**WARRICK COUNTY AREA BOARD OF ZONING APPEALS**

Regular meeting to be held in the Commissioners Meeting Room,

Third Floor, Historic Courthouse,

Boonville, Indiana

February 24, 2025 at 6:00 P.M.

**PLEDGE OF ALLEGIANCE:**

**MEMBERS PRESENT:** Mike Winge, Vice-Chairman; Mike Moesner, Jeff Valiant, Dave Goldenberg, & Shari Sherman

Also present was Morrie Doll, Attorney, Molly Barnhill, Executive Director, Kim Kaiser & Julie Newton, staff.

**MEMBERS ABSENT:** Terry Dayvolt

**ELECTION OF OFFICERS:**

Mrs. Barnhill stated the first order of business is to elect a Chairman of the Warrick County Board of Zoning Appeals to serve during 2025. She asked do we have any nominations.

Jeff Valiant made a motion to nominate Terry Dayvolt to serve as Chairman. Mike Moesner seconded the motion.

Jeff Valiant made a motion to close nominations and elect Terry Dayvolt as Chairman by acclamation.

Mrs. Barnhill stated the next order of business is to elect a Vice-Chairman of the Warrick County Board of Zoning Appeals to serve during 2025.

Mike Moesner made a motion to nominate Mike Winge. Jeff Valiant seconded the motion.

Mike Moesner made a motion to close the nominations and elect Mike Winge as Vice-Chairman by acclamation.

**SET MEETING DATES, TIME, AND PLACE:**

Mrs. Barnhill stated the meetings are the fourth Monday at 6:00 p.m. each month in the Commissioner’s meeting room on the third floor, right here in this room, except for in May that is a holiday so we have it on the calendar as the fourth Tuesday, May 27, 2025. Jeff Valiant made a motion to accept the meetings and dates as stated. The motion was seconded by Mike Moesner and carried unanimously.

**ADOPTION OF RULES AND REGULATIONS:**

Mrs. Barnhill stated we have no changes from last year. Jeff Valiant made a motion to approve. The motion was seconded by Shari Sherman and carried unanimously.

**MINUTES:**

Upon a motion made by Jeff Valiant and seconded by Mike Moesner the minutes of the last regular meeting held December 23, 2024 and no meeting held on January 27, 2025. Mike Moesner made a motion to accept the minutes as presented. The motion was seconded by Dave Goldenberg and carried unanimously.

**SPECIAL USES:**

**BZA-SU-24-38:**

**APPLICANT/ OWNER:** Yellow Banks, LLC, by Charlie Peabody, Managing Member

**PREMISES AFFECTED:** Property located on the W side of Yellow Banks Trail approx. 1200’ S of the intersection formed by Yellow banks Trail and Vincennes Road. Pigeon Twp. 31-3-6. *12733 Yellow Banks Trail. Complete legal on file.*

**NATURE OF THE CASE:** 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 73.20-acre commercial recreation area, including but not limited to; primitive camping, recreational vehicle camping, cabin rentals, shower houses, beach access, concessions, restaurants, and a camp store. All in an “A” Agricultural Zoning District. *Advertised in The Standard December 12, 2024. (Continued from December 23, 2024)*

Vice-Chairman Winge stated sign in and state your names.

Jim Morley, Jr. Project Engineer and Huy Tran were present.

Vice-Chairman Winge asked for a staff report.

Mrs. Barnhill stated everything remains the same from the last meeting. She said we asked that the owner meet with the people of Yellow Banks to see if they could come to some sort of agreement on road maintenance, was the biggest issue, and we discussed road easements being in the special use area going forward from here. She stated we received one letter of remonstrance from Dr. Linda Bailey. She said that was received via e-mail and there were 10 signatures on this letter. She stated *Upon advice of the plan board, the Yellow Banks owner and residents attempted to sit down and work out public safety issues regarding the roads and lake on January 29, 2025. The Owner’s proposed investment of $5,000 per year on road management will not be nearly enough to remedy basic public safety issues, especially when there has been no gravel applied to these roads for the past two years. There are some sections of road that remain impassable for the emergency vehicles. We cannot find a resolution for being landlocked with no second exit in case of a wildfire or dam breech requiring a mass evacuation. It is our opinion that if the owners cannot maintain the basic elements of the recreation center, and primarily, the areas of public safety, we cannot understand how they can afford to invest in new development. This is dangerous and flies in the face of common sense. It is our concern that any additional public influx would be further detriment to the resident lot owners. There is great concern that this is for a transitory endeavor for a quick profit that may not be in the best interest of the recreation center residents. Owners have not provided a remedy for the problems associated with being out of state and unable to effectively manage the park. We prefer to maintain an objection to the permit request until public safety concerns have been resolved. Should a permit still be considered, we ask that you place contingencies on the permit aimed to resolve public safety issues and be limited to one year. Sincerely, Yellow Banks Residents*. She stated there are 10 signatures on this.

Vice-Chairman Winge asked do you have anything to add to that.

Jim Morley, Jr. stated this is one of the property owners, Huy was here last time if you all remember. He said I will try to go over what has occurred since the last time we were here. He stated on January 29, 2025 the current owners hosted an in-person meeting at the community center. He said I was in attendance and they had a good turn out from the local owners. He stated I felt like there was a good dialog, a lot of comments were made, I took notes that night and I know the owner took some notes. He continued at that meeting the owner had offered to do a matching fund that the owner would match up to $5,000 dollar for dollar. He said I believe she referenced the $5,000 and the intent was that would be a matched dollar for dollar. He stated my understanding was this was in keeping from back when the Marshall’s owned the property that they also collected road maintenance from the property owners and so too my understanding…I didn’t live there when the Marshall’s were there but folks who did said that the Marshall’s didn’t fix everything out of their own pockets that there were financial contributions by the neighbors also. He continued so the idea of matching dollar for dollar up to $5,000 was in keeping with what had been done in the past. He stated the fact is in the last two months the owner has actually spent more than $5,000 improving the roads. He continued there was a conversation in there about public safety and I have an email from Luke Clark the chief of Pigeon Township Volunteer Fire Department. He stated, I can read through as much as you want but the closing two sentences says in the event of an EMS call, we are confident that we can get anywhere in the park although an ambulance may have difficulties in some areas, we are able to transfer any patients to the front of park if necessary. He said they have tried to address that public safety concern and they have also spent about $2,500 on plowing the roads during this ice and snow storm, which was not a lot of fun for anybody. He stated since they are not public roads the current owner spent about $2,500 having those roads plowed with a private service, which has to be done because they are not public roads, they don’t get county road trucks to go through there so they have to be done by private service. He stated after the meeting on the 29th there was discussion that there would start being a monthly virtual call like a call in where you could call in and talk. He said they hosted their first one of those on February 12, 2025 and more conversation occurred then. He continued one of the things that was brought up during the town hall meeting, if you will, was there was some conversation about the current manager that they had out there that the neighbors weren’t happy with the performance that she was doing and the owner’s said going forward they will take an active role in being in direct contact versus the young lady who was the acting manager of the…the liaison if you will so they said going forward that they would now be that direct contact and that they would be hosting these monthly calls hopefully they can get out in front of some of these things versus trying to play catchup on them. He stated at the town hall meeting there was a conversation about the mailboxes out there. He said they did reach out to the post master to see how they wanted that handled and they have not heard back yet from the post master. He continued during the town hall meeting there was a conversation about the…for lack of terms the seaweed, the aquatic growth in the lake. He stated they have reached out to the aquatic person who evidently had treated some of the homes in that area and they reached out to them and they are now going to reach out to a couple more but have to wait for the ice to thaw because currently there is ice on the lake to see what different options are, they weren’t super happy with the results of the aquatic specialist they had in those areas and so they want to see what other people…what other ideas the other aquatic companies have to try to figure out the best way to attack the aquatic life. He continued there is also a large Facebook for that neighborhood or for that community or Facebook page for that community and they transferred that, what they call the management rights to the Facebook page over to the community to try to help that communication go better also. He stated they have made some headway to try to get this going in the right direction. He said in fact today, Pat, who does their grading out there was out there today and graded some roads even yet today. He continued he got about 30% of the roads graded today so I feel that they have made some progress in trying to show good faith effort that they are trying to work together. He stated they also talked about in their meeting…talked about is there a way to…back in the day they used to have some community events out there like a craft fair and stuff like that as their way to kind of resurrect some to bring some of that back to help with fundraising so maybe it didn’t have to come out of pocket as much but maybe they could take the proceeds from a craft fair or something like that to help offset some of the road maintenance fees.

Vice-Chairman Winge asked if there were any questions from the Board.

Mike Moesner asked going forward if this is approved would you seek to increase your work in regards to the roads and improvements back through there year after year as the system builds.

Huy Tran responded yes sir, the $5,000 is a yearly thing.

Jim Morley, Jr. stated we did talk about in the previous meeting that some of the roads need some grading work done around them to keep the water off of the roads because currently now the water runs down the roads and kind of washes it out and it is just like a repeat offender if you will. He continued so we are needing to go in and do some grading work to try to establish a roadside ditch or something, if possible, along some of those areas so that we are not just throwing rock back into the same hole over and over again to try to get to a spot where we don’t have a hole to begin with to try to help ultimately gain on the problem.

Vice-Chairman Winge said I have a couple of questions. He asked one of them is…I am going to ask both sides this…do you feel like you are actually making conditions up there better than the previous owner.

Jim Morley, Jr. asked than the Marshall’s or Jason Powers, the owner right before him.

Vice-Chairman Winge asked well he didn’t have it very long did he.

Jim Morley, Jr. responded no, that is why I am asking that question.

Vice-Chairman Winge said it would be the Marshall’s.

Jim Morley, Jr. stated I have not been out there long enough to answer that question. He said I have been told that, I’m sure everyone has an opinion on this, I have been told there has been times in which the roads have been better and there have been times in which the roads have been worse. He continued I can just tell you what I have been told but I can’t speak on that because I don’t live out there.

Vice-Chairman Winge said this question I will direct to you. He asked in the running of this, when you actually decide to go into this as an investment, are you looking at trying to make improvements on this with the capitol as it comes in or are you set in a situation where some of these things, like you are committing to the road to a degree or whatever. He asked can you explain that a little bit.

Huy Tran responded yes sir, we had an initial investment and our hope is once the RV park gets built up, we will improve the whole park. He stated obviously we have to improve it to attract the people to come so as the income generated from the RV park and so it will be spent on the park and our plan for the first five years mostly or probably all of the income will be spent on improving the park overall.

Vice-Chairman Winge stated that was going to be my next question.

Huy Tran stated going into this we already decided that we are not going to take any money out of the investment the first five years.

Vice-Chairman Winge responded okay.

Jim Morley, Jr. stated I think that is currently, unless I have this wrong, currently they have five cabins…

Huy Tran said five cabins.

Jim Morley, Jr. continued they have five cabins and that is…the rental income off those five cabins is the only revenue coming in to the situation. He said so they have, for the lack of a better term, their bank account and they have revenue coming from five cabins. He stated what they are trying to do is to get a RV park up and running to generate revenue and then that revenue can help offset the cost of maintenance and that type of stuff.

Vice-Chairman Winge asked are there any more questions from the Board.

Mike Moesner asked are you going to be having like a camp store there as well…

Huy Tran replied that is the plan, yes.

Shari Sherman asked what is your occupancy on the five cabins right now.

Huy Tran responded we really only rented out…I mean had people renting them in the summer times so…

Shari Sherman said okay.

Huy Tran continued so I would say six months out of the year.

Shari Sherman responded okay. She asked but are they kept pretty full during those summer months.

Huy Tran replied I would say about 80%.

Shari Sherman said okay.

After ascertaining there were no more questions by the Board Vice-Chairman Winge asked for remonstrators.

Vice-Chairman stated when you come up sign in and state your name.

Linda Bailey stated I wish we had better…a better conversation it was more like we were talked at instead of to. She said they told us that they had $10,000 is what they could do…their worker could do the roads for but they were only going to give us $5,000 and we had to come up with another $5,000. She stated these are not our roads so you have to manage your roads, you have to figure out how you are going to come up with it, tell us how…do you want to come up with a monthly fee or a yearly fee and bill us all and who gets billed. She stated that is up to them to determine because those are their roads. She said we can’t do anything to those roads without their permission. She continued in this meeting that they talked about…basically they are pushing us to start a 501C3 to raise money to rock their roads…that is illegal…raise money to fix their lake…that is illegal. She said it is their lake and it is their roads and if you use a non-profit to fund the endeavors of a private company that is illegal. She said we can’t do it. She stated there is no way for us to come about and organize in any sort of way to manage these roads and to manage this lake. She continued for two years ever since they have owned they have promised rock, we didn’t get rock. She said the first meeting that they had with you all for their first permit by that November they were going to rock but they did not rock. She stated what they…I would love to see how they got billed how they come up with those kinds of numbers for plowing and for the rock that they put down because that is just…that is just crazy not true. She said the first guy that came out…actually he was volunteering well there were several guys that volunteered to clean the roads and they came out there. She stated one of them got $40 from them, I gave him a gift certificate to go up to the Selvin Store, and some people were running out and handing them $40 here and there. She continued we tried to take care of those guys because they were trying to help us because we were…it was so bad that we were…there was not even enough parking space upfront for everybody and to be picked up with a 4-wheeler. She said the roads are terrible. She stated they are worse than they were when we were here in December. She said if they did one…they did a couple of patches and one of them…they talk about fixing…you cannot get a fire truck through it would sink. She stated I haven’t been home since I left this morning at 4:00 this morning so I don’t know what was done today but I would be kind of surprised that it was that great. She continued and then the argument that he presented to us was the zoning got it all wrong everybody got it all wrong when this was developed so this was not their fault. She said when you…I asked them I said have you ever managed a recreation center or done anything…no experience with a recreation center. She said well, some of them are meant to only have campers on them and some recreation centers allow you to build permanent dwellings on them. She stated depending on what it is is how it is developed so that is why we are landlocked in here is because the Marshall’s sold those lots and maintained it as a closed system where they owned the roads, they owned the lake, and basically our deeds and it says in our deeds, and I have a bunch of them with me if you want to look at them, but we are part of Yellow Banks and we can’t be harmed by Yellow Banks. She stated we are supposed to be a mutually beneficial relationship. She said buying my place there is my pass in my ticket in everyday to enjoy the recreation center. She stated I just can’t for the life of me understand how this can go on like this. She continued you own the roads and you own the lake it is your responsibility to take care of it. She said you can’t move in…a guy can’t move in beside you and let their grass grow 2’ and tell me well if you want to mow my grass that is fine but I am saving for a Cadillac so I am not going to do it. She stated it just doesn’t work like that. She said you got to maintain what you own and then if you want to develop more, great but I am not against them doing what they are doing, I am really hoping that it all goes well but we have this sticking piece that we just can’t get past.

Vice-Chairman Winge stated I don’t want to stop you but if there are other remonstrators, I want to be sure to get them in.

Linda Bailey responded right sir.

Vice-Chairman Winge continued on this and then I have a couple of questions for them when it is done so if you can wrap it up, we will…

Linda Bailey stated I would really like to see those receipts because I just don’t believe that is true and I’m really sorry that they paid that much for what got done. She asked so is there anything that I can answer from anybody.

Mike Moesner said you all talked about being able to take in some money on a yearly basis to help with the overall…

Linda Bailey replied the problem is it is usually people that are working and have some money that they could contribute, there is…there is retirees out there, there is poor people out there, people that are disabled that don’t work, and so there is very few places to get revenue for it I mean from it…they have to take the leadership role in all of this. She stated if they want to do a fundraiser, they can do the fundraiser…I’ll go up and cook, serve, or whatever they want but their roads, they are in charge, and they have to manage this.

Vice-Chairman Winge said thank you. He asked do we have any other remonstrators. He said any other remonstrators. He said sign in and give us your name please.

Daryl Kast said he owns lot 41 north. He stated the reason I am here it irritates me to see that…I went up to the guard shack the other day, or what I call the guard shack where they leave the mail to and everything like that, there was over 150 lots. He said I quit counting at 140 and look how many people we’ve got. He stated everybody is bitching, excuse my language, because we don’t have good roads, we don’t have this, or we don’t have that. He said why should 6-8 people be out here trying to make roads for everybody. He continued to me if the people really cared, I don’t care how much money you got like she said some are retired, some are poor, some are this, and some are that but they could show up and have unity and show these people what they feel like needs to be done. He stated I know they said, Charlie at the last meeting, he was talking about $10,000 here they said $5,000 well if I talked to approximately 6 or 8 people and they told me they would be willing to contribute $100 or $200 and Yellow Banks Corporation said they would match up to $10,000 Charlie was talking about. He said well, we are going to be…if everybody would even contribute $200 out of the 6 or 8 that is only $1,200 to $1,600 and if everybody could contribute something we might be able…if they would do like Charlie said put a…I mean match up to $10,000 and we had 125 people give $100 that would be $12,500 and put their $10,000 we could have some roads…plus I did some checking and the ASCS office said if we would get the County Engineer down here so they could tell us what ditches need to be cleaned out and whatever everything else is that we need to do because that is one reason the water will not leave the roads. He said we don’t have no ditches. He continued there are no ditches, I don’t care what roads you go on if you’ve got good roads, you are gonna have good ditches. He said that is all I can say we are trying to improve it but I am not a union man but it is like the old union saying united you stand and divided you fall.

Vice-Chairman Winge said I have a question for you. He asked did you live there when the Marshall’s was running the camp.

Daryl Kast replied no, I just moved there in June.

Vice-Chairman Winge asked do we have people here that were there when the Marshall’s were there.

Daryl Kast responded there are some back there yes.

Vice-Chairman Winge said I may want to talk to one or two of them. He said I have a question for you (looking at Huy Tran and Jim Morley, Jr.)

Jeff Valiant stated you have to finish the remonstrations first, Mike.

Shari Sherman said Mike, finish the remonstrations first. She said finish the remonstration.

Vice-Chairman Winge replied oh, that is right I am sorry. He asked any remonstrators out here that were there I would like to hear from one or two of you when the Marshall’s were there.

Paula Kochvar came to the podium.

Vice-Chairman Winge said I am going to ask you a question before you get started and if anybody agrees with this, they can raise their hand that was there when the Marshall’s were there. He asked did you have to put up any money at any time on roads while the Marshall’s owned that…

Paula Kochvar said no, never.

Vice-Chairman Winge asked does everybody else feel the same way that was there.

Discussion in the seating area but unintelligible.

Vice-Chairman Winge said nobody had to put up money on the roads. He said I thought that was stated previous.

Mrs. Barnhill replied yes, actually one of the relatives from the Marshall’s works in my office and she said she used to write the receipts for the payments.

Vice-Chairman Winge responded okay. He asked so there were payments made.

Mrs. Barnhill replied yes according to the person in my office.

Vice-Chairman Winge said alright, go right ahead.

Paula Kochvar stated we have lived out there about 12 years or so and never have we seen the roads half this bad, never. She said we are so lucky and grateful we live at the first house on the north side on the lake. She stated we don’t have all of that trouble nearly like everybody else does but if we go around the corner to my dad and brother’s house it is horrible, up the hill is a total nightmare. She asked I am wondering did any of you drive out there like it was suggested you might do.

Vice-Chairman Winge stated I did not make it out there. He said I wanted to make it and I do intend on going out there but…

Mike Moesner stated I have been out there.

Vice-Chairman Winge asked did you go.

Mike Moesner replied I have been out there yes.

Vice-Chairman Winge stated I have been up there in the past and I know how bad they were before but I have not recently been up there. He said I was the former building inspector when they were doing them up there so I have seen a lot.

Paula Kochvar stated one of our garbage pick-up trucks, this week, he will not be able to come out because he can’t get through the roads. She said that speaks volumes as far as we are concerned.

Peggy Bragg stated I live on 61N and what everybody is talking about is…

Vice-Chairman Winge asked have you signed in ma’am.

Peggy Bragg continued the main thing they are talking about is directly across from us and we are the only one that is right there really and truly. She said if you go up the hill there is finally another house but you’ve got probably 3-4 city blocks that isn’t even one lane anymore. She stated I have pictures where they have drove through my front yard this winter just two weeks ago and got stuck so now it is all rutted up because they didn’t want to go on the road, okay. She said that is my opinion there I don’t know what the cure is I know when we moved there 12 years ago, we did not have that problem because we are on the main drag. She stated what they did at the top of the hill they put a drainage in right beside Larry Powell’s place and it would go over the hill and down into the field that they are wanting to put campers in. She continued that is what kept that road from washing away and two people could pass but now you cannot. She stated what started it was when they decided to dig a trench down that side road for drainage and then we are all into this now because it was solid before and my only other comment is yes, we might have made the agreement with Charlie and stuff about doing stuff but they have already broke their agreement. She stated I have tried to get ahold of Charlie, I have tried to get ahold of the manager, I have tried to get ahold of Pat, but I can’t get ahold of anybody to get into the building up front to see what is left and that has been over a week. She said I know a week to some people doesn’t make a difference but we have Memorial Day coming up, which is one of the big things that we used to do all of the time. She continued we need to get started on it not put away on it. She stated we need someway to get ahold of somebody to open the buildings to see what is left and what they haven’t sold that was up there to use to make money.

Vice-Chairman Winge asked is there anything else that needs to be added to this on the remonstrators. He said we don’t want to be repetitive.

Someone from the seating said something.

Vice-Chairman Winge said pardon.

They said I have a question.

Vice-Chairman Winge said you need to come up and sign in.

Paul Shoulders said I have a question. He asked is there a way to put a clause, if you guys decide to do this, is there a way to put a clause on this agreement, rezoning.

Vice-Chairman Winge stated that question will be for Morrie.

Paul Shoulders responded okay. He asked is there a way to put a clause on there that if the road improvements don’t come in the next five years like they are saying they will, that you could revoke it.

Attorney Doll stated no, you could conditionally approve it that they have to improve the roads but you can’t revoke it like after a period of time five years you suggested.

Paul Shoulders responded no; I mean I live right down the front next to the lady that said she lives in the very first place. He said I am on 3 and 34N and we don’t have any problems with our roads down there but I am here for my neighbors, okay. He stated there are a lot of them that can’t get to their places and if they don’t start seeing some improvements, I don’t know what is going to happen next honestly. He said I am just trying to think along the lines of what you guys’ job is to zone or rezone what is there and they can go on. He stated we all want this to happen, we all want them to succeed but you understand where these residents are trying to get something accomplished here…I just don’t know if there is a way that you can word something in the zoning that they have to accomplish this. He said right now if you listen to some of the details earlier that were brought up, we just have a verbal commitment, you only have a verbal commitment, and you even asked them straight to them. He continued that may be good enough for you guys but for these residents that have been fighting this for several years it is probably not.

Vice-Chairman Winge said I have a question I want to ask you. He asked you are real familiar with it let’s just say if they want to put this RV park in, in your opinion you know these are much heavier than the normal vehicles, is it been any consideration for how much worse that would make the roads if they are not being repaired.

Paul Shoulders stated it is a separate entrance. He said if you look at the…

Vice-Chairman Winge said totally separate.

Paul Shoulders said it would be your county road you would be asking about.

Vice-Chairman Winge replied okay.

Paul Shoulders continued they shouldn’t be driving through our park.

Vice-Chairman Winge replied okay. He said that answers that question.

Mrs. Barnhill said any conditional…conditions placed on this Special Use you could only include the ground that is included within this Special Use.

Attorney Doll said that is correct.

Mrs. Barnhill continued not beyond the limits of the property that…

Attorney Doll said which they don’t own.

Mrs. Barnhill continued that they own right they cannot go beyond that.

Paul Shoulder said I have another question. He asked do I have time for another one.

Mrs. Barnhill responded yes.

Paul Shoulders asked what would the county do as far as doing thirds on them roads. He said I pay the same amount of taxes I pay on that property up there as I do where I live in Newburgh. He continued I mean I probably the same rate.

Vice-Chairman Winge responded that is a Morrie question.

Attorney Doll stated well that is a Commissioners question.

Paul Shoulders asked I am just asking would it be possible to go at it this way. He said instead of it being half on the owners that are using these roads…

Attorney Doll stated they can’t use public dollars on private property.

Paul Shoulders replied okay.

Attorney Doll stated it has to be on public property and to my understanding the county doesn’t have these roads. He continued these roads are private property.

Paul Shoulders said and if they did have them, they would have to be up to code…

Attorney Doll responded yeah.

Paul Shoulders continued that has been brought up several times I believe.

Attorney Doll stated not only that but when a development comes into the county, they have to agree to establish the roads according to county standards and that would be monumentally expensive plus my understanding is, I am just looking at this plat this drawing, the right-of-ways aren’t wide enough, they overlap, the zoning, I mean this is a mess.

Paul Shoulders responded yeah some of them aren’t much bigger than a goat trail. He said you can’t tell by your print there but it’s very rugged up on the northern end or actually it is the western end of the property.

Attorney Doll stated I think the conflicts of property lines between the various lots it is a mess.

Mike Moesner asked would they have a legal standing to be able to go to court and say…

Attorney Doll asked who are they going to sue.

Mike Moesner said I am not…I don’t know.

Shari Sherman stated the Marshall’s are no longer there and they are the ones that created it.

Paul Shoulders said they sold it…they got their money and sold it, yeah.

Vice-Chairman Winge said okay, we appreciate your comment. He asked do we have any more remonstrators. He said we have one more back there.

Paul Luttrull came to the podium. He said one thing that I think we all agree on, as far as owners are concerned is, we really want these people to succeed. He said Yellow Banks used to be a glorious place. He continued it was full of people…the beach was full of people especially the 4th of July was huge. He said there was fireworks, there were campers all ready all over the place upfront…where they already have camping spots and sewer something set in. He said I don’t know why they aren’t using that already existing spot now. He said there is nothing in the back except for an overgrown field. He continued but we want them to succeed…we would like to see Yellow Banks go back to the glory days it used to be, and all of my family members had places out there. He continued all three sisters had places…umm my father lived out there for years and my mother so they have been out there a very, very long time. He said I retired from California, I’ve only been out here for a year. He continued and what I saw when I came back is nothing like the Yellow Banks that used to be there that I was familiar with. He said the beach is trash. He said nobody is…it’s not even safe to be on. He continued nobody could safely swim in this lake ever…umm I wouldn’t even fish in this place now, and the property in general, the roads especially, but the property in general has been neglected to the point where everything’s overgrown is terrible. He said people have had to take it upon themselves to do any improvements there are…even to getting to their house because nobody else is doing it. He continued they’ve…umm none of my family has ever contributed any money to the roads and that’s because the roads are privately owned…the lake is privately owned, it’s their responsibility. He said if I have an accident…if I’m driving down the road and there is an accident the legal liability is on the owners because they own the road, and I think that’s a central issue…their responsibility. He said we have contributed because we’ve had to contribute. He continued now years ago when my parents were still there and active they would have all kinds of fundraisers, they had a pottery barn that was known throughout multiple states…people would come from Indianapolis, Ohio, and Kentucky to come to the sales and the different projects people put on. He continued and they used that…those funds to help develop the property because they made a lot of money actually. He said the reputation now is its trash. He continued people don’t want to come there because they, I mean, I’m concerned about emergency vehicles even getting to us in a timely fashion if somebody has a health issue. He said I have two firefighters that are my neighbors and they said they can’t guarantee that they can get access so umm anyway thank you.

Vice-Chairman Winge said thank you. He said okay that being the last remonstrator I have a couple of questions for you.

Huy Tran and Jim Morley Jr. came to the podium.

Vice-Chairman Winge said okay you say this is a partner venture. He asked how many partners do you have.

Huy Tran replied two. He said just me and Charlie Peabody.

Vice-Chairman Winge said let me ask you this. He asked did you do any kind of a walk through and a plan of other words of cost of what you were getting into with this, and even having the residents in mind when you went in there is my first question.

Huy Tran replied yes.

Vice-Chairman Winge said so you went through and you looked at the roads, you evaluated…what did you come up with on the roads.

Huy Tran replied so when we went through it the roads are about in the same condition as they are in now. He said we know that they will need maintenance every year.

Vice-Chairman Winge asked did you make plans for that.

Huy Tran said the previous owner told us that they do a three-hundred dollars…umm donation or fees from the residents each lot every year to do the road maintenance. He said so that’s what we’re asking…basically just continuing the same process.

Vice-Chairman Winge said my next question…the roads are in bad condition…have you brought any kind of professionals in to tell you whether or not if you fill the pot holes in and dump rock where that’s going to be worst out again or is there any kind of a plan put together for that when you come in to make this purchase.

Huy Tran said well ya know to make the roads county…umm county legal side…I mean it would take some…

Vice-Chairman Winge said I’m not talking about county legal I’m talking about making them passable for the people there.

Huy Tran said right.

Vice-Chairman Winge said I mean you had to have some kind of concern for that.

Huy Tran said they are passable now I mean we even have a letter from the fire chief of Pigeon Township that he said that they can access every lot in Yellow Banks and umm so I mean and earlier when Linda Bailey was saying that she has to give somebody a gift card from Selvin. He added we actually have a receipt of those people…$2500 to plow the roads. He said I mean realistically nobody’s going to just plow all the roads in Yellow Banks just for their kindness of their hearts. He added we do have receipts so what she said is absolutely not true.

Vice-Chairman Winge asked any other questions…

Jeff Valiant said yeah so this thing is all over the place. He said so these roads here and Jim are these the same pictures…are these the same roads we are talking about being in bad shape.

Jim Morley, Jr. said those are the roads kind of up here…

Jeff Valiant said okay because these look better than a lot of the county roads that I drive on as it is. He added so I’m just kind of perplexed as of what roads we are talking about. He said the roads you know within the special use area…

Jim Morley, Jr said right, those are the roads in the special use area.

Jeff Valiant said right, so those roads are good then.

Shari Sherman said and what we can…

Jeff Valiant said my next, sorry…

Shari Sherman said go ahead.

Jeff Valiant said my next question would be who maintained these roads till your client got a hold of the property.

Huy Tran said that would be Pat Owens.

Jeff Valiant okay, so the roads were like perfect before until you guys took over.

Huy Tran said umm no, I’m sorry. He said you’re asking who maintained the roads.

Jeff Valiant said yeah I was just curious. He said it sounds like these roads were perfect until you got involved.

Huy Tran said no, they…

Jeff Valiant said okay.

Huy Tran said they were dirt roads so…

Jeff Valiant said yeah because the place has went down, and I’ve seen it at various other…there is a camp ground over by Log Inn if anybody is familiar with that place…back in Yellow Banks heyday…it was awesome and it’s terrible now because that business isn’t like it was back then and I applaud you for trying to make something out of what’s up there.

Huy Tran said yes.

Jeff Valiant said but obviously to make all these commitments on these roads it would be nice but if the guy can’t have a business he’s not going to have any money to put in it so we are at a catch 22 if we don’t approve it it’s just going to sit there and not a road is going to be touched.

Huy Tran said it will set it back at least 10 years I promise you.

Jeff Valiant said but it just, like I said, it sounds like since you guys have taken over the roads have just went to crap and I’m just kind of wanting it clear that you’re not the issue for the roads.

Vice-Chairman Winge said well it kind of sounds like even the previous owners they enjoyed everything and nobody had any kind of a plan to maintain anything…

Jeff Valiant said right.

Vice-Chairman Winge continued and now all of a sudden it’s hip and everybody’s wanting to point a finger at everybody else. He continued there is only so much we can do here.

Huy Tran said right, and we’ve been trying with our good faith effort like I said we have receipts for everything that we spent on the roads…umm if necessary we can email to the Commissioners umm to the Board. He continued but umm yeah we do…everything we do we have receipts for. He said we are a business so we do need receipts for tax purposes.

Vice-Chairman Winge asked your plan for the RV Park is electric…you’re going to provide electric and sewage hook up and all of that.

Huy Tran replied yeah.

Vice-Chairman Winge asked so you’re going to have money for those things.

Huy Tran replied that’s the plan.

Shari Sherman asked those are accessed off of a county road.

Jim Morley, Jr. said yeah Bobby Howard, the County Engineer, had asked us if we have done commercial drives evidently the…so a couple things…so there was a question of hey, there used to be all kinds of campers out there and there are no campers out there now. He said it’s because the campers that were out there were never out there legally. He continued they were never permitted to be out there. He said and so the reason we’re here is because this owner is trying to do this the right way. He said we are coming to you for a special use. He continued we went to the County Drainage Board for drainage plan approval. He said we went to the county Commissioners for commercial driveway permit approval, we went to the state of Indiana for a campground permit, we went the sewer department for sewer design plans, we designed a…I mean everything pre this owner has been just done however it was done…

Shari Sherman said wild west.

Jim Morley, Jr. continued to the best of my knowledge this building has never granted an approval of any plan of anything that was ever built out there. He said and this owner has come in the past for a special use, in the past, just as a reminder this was approved before they just ran out of time because of delays to their project. He said they got Drainage Board approval, they got sanitary sewer approval, they got commercial drive permit approval, and that is all permits they have to get to do it the right way and they are trying to do it the right way. He said one fella…Paul mentioned a condition…maybe a recommendation I might have and I’m not sure if this works but I know the owner would be willing to do this…if the special use was approved uh they could submit their road receipts every year to show that they are doing their part. He continued that they are actively putting money into the facility. He said that issue is umm both sides have to work together and the challenge is because there are 100 something lots and there is no Lot Owners Association, you have 100 or so different people to interface with and most people, a lot of people, have different ideas of yeah I’ll kick in a little money…no I’m not kicking in any money…yeah I’ll help do this…no I’m not helping do that and that’s the challenge. He said and you know and so this owner has stepped forward to say hey we’re going to do…we are going to put up matching money. He continued and I’ll say there was umm…let’s see umm…I think Darrel was a fella that stood up here umm…maybe misunderstanding but a win for the neighbors tonight…the intent of the conversation of $10,000 was it was $5,000 from this owner and $5,000 match. He said that was the intent of the $10,000. He said perhaps there was a misunderstanding on how that came across, I’ve talked to the owner. He said they’re willing to put up in the first year $10,000 to be match dollar for dollar for whatever…whether the community raises that at a pottery sale, yard sale, craft fair, or if they all pass a hat and everybody puts…if 100 lots put in $100 a piece that would be $10,000. He said they are trying on their side to make something happen but the reality of it is, is if they don’t have a special use they can’t build a campground, without a campground they can’t get revenue, and without revenue they can’t do anything. He continued and unfortunately there’s…I wish maybe there was a better way but I don’t know how to say it to a certain extent…we need folks to believe that these folks are going to try because if they don’t try then there is no revenue that comes in to fix anything. He said I know I just signed, I just signed the check it cost $463 to have my parking lot plowed and so I’m sure that nobody was plowing all Yellow Banks for $40 and gift cards…you know and so I have full confidence that it costs $2500 to have Yellow Banks plowed because it cost me 400 and something dollars to have my parking lot plowed at my office. He said and so they are trying but I’ll be honest with you, they need some help and Molly I don’t mean to put you on the spot but for the person in your office the Marshall’s got help.

Mrs. Barnhill said uh-huh and they were the first to set it up.

Jim Morley, Jr. said you know and so they aren’t asking for anything different. He said now whether they passed the hat back then, whether they did a pottery sale, whether they did yard sale that I’m not going to speak to. He continued but there was some financial assistance that came from the community also and that’s really all this owner has asked for is, I mean Dr. Bailey said that it should be mutually beneficial and I agree. He said but mutually beneficial means working together not one side doing everything and the other side not doing anything. He said and so we would ask that you would approve the special use so they can proceed with a project to help bring back Yellow Banks to its glory days.

Vice-Chairman Winge said I want to say something to add to what Jeff was saying. He said I think you can look on both sides there is a certain amount of responsibility for the home owners to do their diligence. He said this has been coming for a long time and so it’s not all your fault. He said and so we are going to try to look at all of this thing and try to come up with something here that would be beneficial. He added and the statement that was made, I can see where Jeff has said what he was saying because umm if you don’t try something you’re going to have nothing.

Huy Tran said thank you.

Vice-Chairman Winge said is that all you had.

Jim Morley, Jr. said and again if there’s some way to condition it that they provide receipts showing that their you know…

Attorney Doll said makes us responsible for maintenance…you can’t do that.

Jim Morley, Jr. said okay, well I was trying. (laughing) He said I was trying to do something just to do…so it wasn’t just their word you know, I mean but…

Attorney Doll asked why do you own the roads. He asked why do you continue to own the roads.

Jim Morley, Jr. asked how do we get rid of them.

Attorney Doll said well if there was a homeowners association it would be a really easy question.

Jim Morley, Jr. said yeah it would be an easy question.

Mrs. Barnhill said didn’t they buy what Powers had and then Powers bought whatever was available.

Jim Morley, Jr. said and when the previous owner bought…he just bought what was…what the previous owner had.

Attorney Doll said there is undeveloped land other than the proposed campground.

Jim Morley, Jr. said yeah, in the back yeah.

Attorney Doll asked what are you going to do with that.

Jim Morley, Jr. replied when we started, and Molly on the way back machine…

Mrs. Barnhill said uh-huh.

Jim Morley, Jr. continued but when we started that part wasn’t so clear to what would happen and it also involved going back through the neighborhood and so we said okay let’s do the part up at the front because it accesses directly onto the county road and it’s for the lack of terms its cleaner to the extent that we don’t…when you go back there, yeah know the property’s all different, yeah know the roads are all different shapes, they’ve got property overlaps and everything else and so we chose to stay at the front where there was umm fewer, fewer challenges.

Attorney Doll asked is that a permanent decision.

Jim Morley, Jr. asked is to…what do you mean.

Attorney Doll asked are you saying you’re not ever going to develop the back.

Huy Tran replied umm never say never. He said I can’t speak you know for the future.

Jim Morley, Jr. said but I think if they can get, if they can get the front going then they’ve got something. He said you know, then revenue can come in and they can reinvest in the community. He said but without something going, they’ve got nothing.

Dave Goldenberg asked but if the homeowners do their own 501 C-3 or association…

Attorney Doll said it doesn’t matter.

Dave Goldenberg continued okay well if they set up their own association can they donate the roads to that association.

Attorney Doll said uh-huh.

Dave Goldenberg said so then you can donate your roads to that association. He said that would then put the road maintenance on the homeowners and the only way they’re going to take that is if you probably chip some money into the association to start with and try to bring the road at least up to an acceptable position.

Mrs. Barnhill said Dave part of the problem is that they don’t own all of the road.

Dave Goldenberg said oh.

Board Members laughing.

Mrs. Barnhill said yeah it goes off onto these other lots owned by other people especially on the western part of that lake…on the back of that lake. She said yeah back there.

Vice-Chairman Winge said it’s a mess.

Mrs. Barnhill said so I mean if you could get people that have property back there to give up their land.

Jim Morley, Jr. said yeah like some property owners would literally like to give their ground up because the roads on their property.

Mrs. Barnhill said some of them would have to chop their house in half because there’s lines that go through the middle of them, I mean…

Dave Goldenberg said so there’s not, there’s not an easy solution.

Mrs. Barnhill said no.

Dave Goldenberg asked and is it a solution that comes…is this…

Attorney Doll said it’s been this way for years.

Dave Goldenberg said group tried to come up with a solution which I don’t see how we are going to be able to…

Vice-President Winge said but this thing’s in such a mess.

Dave Goldenberg continued it becomes a civil issue between the homeowners and the property. He said you know, I personally, I don’t know if I would have bought property like that knowing the mess and the obstacles that are involved. He said I’m a conservative guy, I budgeted, I would be budgeting for fixing a road and ditch…studies for drainage. He said if that wasn’t done that’s not necessarily the property owners problem either. He added it’s the investor who didn’t do his due diligence himself that’s got himself little bit in this situation. He said now he’s asking the property owners to bail him out. He added this is in my opinion guys…to try to get a development going. He asked have we got drainage studies been done if they do the roads is that drainage going to cause issues. He said I don’t want to step on my whatever as we’re going down this thing.

Jim Morley, Jr. said I will say I mean they did do some due diligence in the concept and I don’t think they’re asking the neighbors to bail him out, they’re asking the neighbors to contribute as the neighbors have in the past contributed.

Dave Goldenberg said but we are getting conflicts if the neighbors have contributed.

Mrs. Barnhill said Kim Kaiser, she’s the Marshall relative that lived out there and wrote receipts when you were younger.

Kim Kaiser said I started working out there when I was 11 and I quit working out there umm when I was in my 20’s. She said and there was a road fee every year. She added every person that rented a lot or owned a lot was responsible to pay. She said Jim has been dead for 10 years in December and he was in a nursing home for 2-3 years prior to that. She added and his health wasn’t great and the roads have not been maintained out there for at least 15 plus years. She said people quit paying their road fees that’s why the roads quit being maintained also.

Mike Moesner asked about how much was the fee do you remember what…

Kim Kaiser replied I’m thinking it was like one hundred dollars a year, but that’s like I said that’s been…

Mike Moesner said 20 years ago.

Kim Kaiser continued 30-40 years ago. She said I’m showing my age up here.

Dave Goldenberg asked as far as you know is there a separate account for that money or was it…

Vice-Chairman Winge said probably not.

Kim Kaiser said no.

Dave Goldenberg said it was comingled, comingled within.

Vice-Chairman Winge said it would all be within one.

Kim Kaiser said they just paid a road fee and Pat and Jim maintained the roads. She added Jim and his son did the hauling and the gravel, they had a dump truck, and they had a grader blade for the tractor and they maintained them themselves.

Vice-Chairman Winge said well…

Shari Sherman said I have a question.

Vice-Chairman Winge said go ahead.

Shari Sherman said the part that we’re looking at here inside here is what you’re looking at developing or…

Jim Morley, Jr. said that’s what we are asking the special use on.

Shari Sherman said that’s what we are asking. She added so some of these are outside that area your…

Jim Morley, Jr. said I would state that pretty much all of the roads they’ve discussed are outside of the special use…

Shari Sherman said okay, so what we’re legally looking at is what is here is what we can address. She asked is that correct.

Attorney Doll replied yes.

Shari Sherman said okay.

Jim Morley, Jr. said and I have pictures of the roads inside this special use. He added I think I passed them out last time. He said I have more copies if you want to see them. He said but those roads are in my opinion…

Jeff Valiant said that was the question that I had earlier.

Vice-Chairman Winge said I think we can sum this up pretty quick by just simply saying what we’re going to be voting on tonight doesn’t have anything to do with their roads back there. He added what they need to do is get together with you all, and used to, there was fees that was paid if it’s $100 a person or whatever. He continued that’s a lot of money to get your roads caught up so we’re going to have to vote on what we have here and what you’ve submitted in here which doesn’t have anything to do with those roads.

Huy Tran said right, and umm like Daryl Kast said I mean that’s 120 something lots in Yellow Banks and I mean that’s 8 or 9 lots owner signed that piece of paper so you got to take that into account…it’s like 8% people to objection.

Vice-Chairman Winge said okay, alright…

Shari Sherman said this is what we can deal with.

Huy Tran said yes ma’am.

Vice-Chairman Winge said well we’ve heard from both sides and umm…

Jeff Valiant said quick question council…I know one of the request they had was on a 5 years on the project. He asked do we need that in a separate motion.

Attorney Doll said well it’s outside the geography of the application isn’t it.

Jeff Valiant said no, no, no, no, no. He said it was part of their request…

Mrs. Barnhill said they are asking for…

Jeff Valiant continued asking for 5 years completion…

Mrs. Barnhill said 5 years to complete the project.

Jeff Valiant continued as opposed to the standard. He asked do you want that in a separate motion.

Attorney Doll said yes.

Jeff Valiant said that’s if we chose to…

Attorney Doll said yes. He added it’s not just the roads it’s the whole project.

Jeff Valiant said well yeah, yeah, no, this is on the project.

Shari Sherman said the project.

Vice-Chairman Winge asked which one do you want to take first.

Attorney Doll said whether you’re going to approve project or not is the first motion.

Vice-Chairman Winge said okay.

Dave Goldenberg said I’ve got one last question.

Vice-Chairman Winge said go right ahead.

Dave Goldenberg said sorry. He asked when you guys did your water drainage through whomever…to look at that area that you’re asking for special use…

Jim Morley, Jr. said uh-huh.

Dave Goldenberg said that’s taking into consideration water coming from everywhere that, that group signed off on. He asked you’re not creating another…

Jim Morley, Jr. said no our water, our campground, our campground drains are away from where the folks live. He said we took into account any water that would have ran onto it…

Dave Goldenberg said yeah that’s what I’m asking.

Jim Morley, Jr. continued but yeah our water drains to the northeast, if you will, I think that’s right northeast. He said but it was approved by the, it was reviewed by the County Surveyors, Steve Sherwood the Deputy County Surveyor, and was approved by the Warrick County Drainage Board.

Shari Sherman asked so they have approved the plans that you’ve submitted.

Jim Morley, Jr. said yes.

Shari Sherman said okay.

Vice-Chairman Winge said okay, you done.

Jim Morley, Jr. said unless you have any other questions.

Vice-Chairman Winge said we are going to entertain for a motion here and if you’ll look at number 7 on your list you’ll put that 5 in that blank…5 years.

Attorney Doll said you can do it there.

Vice-Chairman Winge said so whoever makes that motion…we are going to open the floor for a motion to approve this.

Attorney Doll said or deny it. He said it should be either motion.

Vice-Chairman Winge said either way, yeah. He said so somebody make a motion…yeah or nah.

I, Jeff Valiant, 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.

1. Subject to all public utility easements and facilities in place.

 3. Subject to any required Improvement Location Permits being obtained.

1. Subject to any required Building Permits being obtained.
2. Subject to any required State Permits being obtained.
3. Subject to a Commercial Site Review prior to any permits being issued.
4. Subject to if the special use is abandoned for one year or has not been completely established within 5 years of the date granted, the special use shall be null and void.
5. Subject to the special use not being altered to become another use nor expanded than that which was approved by the Board of Zoning Appeals. If the special use approval is altered or expanded the approval shall be null and void unless the applicant/owner comes into compliance, amends the application or files a rezoning petition (if necessary) within forty-five (45) days from the notice of violation.
6. Road easements

Mrs. Barnhill said that is something we talked about at the last meeting granting road easements just within this area but we can omit that if you so choose.

Jeff Valiant made a motion to omit number 9. Shari Sherman seconded the motion and it carried unanimously.

Jim Morley, Jr. said thank you all I appreciate your time.

Jeff Valiant said thank you.

Attorney Doll asked do you want to explain it to the remonstrators. He said so the application has been approved so they can put the campground in.

Vice-Chairman Winge said and folks here’s something you all need to consider…if we don’t allow them to try to do something it’s only going to get worse. He added you’ll have nobody to do anything. He said so they are trying and there will be a lot of agreement and disagreement on how fast they are doing this but I really feel like they are trying. He said so we should at least give them that opportunity to make arrangements…he says he’s going to put all the money back into the park and roads and stuff so if he does that then that is only going to benefit you.

Shari Sherman said by approving this we have said that the county will be looking at this project going forward and requiring it to meet all the standards of the county so that there won’t be a wild west built out there…

Vice-Chairman Winge said I didn’t say that.

Shari Sherman continued it will be things that they have to do and they will be held accountable by the Drainage Board and by the zoning and then by that as they are moving forward. He added so there is somebody watching what they’re doing.

Vice-Chairman Winge said we are trying to get your roads in better condition. He said okay, that’s all.

Linda Bailey asked the first permit that you guys approved Charlie Peabody was here.

Shari Sherman said we didn’t approve one the last time.

Linda Bailey said you didn’t.

Attorney Doll said we did years ago.

Shari Sherman said oh years ago.

Jeff Valiant asked what are we doing here.

Linda Bailey said and that was the thing is that you guys asked them about it and to basically, for him, to commit that we wouldn’t be harmed by this…you know that he told you in the meeting minutes…

Vice-Chairman Winge said you need to come up here so we can hear this.

Jeff Valiant asked are we still on this case.

Mrs. Barnhill said we already made a motion.

Vice-Chairman Winge said no, I’m sorry, it’s over ma’am.

Jeff Valiant said it’s over with.

Vice-Chairman Winge said it’s over.

Linda Bailey said well you guys didn’t do your homework and see that he didn’t follow through with that either and now we have know…

Shari Sherman said okay, we have the next one.

**VARIANCES:**

**BZA-V-25-01:**  App. Milestone Development, by Phillip Hartz, CEO O**:** Lighthouse Storage of Newburgh, LLC by Lauren Hartz, Managing Partner

Property located on the E side of Pollack Ave. approx. 150’ S of the int. formed by Pollack Ave. & SR 662. Ohio Twp. 33-6-9. Lot 2 in Lighthouse Landing Sub*. 5844 Pollack Ave.*

**NATURE OF THE CASE:** Requests a Variance, from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, IN to allow an improvement location permit to be issued for mini-storage buildings without the required parking of 53 spaces (1/500 sf) showing 2. All in “C-4” General Commercial Zoning District. *Advertised in The Standard on February 13, 2025.*

Vice-Chairman Winge asked for a staff report.

Mrs. Barnhill stated their notice to adjacent property owners we have all of the green cards except for one but we do have the white pay receipt and it was mailed correctly. She said the existing property is vacant. She added the surrounding zoning and land use to the north is “R-1” One-family dwelling being Byerson Heights Subdivision; east is “M-2” General Industrial and is where the baseball fields are located; south is “A” Agricultural and is Waterworks Minor Subdivision; west is “A” Agricultural with single-family dwellings, “C-3” Highway Commercial and some “C-4” with a commercial business. She stated there is no floodplain and they have access to Pollack Avenue. She said the applicant statement states the *Lighthouse Storage of Newburgh will serve the community as a self-storage facility. Self-storage customers move items into their units and infrequently return. Based on traffic counts at other Lighthouse Storage facilities, traffic during the day averages between 2.4 to 3.4 vehicles per hour during the self-storage high-traffic hours of 5:00 and 10:00 p.m. Between the hours of 6:00 a.m. and 5:00 p.m., traffic counts average between 2 and 3 vehicles per hour. These low traffic volumes eliminate the need for an abundance of parking spaces.* She said the application is in order and we also have a recorded power of attorney for Ryan Gelarden to represent the owner tonight.

Vice-Chairman Winge said state your name and sign in.

Ryan Gelarden came to the podium.

Vice-Chairman Winge asked do you have anything to add to this report.

Ryan Gelarden said no just that we’re just asking for the variance because we don’t need that many parking spots for a client patrolled building. He added so we are just asking for the 2 spots to be enough.

Jeff Valiant asked these are mini storage units, right.

Ryan Gelarden said yes.

Jeff Valiant said so people would be pulling up to door of the storage unit anyway and not really parking to go walk over there or anything would be my…

Mrs. Barnhill said so this is one of the things…the only thing I had in the ordinance to go by said storage and it was one per 500 square feet for storage…umm so maybe…so the only thing I could tell him was he had to file for a variance but there’s nothing else.

Vice-Chairman Winge asked any more questions by the Board.

Attorney Doll said what, I mean, okay…going from 53 to 2 is a radical departure from the requirement.

Ryan Gelarden said yeah.

Attorney Doll asked is there a number you can live with besides two.

Ryan Gelarden replied no I mean typically on all of our storage facilities two spots is what we put for the climate controlled building.

Mrs. Barnhill asked the bigger ones are the climate control right.

Ryan Gelarden said the one right there by your hand…yes.

Mrs. Barnhill said number 1 building, oh no, building number 2. She asked is building number 10 climate controlled.

Ryan Gelarden replied it’s a future phase building. He said it’s not getting built with this phase but it will be climate controlled.

Mrs. Barnhill said so those are the two we are looking at.

Vice-Chairman Winge asked any more questions by the Board.

Attorney Doll said if you give the variance today isn’t going to be binding on the future buildings.

Mrs. Barnhill said yes.

Attorney Doll said so you may not need but two for this building but you’ve got this building that is in the future.

Mrs. Barnhill said no.

Ryan Gelarden said that’s a retail building.

Mrs. Barnhill said this is a different project…

Ryan Gelarden said it’s on a different lot.

Mrs. Barnhill continued a separate lot.

Attorney Doll said okay, but you’ve got this building. He asked where’s the parking going to be.

Mrs. Barnhill replied here.

Attorney Doll asked and none by this building.

Ryan Gelarden said that building back there they will be able to pull up next to it to unload their stuff. He stated the isle ways are wide enough for cars to get around them.

Mrs. Barnhill asked what is the timing look like on the project.

Ryan Gelarden replied we’re hoping to have this open late spring first of the summer.

Mrs. Barnhill asked just the one building number 2.

Ryan Gelarden replied that building and then 5 of the drive up non climate controlled buildings.

Attorney Doll said it’s up to your Board.

Ryan Gelarden said because I will state umm we just built one in Henderson, Kentucky and they actually are changing their ordinance due to this same exact thing with the square footage.

Vice-Charman Winge asked did you put a Lighthouse up on Green River Road down in Evansville.

Ryan Gelarden replied yes.

Vice-Chairman Winge said okay then I’m familiar with this.

Shari Sherman asked and you have one out here on…

Ryan Gelarden said yeah here in town on 62.

Shari Sherman said uh-huh.

Vice-Chairman Winge asked any more questions by the Board.

Jeff Valiant asked do you have employees there or no.

Ryan Gelarden replied no, no employees.

Jeff Valiant said okay, I didn’t think so.

Vice-Chairman Winge said we don’t have any remonstrators there is nobody left so…

Board Members laughed.

Vice-Chairman Winge said seeing there are no remonstrators for him I guess we will just open up for a motion.

I, Mike Moesner, make a motion to approve the Variance Application based upon and including the following findings of fact:

1. The grant of the Variance will not be injurious to the public health, safety, morals, and general welfare of the Community. As such, it is further found that the granting of the Variance shall not be materially detrimental to the public welfare.
2. The use or value of the area adjacent to the property included in the Variance will not be affected in a substantially adverse manner. As such, it is further found that the granting of the Variance shall not result in substantial detriment to adjacent property or the surrounding neighborhood.
3. The need for the Variance arises from some condition peculiar to the property involved. The peculiar condition constituting a hardship is unique to the property involved or so limited to such a small number of properties that it constitutes a marked exception to the property in the neighborhood. Such condition is small amount of vehicle traffic involved.
4. The strict application of the terms of the Warrick County Comprehensive Zoning Ordinance will constitute a practically difficulty, unusual and unnecessary hardship if applied to the property for which the Variance is sought.
5. The approval does not interfere substantially with the Warrick County Comprehensive Zoning Ordinance adopted pursuant to IC 36-7-4-500 et seq.
6. The granting of the Variance is necessary in order to preserve a substantial property right of the petitioner to use the property in a reasonable manner, and not merely to allow the petitioner some opportunity to use his property in a more profitable way or to sell it at a greater profit.
7. That the hardship to the applicant’s use of the property was not self-created by any person having an interest in the property nor is the result of mere disregard for or ignorance of the provisions of the Warrick County Comprehensive Zoning Ordinance.
8. The approval of the requested Variance is the least modification of applicable regulations possible so that the substantial intent and purpose of those regulations contained in the Warrick County Comprehensive Zoning Ordinance shall be preserved.
9. This Variance shall expire six (6) months after this date, UNLESS a Permit based upon and incorporating this Variance is obtained within the aforesaid six (6) month period or unless the provision of the Variance are adhered to within the aforesaid six (6) month period. Upon advance written application for good cause, a renewal for an additional six (6) month period may be granted by the Secretary of the Area Plan Commission.
10. The Variance Application is subject to the terms contained therein and the plans on file subject to the following additional conditions:
11. Subject to an Improvement Location Permit being obtained.
12. Subject to a Building Permit being obtained.
13. Subject to the property being in compliance at all times with the applicable zoning ordinances of Warrick County.
14. Subject to all utility easement and facilities in place.

Dave Goldenberg seconded the motion and it carried unanimously.

Ryan Gelarden said thank you guys.

Mrs. Barnhill said welcome. She said give us a few days and we will have your approval ready to pick up.

Ryan Gelarden said okay.

**OTHER BUSINESS:**

**ATTORNEY BUSINESS:**

Attorney Doll replied nothing.

**EXECUTIVE DIRECTOR BUSINESS:**

Mrs. Barnhill said I’m wondering if I shouldn’t look into parking requirements. She added that would be something to take to the Area Plan Commission.

Jeff Valiant said I think it’s a valid argument, I mean, you know.

Mike Moesner said how are you going to determine in the future how many units require how many parking spots.

Jeff Valiant said right.

Mike Moesner said you know, what’s going to be the determining factor.

Shari Sherman said and the fewer the parking lots the more that they can put buildings there the more they can profit from it so you know it’s kind of a…I mean that kind of business you don’t have a lot of people that are parking there for any.

Mike Moesner said any length of time.

Shari Sherman continued any long length of time.

Jeff Valiant said yeah I think 53 was definitely too many.

Board Members laughed.

Mike Moesner said yeah.

Dave Goldenberg said they hope that they need 53.

Board Members laughed.

Attorney Doll said no they don’t.

Shari Sherman said no they don’t.

Mrs. Barnhill said there’s a few in the ordinance like manufacturing is still pretty high. She added manufacturing’s gone really technical so they don’t need as many people in there. She said there’s some different ones that could be updated.

Mike Moesner said maybe we could have some expert opinion over here.

Jim Morley, Jr said I was going to say I would definitely encourage us to look at our parking requirements for industrial and warehousing. He said they are substantially higher than they need to be.

Mrs. Barnhill said uh-huh.

Jim Morley, Jr. said and especially like umm…

Attorney Doll asked how do they compare to Vanderburgh.

Jim Morley, Jr. said at Vanderburgh would have been the maximum working shift plus one per visitor. He said it would have been two because they would have had one person in the office and one visitor space. He said I think that’s right Molly but if it’s not that it’s like two visitors yeah know I mean it’s it would have been a couple.

Dave Goldenberg said not 53.

Jim Morley, Jr. said no. He said and like we did that warehouse up at North Warrick Industrial Park…

Shari Sherman said uh-huh.

Jim Morley, Jr. continued and it was at 100,000 square feet or something and we had to have all…we have them in the grass.

Attorney Doll said yes.

Jim Morley, Jr. said we have area for them but the reality of it is I mean it’s umm as the technology is changed and there’s more robots on the assembly lines and the stuffs becoming more high tech and everything else.

Shari Sherman said and they don’t need parking lots.

Jim Morley, Jr. said yeah I mean and so I would definitely encourage us to relook at our parking count for warehousing and industrial type facilities. He said I just wanted…you said it because I almost came up here and advocated for the guy because our parking for those topics are…their skewed to me to high…so.

Mrs. Barnhill said I agree.

Jim Morley, Jr. said in a fact I’ll say our commercial may be a hair low, but the industrial and warehousing is definitely too high.

Mrs. Barnhill said uh-huh. She said well I was thinking restaurants seems low.

Jim Morley, Jr. said yeah, and so it’s probably worth just looking at our parking counts and its entirety for the county.

Mike Moesner asked do restaurants go by square footage or seating capacity. He said how does that…

Mrs. Barnhill replied square footage.

Mike Moesner said square footage.

Attorney Doll said it ought to be seats.

Jim Morley, Jr. said so it cuts both ways because a lot of buildings are built where you don’t…like a strip center doesn’t…you don’t know if there is going to be a restaurant…you don’t know if there is going to be a penn station in there or not and so the parking is counted off of square footage. He continued but then if you get an Acapulco in there, I mean Melvin’s added on parking time and time and time again because he has a very successful restaurant. He said and so there is a challenge there but its…umm Molly if you decide to look at it I would be happy to look at it with you.

Mrs. Barnhill said okay.

Jeff Valiant said we heard that you volunteered for that so yeah.

Shari Sherman said yeah we’ve got that on the record.

Jeff Valiant said it’s on the record.

Board Members laughed.

Shari Sherman said make sure it’s typed in bold for the next minutes.

Jeff Valiant said thank you Jim.

Vice-Chairman Winge said we’ve umm…as an example we’ve went from 50 employees that we originally had on night shift and day shift…

Mrs. Barnhill said uh-huh.

Vice-Chairman Winge continued we put 11 robots in we’re down 24.

Mrs. Barnhill said oh wow.

Vice-Chairman Winge said you can’t get anybody to show up for work. He continued and when they do they don’t do nothing. He said so these things don’t mess up. He added you put them on a line and they just go. He said Fred, we’ve had him the longest (laughing). He added he doesn’t make mistakes.

Mike Moesner said he doesn’t ask for a raise does he.

Vice-Chairman Winge said no, don’t have to go to the bathroom, no lunch breaks, no social security.

Jeff Valiant made a motion to adjourn the meeting. Shari Sherman seconded the motion and it carried unanimously. The meeting adjourned at 7:32 pm.

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 Mike Winge, Vice-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 February 24, 2025.

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Molly Barnhill, Executive Director