Valiant said and I think we have solved the sidewalk issue, correct.

Mrs. Barnhill said yes, as far as I know.

Jeff Willis said from the County standpoint I think we have.

President Valiant said I think we have just realized that the covenants we cant really dictate that part so unless there is any other questions, I will entertain a motion.

Richard Reid made a motion to approve PP-22-18. Bob Johnson seconded the motion and it carried unanimously.

### **OTHER BUSINESS:**

**COMP-22-03:** Michael & Pam Hastings - 5268 Epworth Road. Possible zoning violation.  
*Continued from October 10, 2022 meeting and December 12, 2022 meeting.*

Michael and Pam Hastings, Property owners at 5268 Epworth Road, were present.

President Valiant called for an update on COMP-22-03.

Mrs. Barnhill said I did receive another packet from Mrs. Brammer. She said I emailed that out to you guys so you could see the whole thing but I only made copies of a few of the items that were in the packet. She added I have the whole thing on me if you would like to see it, and there is a cover letter that goes with it.

President Valiant so without rehashing the whole thing, where do we stand from last month. He said it was completely getting everything off the property.



Michael Hastings said so he has moved all, I mean most of the equipment, the big equipment and everything is out.

Pam Hastings added yep, all the equipment is out.

Michael Hastings said he is not doing any work at the house and the place he is moving to is adding electricity this week so everything will be out this week and there will be no longer any work done from the house.

President Valiant asked and the equipment is all gone.

Pam Hastings said yes.

Michael Hastings said there are a few, you know, small... I wouldn't call it equipment but.

Pam Hastings said there is no equipment there.

Michael Hastings said okay, it is all gone.

Doris Horn asked are you having packages delivered to your house for his business.

Pam Hastings said he does not have a... it is a new build, where he went to, and they don't have mailboxes or, I guess there is an address, but that has not been done yet but that is...

Michael Hastings said in the process.

Pam Hastings reiterated in the process.

President Valiant said and I think one of the outstanding things from the first meeting is the address and I know I looked at the website, very nice by the way, and I did not see any address listed so...

Michael Hastings said no, the only address was some... some website that was, we didn't even know about.

President Valiant said so the Cardinal Sign website I saw was...

Michael Hastings said ours never had the address of our property.

President Valiant said okay, well I am just saying when I looked at that website I did not see an address.

Michael Hastings said no, it has never been on there.

Pam Hastings said no, no it has not.

Mrs. Barnhill said correct, I didn't see an address.

President Valiant said okay.

Mrs. Barnhill added and I couldn't find them on in.gov.

President Valiant said so aside from possible packages still being delivered, until they get a mailbox set up or some kind of mail receiving... what kind of, did you say some items are there or not or.

Pam Hastings said there is some of his supplies like his vinyl rolls and stuff that...

President Valiant said he just hasn't taken out yet.

Pam Hastings said yeah, he just hasn't gotten those out but the equipment is out.

President Valiant said he probably hasn't grabbed them yet or as he needs them he will take them, I would assume.

Michael Hastings said no, they will all be moved probably within the next week.

President Valiant said okay, good. He said I just didn't know if he didn't need pink yet and he just hadn't grabbed it.

Michael Hastings said right.

President Valiant said okay.

Bob Johnson said Mr. Hastings, I talked to Commissioner Saylor this afternoon about this and we discussed it for a little while, one thing that he mentioned is that when he had his business he just put in a camera and he would have like a key code for UPS or FedEx or whoever and they would deliver but the camera, you know, nothing ever disappeared because they were under camera and they know it. He said so, it might be an option for your home delivery or your deliveries to be delivered in that manner. He said I don't know, I am just suggesting so.

Michael Hastings said well the problem is the weather.

Bob Johnson said true.

Michael Hastings said if it is raining, like you know, and we did check with like UPS to see if we could have it held there.

Bob Johnson said well you could have it delivered inside the facility.

Michael Hastings said well there is not a door where they can deliver it inside.

Bob Johnson said okay.

Michael Hastings said I understand what he is saying but it's a... you know. He said right now there is nothing...

Bob Johnson said well I don't know but...

Michael Hastings said there is nothing, you know, it is just a... a new warehouse so there is nothing.

Pam Hastings said there is an overhead door.

Michael Hastings said yeah, but what I am trying to say, there is nothing coming off the warehouse that would keep it from being weathered.

Pam Hastings said he is saying it's... there's, you know, they have like Simply Safe where they can unlock the door.

Bob Johnson said right, they can put it inside the building, relock the door, and its all on camera.

President Valiant said it's not like UPS going in and...

Michael Hastings said that is fine, he will look into it.

Bob Johnson said right, just something for him to consider.

President Valiant said yeah, there are options. He asked so what else did we have last month that we needed to finalize this month.

Mrs. Barnhill said I had that everything was to be ceased at that property by January 1.

Amanda Mosiman added yep.

President Valiant said okay, I was thinking we had some other stuff.

Mrs. Barnhill said we had three things on the other one.

President Valiant asked so everything has ceased at the property by January 1.

Michael Hastings said yep.

President Valiant said okay, and I know this came up before and we talked about employees and everyone said it was just your son but I also noticed on the website that it did list a female on there that was some kind of designer.

Michael Hastings said that was a couple years ago.

Pam Hastings said that's been a couple years ago.

President Valiant said okay, she is still on the website so you might want to get that squared away.

Michael and Pam Hastings said okay.

Pam Hastings said and she wasn't an employee, she was an independent.

President Valiant said okay, well it just had it listed on there so you would assume employee.

Bob Johnson asked graphic designer or something.

Pam Hastings said mhm.

President Valiant asked any other questions from the Board at this time. He said we will...

Michael Hastings interjected Molly, is there anyway we could get a copy of all the stuff that has been presented emailed to us.

Amanda Mosiman speaking in the background, she said so I just pulled up the minutes and basically our two points were no deliveries and no equipment.

Mrs. Barnhill said I can scan it in and email it.

Michael Hastings said that would be fine, yeah.

Mrs. Barnhill said sure, I have your email.

President Valiant said okay, well I am going to make sure the Brammer's are happy with this if you don't mind. He said if the complainant's would step up, I know they will be glad to get this rectified.

Greg & Deborah Brammer, complainant's for COMP-22-03, were present.

President Valiant said so with what has been stated so far are you happy or do you feel that your complaint has been answered.

Greg Brammer said no, no.

President Valiant asked you're not.

Greg Brammer said no, there is still signage on their basement door, there is still stuff sitting outside their basement door, and there is still stuff sitting outside their detached carport. He said there is two utility trailers with trash, there are two lawn mowers sitting out there.

President Valiant asked does this have to do with the sign business.

Greg Brammer said no, this has to do with trash outside their house.

President Valiant asked so this is a different complaint.

Greg Brammer said no, but I guess it could be.

Amanda Mosiman said it has to be.

President Valiant said yeah because the complaint was about the business.

Amanda Mosiman said we can only go with what was on the original complaint which was the business.

President Valiant said we are getting the business squared away... this is the first that we have talked about trash on a trailer or.

Greg Brammer said yes, there is still signage on the basement door, signage on his truck that is parked there, there is the utility trailer that is shown on his Facebook page that he has used for work that is still sitting out there in front of their house. He said um...

Bob Johnson interjected Mr. Brammer, I don't mean to be come off, I don't know the word I am trying to use, but what I am trying to figure out is the signage on the door, or the signage on his truck how does that effect you. He asked what is that doing to you that makes you...

Deborah Brammer said it is in the front yard, everybody can see it.

Greg Brammer added everybody that comes up.

Deborah Brammer said there, there car shed is in the front yard so all of that and everything that they have done has been in the front yard.

Bob Johnson said okay. He said so it's an eye sore, is that what I am hearing.

Greg Brammer said right.

Deborah Brammer said absolutely.

Amanda Mosiman said but that has nothing to do with running a business.

Deborah Brammer said no, it does have something to do with the business because Cardinals... they didn't take down the sign, they modified it. She said it was Cardinal Sign Service, Cardinals and then Sign Service on the bottom they just took down the Sign Service and put STL above the Cardinals. She said now as far as I know, we are not allowed to have additional signage on our homes except for our um...

Amanda Mosiman asked so you are saying if you put a Cubs logo over it it would be fine.

Deborah Brammer said no.

Amanda Mosiman said I don't understand the point here, it is St. Louis Cardinals has nothing to do with the business. She said it is just a sign.

Deborah Brammer said no, that would not be okay either. She said there shouldn't be any sign. She said I wouldn't be happy with anybody's.

Amanda Mosiman said you can't dictate that about somebody else's home.

Deborah Brammer said yes you can.

Amanda Mosiman said no you can't.

Deborah Brammer said you can.

Amanda Mosiman said not under our ordinance, you cannot.

Deborah Brammer said I have read the ordinances, I have studied this and the signs are not... are not allowed. She said I am sorry but I have read every one of your ordinances.

President Valiant said okay, your original complaint addressed the business, which the sign was for the business. He said he has now changed the sign, it is no longer a Cardinal Signs, it just says STL Cardinals...

Amanda Mosiman said it is branding, it is the same thing as a flag.

President Valiant said right, I am not a Cardinals fan but you come by my house and I have a Colts flag flying, I mean is that...

Deborah Brammer asked aren't the signs supposed to be less than 12" x 12"?

Amanda Mosiman said if it is applying to a business it has to be less than 12" x 12" but were not talking about things on a home.

President Valiant said yeah and the car shed in the front yard and...

Amanda Mosiman interjected that sign is no longer part of the business so it doesn't fall under the business sign ordinance.

Deborah Brammer said well I disagree with you but...

President Valiant said well sorry you disagree but yeah, if you are wanting to talk about a sports sign, you know, that will have to be a different complaint. He said you will have to file a new complaint on a sports sign, as far as the trash that would also be a different complaint. He said your complaint addressed the business and that is what we have addressed. He asked what is the feelings of the Board.

Bob Johnson said I think it has been taken care of, as far as the business goes.

President Valiant said I mean everything aside from the delivery.

Bob Johnson said I mean if there is trash and debris and vegetation grow up or whatever the case may be that is a different nuisance violation is what that is.

President Valiant said right and it would be a different complaint.

Bob Johnson said so you would have to file a nuisance violation, you and another person... another neighbor, it takes two. He said but that is a different violation.

President Valiant asked Aaron, what do you think. He asked is it a different violation or are we...

Attorney Aaron Doll said oh I agree, absolutely.

President Valiant asked or are we throwing all this under the original complaint.

Attorney Aaron Doll said no, I agree if the business portion has been addressed then I believe this complaint is complete and yes, trash or I guess a sports signage would be a different complaint.

Greg Brammer said okay.

President Valiant said okay, other than that I mean we will just have to check up on the deliveries but what is the feeling of the Board beyond that. He said thank you Mr. Brammer.

Bob Johnson said as far as... the complaint filed.

President Valiant said yes but...

Bob Johnson said you know if I had a dollar for every time Amazon came up my driveway, and I live 3 houses on a dead end lane... I, I might be able to pay off my mortgage, I don't know. He said I have constant traffic coming up from Amazon and FedEx.

President Valiant said yeah but I mean, you know, since we have addressed the business and they have admitted, you know, that is business deliveries. He said I mean I think we just...

Bob Johnson said I think you know... as Mr. Hastings said that they are addressing the delivery issue.

President Valiant said right, right, I know. He said I am just trying to think of some way to follow up on that part.

Michael Hastings said you know, I don't count how many deliveries he gets. He said basically it is one UPS truck a week and there might two or three small boxes so it is not where we are getting semi-trucks coming in or anything large being delivered. He said it is basically... you know and half the time when they are delivering to us, they are delivering to one of the neighbors too.

President Valiant said well they have to make their route, yeah. He said but you understand where we're at and we have to...

Michael Hastings said but I understand what you are saying and we are trying to address it but I just want to make sure that...

President Valiant said right, no I don't think there are like 5 trucks showing up a day but...

Michael Hastings said if you didn't know there was a business you wouldn't be able to tell from the traffic of the UPS coming in and the deliveries that would make you say that there is a business being there, is all I want to say.

Bob Johnson said then my neighbor must be running a business.

Michael Hastings said well....

President Valiant asked what are the wishes of the Board on this.

Bob Johnson said I am...

President Valiant asked does everyone feel that items have been addressed.

Amanda Mosiman said yeah, I am in the mood to... this has been a good faith effort to continue to get the business deliveries away from Epworth Road address, continue to do so, if it is not rectified, the Brammer's know they can bring that back up, that they are continuing to run a business but at this point I am good with closing it and saying they are not in violation.

Bob Johnson said I agree.

Amanda Mosiman made a motion to close COMP-22-03 due to the owner's no longer being in violation. Doris Horn seconded the motion and the motion carried unanimously.

**COMP-22-04:** Deborah & Greg Brammer-5290 Epworth Road. Possible zoning violation.  
*Continued from December 12, 2022 meeting.*

President Valiant asked do you have an update on this Molly.



Mrs. Barnhill said Mrs. Brammer came in she said they have the boat inside the garage, they have gotten rid of the car and they have changed his mailing address to a PO Box, I have verified that on the IN.gov website. She said those are the three requests that the Board made last time.

Amanda Mosiman said great.

President Valiant said perfect.

Doris Horn asked and these are the pictures of their improvements.

Mrs. Barnhill said those are from last time, I didn't take any new ones.

Doris Horn said looks better.

President Valiant said thank you. He said I think he has addressed everything that we have, I will give the complaint in a second just to make sure, but it sounds like you have addressed everything and I appreciate that, thank you sir. He continued if the complainant would like to come up and make sure he is good with everything as well. He asked Mr. Hastings are you happy with the cleanup they have done.

Mr. Hastings said yeah the cleanup they have done a good job on it. He said thank you for allowing me to talk this time.

President Valiant said yeah, it got a little convoluting last time and all of that.

Mr. Hastings said yeah, maybe there was a lot going on, so that is fine.

President Valiant said this is a little more cut and dry then the other issue.

Mr. Hastings said well part of it is the trailer was coming in and out and tearing up the driveway in the past, we were not addressing that part of it. He said he works on his lawn mowers on Saturday mornings, because during the summer basically we...and I have done this for 20 years...I have allowed, or listened to him grinding the blade or working on it, where in the mornings we have to have our windows shut. He said so, I would also like to address with that he can't do any repairs out of it.

Amanda Mosiman said there is no way of us to determine if that is personal use or business use.

President Valiant said yeah.....

Mr. Hastings said well if it is his lawn mowers is he just cutting his yard with it or...

Amanda Mosiman said there is no way for us to determine that as this Board.

President Valiant said I do work on my mowers on Saturday mornings, I see what you are saying, that is going to be a tough one to try to control.

Mr. Hastings said if it was once a year or once a summer I could say it was his, but there are multiple times, so I mean that is where if you want to....I could see your point. He said also he moved it from one residential, his trailer, to another residential property.

Amanda Mosiman said then that would need to be filed against that residential property.

President Valiant said right, but as far as this property it is cleaned up.

Mr. Hastings said well, the only thing is when I came here the attorney the first thing he looked at me and said what commercial property did you move it to. He said he didn't ask if I moved it out, he was asking specifically what commercial property I moved it to, so that is the reason I would ask why it wouldn't be the same there.

President Valiant said your question would be the property it went to and then them working on the stuff. He said I see what you are saying but I have a guy across the street from me that works on his hot rods every Saturday. He said I wish I could shut him down... and it's not a business it's just that he has four old hot rods.

Bob Johnson said as we are putting together a noise ordinance, however right now there is nothing that you can do from a noise stand point.

Mrs. Barnhill said interesting.

Amanda Mosiman said it sounds like you guys are glutton for punishment.

Mrs. Barnhill asked how are you going to measure that.

President Valiant said get your decibel meter ready.

Mrs. Barnhill said how many decibels.

Mr. Hastings said I would just be happy if they made a time you know nine o'clock or after nine...if they could put a time during the day.

President Valiant said that would fall under the covenants discussion from earlier.

Bob Johnson said we are going to work on it, it is in our Attorneys hands right now, so the County Attorney is working on it. He continued it is going to be a tricky one because...

President Valiant said you guys are gutsy.

Bob Johnson said I have got people who live out on the north end of the county by me that are playing loud music at 1, 2 o'clock in the morning and bothering their neighbors.

Mr. Hastings asked are you allowed to do that.

Bob Johnson said yes.

President Valiant said you can play loud music.

Bob Johnson said we could have the Sherriff Department come say could you please turn it down, but you don't have to.

Mr. Hastings said okay.

Bob Johnson said we are working on it though.

President Valiant said alright, so, the property that it was moved to and the Saturday morning...I'll call it maintenance.

Mr. Hastings said ok, thank you.

President Valiant asked so those two, would that be... I mean is that the last of your concerns.

Mr. Hastings said that is all.

President Valiant said it does look like they got it cleaned up pretty good.

Mr. Hastings said yes.

President Valiant said alright, thank you sir. He asked Mr. Brammer to return to the podium.

Mrs. Barnhill said that wasn't in his complaint in the past.

President Valiant said right. He said so as far as the property that you moved the trailer to, where.

Mr. Brammer said yeah, it is at a commercial lot right now.

President Valiant said okay, so, the picture we got looks like it is sitting at a house on Tree Lane Drive.

Mr. Brammer said yeah, that is my mom's house. He said I was there, I had been there working.

President Valiant said so commercial...

Mr. Brammer said so last time you addressed the situation...or asked them about filing a retaliatory complaint, well obviously he tracked down my mom's house....

President Valiant said yeah, and I still got that in my head.

Mr. Brammer said no, my truck or trailer with my equipment on it is not there, it is at a private commercial lot.

President Valiant asked so it is not here.

Mr. Brammer said no.

President Valiant said okay. He continued like I said, I don't know the feelings of the Board, the Saturday morning maintenance, I don't know you could be grinding on a steel whatever, he feels like it is too loud, you could address that through the local law enforcement as he suggested. He said I don't think we could try to get into that, because you don't know if it is your personal mower that you are working on, if you are cutting your own grass or again grinding on whatever. He asked what are the feelings of the Board.

Bob Johnson said it's resolved...I would like to think it is resolved.

Mrs. Barnhill asked is that a motion.

Bob Johnson said yes I would like to make it a motion.

Bob Johnson made a motion that Comp-22-04 was resolved, Doris Horn seconded the motion and it carried unanimously.

President Valiant said thank you.

**COMP-22-06:** Tod Benthall -5622 S Bethany Church Road. Possible Zoning Violation.

President Valiant asked is there a report on this Molly.

Mrs. Barnhill said the complaint says fifth-wheel camper on property within feet of property line, lady in gray camper been living there since the beginning of July, not owner or his wife. She continued owner has also been living in his gray wolf camper as well, that camper is parked behind the garage, in back of the late 1980's camper. She said there are some pictures that they sent of a couple different ones. She said I believe Mr. Benthall came into the office when he got my letter and there are two campers back there, I guess one he stays in sometimes.

Mr. Benthall said when COVID was going on I stayed in it a lot. He said I have a note here from my wife's doctor, she is disabled and has a weak immune system, so during COVID... plus she's got three grandkids that we are raising. He said so during COVID I stayed out there a lot, because I was still going to work every day.

President Valiant said sir could you please state your name for the record we didn't get that earlier.

Mr. Benthall said Tod Benthall.

President Valiant said thank you, now continue.

Mr. Benthall said that is the reason that I stayed in the gray wolf and I've got....he said that I was renting the fifth-wheel camper to the other lady and she comes up there to help my disabled wife and I have got a paper here that shows that she is making her house payments in Evansville from the time he says she moved up there until now, so I have proof that it is not her permanent residence.

President Valiant said he doesn't mention renting it, but I think he just saying that she is staying there. He asked so this is the lady with the gray charger not gray camper.

Mr. Benthall said yes.

President Valiant said the gray charger, there are a lot of pictures of that charger sitting there, you said she is like a care taker.

Mr. Benthall said yeah, she comes up there just to help her.

President Valiant asked does she stay in the camper while she is working or....

Mr. Benthall said no, just...she lives here in Evansville, she comes up there and she will stay all day, help her with whatever she needs, then she would sleep in the camper and get up the next day and go back inside and help. He continued but there is not room in the house for her to sleep there so....

President Valiant asked so when would she be staying there I guess...let me back up... just whenever she ...

Mr. Benthall said whenever we need her.

President Valiant said okay, so she is not like a full time caregiver.

Mr. Benthall said no, she is not there every day.

From the audience someone said she works at the Sheriff's Department.

Mr. Benthall said yeah, she works at the Sheriff's Department in Vanderburgh County.

Mrs. Barnhill said I know when this complaint was filed they also filed something with the Health Department.

Mr. Benthall said I am dealing with that with Aaron....

Mrs. Barnhill said Franz. She said you currently had a holding tank for the camper and he said you need to remove that.

Mr. Benthall said yes, he said I could either come out the back of it and make a field bed and that would make it legal, because you can't have just a holding tank, which I did not know, but he said I could either dig it up and take it out or make a field bed out of it whichever one I wanted to do.

President Valiant said it sounds to me like you are having this thing set up for like permanent.....you know like it's always available, almost like building a second home on your lot.

Mr. Benthall said it's...I can still take it and go camping anywhere in the world I want to, it's not stuck there.

President Valiant said Okay, right.

Mr. Benthall said but that basically was the purpose of bringing it up there so when she comes up to help with my wife she don't have to drive back and forth to Evansville and Yankeetown every day.

President Valiant asked and as far as you're staying in the other one, you did that during COVID or...

Mr. Benthall said yeah, and any time that either I'm sick or she is real sick I might go out and sleep in it a night or two then too. He said it's not an everyday thing, but it is there when I need it.

President Valiant said alright...

(Inaudible from the audience)

Mr. Benthall said yeah, I do....almost every day when I come home from work. He said I got my printer and computer and everything set up at the table, so I will sit out there for an hour or two to do my paperwork and all of that so I'm not in the house with three kids and all the noise going on.

President Valiant said it's your quiet space.

Mr. Benthall replied yeah.

President Valiant said alright, any other questions from the Board at this time, before I see if the complainant is here.

Doris Horn said so right now you guys are staying in the house unless someone doesn't feel good or you are doing your paperwork, otherwise the camper is just sitting there.

Mr. Benthall said right.

Doris Horn said I understand when you were in it to keep her safe...

Mr. Benthall said yes during COVID, like I said I stayed....

Doris Horn said now that COVID is over it is not an issue anymore.

Mr. Benthall said right, I believe the only reason this issue got brought up to begin with was because I did work on his house and I still haven't got paid. He said I sent him a demand letter on December 2<sup>nd</sup> and immediately after that he filed this complaint.

President Valiant said well hopefully we don't need to get into that, but we will....Thank you Mr. Benthall. He continued is the complainant here.

Mr. Benthall asked would you like to see the.....

President Valiant said hold on to those for a second. He asked is the complainant here if so please step up to the podium, there should be a pad up there to sign in and then state your name for the record.

Bruce Gilbert was present.

President Valiant said alright, so what Mr. Benthall has said, do you agree or not agree, what is your view on it.

Bruce Gilbert said I don't agree.

President Valiant said you don't agree, so you have proof that furthermore was going on.

Bruce Gilbert said the pictures and I mean, I mean I don't know what you want me to say, he put a septic tank in for the living conditions, and you don't just do that to stay a night or two. He said yes, that lady still owns her house in Evansville, but from my understanding she was renting it out to her brother during that time period. He said as far as him living in that camper, he was, he was living in it prior because they haven't been getting along so.

President Valiant said so it sounds like the tank in the ground is going to get fixed. He said yeah, I see pictures of the gray charger sitting there, but I will be honest that doesn't really...I don't know about the Board...but that doesn't tell me a whole lot, I can see someone out there by it, but...

Bruce Gilbert said it's almost six months' worth of photos.

President Valiant said so this is every day that you are.....

Bruce Gilbert said six months' worth of photos there.

President Valiant said every day that the gray charger was there is what you're saying.

Bruce Gilbert said right, if she needs a caretaker... she has three kids at home, I don't understand the aspect if she can't take of the kids.

President Valiant said well that is not for us to discuss. He said we are here to discuss someone living in the camper.

Bruce Gilbert said understandable.

President Valiant said alright, anything else you want to add to this.

Bruce Gilbert said no, I mean...

President Valiant said as far as your complaint goes. He said no, okay, thank you sir. He asked Mr. Benthall you want to come back up the podium please.

Doris Horn asked this is your property that this is on.

Mr. Benthall said yes.

Doris Horn said okay.

Mr. Benthall said she also has injections put in her neck and in her lower back and during those periods she is supposed to, for four to five days, she is supposed to not do anything but lay in bed. He said in those time periods....

President Valiant said who are you talking to.

Mr. Benthall said my wife.

President Valiant said okay, alright.

Mr. Benthall said she is disabled.

President Valiant said okay.

Mr. Benthall said and she is also...probably going to end up in the next, probably six months have a neck surgery and when that happens I'm going to have to have somebody there with her 24/7 for probably a couple of months probably.



Amanda Mosiman said that is a problem.

Bob Johnson asked so would that person stay in the camper.

Mr. Benthall said she would sleep in the camper, but as soon as she gets up she comes in the house and fixes the food and takes care of everything in the house and stays in the house all day until it's time to go to be. He said basically she just sleeps in it and that is it.

President Valiant said you stated earlier that she has a job with the Vanderburgh County Sheriff's Department right.

Mr. Benthall said yeah.

President Valiant said so is she...how much is she working or is she...does she work a 40 full week there. He said I'm trying to narrow down...on one hand it sounds like someone is there every night, but you are kind of just saying it's here and there, we got quite a wide area.

Mr. Benthall said its definitely not every night, there has been times when it was four or five days in a row, and then there would be several days that she wasn't there and then come back up and stay a couple of nights and it's just hit and miss it's not....like I said she is just sleeping in it, it's just a place for a bed, so.

Mrs. Barnhill asked are they both hooked up to the holding tank, both campers.

Mr. Benthall said no, the holding tank is there but neither one of them are hooked up to it. He said they can be hooked up to it, it's just a matter of taking the hose over to it and...

President Valiant said I think the one picture does show it hooked up to it.

Amanda Mosiman said it does show it hooked up.

President Valiant said yeah, the one picture shows it hooked up.

Amanda Mosiman said it's a temporary hookup, but it is hooked up.

Mr. Benthall said yeah, it's...

President Valiant said yeah, but it is still a connection, right.

Amanda Mosiman yeah.

President Valiant said Council at what point...

Doris Horn asked the lady that is coming and stays in that camper, does she not have a home.

Amanda Mosiman said I'm pretty sure that falls under a residence... (inaudible three people talking at the same time).

Mr. Benthall said yes, that is what this paper is, she is still making payments on a house she lives in in Evansville.

Doris Horn asked how come she doesn't go to her home to sleep then.

Mr. Benthall said just to save gas, gas being so expensive, driving back and forth from Yankeetown to Evansville every night. He said I can't afford to pay her extra to take care of that too.

President Valiant asked so Council, what are your thoughts on this. He said how much staying constitutes a residence, I'm not opposed to letting the caregiver help out, but I also don't want to...

Attorney Aaron Doll said I don't know how much staying constitutes a residence, I'm wondering if the fact there are two trailers parked on the same piece of property that constitutes two residence, they don't move.

President Valiant said they have a house so it would be three.

Mr. Benthall said they do move.

Attorney Aaron Doll said so you use a house and two trailers.

Mr. Benthall said the gray wolf I use a lot, I take that camping all over the country.

Attorney Aaron Doll said you know, it's hard to say we don't have a definition of it, I don't think, in the Ordinance of what is a residence.

President Valiant said we always get into a gray area with campers, because.....

Attorney Aaron Doll said because it is in fact movable.

President Valiant said my brother came to town, brought his camper and parked in my driveway for two weeks, you know.....is he living there or is he just staying.

Mrs. Barnhill said well you can't...if you are going to live somewhere you can't live in an RV in Warrick County, period. She continued but then sporadic staying...I don't know.

President Valiant said where does that fall.

Bob Johnson said there is not a definition.

Amanda Mosiman said yeah, I think that is maybe our catch point, because we don't have a definition of that so I don't think we can enforce it because we can't define it.

President Valiant said again, it's that area of is it sporadic or is it every day for six months.

Amanda Mosiman said yeah.

President Valiant said if you do you will need to come up to the podium and state your name for the record and sign in please. He said this is all being recorded so they can transcribe minutes and everything.

Mr. Benthall asked am I supposed to sign this too.

President Valiant said please, yes if you haven't already.

Cheryl Benthall said I just want to say about the time, she works four days and then she is off two days.

President Valiant asked four days there or four days for you.

Cheryl Benthall said four days at....

President Valiant said Vanderburgh.

Amanda Mosiman said Sheriff's.

Cheryl Benthall said yeah, she has been there for 25+ years so she does get a lot of vacations and time off so...I just wanted to state it's not like she is there every day or anything, because she can't be she's got to be at work, you know. She continued but when I have injections or anything, I mean I have had hip replacement, I have spinal...the bottom of my back is fused and...

President Valiant said I'm sorry to cut you off, so you say that she is working four off two, is that kind of her schedule.

Cheryl Benthall said yeah, that is her schedule all year except for....

President Valiant asked so is she coming up here after she gets off work.

Cheryl Benthall said on the days, like when she gets off on her fourth day and she's got her two days off she will come up.

President Valiant said but like when she gets off work, when she works there all day will she come up in the evenings.

Cheryl Benthall said sometimes, it just depends....

President Valiant said I'm just trying to gage how much she is there.

Cheryl Benthall said it's just you know, he didn't have no problem with it at first, he even helped do things to....you know that is all I was wanting to say, is basically give you an idea that she...you know like now I'm getting ready to have another... they are trying to get me to the surgery faster, but after having so many back surgeries I want to wait, but also with me having problems in the top and the bottom they said my rib cage....I need help a little bit...I don't.

President Valiant said I mean nobody...your allowed to have a caregiver that is not an issue, we just got to ...

Cheryl Benthall said we don't have the money to pay for one, and we don't have anybody that can just come unless I hire somebody, and we just can't do that you know, she isn't bothering a sole, she....

President Valiant said you are paying her for this service correct.

Mr. Benthall said no.

Cheryl Benthall said no.

Mr. Benthall said she is doing it as our friend helping us.

President Valiant said no she's just helping out, okay.

Cheryl Benthall said it's kind of scratch your back scratch hers, because her daughter did pass away and you know it gives here something to do and the kids love her, I love her, we have been friends 30+ years, she is not no kind of trouble.

President Valiant said okay, so you understand that she cannot be living in there correct.

Cheryl Benthall said exactly.

Mr. Benthall said yeah, she is not a permanent resident.

President Valiant said alright, Mr. Doll what do you...did you come up with something over there as far as a residence goes, or time, occupancy, anything.

Mr. Benthall said I couldn't find anything that...

Attorney Aaron Doll said it's zoned a conservancy district and so...if it was R-1 and we've got three places to stay on it, then I could understand perhaps a zoning violation there, but this might

be something we just need to table and let us do a little research. He said we could ask these kind people to come back next month.

Bob Johnson said I can't see any issue or problem...or we nothing that states you can't have two, three, five campers on a property. He said as long as it's not hooked up to a septic system.

Amanda Mosiman said that is the issue, septic issue and if the health department is taking care of that then.

President Valiant said right.

Doris Horn said if they move the camper from place to place, they would just use what the campers have, would that qualify.

Bob Johnson said you mean the holding tank.

Attorney Aaron Doll said I don't think I understand your question.

Doris Horn said you know like move it from the side of the house to the front for a couple of weeks and then move it back to the other side. She said just like you were at a camp site.

President Valiant said but you are still...I don't think so.

Doris Horn said it wouldn't be permanent.

Mr. Benthall said right now where it is sitting it is probably, more than a football field from the road, I mean it is way back to the back of the property, you can't....I got a picture here I can show you, from the road what you can actually see. He said it is so far back there that you can't hardly see it.

Cheryl Benthall said it's nice, it's not a rundown eye sore, so we just thought we came up with the perfect...you know.

Amanda Mosiman said I don't think, because of the way our ordinance is currently defined with definitions we can violate. She said the septic tank and them hooked up to the septic tank is a problem and you will need to remedy that.

President Valiant said which he is working on.

Amanda Mosiman said that is with the health department.

Mr. Benthall said I am working on it, I actually called him again today about that and he wasn't...

Amanda Mosiman said he was out.

Mr. Benthall said yeah, he was not going to be back until Wednesday is what they said.

Amanda Mosiman said his wife is my secretary, I miss her...so.

President Valiant said so what are the feelings of the Board as far as trying to rectify this.

Amanda Mosiman said I don't think we can say they are in violation because we don't have the definitions, but it's something as a Board we need to come up with definitions, but I don't think tabling it....because we are not going to come up with definitions in a month, we don't have them.

President Valiant said right, and remember how many months ago...the one in the driveway on....

Mrs. Barnhill said that was last spring.

Rick Reed said Sherwood or something.

President Valiant said we have already addressed one of these this year with somebody possibly living in one, and we verified that they weren't.

Mr. Benthall asked would you like to see the picture here of how far from the road it is.

Doris Horn asked you have three campers.

Mr. Benthall said yeah.

Doris Horn asked why do you have three, if they are staying in the house.

Mr. Benthall said one of them is a 79 and I completely tore out the whole inside of it.

Doris Horn said and it's just sitting there.

Mr. Benthall said it's real nice, yeah. He said right now it's just sitting there. He continued since I bought the new grey wolf, we haven't used the little camper, it was a small one, and the one we got now is bigger.

Mrs. Barnhill said you cannot live in an RV.

President Valiant said right.

Mrs. Barnhill said that is not the question, the question is how many nights could one person stay in an RV that would make it....

President Valiant said that would constitute it living in an RV.

Bob Johnson said is there anything in our ordinances that says two weeks, three weeks, one month.

President Valiant said if this R-1A that would be different, but you said its CON so it's a little bit different zoning. He said my suggestion is going to be....he is getting the septic tank or holding tank all of that cleared up.

Mrs. Barnhill said I could look into state code and things in the meantime so we don't run into this.

Bob Johnson said well, they said they were going to disconnect the septic.

President Valiant said right, and that gets that part, but....

Bob Johnson said they understand you can't live in a trailer or RV.

Mrs. Barnhill asked so are you taking out the holding tank.

Mr. Benthall said yes, I'm going to take it out.

President Valiant said yeah, that is what he's...

Mrs. Barnhill said taking it out, okay.

Mr. Benthall said yeah, he told me I could do either make it a field bed or take it out, but I'm going to take it out. He said I just haven't had the time to rent a backhoe to take it out yet.

Mrs. Barnhill said okay.

Mr. Benthall said this weather we have had.

President Valiant said if he puts in a field bed it would make it permanent, right.

Mrs. Barnhill said yeah, more so.

President Valiant said so we are kind of right back in the same boat.

Bob Johnson said in the mean time we can have Molly look at state status or whatever.

President Valiant said and I would also ask that you talk to your helper there to let her know what is going on and you would appreciate her going home at night, it's nice that she is helping you. He said that would be my feeling, lets...

Cheryl Benthall said on the weekend when the kids go to their parents, it's easier for her to stay inside, and that is every weekend. She said she always works four and two, most of the time she goes out there, she's worked and she's helped me and she wants to go out there and just kind of what she calls chills out, watches what she wants...

President Valiant said right now until we get our end cleared up, we can't make a decision without it being correct and legal, until we make sure this definition...if it was R-1A residential it would be a no brainer, but with it being CON it's a little bit different as far as you're zoning goes. He said I say we bring this back next month, give you time to get the septic all disconnected like it should be and everything and work with your helper to...

Bob Johnson said minimize.

President Valiant continued minimize the amount of staying there. He said I am not going to say somebody is going to come by every day, but we do have people that will drive by and check, so if that gray charger is sitting there every day somebody is going to see it.

Mr. Benthall said right, right.

President Valiant said we will bring this back next month and hopefully Council will have a little better definition.

Doris Horn asked you want that in a motion.

Rick Reed asked is that your motion.

President Valiant said yeah, well I have talked this long might as well make that into a motion.

Rick Reed said I will second.

President Valiant made a motion to table Comp-22-06 until the February 13, 2023 APC Meeting. It was seconded by Rick Reed and carried unanimously.

President Valiant said thank you.

Doris Horn said good luck.

President Valiant said we will see you guys....we will get with you beforehand and if we feel like things have been rectified we won't make you come out. He said yes, sir.

Doris Horn asked can I say something...ma'am when you leave there is an elevator right over here you can go down instead of going down the steps.

Mr. Benthall said okay, thank you.



Bruce Gilbert said so is she supposed to stay up there is she not stay up there, it sounds like they are partly going to live there, but not partly there six months.

President Valiant said okay, so there is nothing that says somebody can't stay there a night or two a week.

Bruce Gilbert said I understand that.

President Valiant said we don't have anything that says we can or can't.

Bruce Gilbert says right.

President Valiant said so what I have asked them is to minimize her stay, again there are acting like it is periodic...pictures and that, I get the feeling it's every day, so. He said we will also be looking at it as well and if we see it is every day and it falls in line with what you are saying then that kind of opens up our other issue as far as getting the zoning and see what is going to be allowed as far as residences. He said R-1A zoning, one residence per property, this is a con zoning so it is a little bit different.

Bruce Gilbert said alright, thank you.

Bob Johnson said Mr. Gilbert I have a question.

Bruce Gilbert said yes sir.

Bob Johnson said I don't mean to be disrespectful, I'm just trying to figure this out, how does this issue affect the quality of your life.

Bruce Gilbert said well for one, I know the issues were kind of together, as far as the fifth-wheel...I know he said it's the back of the property, way back there, but it is how many feet off the property line. He said the septic where it is at, I mean it is a big ordeal, and it takes away the privacy, having someone stay out there. He said I got almost three acres out there. He said houses are on the side of you, but to have somebody behind you.

Bob Johnson said I understand, totally.

Bruce Gilbert said she just lives there.

Bob Johnson said I was just curious.

Doris Horn said okay.

President Valiant said you know don't be shy if you guys want to get together and talk about it and get this resolved and you guys might even come back next month.

Cody said no, I am alright, thank you though.

President Valiant said gotcha, alright, Mr. Doll...

Tod Benthall interjected may I say something real quick.

President Valiant said yes, please.

Tod Benthall asked is that zoning zoned to where that if I actually needed to, because she is just going to get worse, can I make an ADU out there.

Bob Johnson said a what.

Tod Benthall said an accessory dwelling unit. He said it said something in the papers about...

Bob Johnson said no, I wouldn't think so with your current zoning, no.

Mrs. Barnhill said you still cannot have two living quarters on one piece of property.

Tod Benthall said well what I was reading in one of the ordinances said that you could do that as long as it is towards the back of the property and it can only be, I believe it was, 812 square feet or less.

Mrs. Barnhill said I don't know what ordinance you are reading. She asked do you know.

Tod Benthall said I couldn't tell you what numbers or code was on it it was just...

President Valiant asked are you sure it was Warrick County.

Tod Benthall said yeah, I mean well I will look and make sure but I thought it said Warrick County.

President Valiant said if you would look it up and give the office a call, that way maybe you guys know which one he is looking at.

Mrs. Barnhill said sure.

President Valiant said because if she doesn't know about it, you know, she knows all of those.

Tod Benthall said right because you know eventually, like I said, she is just going to get worse and eventually im going to have somebody there all the time to help out because I can't be there all day every day when I am working.

Doris Horn said sure.

Tod Benthall said so eventually I am going to have to get some way for someone to stay up there most of the time and it said on the thing that I read that as long as they are working there on the

property that that could be done but I will relook up what I found and see what it says and maybe print it out.

President Valiant said yeah.

Amanda Mosiman said there is a definition in our ordinance that talks about servants quarters which is an accessory building located on the same premises on the main building used solely for persons employed on the premises and not rented or otherwise used as a separate dwelling unit. She said that is a definition in our ordinance.

President Valiant said how about we, we cross that bridge when we get to it.

Tod Benthall said okay.

President Valiant said let's try to get the septic squared away and decrease the amount of time that your helper is staying on site, that will get us some time to get our ducks in a row on the CON ordinance and what we can allow as far as this stuff.

Tod Benthall said okay.

Mrs. Barnhill said so the next meeting is February 13<sup>th</sup>, 6:00 in here but we will be in touch before then.

Tod Benthall said okay.

President Valiant said okay, thank you.

**ATTORNEY BUSINESS:**

**EXECUTIVE DIRECTOR BUSINESS:**

Mrs. Barnhill said so I have some things I would like to discuss that I wasn't able to get on the agenda.

President Valiant said okay, what you got kid.

Mrs. Barnhill said so fences, we used to give permits for them when Sherri was here.

Doris Horn asked what was that, I couldn't hear you.

Mrs. Barnhill restated fences, you used to have to have a permit for fences.

Doris Horn said right.

Jeff Willis said that was really annoying.

Mrs. Barnhill said but that was before I came in here and Sherri said it was just constant variance because they were constantly in public utility easements or drainage easements so they go to the Drainage Board and they would say okay and then they would...

Jeff Willis said and nobody was getting them except for... well one or two companies were the only ones getting it and most companies weren't getting them.

Mrs. Barnhill said so now we are into this issue, mostly with the newer subdivisions, where there are a lot of their yards are easements and it is causing issues. She said drainage issues is the biggest problem.

Jeff Willis said you are supposed to leave them like 4" off the ground if there.

Mrs. Barnhill said mhm. She continued so when they call the office we tell them fences can go anywhere, they can go on the property line, but you know they still have to be 4' up front and 6' in the back and that's it. She said any variance from that would go to the Board of Zoning Appeals for like an 8' fence which we have done a few. She said now they are causing issues in these drainage easements and I had Steve Sherwood...

Amanda Mosiman interjected what type of issues, like they are causing flow issues.

Mrs. Barnhill said flow issues and flooding the neighborhood,

Bob Johnson said and they are doing damage to the underground pipes and things like that.

Amanda Mosiman said I am sure.

Mrs. Barnhill said Old Hickory I know that a lot of stakes have been driven in some underground culverts, or something and they are having a heck of a time trying to get in there and get it fixed because now it is flooding, she said those homes are really nice.

Jeff Willis said well it doesn't matter if your house is not really nice, if it floods it is a bad thing.

President Valiant said that's right.

Mrs. Barnhill said right, yeah, exactly.

Jeff Willis said that is somebody's home.

Amanda Mosiman said and we are for sure this is the fences and not the fact that we have an increase in high intensity rain events and we have flooding more than we ever have.

Mrs. Barnhill said well, I have... there are pictures in there.

Amanda Mosiman said okay, I am just making sure that it is the fence that is the problem and not the rain amount.

Mrs. Barnhill said yes.

Amanda Mosiman said okay.

Mrs. Barnhill said yes, absolutely. She said some of these, they will put a fence over an easement and then they will fill in the swale and then they will come back and fill over the swale to flatten out their yard.

Amanda Mosiman said great.

Mrs. Barnhill said so, on our subdivision plats it says nothing is to go in any easements, nothing is to impede the flow of water, stay out of the easements but then when people call we have been saying, yeah, sure you can put a fence in there because of what happened at this last meeting.

Bob Johnson said and then we go in and try to fix a pipe and we cant fix it because there is a whole line of fence down through there.

Doris Horn said right.

Bob Johnson said and we cant get people to go in there and say okay you need to remove your fence so you can get in there and fix the pipe.

Jeff Willis asked what Vanderburgh County would do, when I was in the fencing business, they would just say that if you put it in easement and we have to fix the easement we will take the fence down but you put it back up at your cost.

President Valiant said right.

Jeff Willis said and that was kind of the...

Mrs. Barnhill said well and that is what we tell people about the public utility ones, you know.

Jeff Willis said right.

Mrs. Barnhill continued if they have to get in there they are going to tear it down. She said we did call Vanderburgh County and they told us they don't allow them in easements at all and if they do get caught they get a complaint, they have an engineer who goes out and inspects and they have to remove it.

Amanda Mosiman asked is this something we could do like the plat committee, like if somebody wants a fence there is a couple of us that review it and we just take it to a committee and...

Jeff Willis said the problem is most the fence companies don't do it, I mean the problem with the permits is that there were only one or two companies that were coming in to pull the permits everybody else was saying that is too much of a headache, we will just take the risk.

Amanda Mosiman said oh wow.

Bob Johnson said exactly, that's the problem. He said people don't come in and do the permit and do the right thing. He said they, they just put up a fence and the fence companies are not, you know, telling them that they need a permit they just do it and it is creating a big problem. He said it is creating a lot of drainage issues, its creating a lot of repair issues so we need to do something to control this and I don't know what the right answer is right now but we need to do something.

Side conversations... (inaudible)

President Valiant asked what is your definition of a lot. He asked how much are we seeing.

Jeff Willis said I feel like the back filling up with the fences is probably an issue too.

Bob Johnson said we turned down a gentleman today who came in and did the right thing because he had a .17 acre lot and he wanted to put a dog run in of some type and he doesn't have the space for it and we told him that... well we turned him down.

Mrs. Barnhill said so I guess what bothers me the most is on our subdivision plats we make them put the certificate on the subdivision plat that says you are not to put "fences, shrubbery, walls, hedges in any easement".

Bob Johnson said this was all over his plat, its in your folder.

Mrs. Barnhill said so if nothing else, I would just like to tell people to stay out of the easements with fences.

Amanda Mosiman said I would agree. She added easements are there for a reason, any easements there for a reason and they...

Jeff Willis interjected but its an easement, they don't own the property. He said you still own your easement you just give someone the right to do work in that area.

Bob Johnson said you are just not allowed to build something permanent in it.

Jeff Willis said what.

Bob Johnson restated you are not allowed to build something permanent in it.

President Valiant asked so is that what you want to tell people.

Jeff Willis said but, I mean the posts are permanent but the panels come down pretty easy if it is wood, the panels come down pretty easy even if it's steel.

President Valiant said right, no I got it.

Bob Johnson said yeah, they are fence stakes inside the easements.

President Valiant said so...

Jeff Willis interjected and you are going to lose half of those people's backyards.

Mrs. Barnhill said you are, a lot of these...

Jeff Willis said most of these lots the easements are half your backyard.

Mrs. Barnhill said especially these newer, like Jagoe, subdivisions.

Side conversation... (inaudible).

Jeff Willis said well even like Old Hickory subs, the easements come like 12' to 15' up into the yard sometimes.

Amanda Mosiman said okay.

Jeff Willis said because you had 8' for the drainage, you had the lake easement, and you have the utility easements and you're like 10' off their house by the time you're done with easements.

President Valiant said right.

Bob Johnson said you're right.

President Valiant said but that's...

Jeff Willis said and that's why nobody would pull permits because...

President Valiant said well and if I was looking at that property and looking to buy it I would definitely...

Bob Johnson said I would definitely look at that.

President Valiant said yep.

Amanda Mosiman asked is this going to be something that we need to get, kind of like the, you know, parcelizations. She said take it to a committee and look at it and try to come up with a policy for it.

Bob Johnson said I don't disagree with that.

Mrs. Barnhill said sure, we could do that.

Jeff Willis said I have experience so I would be happy to help. He said you know I don't want to have issues with... they shouldn't be going through the drain pile, they shouldn't be going through... you know if you hit a utility you are supposed to call and have it fixed but I know there are companies that don't do that so.

Bob Johnsons said I mean we have an issue right now to where we just had to pay \$7,500 because a utility is on top of our tile and we need to fix it.

Multiple board members said right.

Bob Johnson said and they want us to pay the whole thing to get it removed and move it and....

Jeff Willis said I would be like no, our utility was here first obviously.

Amanda Mosiman said yeah, obviously.

President Valiant said okay. He asked so what are the wishes of the Executive Director. He asked do you want committee, do you want to get the okay to tell them something when they come in.

Bob Johnson said I think the committee would be great.

Mrs. Barnhill said yeah, that would be fine.

Bob Johnson added just to research it and in the mean time...

Doris Horn said the utility guards are just as bad as the fences.

Bob Johnson said utility guards can be moved though.

Doris Horn said yeah.

Mrs. Barnhill said and also on those they are supposed to get a permit for them so if somebody files a complaint I can go after them, but I cant on a fence.

Bob Johnson asked really.

President Valiant said so we will work on...

Multiple others joined in the conversation... (inaudible)



Amanda Mosiman asked when did we stop giving fence permits.

Mrs. Barnhill responded 2011.

Amanda Mosiman replied ouch, that's been a while.

President Valiant said yeah, so we will work on a committee for that.

Mrs. Barnhill said okay. She asked do I have volunteers.

President Valiant said well I think Jeff Willis and Bob want to volunteer.

Bob Johnson said and Amanda.

Mrs. Barnhill said okay I have Bob Johnson, Jeff Willis and Amanda Mosiman.

Amanda Mosiman said I suggest you make them between February 28<sup>th</sup> and March 10<sup>th</sup>.

Bob Johnson added on Monday's and Friday's.

Mrs. Barnhill said okay.

President Valiant said alright. He asked anything else.

Mrs. Barnhill said yes, in your packet, the owners are wanting to build this on a 7 acre lot and it looks like a house to me and they are trying to say no it is a guest home or they are going to use it as an office/pool house type thing.

Bob Johnson asked is it going to have a stove.

Mrs. Barnhill responded it has a full kitchen in it.

Bob Johnson said then it is a dwelling.

President Valiant said full kitchen, two bathrooms... man this is nicer than my house.

Mrs. Barnhill said so he asked what he could do to make it not considered a home.

President Valiant said take out the bathrooms...

Bob Johnson said take out the bathrooms and the stove.

Jeff Willis said well what about the bedrooms, how many are there.

President Valiant counting 1, 2, 3...

Mrs. Barnhill said yeah it has bedrooms, a garage.

Jeff Willis said well then it's a home. He said well I guess it could be a guest house.

Amanda Mosiman reiterated it has a garage.

Doris Horn said it's a home.

Mrs. Barnhill said it is a nice house, yes.

Bob Johnson said if you put out a...

Jeff Willis interjected well if he have his servants work there maybe he can...

Amanda Mosiman said well, we need to look that up. She said that definition is in there, I don't know where it is in the ordinance but it is in our definitions.

Bob Johnson asked is that in Ohio Township.

Mrs. Barnhill responded yes.

President Valiant said this is a home to me.

Bob Johnson agreed it's a house. He said I don't know why we are even considering this.

Amanda Mosiman said he wants to know what doesn't make it a house.

Doris Horn said everything in it.

President Valiant said yeah and he could also split his property, right.

Mrs. Barnhill said he can split his property.

Amanda Mosiman said that is probably what he needs to do.

Bob Johnson said subdivide it.

Mrs. Barnhill said that is what I am going to tell him then.

President Valiant said unless you want to have a guest home with no kitchen and no bath.

Mrs. Barnhill said so we do let people in a pole barn put in a fridge, microwave and a sink, something like that with a bathroom but I just didn't agree that this one fit.

President Valiant said right, this is not a pole barn.

Doris Horn stated it's a house.

Jeff Willis asked so is the house in front 4-times as big as that house to make this the guest house and not just another house. He said you know, if this guy has a 10,000 square foot house up front then I could see this being a mother-in-law suite or something.

The Board chuckled.

President Valiant asked so are you just going to suggest that they are going to have to split the property.

Mrs. Barnhill said yeah, if this is what they want to build then they will have to split the property.

President Valiant said okay. He asked is the Board good with that.

The Board agreed.

Mrs. Barnhill said okay, thank you.

Richard Reid made a motion to adjourn at 7:23 PM. Bob Johnson seconded and the motion carried unanimously.

ATTEST:

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Molly Barnhill, Executive Director

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Jeff Valiant, President