MINUTES

**WARRICK COUNTY AREA PLAN COMMISSION**

Regular meeting to be held in Commissioners Meeting Room,

Third Floor, Historic Court House,

Boonville, IN

Monday, September 9, 2024, 6:00 PM

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

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

Also present were Aaron Doll, Attorney, Molly Barnhill, Executive Director, Carlie Render and Shelli Clark, staff.

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

Amanda Mosiman made a motion to approve the August 12, 2024 minutes. Richard Reid seconded the motion and carried unanimously.

President Valiant said we have quite a few things on the agenda tonight, all primary plats will get approval here tonight and rezonings will go as a recommendation for or against to the next Commissioners meeting. He continued as we go through these, please step up to the podium, there should be a sign in sheet up there and we’ll go through each case.

**PP-24-07: Arnold-Doerner Road Subdivision** PETITIONER/OWNER: Arnold Real Estate Holdings, LLC by Bryan Arnold, Managing Member. Approximately 42.02 acres located on the north side of Doerner Road approximately 2,000’ west of the intersection formed by Petersburg Road and Doerner Road. Hart Township 33-3-8. *Advertised in The Standard on August 1, 2024. (Continued from August 12, 2024)*

President Valiant said this was continued from the August meeting. He continued sir please state your name for the record.

Jim Morley Jr., Morley & Associates was present.

President Valiant asked can we please have staff report.

Mrs. Barnhill said everything remains the same from our last meeting except the health department did sign off on the septic sites, so those are fine. She continued for the water, we received a letter from Brian Cook, Town Manager at the town of Lynnville, and he said they do not have capacity for water so I believe they would like to proceed with wells or cisterns.

President Valiant asked is that all you’ve got.

Mrs. Barnhill replied yep.

President Valiant asked Jim anything to add.

Jim Morley, Jr. said yes, so this one was here last month and I apologize I was out of town. He continued this is just a large lot subdivision, um we’re using wells and cisterns, I personally am one of those people who do not have public water, my house operates…I get my water out of a lake. He said my neighbor gets his out of a cistern and the guy across the street gets his out of a spring, and so I am very familiar with the concept of not having public water. He continued and um there’s plenty of folks on the road I live that have lived that way every day for lots and lots of years, so I think it’s a good, good option for this property, so we would ask for your approval.

President Valiant said correct me if I’m wrong, I think he brought this up the last month, doing a well.

Amanda Mosiman said uh huh.

President Valiant continued he brought up doing a well last month.

Jim Morley Jr. said yea I think there was just some ambiguity as to whether or not there would be water so we got a letter stating that there’s not water available.

President Valiant said thank you Jim. He asked any questions of the Board at this time. After ascertaining there were none, he asked are there any remonstrators for or against this project, if so please step forward. Seeing there were none, he asked the Board one more time if there were any more questions from the Board.

Amanda Mosiman said so I mean, this was all recently dug, like close to 20 - 25 years so I mean, I know that there are plenty of properties in Warrick County, but ones that have been so recently reclaimed that can have access to cisterns water or wells. She continued I’m just worried about it being done. She stated I mean the other problem last month was the septic sites and now we know that that’s been approved.

Jim Morley Jr. responded yea, like I can tell you, my neighbor, my direct neighbor, he’s got a 10,000-gallon cistern and on dry months he hauls his water in and on wet months he’s got a system on his downspout collection that kicks out his first flush so to speak and then collects the rest of it. He continued so the water system is not a concern for me because they… it could be that nobody out here has a well, and that would be the only part that would be affected by drilling, whether it’s a cistern or if somebody puts in a lake and treats their water like I do or whatever. He reiterated I don’t think that’s a concern, as a person who lives that way literally every day.

President Valiant asked any other questions at this time, if not I will entertain a motion.

Bob Johnson made a motion to approve PP-24-07. Greg Webb seconded the motion and it carried unanimously.

**PP-24-11: Primrose Retirement Communities II PUD** PETITIONER/OWNER: Newburgh Retirement, LLC, by William J. Schaefbauer II, Vice President. Approximately 17.12 ac. on the north side of Lincoln Avenue approximately 0’ north of the intersection of Lincoln Avenue & Estate Drive being Lot 1 in Primrose Retirement Communities & Parcel 1 in Orville Grimm 2 Parcelization. Ohio Twp. 28-6-9 *Advertised in The Standard on August 29, 2024.*

Jim Morley Jr., Morley & Associates was present.

President Valiant asked can we get a staff report.

Mrs. Barnhill said return receipts, we have all the green cards except for 5 but we do have the white pay receipts they were mailed correctly. She continued current zoning is “A” Agricultural, they are requesting to rezone to “PUD/R-3” Planned Unit Development consisting of “R-3” Resort Zoning District with a use and development commitment to limit the use to the Primrose retirement, just the retirement community. She stated there is no flood plain, they are proposing six new villas and the club house. She continued the Commissioners approved the street plans today and the Drainage Board approved the drainage plans. She added Newburgh sewer has capacity, Indiana American Water also has capacity so the plat would be in order and this does go with a zoning that is on the agenda PC-R-24-08.

President Valiant said we will address that while we’re here.

**PC-R-24-08:** PETITIONER/OWNER: Newburgh Retirement LLC by William J. Schaefbauer, II, Vice President. To rezone approximately 4.00 acres located on the north side of Lincoln Avenue approximately 0’ north of the intersection formed by Lincoln Avenue and Estate Drive from “A” Agricultural to “PUD/R-3” Planned Unit Development consisting of Resort Zoning District, Ohio Twp. 28-6-9 being Parcel 1 in the Orville Grimm #2 Parcelization. *Advertised in The Standard on August 29, 2024.*

Mrs. Barnhill said on the return receipts, that’s the same, they sent them with the primary plat notice. She continued its four acres; the Comprehensive plan shows this to be neighborhood centers consisting of low to medium density residential community amenities and neighborhood commercial. She said it’s an existing field, to the north is zoned “R-1” One Family Dwellings being Rabbit Run Subdivision phases II & III; to the east and south is zoned “A” Agricultural and are vacant fields; to the west is zoned PUD consisting of “R-3” Planned Unit Development with Resort Zoning District being Primrose Retirement Communities with a Use and Development Commitment. She added there is no flood plain, their access – they would use their existing entrance on Lincoln Avenue and the stated use is the six villas and the clubhouse which would be in compliance.

President Valiant said thank you Molly. He asked Jim anything you’d like to add to this staff report.

Jim Morley Jr. said yes, so on the exhibit I passed out, as you can see the vast majority of these 17 acres is already Primrose, they bought, basically if you look to the right-hand side, you can see that farm field that’s in the yellow box, and that is the ground they are adding to their Primrose facility that’s got the 6 villas on it and the clubhouse and so really, they are just expanding. He continued the villas, if you drive down Lincoln Avenue you can kind of see those up closer to Lincoln Avenue kind of the stand-alone units and so that’s what we’re talking about here. He said and so they’ve been successful and there is a demand for more of what they offer so it’s a good project and we ask for your approval on the subdivision and recommendation on the rezoning.

President Valiant said thank you Jim. He asked any questions of the Board at this time. After ascertaining there were none, he asked are there any remonstrators for or against this project, if so please step forward. Seeing there were none, he said I’ll bring it back to the Board. He asked if there were any questions from the Board. After seeing there were none, he said as far as any approvals or anything, lets address the rezoning first.

Richard Reid made a motion for approval for PC-R-24-08. Bob Johnson seconded and the motion carried unanimously.

President Valiant asked any comments, questions or concerns on the plat, if not I’ll entertain a motion.

Richard Reid made a motion for approval for PP-24.11. Bob Johnson seconded and the motion carried unanimously.

Jim Morley Jr. said thank you all.

Mrs. Barnhill said so that will go to the Commissioners meeting on October 14th.

**PP-24-12: Oliver Major Subdivision:** PETITIONER: Ukon, LLC by Daniel Ubelhor, President, OWNER: Maken Corporation by Daniel Ubelhor, President. Approximately 4.83 acres located on the south side of Oak Grove Road approximately 300’ east of the intersection formed by Oak Grove Road & White Chapel Drive. Ohio Twp. 18 & 19-6-8

President Valiant said you don’t have to say your name again. (laughter)

Jim Morley, Jr. said I was never this popular in high school, but I’m doing alright today.

President Valiant said you’re always the man of the hour up here.

Jim Morley, Jr. said um so…

President Valiant said hold on.

Jim Morley, Jr. said sorry.

President Valiant said you getting excited and getting ahead of yourself. He continued go ahead Molly.

Mrs. Barnhill said we have all of the green cards but two but we do have the white pay receipts and they were mailed correctly. She continued current zoning is “M-2” General Industrial, they are also rezoning to “PUD/R-1” Planned Unit Development consisting of “R-1” One Family Dwellings which is also…

Jim Morley, Jr. said that was approved earlier today.

Mrs. Barnhill said that was already approved.

Jim Morley, Jr. said so this is just for the land transfer.

Mrs. Barnhill said ok, that’s already been approved, sorry, that was approved today actually. She continued there is no flood plain, this proposed development is to split the parcel that they’ve already had an approved primary on to transfer the name before recording the Oliver Place PUD subdivision. She said the Commissioners approved the request for no street plans and the Drainage Board approved the request for no drainage plans and we did not request sewer or water at this time since it is just to do the split and transfer the property. She stated the plat would be in order.

President Valiant said thank you Molly. He asked anything to add Jim.

Jim Morley, Jr. said it’s just to transfer from Maken Corp., to Ukon. He said Danny Ubehlor is still on both sides of it, just different company names.

President Valiant said thank you. He asked any questions from the Board. After ascertaining there were none, he asked if there are any remonstrators for or against this project, if so please step forward. Seeing there were none, he asked if there were any further questions or discussion from the Board, if not I will entertain a motion.

Richard Reid made a motion for approval for PP-24.12. Bob Johnson seconded and the motion carried unanimously.

**PP-24-13: Meuth Subdivision:** PETITIONER/OWNER: Maken Corporation by Daniel Ubelhor, President & Meuth Concrete Supply, Inc. by Roger Meuth, Owner. Approximately 6.38 ac. located on the north side of Prospect Dr. approximately 600’ east of the intersection formed by Prospect Drive & Commerce Drive being Lots 1, 2, & 3 In Warrick Research & Industrial Center No. 4 & Lot 42 in Baywater at Berkshire Phase 1 Subdivision. Ohio Twp. 19-6-8 *Advertised in The Standard on August 29, 2024. Advertised in The Standard on August 29, 2024.*

President Valiant asked do you have the staff report.

Mrs. Barnhill said we have… oh we are missing 13 green cards but, we do have the white pay receipts and they were mailed correctly. She continued zoning is “M-2” General Industrial, there is no flood plain. She said their proposed development is combining four lots into one to allow the vacation of part of Prospect Rd. and to maintain road frontage. She continued the Commissioners approved their request for no street plans today and the Drainage Board approved the request for no drainage, sewer is existing, water is existing and the plat would be in order. She added so this is just south of where we just were.

Jim Morley, Jr. said this is in the, excuse me, the Warrick Research & Industrial Center and it’s at the end of where, if some of you all remember, Prospect Drive is being vacated to allow more residential development in that area, and this will be at the end of Prospect Drive. He continued there is a cul-de-sac that gets built here that allows for the turnaround at the end of Prospect Drive, so we are combining four parcels into one.

President Valiant said thank you Jim. He asked any questions from the Board. After ascertaining there were none, he asked if there are any remonstration for or against this project, if so please step forward. Seeing there were none, he asked if there were any further questions or discussion from the Board, if not I will entertain a motion.

Bob Johnson made a motion for approval for PP-24.13. Richard Reid seconded and the motion carried unanimously.

Jim Morley, Jr. said thank you.

**PP-24-14: SCHNUR 2 SUBDIVISION:** PETITIONER/OWNER: Schnur Family Trust by Margaret Schnur, Trustee, Schnur Brothers Farms IV, LLC by Charles E. Schnur, Member, Anne Downey, Maria Eisterhold, Jane Baker, Lois Mitchell, Beverly Newcomb, Mike Schnur, Susan Davis, Tony Schnur, David Schnur, & Donna Lasher, Owners. Approximately 68.75 acres located on the east & west side of Epworth Road Approximately 1,000’ north of the intersection formed by Epworth Road & Vann Road. Ohio Twp. 20-6-9 *Advertised in The Standard on August 29, 2024.*

Mrs. Barnhill asked so staff report.

President Valiant replied please.

Mrs. Barnhill said we have all the green cards except 2, zoning is “C-4” with a Special Use for a golf facility on lot 2 of the proposed plat. She continued there is AE flood plain, proposed development is consisting of three large building sites. She stated the Commissioners approved the request for no street improvements at this time and the Drainage Board approved their request for no draining improvements at this time. She continued Newburgh Sewer has lines in place but a study will need to be completed and approved to verify capacity, Chandler Water has lines in place and ready for connection, so any approval would be subject to…

President Valiant said sewer.

Mrs. Barnhill continued subject to sewer capacity.

President Valiant asked Jim anything to add.

Jim Morley, Jr. said this is simply just to split this parcel apart, the way the parent tract was it crossed underneath Libbert, I’m sorry, Epworth Rd, so they were unable to sell stuff on the west side separate from the east side because of the way the tax parcel was and so it’s splitting it apart. He asked so Molly, you said commercial “C-4”, but I think the west side is Ag is that correct.

Mrs. Barnhill replied so there is a little bit of Ag on the west.

Jim Morley, Jr. said yea I just want to confirm that there is a little piece of it that is Ag so this is just to split the properties apart, that’s it.

President Valiant asked are there any questions from the Board. After ascertaining there were none, he asked if there are any remonstration for or against this project, if so please step forward. Seeing there were none, he asked if there were any further comments or questions from the Board, if not I will entertain a motion.

Jeff Willis made a motion for approval for PP-24-14 subject to the sewer capacity. Richard Reid and Amanda Mosiman seconded and the motion carried unanimously.

**PP-24-15: Big Daddy 2:** PETITIONER/OWNER: MMP Property Holdings, LLC by Joshua Lee Phillips, President. Approximately 0.49 acres located on the north side of Camp Brosend Road 0’ east of the intersection of Camp Brosend Road & Old SR 261 being Lot 1 in Big Daddy Subdivision. Ohio Twp. 27-6-9 *Advertised in The Standard on August 29, 2024.*

President Valiant asked for a staff report please when you’re ready.

Mrs. Barnhill said we have all the green cards except for five but we do have the white pay receipts showing they were mailed correctly. She continued the zoning is “R-1” One Family Residential and there is no flood plain, the proposed development is 3 residential lots. She stated street construction plans, the Commissioners approved their request for no road improvements, residential driveway permits will be required at time of permitting. She said the drainage plan was approved today; they requested no plans to be required. She continued Newburgh Sewer has capacity, Indiana American Water is available and they are requesting to reduce the sidewalk requirement. She said they would like to install sidewalks only to the south along Camp Brosend Rd. and not to have any along Old State Road 261.

President Valiant said thank you Molly. He asked do you have anything to add Jim.

Jim Morley, Jr. said yea, this currently this looks like a big lot, so it’s just subdividing it into three smaller lots, if you’ll see on the plat the width of these lots kind of line up with what’s in the area. He continued and then when we were at sub-review there was some discussion about kids walking down Camp Brosend Road and so we’re putting sidewalk along Camp Brosend Road but there is no kind of sidewalks anywhere along 261, so the thought was that they walk down Camp Brosend. He said and I believe they catch the bus at the end of Camp Brosend and so that was the thought process was to put them on Camp Brosend and not on 261.

President Valiant asked that’s what you’ve got.

Jim Morley, Jr. said that’s what I’ve got.

President Valiant said thank you sir and asked if there were any questions from the Board at this time. After determining there were none, he asked if there are any remonstration for or against this project, if so please step forward. Seeing there were none, he asked if there was any further discussion, questions or comments from the Board.

Amanda Mosiman made a motion for approval for PP-24-15 with the waiver to reduce that sidewalk requirement along 261. Greg Webb seconded and the motion carried unanimously.

Jim Morley, Jr. said thank you.

**PP-24-16: Country Gal Subdivision:** PETITIONER/OWNER: Country Gal, LLC by Lisa Friedman-Warren, OWNER. Approximately 2.81 acres located on the north side of Oak Grove Road Approximately 500’ east of the intersection formed by Oak Grove Road & White Chapel Road Boon Twp. 18-6-8 *Advertised in The Standard on August 29, 2024.*

President Valiant asked for the staff report.

Mrs. Barnhill said we have all of the green cards except four, which we have the white pay receipts showing they were mailed correctly. She continued the zoning is “M-2” General Industrial but they are asking to rezone it to “C-4” General Commercial. She said there is no flood plain, they are proposing two commercial lots. She added the Commissioners approved their request for no street improvements and the Drainage Board approved their request for no drainage improvements. She continued Newburgh Sewer has capacity and Indiana American has water capacity so the plat would be in order.

Jim Morley, Jr. said and it was downzoned today, they approved that today

Amanda Mosiman said oh so it is zoned already.

Jim Morley, Jr. replied yes, the zoning was approved today.

Mrs. Barnhill said yes, I didn’t know that, thank you.

Jim Morley, Jr. said so this is, um, really just a simple two lot subdivision to create a couple of building sites, the owner of the property, Lisa Freidman-Warren, still owns the adjoining property but she wanted to create a couple of sites here kind of on the far side of the lake along the road so it’s a good fit for this so we would ask for your approval.

President Valiant asked if there were any questions from the Board. After determining there were none, he asked do you have any ideas what you’re looking at to put in there.

Jim Morley. Jr. replied no, I mean, the…we rezoned it down to a “C-4” verses a residential because there’s been some conversation about there could be a spot there if you had a, like a commercial node, for like a coffee shop or you know, a little something for that neighborhood because it’s a growing area or a farmers market or something like that but in the way the Warrick County code is set up, you can build a house in “C-4” just like you can in residential, so we went to there but what the exact use will be, I don’t think that’s been decided yet.

Amanda Mosiman said she talked about that a little at the meeting last month.

Bob Johnson said uh huh.

President Valiant said yea. He asked is there any other questions at this time. After ascertaining there were none, he asked if there are any remonstration for or against this project, if so please step forward. Seeing there were none, he asked if there was any further discussion, questions or comments from the Board. If not, I’ll entertain a motion.

Amanda Mosiman made a motion for approval for PP-24-16. Richard Reid seconded and the motion carried unanimously.

Jim Morley, Jr. said thank you.

**PP-24-17: Tremont Subdivision:** PETITIONER/OWNER: Casken, Inc. by Tina Sundys, President. Approximately 1.26 acres located on the east side of S Plaza Drive 0’ south of the intersection formed by S Plaza Drive & Rose Hill Drive being Parcel 1 in Newburgh Plaza South. Ohio Twp. 34-6-9 *Advertised in The Standard on August 29, 2024.*

President Valiant asked for a staff report.

Mrs. Barnhill said we have all of the green cards except one but we have the white pay receipt showing it was mailed correctly. She stated the zoning is “C-4” General Commercial, there is no flood plain and the proposed development is to split the lot into 2 parcels and all buildings are existing. She continued the Commissioners approved their request for no street improvements and the Drainage Board approved their request for no drainage plans at this time. She said Newburgh sewer is existing on both parcels and Indiana American also is existing on both parcels so the plat would be in order.

President Valiant said thank you Molly. He asked anything to add to the staff report Jim.

Jim Morley, Jr. said they’re just wanting to split the existing parcel that way that can sell the lots, the buildings off individual, just splitting a piece of property in two.

Amanda Mosiman asked do you know what the current buildings are being utilized for.

Jim Morley, Jr. replied um that’s a quiz I didn’t take, sorry.

President Valiant asked are there any other questions at this time. After ascertaining there were none, he asked if there are any remonstration for or against this project, if so please step forward. Seeing there were none, he asked if there was any further discussion or questions from the Board, if not, I’ll entertain a motion.

Richard Reid made a motion for approval for PP-24-17. Dave Goldenberg seconded and the motion carried unanimously.

Jim Morley, Jr. said thank you.

**PP-24-18: North Warrick Industrial Park No. 6:** PETITIONER: Phenix Properties, LLC by Brian Hurst, Manager: OWNER: Phenix Properties, LLC by Brian Hurst, Mgr. & Warrick County Redevelopment Commissioner by Steve Roelle, Executive Director. Approximately 148.44 acres located on the north side of Nobles Chapel Road approximately 1,500’ east of the intersection formed by Nobles Chapel Road & SR 57 being Lot 11 in North Warrick Industrial Park Section 4 & part of Outlot A in North Warrick Industrial Park Section 1. Greer Twp. 7 & 18-4-9. *Advertised in The Standard on August 29, 2024.*

President Valiant asked for a staff report please.

Mrs. Barnhill said we have all of the green cards except 2 but we do have the white pay receipts showing they were mailed correctly. She stated the zoning is “M-2” General Industrial and there is no flood plain. She continued the proposed development consists of 3 lots plus 1 outlot. She said the Commissioners approved their request for no street improvement and the Drainage Board approved their request for no drainage improvement at this time. She continued Elberfeld has sewer and water capacity at this location so the plat is in order.

President Valiant asked Jim do you have anything to add.

Jim Morley, Jr. replied only to say that if you look on this picture, it looks like a lot of ground, but um, the big part up there, there’s really no action happening up there, all the action is happening in that lower square. He continued Phenix Corporation out there, they’re successful and they need to expand and so they’re getting additional ground in the industrial park so we’re changing a lot line to give them additional ground so that they can make an expansion, so good news for Warrick County.

President Valiant asked are there any other questions from the Board at this time. After ascertaining there were none, he asked if there are any remonstration for or against this project, if so please step forward. Seeing there were none, he asked if there was any further discussion or questions from the Board, if not, I’ll entertain a motion.

Richard Reid made a motion for approval for PP-24-18. Bob Johnson seconded and the motion carried unanimously.

Jim Morley, Jr. said thank you all, that’s all for the Jim …

Bob Johnson asked you’re not finished are you. (laughing)

Jim Morley, Jr. answered that’s it for the Jim show tonight, catch it on the re-runs.

**PC-R-24-09:** PETITIONER: MGK Development, LLC by Shishu Bedi, Manager: OWNER: Schnur Family Trust by Margaret Schnur, Trustee, Schnur Brothers Farms IV, LLC by Charles E. Schnur, Member, Anne Downey, Maria Eisterhold, Jane Baker, Lois Mitchell, Beverly Newcomb, Mike Schnur, Susan Davis, Tony Schnur, David Schnur, & Donna Lasher, Owners. To rezone approximately 2.94 acres located on the west side of Epworth Road Approximately 1,000’ north of the intersection formed by Epworth Road & Vann Road from “A” Agricultural to “C-4” General Commercial Zoning District. Ohio Twp. 20-6-9. *Advertised in The Standard on August 29, 2024.*

President Valiant asked what are we rezoning to.

Mrs. Barnhill responded “Ag” to “C-4”. She said it is the same piece of property we were looking at earlier has one little piece left in “Ag”

President Valiant asked do we have a staff report.

Mrs. Barnhill replied I do. She continues we have all the green cards and they are proposing to rezone 2.94 acres. She stated the Comprehensive Plan shows Neighborhood Centers consisting of low to medium density residential, community amenities, and neighborhood commercial. She added the existing land use is a single-family dwelling with unattached accessories. She continues the surrounding land use and zoning to the east is zoned “C-4” General Commercial and is a vacant farm field and “A” Agricultural with a single-family dwelling: to the west, and south are zoned “C-4” General Commercial and to the north is zoned “M-2” General Industrial and all are vacant farm fields. She said there is no floodplain where this is located and they have access onto Epworth Rd. so their application is in order and would be in compliance.

President Valiant said thank you.

Scott Buedel, Cash Waggner & Associates, Project Engineer was present.

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

Scott Buedel replied no…like Molly said this is just one corner of that 18 acres on the west side that had remained “Ag” …just trying to bring it into conformance with everything else being “C-4”.

President Valiant asked any questions from the Board…being none are there any remonstrators for or against this project, if so please step forward. He said I will bring it back any further questions, discussion by the Board. He said if not I will entertain a motion.

Richard Reid made a motion to approve PC-R-24-09. The motion was seconded by Jeff Willis and it carried unanimously.

President Valiant said this will go to the next Commissioner’s Meeting which is…

Mrs. Barnhill said October 14.

Scott Buedel said thanks.

Board Members said thanks Scott.

**OTHER BUSINESS:**

**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, April 8, 2024, & June 10, 2024 meetings.*

Harley Walker, owner was present.

Mrs. Barnhill stated Mr. Walker sent a letter and I did scan that in and email it to you all so you could see it ahead of time. She said basically we still have work to do…had some things come up.

Harley Walker said I still got work to do. He said the three H’s got me this summer health, help and heat.

Mrs. Barnhill said our inspector did go out…those pictures are in your packet… September 6.

Harley Walker stated but it’s cooling off and I’ve got some help now so…hopefully we can get it all squared away.

Richard Reid asked how long is it going to take you.

Harley Walker replied I’m hoping to have it within…first of November. He said I’ve got a lot to do and I’m still working on…just finished up June’s work.

Mrs. Barnhill asked you don’t have anybody living in any of the campers do you.

Harley Walker responded I’ve got a hired hand that we bought one for $300 and he’s been remodeling it…he’s been down and out and homeless so he’s been staying in it back behind me until he gets it done and then he’s going to try and find a place to put it.

Mrs. Barnhill said is that Vizion…the white camper with the refrigerator sitting outside.

Harley Walker asked can I look at it. He said oh no, Vizion, that’s the one my oldest son lives in. He said that was the one that was over in our yard. He added we moved it over to 3284 because his house in town has been condemned.

President Valiant said so you think you could have it done by November 1.

Harley Walker replied I think so.

President Valiant asked when is the November APC meeting…November 4

Amanda Mosiman said it’s usually around Veteran’s Day.

Mrs. Barnhill replied no we moved it to Wednesday November 13. She added and our inspector is here if you have any questions for Mr. Daily.

Jeff Daily, County Inspector was present

Jeff Daily stated there has been a little stuff added to it, but I would say on a positive note…the big thing of keeping the materials…small amounts of material prevented him from mowing and weeding. He added he has stuff better organized and has gotten rid of a lot of stuff. He continues, the lot itself looks a lot better around the cars and everything like that. He stated both lots have been much better condition as far as mowing. He has got rid of a bunch of tires and stuff like that…but there’s still stuff to go…I think everybody agrees with that.

President Valiant said I know from where it started, I mean it’s obvious Walker’s made a huge improvement. He asked what’s the feeling of the Board. He asked Mr. Walker do you feel pretty good you could have this done November.

Harley Walker replied I think so.

Mrs. Barnhill stated is there anything specific you could say we want to see done by then.

Amanda Mosiman replied the complaint is abandoned and inoperable vehicles.

Mrs. Barnhill added and a possible business…an RV repair business.

Harley Walker responded we stopped that a long time ago on the property.

Amanda Mosiman asked where did the business move to.

Harley Walker replied I do the office work out of the house but I am a mobile repair guy…

Amanda Mosiman said mobile repair.

Harley Walker said the only thing we did was at the house was a project job and I’ve been doing those at the customer’s house. He said it’s a lot more windshield time.

Amanda Mosiman said right.

Harley Walker replied jobs that take 4-5 days I used to do at the house, plus the mobile stuff now I have to go to their house and do it.

Amanda Mosiman asked and the trailer that is there on the site does that have plans to get moved.

Harley Walker said yes.

Amanda Mosiman said okay, that would be one.

Harley Walker said the big fifth wheel on 3284 no. He added the big white trailer that I’ve been trying to get the chiropractor dude to come get it or give me the title so I can scrap it….and then the one that the guy is remodeling…we will get him down the road. He added I am trying to refinance the 3284 and get some Conex containers for that double wide…

Amanda Mosiman said yeah that’s actually what I was referring to… the double wide.

Harley Walker replied that double wide that I’ve got stuff piled in…I get a couple Conex containers it will go away.

Amanda Mosiman said okay.

Mrs. Barnhill said so all the inoperable vehicles and all the RV’s that are not his personal will go away.

Harley Walker replied the blue one…blue and white one is mine, the brown one is mine, it’s supposed to be sold and gone but they hadn’t come and got it. He said and then there is a couple of them that we have torn down that I’m going to get hauled off.

President Valiant asked what are the feelings of the Board.

Mrs. Barnhill asked are the people who filed the complaint, are they here…Gerber…no.

Harley Walker stated I haven’t heard from her it’s her sister.

Amanda Mosiman said yep…um this has been going on for over a year, I understand that there has been some mitigating circumstances, but we really need…we try not to let this extend out this much because it keeps coming back to the Board. She continues it’s my feeling we give you this extension to November meeting on November 13, but we really need these abandoned vehicles and stuff cleaned up and hauled off. She added or else were going to have to…

Harley Walker asked what is it November 13.

Amanda Mosiman said yes. She said we really need to get it in compliance so we can also kick this down the road.

Harley Walker replied oh, I’d love that.

Amanda Mosiman stated of kick it off the agenda instead of kicking it down the road.

Harley Walker said I like you guys but not that much.

Board Members laughed.

Harley Walker asked are we all done.

Jeff Valiant said I would agree with Amanda is that a motion.

Amanda Mosiman made a motion to table Comp 23-03 & Comp 23-04 to the November 13, 2024 Area Plan Commission Meeting. The motion was seconded by Bob Johnson and it carried unanimously.

Bob Johnson stated but this is the last time.

Harley Walker said thank you guys.

Richard Reid said good luck.

**COMP 24-05:** Cornerstone Capital V LLC. 10611 SR 57. Possible zoning violation

Mrs. Barnhill said on July 25, 2024 the complaint was filed stating “neighbor is purchasing chickens, including roosters…raising chicks. The chickens continually get onto their property, have ruined their garden and attacked their dog. They have also found dead chickens in their yard…the rancid smell of ammonia and death which is experienced over the entire property. They are unable to open windows or enjoy outdoors…flies are incredible.” She stated their compliant actually say’s a lot more, but it’s also in your packet. She added they also filed a nuisance complaint with the Commissioner’s…there was just a lot in there so that’s what I picked out of it that dealt with zoning and chickens. She continues the letter was sent to the property owner July 31, 2024 and was picked up August 6, 2024. She said this property is rented out, so the person renting it called the office and we talked to her about getting a coop to allow 6 hens and no roosters and needed a permit for the coop. She stated she did come in to get that permit, but she did not want to pay for it…she said she didn’t have it and that she would kill the chickens and then she left. She continues we did an inspection September 3 and at least 9 chickens were apparent by the inspector…September 4 spoke to the property owner to let him know that this item was on the agenda and that he would need to come talk about it. She said he called his tenant at that time and she told him she had gotten rid of the chickens the night before after the inspector had left…she sent in pictures of the empty coop…meanwhile we hear from the people who had complained that more chickens were brought in over the weekend. She said the very next day on September 4, the inspector went back out there and there were multiple chickens, but they were not in the coop they were off to the side…and now I heard today that maybe the coops were leaving too…so… it’s here for you to decide on 10611 SR 57.

President Valiant said alrighty.

Jennifer Rencon, leaser was present.

President Valiant asked are you the property owner or….

Jennifer Rencon stated no, I am the leaser.

President Valiant asked so what do we have going on here…do we have chickens or not.

Jennifer Rencon stated so I had no idea that I was in violation of anything. She continues I just assumed that I lived in the county and I could have chickens. She added when the dude that’s complaining called and started complaining…it’s been a buildup of the last year…there were some things said…I’m not going to repeat what was said. She said I told him to never talk to me or anyone else on my property...he cut…he paid for the limbs to be cut off his property and he wanted to know when I was going to pay him half of it. She stated I told him I didn’t own it and that someone else owned it…so he started calling the landlord. She continues the landlord pretty much chuckled at him and said “thanks for trimming my trees for me.”

President Valiant said okay so were not going to get into the whole neighbor dispute…

Jennifer Rencon responded right.

President Valiant continues I’m just trying to figure out what’s going on with the chickens and…

Jennifer Rencon said so the chickens are gone…

President Valiant said that have left and come back apparently.

Jennifer Rencon continues the coops I have…the big coop out back behind where my bees are is going to be gotten rid of as soon as I sell it. She added I paid 350 bucks for it, I want to try and recoup some of my money off of it. She continues the teal one…the little teal one…, do you see it, it’s like a rabbit hutch or whatever…it’s empty, it’s still sitting up there. She said the chickens are gone…and they put chicken sh\*t all over the fields…

Bob Johnson asked they’re not free range or nothing.

Jennifer Rencon continues all the time. She said and it smells like chicken poop all the time. She added he’s called the police on me numerous times saying that I’m throwing my dead chickens into his yard. She said racoons got into my coop and drug my chickens out…I would never do anything like that. She said this dude is buck wild crazy.

President Valiant asked so you have zero chickens at this time.

Jennifer Rencon replied yes, I have zero chickens.

Dave Goldenberg asked and are you planning on ever bringing chickens back.

Jennifer Rencon responded no sir. She added I’m pretty sure I’m not going to be able to do anything ever again because if I do this dude is going call somebody and tell that I’m doing something wrong. She said he’s called my landlord probably about 300 times complaining on me.

Amanda Mosiman stated I understand, you know that there is a neighbor dispute and there is some back and forth, but you are allowed to have chickens…but you can only have 6 hens and they need to stay fenced. She added I understand about roosters…I mean predators getting in and stuff like that, but we don’t allow free-ranging.

Jennifer Rencon replied right.

Amanda Mosiman said okay. She added and that’s part of the problem because it got in and destroyed part of the garden. She said so yes, you are allowed to have them but we can’t have…and in the coop cleanliness is important. She said yes, you’re right, we use poultry manure, but by state law it does have to be incorporated in a certain amount of time. She continues chickens smell, they do, but we do have to keep that clean too.

Jennifer Rencon replied right, so…uh everything is cleaned up. She said I’ve got hay all over everything and some bales off to the side to spread out even more. She added I sent pictures into Jeff Daily on Sunday afternoon, letting him know that the chickens had been gone…and the day September 4, I messaged him and told him the chickens were off the property. She said I called my other neighbor whose land is agricultural and I asked him if I could put the cages on there until I could get rid of them…and he gave me permission. She added the plat out behind my house is Vanderburg County and it’s owned by Craig Voltz. She said I’ve been maintaining that for like 15 years.

Amanda Mosiman asked so the chickens are still around, they are just no longer located on the property that’s under Warrick County.

Jennifer Rencon replied no. She said the chickens are gone.

Amanda Mosiman said no they’re gone…gone.

Jennifer Rencon said they are gone to someone else’s house.

Amanda Mosiman asked they’re not sitting on the other property either.

Jennifer Rencon responded nope.

Amanda Mosiman said okay.

Jennifer Recon stated the only thing that’s sitting there is the coops so I can try to sell them and make some money back.

Amanda Mosiman said right.

President Valiant asked Jeff do you have a second to come back up please.

Bob Johnson said hey Jeffrey.

Jeff Daily replied hey.

President Valiant asked the last time you were there was…

Jeff Daily responded forgive me I am going to look at my phone real quick and at least have the photos.

Mrs. Barnhill said that’s when you sent the pictures of the chickens in the little cages.

Bob Johnson said the 4th.

Jeff Daily replied yeah, I think it was on the 4th. He said I went out there the day before and it was like 2:30…and that’s when I saw that there….I didn’t…I stepped on the property a little bit but didn’t go all the way up. He added but I could clearly see that there were like 3 in the small cage there that you saw. He continues it looked like there was about 6 in the bigger cage….and then I talked to I think…uh…forgive me I don’t remember his last name…Casey, but he had informed me that the chickens had been removed. He said I believe that he was talking to her over the phone or texting her whatever and she said I did it after work. He continues so the next day I was out and she wanted me to go ahead and take new pictures to close it out. He said I went there and the cages were empty and right next to a tree. He said I don’t know if you have those pictures, but right next to it and just on the other side of the tree was a small cage that still had the chickens in it. He added when I got back…I was trying to think on when I was informed….she said well they’re not on my property, they are on the neighbors. He said we did a quick check and it…the scale on there is never exact but it was about 46’ so it was considerable distance that they would have had to be off the property…so that means the chickens were still on the property. He said and when I went out there initially for the complaint, part of it was trees and stuff like that…but I’m not allowed to have trees and stuff taken down, but the smell was extremely strong and I know chickens do smell, and I know farm ground depending on what season it can get smelly too. He said it was clearly….when you went to a certain area downwind it was directly coming from the yard. He said I took some photos and I don’t know if Molly has them but there was a tremendous amount of flies uh…there were like two trucks there and just standing there of course you know flies don’t stand still but…I mean if you would of scooped….it had to have 200 flies just in a very small amount of in maybe a 10’x 20’ area and it was all between their house and the coop. He said I could see where obviously it was a problem and it was between the coop…the neighbor’s coop and their house…it wasn’t like this was coming from the other fields or something out front there wasn’t very many…it was definitely directly downwind from them. He said I informed her that she would need to…that she could keep the chickens, but she needed to keep after them…keep the hygiene, keep the coop clean, clean up after them. He continues, I know chickens smell but it was a tremendous amount of smell and the flies were a huge problem. He said last time I was out there the flies had appeared to be dramatically reduced…there was a noticeable difference, and the smell if there was anything was minute. He added that aspect of it, as it appears to have gone away. He said and now the trees have fallen which I’m taking care of…the landlord now is going to remove those. He continues right now tree services…it’s tough to get anyone to do anything under a month or two so I understand that so I’ve given him time to…I told him to just keep me in the loop when he gets a bid or something so I know when I’m questioned or something I know that there’s a deadline…that it’s not been forgotten, let’s put it that way.

Bob Johnson said thank you sir.

Jeff Daily said you’re welcome.

President Valiant asked what’s the feelings of the Board.

Bob Johnson said well if the chickens are gone, then the chickens are gone.

Mrs. Barnhill replied I believe the people who filed are here.

Amanda Mosiman said can we…can we make a motion to take her word that the chickens are gone, have him go back out and confirm it then we can take it off…can we do that. She said let him do one more inspection.

President Valiant asked so are the complainants here.

Bryan Ginsel, complainant was present.

Bryan Ginsel stated I live at 10599 SR 57 in Elberfeld. He continues my wife and I filed the complaint…we discussed this with William & Jennifer before they got any chickens. He said and I told them at that time we looked into it and were thinking about getting them and that the law says you can only have 6 hens, no roosters. He added this was discussed before it started. He stated he got I’m going to guess around 35 or so that were in our yard for weeks and weeks and weeks. He said we kept texting and saying please keep your birds in your yard. He said he actually…you have the text I sent pictures of them stating that “we’re in the country get over yourself”, basically in a threatening manner. He said we quit talking to him because of that…we only discussed it with Jennifer because she was cordial…at that time she was apologizing “oh my god tell your wife I’m sorry” because one of their roosters tried to attack our dog. He continues then they started after the Sheriff was called once or twice…they decided to finally keep them on their property. He said after a time period…all a sudden there is one getting out. He said they did have one bad escape artist. He said I can deal with that…but it wasn’t just one. He said then there’s 10, 15 back in our yard for a week or two. He said we would contact him and say you’ve got to do something…you’re ignoring it and just letting it happen. He said at that point he started buying chickens like crazy. He said there is a little red shed next to the fence and he started doing a brood house in there for babies…there is no ventilation. He continues once the heat hit, they started dying and I was finding them thrown under my truck in the driveway. He said I tried to discuss it again at that point she started getting nasty towards us, so then from that point on we haven’t spoke to them…we call the sheriff. He said my wife is a registered nurse, we like to barbecue, we moved here for a nice home out away from everything. He said we haven’t been able to open a door and walk through it without flies coming and going. He said they have gotten better... at one point, I don’t know what they did start spreading straw. He said the flies did come down some…the odor is still there. He said Saturday morning, well Friday after work she’s on her front porch screaming at my wife when she pulled in from work. He said a week and a half ago my wife worked nights like she’s doing tonight…she’s an RN and her own co-worker died mid-sentence in front of her. He said she had to revive this woman and bring her…my wife’s job is saving people’s lives…being harassed at home is not doing anyone in this community any good. He continues Saturday morning he decided he would go out and clean things up…his choice of cleaning it up was to pull the thing down and it’s been real dry. He said the way you’re supposed to clean chicken crap up with straw is to wet it, scoop it up and haul it out. He said he drove his lawnmower over it and blew it all over our home, our vehicles. He said I sent Jeff the videos of him doing it…he mooned me for filming him, this has been a harassment that’s been going on and he’s been enjoying harassing us…this is ridiculous.

President Valiant stated I’m sorry you’re putting up with this…honestly, that is beyond the scope of this Board…the neighbor stuff. He said we are addressing the chickens and the number of chickens so um… He asked would you say today it was better than when you filed the complaint.

Bryan Ginsel replied there is chicken sh\*t all over our vehicles.

President Valiant said as far as the number of chickens is what I’m looking at, is it down.

Bryan Ginsel responded I haven’t seen one.

President Valiant asked so they have made some progress.

Bryan Ginsel replied yes, definitely.

President Valiant asked what’s the feeling of the Board.

Amanda Mosiman said yeah, my feelings would be to…let’s give it 30 days so she can get it cleaned up properly and get her coops sold and then have Jeff do a final inspection. She added then hopefully it will no longer be a problem. She said that’s kind of what I’m thinking unless somebody else…

President Valiant said any thoughts…counsel.

Attorney Doll stated motion to dismiss the compliant pending the final inspection in 30 days.

Amanda Mosiman said yep.

Amanda Mosiman made a motion to dismiss Comp 24-05 pending final inspection within 30 days. Bob Johnson seconded the motion and it carried unanimously.

President Valiant said let’s get it cleaned up, straightened up, tightened up. He said I don’t know the proper way to handle chicken…

Bob Johnson said sh\*t.

President Valiant continues chicken stuff. He said let’s get all that done.

Jennifer Rencon replied I’ll google that and find out. She asked when do I need to be back here.

Amanda Mosiman stated I am the agricultural agent in the county if you wanna…

President Valiant said she would be a great resource for you.

Mrs. Barnhill stated so she has until the 9th and someone will be back out there to inspect, and then we can close the file.

Jennifer Rencon said the 9th of….

Mrs. Barnhill replied October.

Jennifer Rencon said so clean up the chicken sh\*t and get rid of the coops…is that what you’re telling me.

President Valiant responded get it cleaned up, yes.

Mrs. Barnhill said yeah.

Jennifer Rencon said 10-4, thank you very much.

Bob Johnson asked is the 9th…is that correct.

President Valiant said it’s a Wednesday.

Mrs. Barnhill said it’s a Wednesday.

Bob Johnson replied oh okay. He said I was thinking we had a holiday there.

**ATTORNEY BUSINESS:**

Attorney Doll said nothing.

**EXECUTIVE DIRECTOR BUSINESS:**

Amanda Mosiman said we had got an email on Oak St…did that get resolved or…

Mrs. Barnhill said Oak St…

Amanda Mosiman said Lynnville….trash.

President Valiant said oh the…

Mrs. Barnhill said oh.

Bob Johnson asked is that the old gymnasium.

Amanda Mosiman said I have no idea that’s why I was like…

President Valiant said yeah.

Amanda Mosiman replied I read emails this week. She said there was another complaint that was sent I thought.

Mrs. Barnhill said we had a complaint filed by Rachel Titzer with the Town of Lynnville. She added the owner called today, and yeah he’s running a dumpster business.

Amanda Mosiman said okay.

Mrs. Barnhill replied he said he would get those removed…tonight actually.

Amanda Mosiman said okay.

Mrs. Barnhill said Jeff, one of us will be going back…up to Lynnville. She said probably me since you’re leaving for a little bit…

Amanda Mosiman said wait what.

Mrs. Barnhill replied vacation.

Amanda Mosiman said oh.

Bob Johnson said you’re going on vacation again.

Dave Goldenberg said they also complained about all the stuff he has put on the other side of the fence. He said it’s actually the neighbor’s yard.

Bob Johnson asked is this the old gymnasium.

Board Members replied no.

Dave Goldenberg said no.

Board Members laughed.

Dave Goldenberg stated he has had 3-4 dumpster that he puts in his yard…I guess maybe someone that helps him drives and puts their car in the yard. He said they have a truck full of trash for sale in the yard. He added and then on the other side of the fence he’s got a whole bunch of metal items, which I guess he is saving to try and sell, but that’s in his neighbor’s yard, it’s not in his yard.

Mrs. Barnhill replied that’s a private matter.

Dave Goldenberg said that’s what’s pushing everything.

Amanda Mosiman said yeah.

Mrs. Barnhill said so that’s where that is. She said I sent a letter…there has been no complaint filed but I did send them a letter for this Mr. Zeller out on Folsomville Rd.

Amanda Mosiman said oh…. the sign, that’s right.

President Valiant said oh yeah.

Mrs. Barnhill replied just to let them know…hey you’re in violation…

President Valiant said we see you.

Mrs. Barnhill continues he really needs a “C-3” zoning. She added and I don’t know how he could do it out where he’s at…that would kind of be the definition of spot zoning.

Amanda Mosiman said spot zoning.

Mrs. Barnhill continues he would have to split it and get the “C-3” on just a parcel. She said you can’t have zoning that splits a parcel.

Amanda Mosiman so it’s the sign right…that’s the problem or the business.

Mrs. Barnhill replied he’s running a business.

Amanda Mosiman said running the business.

Mrs. Barnhill responded the sign’s just part of that…

Bob Johnson asked what do you suggest.

Mrs. Barnhill said I don’t know.

President Valiant asked did he get back with you.

Mrs. Barnhill stated he called and asked what to do. She said well I don’t have a complaint filed right now.

President Valiant asked is this the same on that had called before and didn’t like the answer he got.

Bob Johnson said yeah.

Mrs. Barnhill said yeah…so I think he went ahead and did it.

President Valiant said that’s kind of what I was thinking.

Mrs. Barnhill said I told him he really needs…

Bob Johnson said I really want him to do it. He said I don’t have a problem with him doing it, I just want him to do it right…and I don’t know how to make him do it right if you’re saying it will be spot zoning or…

Amanda Mosiman said is there some sort of exemption process…anything to that. She said of course if we start doing it then it’s a bad slippery slope.

Mrs. Barnhill replied I didn’t see any special use or anything.

Bob Johnson stated if he hadn’t of put that sign up there, then nobody would have known.

Mrs. Barnhill responded he’s got a pretty good website. She added he said the plan was to just start it out here and then see how it did and then find a permanent spot.

Amanda Mosiman said well he’s going to have to find a permanent spot.

President Valiant said sooner than later.

Mrs. Barnhill said yeah, go find some “C-3”. She said alright, I told him I would get the feelings of the Board and let him know. She said still nothing has been filed to complain so I’m not pushing him out.

Jeff Willis asked what’s he working on out there.

Bob Johnson said what it is he’s renting…he will rent you a lawnmower, a side by side…a quad.

President Valiant said it’s a rent company.

Bob Johnson said something like that…it’s a rental place.

President Valiant said gotcha.

Amanda Mosiman said I bet ya that business will take off.

Bob Johnson replied you would think.

Mrs. Barnhill stated he said it’s been slow so far.

Amanda Mosiman said well…

Bob Johnson said it’s because he’s not doing it right.

Amanda Mosiman responded not enough people in Folsomville to drive by his fancy sign.

President Valiant asked is that all you got Molly.

Mrs. Barnhill replied that’s all.

Richard Reid made a motion to adjourn the meeting. Dave Goldenberg seconded the motion and it carried unanimously. The meeting adjourned at 7:08pm.

ATTEST:

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Molly Barnhill, Executive Director Jeff Valiant, President