**WARRICK COUNTY AREA BOARD OF ZONING APPEALS**

Regular meeting to be held in the Commissioners Meeting Room,

Third Floor, Historic Courthouse,

Boonville, Indiana

July 28, 2025 at 6:00 P.M.

**PLEDGE OF ALLEGIANCE:**

**MEMBERS PRESENT:** Terry Dayvolt, Chairman, Jeff Willis, Dave Goldenberg, Mike Winge and Mike Moesner.

**MEMBERS ABSENT:** Shari Sherman and Jeff Valiant

Also present was Morrie Doll, Attorney, Carlie Render and Julie Newton, staff.

**MINUTES:** Chairman Dayvolt said we do not have minutes from the June meeting to approve so I guess we’ll approve them in August.

Mike Moesner said they ran out of ink.

Chairman Dayvolt said uh-huh.

Chairman Dayvolt said the order of the meeting will be your variance or your special use will be called, you come to the podium, you state your name and then Carlie will swear you in for your testimony, and then there is a pad for you to sign in. He continued if you have a cell phone if you would mute them, please.

**SPECIAL USES:**

**BZA-SU-25-14:** **Applicant:** Daniel Barr **Owner:** Mission First Inc. by Daniel Barr, President

Property located on the South side of Ditney Hill Rd. approx. 3450’ East of the intersection formed by St. Johns Rd. & Ditney Hill Rd. Campbell Twp. 32-4-9. Prcl 1 in Mission First PZ East as record in Doc. No. 2023R-006860 in the Warrick County Recorder’s office. *Complete legal on file. 10433 W. Ditney Hill Rd.*

**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 private recreational area all in an “A” Agricultural Zoning District. *Advertised in* *The Standard on July 17, 2025.*

Daniel Barr, President of Mission First stated his name.

Carlie Render asked do you affirm to tell the truth and nothing but the truth.

Daniel Barr answered I do.

Chairman Dayvolt asked for a staff report.

Carlie Render said on the return receipts from adjacent property owners we do have all the white pay receipts showing that they were mailed correctly. She continued the existing land use is vacant and the surrounding zoning and land use to the north, east, south, and west is all zoned “A” Agricultural being vacant or single-family dwellings. She continued there is no flood plain and they have existing access onto Ditney Hill Road. She added they have requested an 18 month completion for the project.

Chairman Dayvolt asked do you have anything to add Mr. Barr.

Daniel Barr said so, this is basically deja-vu from our meeting of May 28th. He added nothing is changed in terms of the site plan. He said a couple things that have changed in terms of the timing we had initially submitted a full site plan for what would ultimately be developed, but we did not have full funding for that. He said at the Warrick County Commissioners Meeting we made the announcement on May 12, 2025 that we secured full funding of the 8 ½ million dollars to complete the project hence we’re asking for 18 months to be able to complete all of the facilities that are on the 90 acres. He added and so nothing has changed from that. He said we’ve received all of our state approvals in terms of the buildings. He said we’ve received final state septic approval and we are working with the Board of Health to finalize that. He said the roads have been completed that were for the site plan, the drainage plan has been completed per the plan, and this amended timeline of 18 months we’re confident that we can get it completed in that. He added we’ve got our general contractor, Elvin Spindler, that’s with us here and he’s assured us that he can get that work completed in that time. He said the buildings will be nice, they will be a nice addition to the 90 acres worth to the property, but the work is already happening there. He added we’ve engaged 50 Veterans on property so far in helping us with preparing the property. He said the partner organizations that we talked about last time were in full prep mode and at a recent team building exercise we had one of our gold star family children that was helping out. He said he’s about 32 years old his father was 40 years old when he was killed in the Iraq War in Iraq and when he finished that up he sent us a text and I’m going to blank one word but quote him exactly, “It’s been a bit of an overwhelmed too much noise mindset lately. That’s exactly what I needed and what a cool group of guys, Sanctuary on the Hill is already doing great work.” He said so we are engaging a lot of people in this thing, we’re excited to hit the gas pedal with construction. He added Jerry Aigner has completed all of the ground stabilization that needed to be done for the buildings in spite of a very difficult first six months of the year to try to get that kind of thing done, but we’re pretty confident that we can meet that 18 month timeline.

Chairman Dayvolt asked questions by the Board.

Mike Moesner asked is this going to be a year-round project…I mean on going thing that you have here.

Daniel Barr said the construction will be 18 months ongoing nonstop until we’re ready to open. He said we’re planning to open first quarter of 2027, and then at that time the activities will begin with working directly with Veterans and providing programing out there for them.

Mike Moesner said year-round, that’s what I’m asking.

Daniel Barr said year-round. He said yes, absolutely.

Mike Winge asked is this like a monthly thing, a weekly thing, or you’re saying year-round but do you have people there like once a month, once a week.

Daniel Barr said there will be people out there once a week…

Mike Winge said once a week.

Daniel Barr continued once a week we will have group activities that will go on and then during the balance on the week we’re planning a kid’s fishing tournament out there for children of Veteran’s where parents can get out there and fish on a 3 ½ acre lake. He added so there will be those types of activities going on year-round. He said we will take a pause during fire arm season because Veteran’s don’t need to be on Ditney Hill when it sounds like a war zone so we will be pausing during that…doing our maintenance and stuff during that period.

Mike Winge asked so how many people each time when you’re talking about this at one time come in there.

Daniel Barr replied at one time the backs will be about 100 that would be in the lodge which is the larger of the two buildings.

Mike Winge asked and they all stay within that 90 acre area.

Daniel Barr said yes.

Mike Winge said okay. He said I’m just curious I’m your neighbor.

Board Members laughed.

Chairman Dayvolt said and he’s the one that does all the shooting.

Mike Winge said no we don’t shoot there we shoot at the range. He added our neighbors do now you have 2-3 guys do a lot of shooting there but it’s not us.

Daniel Barr said the Shigley’s still have access through our main access road and they’ve got a trail that leads back up to the top of the hill, and so we have allowed them to continue to use that and will continue to do so.

Attorney Doll asked so you need a variance, an extension if you will, for 18 months to complete the development.

Daniel Barr said yes, that is correct.

Attorney Doll said so the motion nee…if the motion in favor is made by the Board it needs to state…

Chairman Dayvolt said state the 18 months.

Attorney Doll said yes, please.

Chairman Dayvolt said okay. He asked anymore questions by the Board. He asked is there anybody here for or against this. He said seeing no remonstrators I’ll entertain a motion.

I, Mike Winge, 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.

Mike Winge asked that would be where I want to put the 18 months.

Attorney Doll said and the construction time period, yes.

Mike Winge said so we will interject the 18-month time period there.

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.

1. Subject to any required Building Permits.
2. Subject to any required permits from the State.
3. Subject to a Commercial Site Review prior to any permits being issued.
4. Subject to the Special Use being completed within 18 months from the date of approval.

Mike Moesner seconded the motion and it passed unanimously.

Daniel Barr said thank you very much.

Attorney Doll said you can pick this up when…

Carlie Render said give us a couple of days.

Daniel Barr asked couple of days.

Carlie Render said yes.

Attorney Doll said please.

Daniel Barr said thank you, thank you so much.

**VARIANCES:**

**BZA-V-25-15:** **Applicant:** Martin Brothers Construction by Cougar Martin, Owner **Owner:** Marilyn J. & Michael K. Rogers

Property located on the west side of Old Hickory Dr. approx. 0’ South of the intersection formed by Hermitage Ct. & Old Hickory Dr. Ohio Twp. Lot 48 in Old Hickory Estates II Sub. Amended Plat as recorded in Doc. No. Plat File 1, Card 363 in the Warrick County Recorder’s office. *3333 Old Hickory Dr.*

**NATURE OF THE CASE:** Requests a Variance, from the requirements as set forth in the Comprehensive Zoning Ordinance for Warrick County, IN to allow an ILP for an addition to SFD within the 25’ rear building setback line. All in an “R-1A” One Family Dwelling Zoning District. *Advertised in* *The Standard on July 17, 2025.*

Cougar Martin, Martin Brothers Construction was present.

Chairman Dayvolt asked for a staff report.

Carlie Render replied we need to swear him in.

Chairman Dayvolt said yes, go ahead and swear him in.

Carlie Render asked do you affirm to tell the truth and nothing but the truth.

Cougar Martin replied I do.

Carlie Render stated on the notice to adjoining property owners there was an error on that notice. She continues it was supposed to read on the west side of Old Hickory Drive and it said east. Additionally, there was an error on one of the owners, Michael was left off. She added other than that the address, subdivision and everything else was correct; We do have all the white pay receipts showing that they were mailed correctly. She continues the existing land use is a single-family dwelling with the surrounding zoning and land use to the north, east, south and west all being zoned “R-1A” one family dwelling zoning district with single family dwellings. She added there is no floodplain and they have existing access onto Old Hickory Drive. She stated there is also an email in the back of your packets from the complainant regarding the errors on the notice.

Chairman Dayvolt replied okay. He asked is one of the owners here tonight.

Cougar Martin said Marilyn is here.

Chairman Dayvolt said Mrs. Rogers that’s you.

Marilyn Rogers replied from the audience yeah.

Chairman Dayvolt asked do you have anything to add to the staff report.

Cougar Martin responded the only thing that I would like to add is Marilyn bought the home about four years ago, and there was an existing gazebo and deck on the property. He continues the gazebo we are not proposing to do anything to, but that was built before they purchased the home and that’s what is in the setback. He added the deck we are proposing would just be removing the existing deck and rebuilding it in the same footprint that it is right now.

Attorney Doll asked so we are not expanding the deck bigger than it is.

Cougar Martin replied correct.

Attorney Doll said it is a corner lot so you really don’t have much of a backyard do you…30 feet.

Marilyn Rogers from the audience inaudible.

Attorney Doll said I understand.

Chairman Dayvolt asked so Mr. Martin what is it you are adding to this or are you just going to keep it the same or.

Cougar Martin replied we are just going to keep it the same. He said we are working around the gazebo the way the deck is built right now.

Chairman Dayvolt said so you are building a new deck.

Cougar Martin said yeah, we are just replacing the existing deck with a new deck. He said the only difference will be it is all treated material right now and the new deck will be composite.

Chairman Dayvolt asked questions by the Board.

Jeff Willis asked will the deck be elevated a couple feet…a couple inches.

Cougar Martin replied it is roughly 20-24 inches but it will be the same height that is existing.

Jeff Willis said one of the neighbors was worried about the flooding.

Cougar Martin said I see.

Jeff Willis said I just wanted to make sure it was going to be up off the…

Cougar Martin replied I don’t think what we are going to be doing is going to affect the existing drainage at all.

Chairman Dayvolt asked again anymore questions by the Board. He said seeing none are there any remonstrators here for or against this project; seeing none questions by the Board. He said I’ll entertain 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 they are replacing something that was there before.
  4. The strict application of the terms of the Warrick County Comprehensive Zoning Ordinance will constitute a practical 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:

1. Subject to an Improvement Location Permit being obtained.
2. Subject to a Building Permit being obtained.
3. Subject to the property being in compliance at all times with the applicable zoning ordinances of Warrick County.
4. Subject to all utility easement and facilities in place.

Dave Goldenberg seconded the motion and it carried unanimously.

Cougar Martin replied thank you.

**OTHER BUSINESS:**

**ATTORNEY BUSINESS:**

Chairman Dayvolt asked attorney business

Attorney Doll replied none.

**EXECUTIVE DIRECTOR BUSINESS:**

Chairman Dayvolt asked any executive director business.

Carlie Render replied none.

Mike Winge made a motion to adjourn. The motion was seconded by Mike Moesner and it carried unanimously. The meeting adjourned at 6:19 p.m.

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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 July 28, 2025.

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Carlie Render, Assistant Executive Director