

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

PLEDGE OF ALLEGIANCE:

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

Members absent Mike Winge and Jeff Valiant.

Also present was Morrie Doll, Attorney, Molly Barnhill, Executive Director, Jen Hollander, staff.

MINUTES: Upon a motion made by Mike Moesner and seconded by Doris Horn the Minutes of the last regular meeting held June 26, 2023 were approved as circulated.

Chairman Dayvolt said when your name is called please come to the podium, sign in and state your name. He said after that we will have a staff report and we will review your variance or special use.

VARIANCES:

BZA-V-23-14

APPLICANT/OWNER: Tawana G & Jeffery D Snelling

PREMISIS AFFECTED: Property located on the west side of Anderson Road approximately 970 feet south of the intersection formed by Anderson Road and Sharon Road, Ohio Twp. 36-6-9 5533 Anderson Road

NATURE OF THE CASE: Applicant requests a variance from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, IN to allow: a home workshop, SU-28, in an existing unattached accessory building to be used for internet based firearm sales with access by a 25' easement only. In an "A" Agricultural Zoning District. (*Advertised in the Standard July 13, 2023*)

Chairman Dayvolt asked are the Snellings here.

Tawana & Jeffery Snelling were present.

Chairman Dayvolt asked for the staff report.

Mrs. Barnhill said we have all the green cards except for three, the notice sent to Don & Tameca Hadley was returned to sender, however we have the white pay receipts showing notices were mailed correctly. She continued the existing land use is a single family dwelling with several unattached accessory buildings. She added the surrounding zoning and land use in all directions

is “A” Agriculture and some “R-1A” One-Family Dwelling with single-family dwellings. She said there is no floodplain and they have an existing drive off of Anderson Road. She continued their applicant statement states they would like to assemble guns and do transfers for persons who purchase guns.

Chairman Dayvolt asked if they had anything to add to the staff report...questions by the Board.

Paul Keller asked would this just be for sale of guns, not for sale or just assembled.

Jeffery Snelling said it would be both.

Chairman Dayvolt asked will people be coming to your property to buy guns.

Jeffery Snelling said more than likely not.

Chairman Dayvolt said okay.

Doris Horn asked so you will just ship....when they buy something you will just ship it out to them.

Jeffery Snelling said yeah.

Doris Horn asked how many guns would you be having there, would you be having ammunition and all of this stuff that you have.

Jeffery Snelling said as for ammo, that would be my own personal ammo that would be the only ammo. He continued I am not building and making ammo or anything like that, I’m just ordering gun part, assembling a gun and then I would sell it to whoever would like to have that particular gun.

Mike Moesner asked are you building a new workshop or are you using an existing.

Jeffery Snelling said existing.

Tawana Snelling said it is the pole barn on the property....what size is it.

Jeffery Snelling said 20...

Mike Moesner said 24 by 40.

Jeffery Snelling said yeah.

Chairman Dayvolt asked any more questions from the Board. He asked is there anyone here who wants to speak against this or for it.

Mrs. Barnhill asked do you have the intention to expand to make this larger, to hire someone.

Jeffery Snelling said if I got bigger I would have to relocate.

Mrs. Barnhill asked you would.

Jeffery Snelling said yeah, to somewhere else. He continued it would not be feasible for you know, building guns and manufacturing and that type of deal.

Mrs. Barnhill said okay.

Attorney Doll asked is this the only site that you own, is this property.

Jeffery Snelling said yeah.

Doris Horn asked you won't have any employees.

Jeffery Snelling said nope, not at all.

Attorney Doll said you said more than likely you wouldn't be selling to the public at this location.

Jeffery Snelling said yeah, more than likely. He continued I would be an FFL, so if someone bought a gun online from someone else they could ship it to me and pick it up from me.

Tawana Snelling said but you wouldn't be selling them.

Jeffery Snelling said not selling.

Attorney Doll said you would be delivering it, but not selling.

Jeffery Snelling said yeah, basically yeah.

Attorney Doll said so, to ask that question again, will you be selling to the public at this location.

Jeffery Snelling said people won't be walking in to buy guns, they would have to...

Attorney Doll said so the answer is no.

Jeffery Snelling said yeah, I guess that would be no.

Mike Moesner asked do you have gun safes or how do you...

Jeffery Snelling said I have gun safes.

Mike Moesner asked so the gun parts would be....

Jeffery Snelling said it is all locked up.

Tawana Snelling said you also have your licenses do you not, your...

Attorney Doll said federal.

Tawana Snelling said federal.

Jeffery Snelling said yeah that is what this is for, I have to change...

Tawana Snelling said well, then the ATF...who have you talked to.

Jeffery Snelling said the ATF, but I have to get this passed before I can get my licenses.

Tawana Snelling said right, so they will issue a licenses.

Jeffery Snelling said that is what this is for.

Doris Horn said I have only been to one or two of these places you know with my husband, so it wouldn't be like you would have.....you walk in and there would be a display case.

Jeffery Snelling said it is not a gun store, no.

Doris Horn said okay, that is what I needed to know, thank you.

Chairman Dayvolt asked will you be working on guns.

Jeffery Snelling said yeah.

Chairman Dayvolt said so if somebody...say I had a gun I need work done, would I bring...

Jeffery Snelling said that would be more like, if I was out at the range and someone had a gun they wanted me to work on they would give it to me there, they wouldn't be coming to my house, does that make sense.

Chairman Dayvolt said yeah.

Jeffery Snelling said I don't plan on having people coming in and out.

Tawana Snelling said traffic.

Chairman Dayvolt said so there would be no signage.

Tawana Snelling said right.

Jeffery Snelling said right, it is not going to be advertised or anything like that.

Chairman Dayvolt said okay.

Attorney Doll said so I take it this is a part time.

Jeffery Snelling said yeah.

Attorney Doll said you have another career.

Jeffery Snelling said oh, yeah.

Tawana Snelling said this is for retirement, he says, so when he is done with the construction world he is going to do this as retirement. She continued until then he will work on it and build it.

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

Attorney Doll said it is a part time job, they will have no foot traffic, it is not a gun store. He continued so most of these will be shipped online for delivery to customers, is that correct.

Jeffery and Tawana Snelling said yep.

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 the property being in compliance at all times with the applicable zoning ordinances of Warrick County.
 2. Subject to all public utility easements and facilities in place.
 3. Subject to any required Local, State or Federal Permits.
 4. Subject to the owner remaining a resident of the residence.
 5. Subject to the plot plan on file.
 6. Subject to Article V Special Uses, Section 5 Procedure Subsection K SU-28.
 7. Subject to a Hold Harmless Agreement being executed and recorded.

The motion was seconded by Doris Horn and unanimously approved.

Mrs. Barnhill said so, what we will do is go back and type up the minutes and then we will have an approval for you to come pick up whenever you are ready.

Tawana Snelling said okay, thank you.

Jeffery Snelling said alright, cool, thank you.

Mrs. Barnhill said welcome.

Tawana Snelling asked do we need to stay or can we go.

Attorney Doll said you can leave.

Chairman Dayvolt said up next is a variance.

BZA-V-23-15

APPLICANT & OWNER: Maqbool Ahmed

PREMISIS AFFECTED: Property located on the south side of Sand Drive approximately 0' southwest of the intersection formed by Sand Drive and Montgomery Court, Ohio Twp. 22-6-9 Lot 25 in Pebble Creek Subdivision. *3523 Montgomery Court*

NATURE OF THE CASE: Applicant requests a variance from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, IN to allow: the construction of a six foot privacy fence in a required street side yard, requiring a 2' relaxation from the regular requirements of 4'. All in an "R-2B" Zoning District. *(Advertised in the Standard July 13, 2023)*

Maqbool Ahmed and Jim Morley Jr, Project Engineer with Morley were present.

Chairman Dayvolt asked for a staff report.

Mrs. Barnhill said we have all the green cards except for one, we do have the white pay receipts and they were mailed correctly. She continued the existing land use is a single family dwelling, all directions is zoned "R-2B" Multiple Family District with single-family dwellings or vacant lots, there is not floodplain and they have an existing drive on to Sand Drive. She added their applicant's statement says the applicant is requesting the variance to preserve the privacy of his back yard patio. The applicant believes the code errors on the side of caution by only allowing a four (4) feet fence in the side yard of a corner lot to try to preserve adequate stopping sight distance in all situations; however, for this particular use, the stopping site distance has been checked by a licensed engineer and is shown to be adequate. She said I also did ask the County Engineer to go out and visit the site and he said he sees no issue with this request.

Mike Mosener asked are they requesting a 6 foot fence instead of a 4 foot is that correct.

Mrs. Barnhill said yes.

Jim Morley Jr. yeah, so on this map it is the house up here and so where that pink line is, is where we want to put a fence in the backyard. He said this house is unique, well it is the same as the opposite end of the block, but it is a unique circumstances most residential houses in a subdivision don't have a street on three sides of them. He said so you can see their desire to have a privacy fence in this situation otherwise people see in their backyard from a lot of different directions. He added and so it is very similar to the street, the house at the other end of the block that we...that you all approved a variance for...I don't know may a few months ago it seems like.

Paul Keller asked for 6 foot.

Jim Morley Jr. said yeah.

Chairman Dayvolt asked if there are any questions by the Board.

Mike Moesner asked will it be a solid fence, is it vinyl, wood or what.

Jim Morley Jr. said yeah, just a 6 foot solid privacy fence. He added and we did a sight distance check just to make sure you see coming around that corner so.

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

I, Doris Horn, 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...

Attorney Doll said it has streets on three sides and so as a consequence the patio has no privacy.

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:
 - a. Subject to the plot plan on file.
 - b. Subject to the property being in compliance at all times.
 - c. Subject to all public utility easements and facilities in place.

The motion was seconded by Jeff Willis and carried unanimously.

Jim Morley Jr. said thanks everybody.

Mrs. Barnhill said okay, we will have the approval done by Wednesday do you want to pick it up or we could email it.

Maqbool Ahmed said email is fine.

Mrs. Barnhill email.

Maqbool Ahmed said I clearly wrote my email address.

Mrs. Barnhill said okay.

Maqbool Ahmed said I wrote it again.

Mrs. Barnhill said thank you.

BZA-V-23-16

APPLICANT/OWNER: Frederick R Jr. & Tammy M Watson

PREMISIS AFFECTED: Property located on the south side of Maryjoetta Drive approximately 0' southwest of the intersection formed by Maryjoetta Drive and Kathryn Court, Ohio Twp. 26-6-9. Lot 21 Maehill Meadows Section A. *4322 Maryjoetta Drive*

NATURE OF THE CASE: Applicant 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: a 1,087 square foot above ground pool encroaching 9' into the 25' building setback line. All in an "R-1A" One Family Dwelling Zoning District. (*Advertised in the Standard July 13, 2023*)

Frederick & Tammy Watson were present

Chairman Dayvolt asked them to sign in.

Tammy Watson said we are doing it here.

Chairman Dayvolt asked for a staff report.

Frederick Watson said ma'am I have these.

Mrs. Barnhill said will you hand them to Jen right there please.

Frederick Watson said one was returned but the other ones were all signed.

Mrs. Barnhill said so we have three green cards back.

Frederick Watson said all of them, well there were 6 wasn't there I think.

Jen Hollander said there are 5 green cards and one was returned.

Mrs. Barnhill said okay, and there were 6 altogether. She said we have 5 of the green cards and one returned, I also have the white pay receipts on file so they were mailed correctly as well. She continued the existing land use is a single family dwelling and one unattached accessory. She stated the surrounding zoning and land use in all directions is "R-1A" One-Family Dwelling with single-family dwellings, no floodplain, and existing drive onto Maryjoetta Drive. She added their statement says it is the only place on the property that the pool can be placed, so everything would be in order.

Chairman Dayvolt asked if there was anything to add to the staff report.

Fredrick and Tammy Watson said no.

Chairman Dayvolt asked if there were questions from the Board.

Paul Keller asked if it is a fenced area.

Frederick Watson said it is not, I will have a fence around it, and I will probably put a fence from the house out and round this way coming back. He said but right now there is no fence.

Tammy Watson said with in the variance.

Mrs. Barnhill said that would be part of their building permit.

Chairman Dayvolt asked any more questions from the Board.

Mrs. Barnhill said Maryjoetta that is a dead end right past your house right.

Tammy Watson said it is.

Fredrick Watson said yep.

Mrs. Barnhill said my aerial cut it off, but....

Tammy Watson said and there is a side road, I forget the name of it, it is a cul-de-sac as well, so it all dead ends on the two streets.

Fredrick Watson said we are a corner lot and most of the property is back in the corner off...I have got 30 some odd feet from this side to that side of the street that is land, but of course it in that variance.

Mike Moesner asked according to the picture is the pool going back here then.

Fredrick Watson said to the side.

Mike Moesner said to the side yeah.

Fredrick Watson said no, yeah.

Tammy Watson said from this distance I believe you are correct.

Mike Moesner said over here.

Fredrick Watson said no, over.

Mike Moesner said here.

Fredrick Watson said yes, right there in between those trees and house.

Mike Moesner said yeah, I can see you have a lot more room there.

Tammy Watson said correct.

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

I, Paul Keller, 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...

Attorney Doll said well this is the only place on lot 21 that the pool could be located because of the side street, I think and because of the cul-de-sac which impairs the back rear corner.

Fredrick Watson said there is no room on the other side of the house because there is an easement where the sewer and electrical run.

Attorney Doll said utility easement.

Fredrick Watson said yes, so you can't put anything on that side.

Attorney Doll said and because of the utility easement.

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:

- a. Subject to an Improvement Location Permit being obtained.
- b. Subject to a Building Permit being obtained.
- c. Subject to the property being in compliance at all times with the applicable zoning ordinances of Warrick County.
- d. Subject to all utility easement and facilities in place.

The motion was seconded by Mike Moesner and carried unanimously.

Mrs. Barnhill said we will have your approval Wednesday so you can come and pick that up and we can do the permit.

Fredrick Watson said and do the permit, okay thank you.

Tammy Watson said thank you very much.

Mrs. Barnhill said welcome.

BZA-V-23-17

APPLICANT/OWNER: Jake & Katelyn Freimiller

PREMISIS AFFECTED: Property located on the east side of Woods Drive approximately 150' east of the intersection formed by Woods Drive and Ridge Drive, Ohio Twp. 35-6-9. Lot 2 in Shady Woods Part 2. 7022 Woods Drive

NATURE OF THE CASE: Applicant 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: an addition to a SFD encroaching 23' into the 25' building set back line, leaving a 2' setback. All in an "R-1A" One Family Dwelling Zoning District. *(Advertised in the Standard July 13, 2023)*

Jake and Katelyn Freimiller were present.

Chairman Dayvolt asked did I do that right.

Jake and Katelyn Freimiller said yeah, Freimiller.

Chairman Dayvolt asked for a staff report.

Mrs. Barnhill said on the return receipts...did I just see some green cards.

Jen Hollander said one.

Mrs. Barnhill said so we have two green cards, we do have all of the white pay receipts and they were mailed correctly. She continued the existing use is a single-family dwelling, surrounding zoning and land use to the north, south and west is zoned "R-1A" Single-Family Dwelling with one-family dwellings and to the east is zoned "C-1" Neighborhood Commercial with a commercial business. She added there is no floodplain, they have an existing drive onto Woods Drive, and their statement in the application says "they are applying for a variance to build past the neighborhood build line. Due to the nature of the cul-de-sac the front of the property is at a diagonal causing encroachment on the setback. The tangent section of Woods is nearly 20' from the setback and the cul-de-sac section is around 9' as seen in the plat drawing. We would like to build into the build line 5' on the tangent side and nearly 16' on the radius as it cuts into the property. Notice that the setback diameter on cul-de-sac is 80' and the actual pavement is only 40' in diameter." She continued I did send the plans and asked our County Engineer, Bobby Howard, to go look at this and he said he has looked at the site and there would be no issue from his office, the application would be in order.

Chairman Dayvolt asked do you have anything to add to Mrs. Barnhill's staff report.

Katelyn Freimiller said no.

Chairman Dayvolt asked any questions from the Board.

Doris Horn asked what do you plan on bulding.

Jake Freimiller said we are going to build a garage in front of our current garage and convert the existing garage into a play room essentially. He said it is currently all driveway where we are wanting to build.

Mike Moesner asked do you get much traffic out there on the cul-de-sac.

Jake Freimiller said yeah it's just us and our neighbor that lives up there, there is no one else that comes up there, if they do we all look out there and are like who is that.

Katelyn Freimiller said yeah.

Jake Freimiller said we do have the Marathon gas station right behind us so this will block it for the rest of the neighborhood quite a bit more.

Doris Horn said a noise barrier.

Jake and Katelyn Freimiller said yeah.

Jake Freimiller said for us too.

After ascertaining there were no more questions from the Board and no remonstrators for or against, Chairman Dayvolt called 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 the cul-de-sac encroaches into the area.
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:

- a. Subject to an Improvement Location Permit being obtained.
- b. Subject to a Building Permit being obtained.
- c. Subject to the property being in compliance at all times with the applicable zoning ordinances of Warrick County.
- d. Subject to all utility easement and facilities in place.

The motion was seconded by Doris Horn and carried unanimously.

Mrs. Barnhill said you guys can come in Wednesday to pick up the approval and we can issue the permit then.

Jake Freimiller said okay, awesome thank you.

Katelyn Freimiller said thank you so much, thanks.

ATTORNEY BUSINESS:

Attorney Doll said nothing.

EXECUTIVE DIRECTOR BUSINESS:

Mrs. Barnhill said nothing.

Chairman Dayvolt said a motion by Doris Horn and a second by Paul Keller. The motion carried unanimously. The meeting adjourned at 6:39 p.m.

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 24, 2023.

Molly Barnhill, Executive Director