

Minutes
WARRICK COUNTY AREA BOARD OF ZONING APPEALS
Regular meeting to be held in the Commissioners Meeting Room,
Third Floor, Historic Courthouse,
Boonville, Indiana
April 24, 2023 at 6:00 P.M.

PLEDGE OF ALLEGIANCE:

MEMBERS PRESENT: Terry Dayvolt, Chairman, Paul Keller, Mike Moesner, Jeff Valiant, Jeff Willis, and Doris Horn.

Also present was Molly Barnhill, Executive Director, Kim Kaiser, staff.

MINUTES: Upon a motion made by Jeff Valiant and seconded by Paul Keller the Minutes of the last regular meeting held March 27, 2023 were approved as circulated.

Chairman Dayvolt explained the Rules of Procedure.

SPECIAL USES:

BZA-SU-23-07

APPLICANT: Joe & Teresa Lashley

OWNER: Mary Daugherty

PREMISIS AFFECTED: Property located on the north side of Kelly Road approximately 350 feet west of the intersection formed by Kelly Road and Folsomville Road. Skelton Twp. 5-5-7 (*Complete legal on file*) 1766 Kelly Rd

NATURE OF THE CASE: Applicant requests a Special Use, SU-28, from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, IN to allow: 768 square feet in an unattached garage to be used for a home workshop, all in an "A" Agricultural Zoning District. *Advertised in The Standard April 13, 2023*

Chairman Dayvolt asked are Mr. or Mrs. Lashley are here.

Mrs. Barnhill stated we need the owner Mary Daughtery. She asked is Mary here. She said none of the Lashley's are here, okay.

Chairman Dayvolt said alright.

Mrs. Barnhill stated I guess we will pass on it. She asked do you want to go on and see if they show up.

Chairman Dayvolt replied let's see if they show up. He said we will go to the next one.

BZA-SU-23-08

APPLICANT: Matt Lehman

OWNER: For His Glory Fields LLC, by Joshua Tudela member, ST Development, by Joshua Tudela, Member.

PREMISIS AFFECTED: Property located on the south side of Telephone Road approximately 300 feet east of the **intersection** formed by Telephone Road and Stevenson Station Road. Ohio Twp. 17-6-9 *Complete legal on file) 10099, 10177, & 10211 Telephone Road*

NATURE OF THE CASE: Applicant requests a Special Use, SU-1, from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, IN to allow: A recreational area of playing field to be used for soccer and other related uses, as well as additional parking for such, all in an “A” Agricultural Zoning District. *Advertised in The Standard April 13, 2023*

Matt Lehman with R. Lehman and Son Consulting and Joshua Tudela with For His Glory Fields, LLC and ST Development were present.

Chairman Dayvolt asked for a staff report.

Mrs. Barnhill stated we have all of the green cards. She said the existing land use is soccer and farm fields. She stated the surrounding zoning and land use in all directions are zoned “A” Agricultural with single-family dwellings or farm fields. She added there is one property to the northwest that is zoned “C-4” General Commercial with an agricultural based business. She said they are in an AE floodplain. She stated they have access on Telephone Road. She said the applicant’s statement says *We are seeking a Special Use 1 for the property at 10099 Telephone Road (Joshua Tudela) and 10211 Telephone Road (For His Glory fields, LLC by Joshua Tudela Member) to be used in conjunction with the existing soccer fields located at 10177 Telephone Road.* She stated so everything would be in order.

Chairman Dayvolt asked do you have anything to add to this application.

Matt Lehman responded no, just looking to improve the complex over there and provide kiddos more space to learn and play the wonderful game of soccer.

Joshua Tudela said I will add to that. He stated so we have Evansville Christian School that they have their high school both the men and women that use the facilities. He said also the Castle cub teams are going to use it as well on the boy’s side. He stated so we are trying to provide more parking because the parking gets quite hectic out there especially during the varsity and JV games so that is one of the main reasons.

Chairman Dayvolt asked so Evansville Christian uses this field.

Joshua Tudela replied yes, for all of their men’s and women’s varsity home games.

Chairman Dayvolt responded okay. He asked any questions by the Board.

Paul Keller asked is this just adjacent to the one that is already there.

Joshua Tudela replied it is on both sides, yeah.

Jeff Willis asked is the one that is already there the one middle row with the staggering fields.

Joshua Tudela replied yeah.

Chairman Dayvolt asked will there be any buildings on it.

Joshua Tudela replied no, we would like to maybe at some point just put like a little shed for them to put their stuff in when they come out so you don't have to take it to and from.

Chairman Dayvolt responded okay. He asked are there any questions from the Board. He asked are there any remonstrators for or against the project that would like to speak.

A lady in the seating stated she had a couple of questions.

Chairman Dayvolt asked her to step forward.

Rosalie Casson stated I am not against it I just have a couple of questions. She said I have the house closest, the only house adjacent to it. She stated my question is because the floodplain goes through there the water goes behind.

Joshua Tudela responded yeah.

Rosalie Casson asked so are you going to raise the back ...because that field that is between us ...my house and yours....the soccer field they raised part of it, which keeps the water from going that direction. She asked are you going to raise the other half.

Joshua Tudela stated we are just going to crown it...it will be crowned to where the water will run off.

Rosalie Casson replied okay. She stated because you know the water goes toward the back of it.

Joshua Tudela replied yeah...

Rosalie Casson stated because it comes across my field back across that corner and goes behind your property all of the way up through there.

Joshua Tudela stated we will do it the same way as we did the fields so we will do it the same way and crown it so it goes up and out into...

Rosalie Casson asked back to the south.

Joshua Tudela said to Telephone Road.

Rosalie Casson stated because there is a five foot drop so it is going to go the other direction.

Joshua Tudela stated once you crown it then it should be...we will slope it to where it goes up and out.

Rosalie Casson replied okay.

Joshua Tudela said we will make sure we do it...

Rosalie Casson stated well I mean it is floodplain so all of my water from my field goes back toward that ditch.

Joshua Tudela asked so it goes in the back...

Rosalie Casson stated to the back corner, back to where you are building.

Joshua Tudela stated we will do it the best way to do it. He added we will have somebody that looks into it and then...

Rosalie Casson replied okay because I don't want the water standing ...that is floodplain area you know so you want to make sure it flows that direction, so.

Joshua Tudela stated to be honest I would really love to talk to you more about that because we want to make sure...

Rosalie Casson replied sure, sure. She stated we definitely want to be good neighbors that is no problem. She asked the other thing is are you putting more lights out there because you turn the lights that are on now the farm on the corner down at Miller's on the corner at Epworth, the dusk to dawn light will go off.

Joshua Tudela replied really.

Rosalie Casson stated when you turn your lights on. She said it lights up the whole 800 acres out there. She stated so...

Joshua Tudela stated we would like to have lights on those fields but usually they are off by 9:00 p.m.

Rosalie Casson responded yes.

Joshua Tudela stated even within the last year...

Rosalie Casson stated oh, I can mow grass by it. She said I have problems.

Joshua Tudela stated I would really like to discuss (unintelligible)

Rosalie Casson said sure, sure. She stated I just didn't know if you were going to put ...I mean I want them to be safe that is no problem. She said I definitely want the kids to be safe and everything out there. She stated that is the only two questions that we have we just didn't want the water to back up....

Joshua Tudela stated we definitely don't want that.

Rosalie Casson said because I mean it definitely goes south it doesn't go out towards Telephone Road with the water.

Joshua Tudela stated we have an engineer that looks at all of that...

Rosalie Casson responded cool.

Joshua Tudela stated we will talk and if you have a good one we will...

Rosalie Casson responded that's no problem.

Matt Lehman asked could we exchange information afterwards.

Rosalie Casson replied yeah, that would be great. She said that would be great.

Chairman Dayvolt asked did you sign in, Rosalie.

Rosalie Casson responded yeah, I will. She said I got to talking. She stated I do that a lot you know how those Millers are. (Several people laughed) She said that was a giggle I heard that. She stated that was the only question I had it was just the water and that so we are good.

Joshua Tudela stated we appreciate that.

Rosalie Casson replied no, I mean you guys have been good neighbors it's just a matter of we just...

Joshua Tudela said no, we don't want that.

Rosalie Casson stated don't want that. She said I'm good.

Joshua Tudela replied thank you.

Chairman Dayvolt asked any more questions by the Board.

Mike Moesner asked approximately how many parking spots will be added do you know. He said just an idea.

Matt Lehman stated the site plan calls out for...I had that out just a second ago too.

Mrs. Barnhill stated it says 428 new parking spots on your site plan.

Matt Lehman responded yeah, that is what we will be able to provide.

Mike Moesner replied okay.

Matt Lehman stated it was four something I just didn't want to give the wrong one.

Doris Horn said I see it.

Mike Moesner replied okay, now I see it too.

After ascertaining there were no questions from the Board and no remonstrators for or against, Chairman Dayvolt called for a motion.

I, Paul Keller, make a motion finding of fact be made as follows from the testimony and proposed use statement:

1. The USE is deemed essential or desirable to the public convenience or welfare.
2. The USE is in harmony with the various elements or objectives of the Land Use Plan for Warrick County.
3. The USE will not be a nuisance or serious hazard to vehicles, pedestrians, or residents.
4. The USE as developed will not adversely affect the surrounding area.
5. Adequate and appropriate facilities will be provided for proper operation of the USE.
6. The specific site is appropriate for the USE.

And the Application be approved in accordance to the application and plans on file, subject to the following conditions:

1. Subject to the property being in compliance at all times with the applicable zoning Ordinances of Warrick County.
2. Subject to all public utility easements and facilities in place.
3. Subject to any required Improvement Location Permits being obtained.
4. Subject to any required Building Permits being obtained.
5. Subject to the Low Grade Commercial Drive being completed and certified by their engineer or surety posted.

6. Subject to any required permits from the Health Department.
7. Subject to obtaining a Flood Development Permit.

The motion was seconded by Jeff Valiant and carried unanimously.

Chairman Dayvolt stated your project is on the move.

Matt Lehman and Joshua Tudela said thank you.

Doris Horn stated good luck.

Chairman Dayvolt stated I have one more call for BZA-SU-23-07 Joe and Teresa Lashley, owner Mary Daugherty. He asked is anyone here for this. He stated seeing none if someone would like to make a motion.

Mike Moesner made a motion that we table this until the next meeting.

The motion was seconded by Doris Horn and passed unanimously.

Mrs. Barnhill stated in the meantime I will reach out to them.

ATTORNEY BUSINESS: None

EXECUTIVE DIRECTOR BUSINESS:

Mrs. Barnhill replied no, nothing.

Doris Horn made the motion to dismiss at 6:14p.m. Mike Moesner seconded the motion and it carried unanimously.

Terry Dayvolt, Chairman

ATTEST:

The undersigned Secretary of the Warrick County Board of Zoning Appeals does hereby certify the above and foregoing is a full and complete record of the Minutes of the said Board at their monthly meeting held April 24, 2023.

Molly Barnhill, Executive Director