**WARRICK COUNTY AREA BOARD OF ZONING APPEALS**

Regular meeting to be held in the Commissioners Meeting Room,

Third Floor, Historic Courthouse,

Boonville, Indiana

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

**PLEDGE OF ALLEGIANCE:**

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

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

**MEMBERS ABSENT:** Terry Dayvolt

**MINUTES:**

Upon a motion made by Jeff Valiant and seconded by Mike Moesner the minutes of the meeting held February 24, 2025 were approved. Jeff Willis abstained because he was not present at that meeting.

Vice Chairman Winge stated as we call your name, when you come forward, we’d like for you to state your name and sign in on the sheet there at the desk and also, we would like for you to turn off your cell phones or put them on vibrate or silent if you have them. He continued each case will have 20 minutes to explain if you have anything to add to in and the rebuttal will be included in that as well, so when we get started if you would try to hold to those limits, we would greatly appreciate that. He said now the Board, there is not a time limit on the Board members, they can ask you however many questions they need to ask, and they’ll be open to ask those questions as well. He continued but for any talking that you have or rebuttal we’d like to try to keep them to 20 minutes combined if possible.

**SPECIAL USES:**

**BZA-SU-25-02:** **Applicant:** MNK Billboards, LLC by John Kirirah, Member

Vice Chairman Winge asked did I pronounce that correctly.

Attorney Lockyear replied Kenja.

Vice Chairman Winge said Kush.

Attorney Lockyear replied Kenja.

Vice Chairman Winge said Kenja, thank you.

Mrs. Barnhill said we had that totally wrong.

Vice Chairman Winge said Kenjer.

Attorney Lockyear replied Kenja, I may not even be pronouncing it correctly, I’m going to let them tell you how to pronounce it.

Vice Chairman Winge continued…

**Owner:** Newell-Berg Holdings IN, LLC by Kevin Newell, Member

Property located on the north side of SR 66 approximately 950’ west of the intersection formed by SR 66 & Libbert Rd. Lot 7 in Bellmoore Landing Sec 1 Corrected Plat. Ohio Twp. 22-6-9

**NATURE OF THE CASE:** Requests a Special Use, SU-8, from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, IN to allow a 27’x18’ (486 sq ft) electronic message board in a “C-4” General Commercial Zoning District. *As advertised in The Standard on March 13, 2025*

Vice Chairman Winge asked staff report please.

Mrs. Barnhill stated on this one, I would request they actually have three applications that they have filed, the first one is their special use that is on the agenda, if we could take these all at the same time but then each have their own individual motion. She continued because they had to also apply for two variances to put it where they wanted to put it.

Attorney Doll said V-25-03 and V-25-6.

Mrs. Barnhill said yes.

Vice Chairman Winge said so we would take all three…

Attorney Doll said presentation of testimony.

Vice Chairman Winge continued just this one time then we’ll…

Attorney Doll said yes.

Vice Chairman Winge continued then we’ll take three separate votes.

Attorney Doll said yes, I’d like to have your motions separate.

Vice Chairman Winge said ok.

Mrs. Barnhill said ok so…

Attorney Doll said so let’s go ahead and read those.

Vice Chairman Winge said so that would be number 3.

Mrs. Barnhill said V-25-03 yes.

**BZA-V-25-03:**  **Applicant:** MNK Billboards, LLC by John Kirirah, Member **Owner:** Newell-Berg Holdings IN, LLC by Kevin Newell, Member

Property located on the north side of SR 66 approximately 950’ west of the intersection formed by SR 66 & Libbert Rd. Lot 7 in Bellmoore Landing Sec 1 Corrected Plat. Ohio Twp. 22-6-9

**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 the construction of a billboard not meeting the minimum set back requirement of 75’ from a Controlled Access right-of-way. Applicant is proposing a setback of 25’, thus requesting a 50’ relaxation from the regular requirements. All in “C-4” General Commercial Zoning District. *As advertised in The Standard on March 13, 2025*

Vice Chairman Winge said and the next one is…

Attorney Doll said 6.

Vice Chairman Winge replied 06.

Mrs. Barnhill confirmed yes.

**BZA-V-25-06:** **Applicant:** MNK Billboards, LLC by John Kirirah, Member **Owner:** Newell-Berg Holdings IN, LLC by Kevin Newell, Member

Property located on the north side of SR 66 approximately 950’ west of the intersection formed by SR 66 & Libbert Rd. Lot 7 in Bellmoore Landing Section 1 Corrected Plat. Ohio Twp. 22-6-9

**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 the construction of a billboard within the Lake Maintenance & Storm Drainage Easement and the Legal Drain Right of Entry. All in “C-4” General Commercial Zoning District. *As advertised in The Standard on March 13, 2025*

Vice Chairman Winge said do you have anything to add.

Mrs. Barnhill said now we’ll do the staff report.

Vice Chairman Winge said oh sorry.

Mrs. Barnhill replied that’s ok, they sent their notices all together and we do have all of the green cards except one didn’t come back, but we do have the white pay receipts and they were mailed correctly. She continued the existing use is a fast-food restaurant, the surrounding land use to the north, east, and west is zoned “C-4” General Commercial Zoning District being Bellmoore Landing Section 1 Corrected Plat. To the south across SR 66 is “C-1” Neighborhood Commercial, “C-2” Community Commercial, and “C-3” Highway Commercial all being Triple Crown Estates. She stated it is in the A Flood Plain which is, it does allow for the sign, for traffic and street access they would access off of High Pointe Drive. She continued the applicant’s statement in the special use application says they need *a “SU-8” for a 27’x18’ electronic message board in a “C-4” General Commercial Zoning District*. She stated their application for BZA-V-25-03 this is the one where they are asking for relaxations from the 75’ controlled access right of way. She continued their statement says *This variance should be granted because the site provides visibility without burdening the adjacent land or drastically changing the use of the property. Because of the unique nature of the subject property, specifically regarding the property’s diagonal shape and proximity to a lake and SR 66, the placement of the billboard is necessary in spite of the decreased setback. The placement of the electronic billboard is desirable to the public welfare because it will help boost and support the commercial industries in the surrounding area. The 50-foot relaxation from the regular requirements will not result in any undue burden to the surrounding properties.* She stated on their last variance BZA-V-25-06, they have the same applicant statement, this is the one to allow in the lake maintenance and storm drainage easement and they did go to the Drainage Board and were given consent to place in their easement and so any approval would be subject to their approval with the Drainage Board.

Vice Chairman Winge said would we on the Board ask about each one or all at one time.

Mrs. Barnhill said I think we can do them all at one time.

Attorney Doll said you can take the testimony jointly but you have to have separate motions for each application.

Vice Chairman Winge said and their questions can be jointly…

Attorney Doll said sure.

Mrs. Barnhill said and when it comes to doing the motions, if we could do 25-03, then 06, and then the special use last, would be the order.

Vice Chairman Winge asked and we have to do the remonstrators on each one.

Attorney Doll said I would take the remonstrations jointly, just like when they do the testimony for all three of the applications.

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

Attorney Lockyear replied said so just briefly Mr. President, members of the commission, Krista Lockyear on behalf of the applicant and the property owner, I’ve signed in and law firm is Stoll Keenon Ogden and I’ve got my email address and everything on the applications. She continued I do have the applicant/client here John and Martin here if you have particular questions about their business, we did have the site plan with our application and I’m sure you all are familiar with the locations. She said as you drive that stretch of Highway 66, there are lines of billboards that are pretty much in line with this. She stated the Drainage Board didn’t have any trouble granting permit for us to be located where we are, the request for the setback, obviously 66 has a very wide setback so again, we are really in line with the other billboards that are already there. She continued finally the state application is in process but the state would not finalize that location until we receive local approval as well, so it’s kind of chicken and the egg argument. She said but it’s a beautiful billboard, I think you would be very pleased and we are more than happy to entertain any questions you may have.

Vice Chairman Winge asked are there any questions by the Board on any one of the three. He stated I’ll give them a minute to look.

Mike Moesner stated on the diagram here it shows existing billboard, is there two existing billboard then.

Attorney Lockyear said no, no...

Mike Moesner asked does that mean…

Attorney Lockyear said no, the diagrams would be the closest billboards on that diagram, we’re only asking for one.

Mike Moesner said oh ok, I understand that, alright.

Mrs. Barnhill said Mike, one of the requirements for a billboard is to be more than 500’ away from the nearest billboard …

Mike Moesner said I see.

Mrs. Barnhill continued so that’s why they’re showing that.

Shari Sherman asked when this says fast-food restaurant and in parenthesis Chick-Fil-A in parenthesis, that’s that type of restaurant it’s not another Chick-Fil-A…

Mrs. Barnhill said that’s a typo.

Attorney Lockyear said yea.

Shari Sherman said ok.

Mrs. Barnhill said I thought we had taken that off of there.

Jeff Willis said it’s Popeyes.

Attorney Lockyear said it’s Popeyes correct and that’s just because it is the primary business that is located on this property, but this is for a billboard, it won’t be additional signage just for a Popeyes restaurant.

Vice Chairman Winge asked any more questions by the Board. After ascertaining there were none, he asked are there any remonstrators for or against. Seeing none, he said we’ll start voting for these one at a time, we’ll start with BZA-SU-25-02.

Mrs. Barnhill said 3, 03.

Vice Chairman Winge asked 3.

Mrs. Barnhill said yes.

Jeff Valiant asked we are doing variance 03 first correct.

Mrs. Barnhill said yes.

Vice Chairman Winge asked for a motion.

I, Jeff Valiant, 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 shape of the land and what they have to work with.

Attorney Doll said that’s true and I guess if you stayed 75’ off the right of way, you’d be in the water.

Jeff Valiant said you’d be in the water.

Attorney Lockyear replied exactly, exactly.

* 1. 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.
	2. The approval does not interfere substantially with the Warrick County Comprehensive Zoning Ordinance adopted pursuant to IC 36-7-4-500 et seq.
	3. 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.
	4. 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.
	5. 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.
	6. 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.
	7. 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 Permits 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 easements and facilities in place.
5. Subject to the plot plan on file and not to be altered or expanded.
6. Subject to any state or federal permits that may be required.

Mike Moesner seconded the motion and it carried unanimously.

Attorney Doll said ok number 6.

Vice Chairman Winge said pardon, number 6.

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 shape of the property and the location.

Attorney Doll added and the existence of the retention of the lake, this is the lake maintenance and drainage easement.

1. 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.
2. The approval does not interfere substantially with the Warrick County Comprehensive Zoning Ordinance adopted pursuant to IC 36-7-4-500 et seq.
3. 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.
4. 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.
5. 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.
6. 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.
7. The Variance Application is subject to the terms contained therein and the plans on file subject to the following additional conditions:
8. Subject to an Improvement Location Permit being obtained.
9. Subject to a Building Permit being obtained.
10. Subject to the property being in compliance at all times with the applicable zoning ordinances of Warrick County.
11. Subject to all utility easement and facilities in place.
12. Subject to their approval from the Drainage Board.
13. Subject to the plot plan on file and not to be altered or expanded.
14. Subject to the conditions of BZA-V-25-03.

Jeff Valiant seconded the motion and it carried unanimously.

Vice Chairman Winge said now what.

Attorney Doll said number 2.

Vice Chairman Winge number 2, we have too many of them here.

Mrs. Barnhill said no its number 3.

Vice Chairman Winge said that’s what I thought we said.

Attorney Doll said I thought we did 3 already.

Mrs. Barnhill said 25-03, oh I’m sorry.

Jeff Valiant said we did; this is the special use.

Vice Chairman Winge said I thought it was 3 too.

Mrs. Barnhill said sorry.

Attorney Lockyear said I’m sorry to be confusing.

Vice Chairman Winge said ok, we’ll need a motion for 2.

I, Jeff Willis, 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.
2. Subject to any state or federal requirements.
3. Subject to an Improvement Location Permit being obtained.
4. Subject to a Building Permit being obtained.
5. Subject to the Special Use not being altered to become any other use nor expanded than that which was approved by the Board of Zoning Appeals.
6. Subject to no use of the words, ‘stop’, ‘danger’, ‘look’, or any other word which would confuse traffic.
7. Subject to no revolving beams of light or strobe lights.
8. Subject to the conditions of BZA-V-25-03 and BZA-V-25-06.

The motion was seconded by Jeff Valiant and it carried unanimously.

Attorney Lockyear said thank you all very much, have a good evening.

Mrs. Barnhill said give us until Wednesday and we’ll have the approvals ready to go.

Attorney Lockyear said ok, that’s fine because we need to then submit this to the state and then we’ll bring that back to you, obviously before construction.

Mrs. Barnhill said I think they had a final hold harmless that needed to be done.

Attorney Lockyear said yes, uh hum, yep.

Mrs. Barnhill said ok.

Attorney Lockyear said ok thank you very much.

Mrs. Barnhill said thanks Krystal.

**BZA-SU-25-07:** **Applicant & Owner:** Justin & Jennifer Wood

Vice Chairman Winge said would you please come forward and sign your name, sign in and give us your name please.

Property located on the east side of Scales Rd. approximately 0’ north of the intersection formed by Scales Rd. & Isaac Barker Cemetery Rd. Lot 9 in Scales Subdivision Lane Twp. 10-4-7 *10750 Scales Rd.*

**NATURE OF THE CASE:** Requests a Special Use, SU-12, from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, IN to allow a home occupation in an unattached accessory (20x40). All in an “A” Agricultural Zoning District. *As advertised in The Standard on March 13, 2025*

Vice Chairman Winge asked for a staff report please.

Mrs. Barnhill said we have all the green cards back for their notice to adjacent property owners, existing land use is a single-family dwelling. She continued surrounding zoning and land use all around is Agricultural vacant property, there is no flood plain and they have a drive on Scales Rd and on Isaac Barker Cemetery Rd. She stated the applicant statement is *making crafts to sell on Etsy.* She stated the application in order.

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

Justin Wood said nope, I don’t.

Vice Chairman Winge asked any questions by the Board.

Mike Moesner asked what type of products will you be making.

Justin Wood said um, just little wood craft items, maybe ornaments and stuff like that.

Jeff Valiant asked is this like a pole barn.

Justin Wood replied yes.

Jeff Valiant asked is it already there or are you going to build it.

Justin Wood answered no.

Jeff Valiant asked how big of a barn are you building.

Justin Wood answered um 40 x 60.

Jeff Valiant said 40 x 60.

Shari Sherman said that’s a big barn.

Justin Wood said yea, most of that’s mine. (laughing)

Jeff Valiant said and then 40 x 20 of that is what you’re turning this into correct.

Justin Wood said yes, that’s correct.

Jeff Valiant said alright.

Vice Chairman Winge asked any more questions by the Board.

Mike Moesner asked will you be selling anything out of the store there or is it primarily just online.

Justin Wood said nope, it’s just online, we’re just going to ship out of there, we won’t have any customers come to our… there or nothing.

Vice Chairman Winge asked any more questions by the Board.

Shari Sherman asked will you have somebody come and pick up your stuff that’s going out, or will you take it to somewhere else.

Justin Wood said yea, we take it to Boonville or wherever to ship it out.

Vice Chairman Winge asked any more questions by the Board. After ascertaining there were none, he asked are there any remonstrators for or against. Seeing there were none, he opened the floor for a motion.

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 no identifying or business sign being erected or placed on any site for

 which the SU 12 has been granted by the Board of Zoning Appeals.

1. Except for the shipment and receipt of goods, products or items necessary for the SU 12, the use shall not be visible from the exterior of the premises and no retail sales.
2. No person or persons may be employed in the SU 12 home occupations at site other than the resident (residents) of the site for which the SU 12 has been granted.
3. Subject to the Special Use not being altered to become any other use nor expanded than that which was approved by the Board of Zoning Appeals.

Jeff Willis seconded the motion and it carried unanimously.

Justin Wood said thank you, I appreciate it.

Mrs. Barnhill said we’ll have an approval ready by Wednesday, so if you want to come in and we’ll do the permit then.

Justin Wood said ok, I can do that, thank you.

Mrs. Barnhill said you’re welcome.

**BZA-V-25-04**: Applicant & Owner: Collin & Lakei Flores

Property located on the south side of New Hope Rd. approximately 5,000’ east of the intersection formed by New Hope Rd. and Yankeetown Rd. Boon Twp. 23-6-8 Parcel 1 in Exempt Division of Stanley J & Virginia J. Knapp. *1055 W New Hope Rd.*

**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 a SFD on property with an existing SFD to be removed. All in an “A” Agricultural Zoning District. As advertised in *The Standard on March 13, 2025*

Vice Chairman Winge asked for a staff report please.

Mrs. Barnhill said we have all of the return receipts from the notice to adjacent property owners, the existing land use is a single-family dwelling with some unattached accessories. She continued the surrounding zoning all around is “A” Agricultural, there is no flood plain and they have a drive onto New Hope Road. She stated the applicant statement says *we are requesting variance to replace our old 2003 single wide trailer with a brand new 2,000 square foot double wide modular home.* She said so the application would be in order.

Vice Chairman Winge asked are there any questions by the Board.

Attorney Doll asked so you don’t have any place else to live temporarily while this is being constructed.

Lakei Flores answered no.

Attorney Doll asked how long will it take you after your certificate of occupancy is given for your new home to remove your old home.

Lakei Flores said um I would say probably within 6 months or less.

Attorney Dolls said thank you.

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

Lakei Flores said no.

Vice Chairman Winge asked for questions by the Board. After ascertaining there were none, he asked if there are any remonstrators for or against. He continued since there are no remonstrators, we will need 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 that they will be living there until they get the new home done.
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:
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.
15. Subject to existing residence being removed within…

Mike Moesner said you said 6 months right.

Vice Chairman Winge asked and you’re sure that’s enough time.

Lakei Flores said well if I could have more, that would be great but I didn’t want to sound greedy.

Attorney Doll asked are you taking it out yourself or are you…

Lakei Flores answered yea we are going to try to…

Mike Moesner asked is there like, um, is there wheels under it that you would hook up or would you have to put wheels back on it.

Lakei Flores said we’ll have to put wheels back on it and an axle.

Vice Chairman Winge said if they’re going to try to do it themselves, they ought to have a little bit more time than that.

Attorney Doll said 9 months.

Lakei Flores said thank you.

Mike Moesner asked how many months did we say.

Attorney Doll said 9 months.

Mike Moesner continued 9 months from issuance of Certificate of Occupancy.

Jeff Valiant seconded the motion and it carried unanimously.

Mrs. Barnhill said it’s been approved; we’ll have the approval ready to pick up on Wednesday. She asked do you have your new septic permit yet.

Lakei Flores said not yet.

Mrs. Barnhill said so you need to get that and then you can come in and we’ll be ready to do your permit.

Lakei Flores asked do I come in this office to get the permit or the office downstairs.

Mrs. Barnhill asked the septic.

Lakei Flores said no, the one from you, I know where I get the septic one is at.

Mrs. Barnhill said oh ok, yea, you just come right back to the same office downstairs.

Lakei Flores said ok, perfect, thank you.

Mrs. Barnhill said you’re welcome.

Vice Chairman Winge said you’re welcome. He stated next up.

**BZA-V-25-05:** **Applicant:** Alexandra Vannarsdall **Owner:** Duane & Rene Freudenberg

Property located on the north side of SR 68 approximately 1-mile east of the intersection formed by SR 68 and Knob Hill Rd. Hart Twp. 1-4-8. Lot 2 in Prairie View Minor Subdivision *766 W. SR 68*

**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 a SFD on property with an existing SFD (living quarters in an unattached accessor) to be dismantled. All in an “A” Agricultural Zoning District. *As advertised in The Standard on March 13, 2025*

Vice Chairman Winge asked for a staff report.

Mrs. Barnhill stated we have all of the green cards. She said the existing land use is a single-family dwelling within an unattached accessory building and an unattached accessory building. She continued the surrounding zoning is agricultural all around and there is no floodplain. She said there is an existing drive on SR 68. She continued the applicant’s statement is: w*e are requesting to build a home on our property. We currently have a living dwelling inside a barn on the land functioning as our home in the moment but we are wishing to build a true house while continuing to live in the living quarters within our barn. Once the new home is completed, we will dissolve the barn living area.* She added everything is in order.

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

Alexandra Vannarsdall replied no.

Vice Chairman Winge said nothing to add. He asked are there any questions by the Board. He said there are no questions by the Board. He asked are there any remonstrators for or against. He stated seeing no remonstrators for or against we need a motion.

Tom Silliman said something from the seating.

Vice Chairman Winge said sir, you need to come…

Jeff Valiant said yeah, you need to come to the podium…

Vice Chairman Winge continued you need to come up here sign in and state your name, please.

Tom Silliman said something from the seating.

Vice Chairman Winge stated wait until you get to the mic, please.

Jeff Valiant stated this is all being recorded.

Tom Silliman asked do you need me to sign in.

Vice Chairman Winge replied yes.

Tom Silliman stated I’ve reviewed their plans and I would approve this project. He continued I just wanted to make that comment because I was invited to come to this meeting and I just want to say that they are good neighbors and I have seen the plans and I approve them.

Several Board members said thank you.

Jeff Valiant stated we don’t get a lot of that up here…

Shari Sherman stated we appreciate that. She continued usually there are people that are not happy.

Jeff Valiant continued usually it is the other way around. He said we appreciate it.

Shari Sherman said you are the first.

Tom Silliman stated I believe in being a good neighbor.

Alexandra Vannarsdall said thank you.

Duane Freudenberg stated thank you.

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

Mrs. Barnhill asked do you have any idea of how long you are asking for.

Alexandra Vannarsdall asked as far as to continue living in the barn. She stated we don’t have a time frame from the builder exactly yet because I wanted to make sure that we were approved here. She continued once the build is completed the barn living area can be dissolved within a month.

Vice Chairman Winge stated from the time you actually construct the new home. He asked when it is constructed and ready to move in how long will you need to get rid of the other one.

Mrs. Barnhill stated from the date of the certificate of occupancy for the new home.

Shari Sherman asked to move everything out into and take out all of the stuff.

Mrs. Barnhill said they are dismantling the kitchen.

Alexandra Vannarsdall said yeah, the rest of the barn is literally a shop space so we will just be removing just the kitchen area and it will become more shop.

Mrs. Barnhill stated I know she has planned ahead for this…I helped her with the first go around.

Alexandra Vannarsdall responded yes you did.

Jeff Valiant asked so a month is plenty. He said don’t sell yourself short.

Alexandra Vannarsdall replied yeah, I think a month is would be plenty to be able to do that.

Vice Chairman Winge said cover yourself, if you need to take two.

Alexandra Vannarsdall replied two months would be wonderful, thank you.

I, Jeff Valiant­, 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 fact that the family currently lives there and while constructing their new home they have nowhere else to go.
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:
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.
15. Subject to existing residence being dismantled within 2 months from issuance of Certificate of Occupancy.

The motion was seconded by Jeff Willis and carried unanimously.

Duane Freudenberg and Alexandra Vannarsdall said thank you.

Mrs. Barnhill stated as long as you have your septic permit, we will be ready to go on Wednesday.

Alexandra Vannarsdall replied okay.

Mrs. Barnhill continued any time after that.

Alexandra Vannarsdall responded okay, that sounds good, thank you.

Duane Freudenberg said thank you, we appreciate it.

Vice Chairman Winge asked any secretary business.

Mrs. Barnhill responds none.

Vice Chairman Winge said I know he has attorney business.

Mrs. Barnhill responded yes.

Vice Chairman Winge asked Morrie, any attorney business.

Attorney Doll replied yes, I would like to make recommendations for two things. He said first of all I would like to request that we have all of the testimony offerings to the Board under oath. He continued by that it would require Molly or a member of her staff to become notary publics and to administer an oath on the record to the witnesses who testify. He stated if we ever have to litigate any of the decisions of the Board that would be very helpful if their testimony to the Board is under oath. He said it would take a resolution of the Board to direct Molly that that is what we are going to do because we don’t have anybody in the office who is a notary at this time, so they would have to get busy and get to be a notary. He continued because a notary can administer an oath to a witness, so that would be what I would request.

Vice Chairman Winge stated it would seem like that would almost need to be Molly because she is the one that is either going to be there or not…I mean you are the one who is always going to be here.

Attorney Doll responded if you look at Vanderburgh County’s applications, their hearings online, they are forcing all of their…they are making all of the witnesses testify.

Jeff Valiant asked is this basically a new standard.

Attorney Doll replied no, it is a better standard but it is not something that the statute…

Jeff Valiant said the under oath is not new yes…

Attorney Doll stated statutes haven’t changed, Jeff.

Jeff Valiant continued I didn’t know if this is something a lot of counties are going too.

Attorney Doll replied yes, in my opinion other counties are doing this and I’m wanting us to follow suit.

Mike Moesner said let’s say I testify to tell the truth, the whole truth, and nothing but the truth is basically what you are saying.

Vice Chairman Winge said if they do that then they’ve got legal problems if they lie under oath.

Attorney Doll stated they are committing perjury. He said right now we can’t hold them to that standard they could lie to us…

Shari Sherman said and they probably have.

Attorney Doll said and they probably have. He stated but you can’t hold them to that standard.

Vice Chairman Winge said I wonder how many…

Attorney Doll stated it gives the Board better enforcement powers if you have to.

Jeff Valiant asked so would this be something that we would have to go through…

Attorney Doll said witness.

Jeff Valiant said everyone that comes up…

Attorney Doll said everyone.

Jeff Valiant continued you can’t do like a blanket thing…I’m just trying to think of the ease of getting it through the meeting.

Attorney Doll responded no, Molly would have to…she would have a little card that has the oath on it and she would have to read it to everyone and they would have to say I do.

Mrs. Barnhill stated it is pretty short.

Attorney Doll said it is…it is one sentence. He said I swear and affirm (unintelligible) perjury that testifying about to offer and support of my application is true and correct.

Vice Chairman Winge said an example the nice thing about that would be if somebody said that they were going to remove something off of the property and didn’t under oath then you would have to take them to court then they have a problem.

Attorney Doll stated I thought about that tonight when we were looking at variances and we just approved two variances with location of a single-family dwelling on the lot during the construction of another single-family dwelling. He said I read carefully paragraph 9 of the resolution and it says the variances are heretofore said six-month period. He continued these variances specifically for co-locations ought to expire otherwise they go on forever for that particular lot. He said we’ve approved it and 10 years from now if they wanted to co-locate a second residence on there temporarily, they could do it and wouldn’t have to come back before the Board.

Mrs. Barnhill asked what do you mean it says it shall expire…

Attorney Doll said I know.

Mrs. Barnhill continued six months after this date.

Attorney Doll responded I know that but that’s normally upon advance upon a variance adhered to before said six months period. He asked do you see that line.

Mrs. Barnhill stated they have to get a permit within six months…

Attorney Doll said right.

Mrs. Barnhill continued or it is void or unless the provisions of the variance…

Attorney Doll stated I know I read that language and I may be satisfied that that terminates the variance for the land and they can’t come back in years later and say I got a variance I can have a second…while I build a bigger house on the property. He said I…

Jeff Willis asked so if they honored it within the six months and then they wanted to build another one 10 years later it hasn’t expired. He said it only expires if they don’t get the permit to build a home.

Attorney Doll said yes.

Jeff Willis said so if they do get the permit to build the home it doesn’t expire.

Attorney Doll stated it is a temporary use, Jeff. He continued they only get to do this while they’re building a second home. He asked what if they want to build another second home on that lot 10 years later bigger do they have to get another variance.

Mrs. Barnhill replied well, yes.

Jeff Willis asked what if they just have a mobile home and they get a modular home but if it is of similar quality it will last for 20 years they are going to have to come back in a variance if they remembered would they be able to use the same one.

Mrs. Barnhill stated this variance is very specific there is a plot plan on file that this person has 9 months…

Mike Moesner added and it has the location drawn out on the map the size and all of that is on there.

Mrs. Barnhill stated our permits are only good for two years same thing as the Building Department, theirs is only good for two years.

Attorney Doll said I didn’t bring this up specifically I thought about it…I…lawyers want perfect worlds. He said my thought would be that we could do a better job with that language perhaps. He continued and that language I think is mine.

Several Board members responded it is.

Attorney Doll said so I am criticizing myself here.

Mrs. Barnhill asked so do you want to re-word that then for us.

Attorney Doll replied maybe, but…

Jeff Valiant said can you make it shorter.

Attorney Doll continued but I definitely think that the applications that all of you have before you ought to be sworn to penalties of perjury.

Vice Chairman Winge said yeah, because just for example out there if they said they were going to take that kitchen out…

Attorney Doll said it is going to make them testify.

Mrs. Barnhill responded umhmm.

Attorney Doll stated we are approving their application based upon testimony and the document they have submitted, right.

Jeff Valiant asked so humor me, from a legal stand point the recording doesn’t kind of hold all of this.

Attorney Doll responded no; it just proves they said it but it doesn’t mean that okay I lied. He said we are finding that happens a lot now.

Jeff Valiant responded I’ve got you I’m just trying to understand…I think it you know…

Attorney Doll said it was a bad question, it was vague, I didn’t understand…

Shari Sherman stated I misunderstood.

Attorney Doll continued the question, I misunderstood.

Jeff Valiant stated I think…

Vice Chairman Winge said while we are on that subject, I don’t see why they would have to remove a kitchen. He stated bedrooms yes.

Attorney Doll responded kitchens is what Molly said we make them take out.

Vice Chairman Winge stated I understand that but technically a kitchen doesn’t make a home a dwelling…

Attorney Doll responded yeah it does.

Vice Chairman Winge continued it is the bedrooms.

Attorney Doll said well…

Vice Chairman Winge it’s the bedrooms.

Attorney Doll replied you are right but the Supreme Court said where you sleep at night determines your residence.

Vice Chairman Winge said yeah.

Attorney Doll said okay.

Vice Chairman Winge stated people cook and they’ve got grills outside and they have company. He said when a guy does a mancave, you know, they’ve got to have a kitchen in there to do different things like they do or whatever. He continued it’s the bedrooms that’s in there and I think that’s in the ordinance is…should not be there.

Shari Sherman stated I would be more concerned about taking out the stove as opposed to the sink because…

Vice Chairman Winge said well you can’t do that I mean there are guys that I know that are hunters that process their stuff because the wife doesn’t want them in the house.

Shari Sherman replied right and they’ve got a sink.

Jeff Valiant stated but if I pitch a tent that is not my home because I can sleep in it.

Vice Chairman Winge said yeah, but technically as a building inspector it is the bedrooms that defines the home a residence that is the International process.

Attorney Doll stated to circle back around to the two points that I am trying to make. He said I think we ought to swear our witnesses and to do that Molly or a member of her staff has to be a notary public.

Shari Sherman stated and I will make that motion that…

Attorney Doll said well that…

Shari Sherman continued if that is what you need sorry Molly.

Several Board members talking at once.

Attorney Doll said one more time Jeff what.

Jeff Willis asked will the remonstrators have to swear also.

Attorney Doll said if they…anybody who is testifies at that…wait…as you know we try to make everybody come to the microphone…

Jeff Willis said right.

Attorney Doll said anybody who testifies at the microphone would have to swear the oath.

Jeff Willis asked would that…would somebody think that that’s…

Attorney Doll stated they ought to be willing to swear an oath if they are willing to say the words.

Jeff Valiant stated if they are willing to come up and say it, I agree with that.

Attorney Doll said if they are willing to say the words, they ought to say true and correct.

Jeff Valiant stated it might deter a lot of people from getting up there.

Vice Chairman Winge stated I don’t have a problem with that at all. He said you are either telling the truth or not.

Attorney Doll stated and let me say this to you all if you look at the clock and you look above the clock that’s the new web camera and you are going to have all of these meetings broadcast live over the internet.

Vice Chairman Winge said and if there is litigation brought in then…

Attorney Doll asked when does that start.

Mrs. Barnhill said ummm…

Attorney Doll said July 1st.

Mrs. Barnhill continued we want to do it starting in May.

Attorney Doll stated it is required by state law to be July no later than July 1s. but Warrick County is implementing it earlier. He said we had the first hearing today in the Drainage Board that was live cast.

Mrs. Barnhill stated I watched that one.

Attorney Doll asked did you really.

Mrs. Barnhill replied umhmm.

Jeff Willis asked can I wear a little necklace that lights up in front of my face so nobody can see me on camera.

Attorney Doll responded no.

Dave Goldenberg said he can wear a mask.

Attorney Doll said and the second thing I would like for you to think about is I understand there is a motion, the second thing is I think the application’s ought to be sworn to at least by verbiage.

Shari Sherman stated yeah, I would think that they would be.

Attorney Doll said well, they are not.

Vice Chairman Winge said just like when we…

Shari Sherman said yeah, what they have submitted they need to say…

Attorney Doll stated it should be the application and supporting documents I hereby swear that the (unintelligible) and perjury are true and correct.

Vice Chairman Winge stated and that should be just like those mine situations you’re being deposed and everything else so if we have to do that then the people that give us the information should have to do that as well.

Shari Sherman said the question I have is it’s the person, the applicant, that is swearing not necessarily the attorney that is there for their…

Vice Chairman Winge asked why shouldn’t they have to.

Shari Sherman said I know but I meant that is what I am asking.

Attorney Doll said well I was troubled about the testimony part when it came to the engineers. He asked are we going to make the engineers…

Jeff Valiant asked is Jim taking an oath five times in a meeting.

Vice Chairman Winge said they should.

Attorney Doll said I think they should.

Vice Chairman Winge said Morrie, I can give you examples of that as a building inspector when they certified things that failed. He said I’m just saying…

Shari Sherman said to the best of their knowledge.

Attorney Doll stated if Jim was offering testimony in court about measurements or something else, he would be under oath. He said he would be under oath.

Vice Chairman Winge stated our loans or whatever it goes in there because they do…money kind of talks out there, I think. He said sounds right to me.

Attorney Doll stated I am not saying they are paid to lie or paid to mislead us in any way, shape, or form but it is a consistence.

Jeff Valiant responded right.

Shari Sherman said yeah, I mean the engineers put their stamp on it and that’s legal…

Attorney Doll stated sometimes we don’t hear from the applicants. He said they are here.

Jeff Willis stated because we require by our local laws.

Vice Chairman Winge said if that attorney has to swear…

Attorney Doll said but you didn’t hear from the billboard people tonight, the attorney.

Mrs. Barnhill said no.

Jeff Willis said we didn’t have many questions either though.

Shari Sherman said we do not ask the…if their name is on here then they get up there and swear that they have had…

Vice Chairman Winge stated that is the attorney’s responsibility to take that information and make sure that it is correct.

Shari Sherman said I know but still we are asking the applicant to be here correct.

Attorney Doll replied yes.

Shari Sherman stated so the applicant here he needs to swear that everything on there is correct.

Attorney Doll stated either on the application itself he can swear in writing at the time he fills it out and signs it…

Vice Chairman Winge said but the attorney hasn’t.

Attorney Doll continued and then if he testifies, he can be under oath.

Vice Chairman Winge said that is what they pay attorneys for is to come in their behalf.

Jeff Willis stated I don’t know if it was this Board or the Area plan where the guy had the…was throwing his chicken carcasses at the neighbor.

Shari Sherman said oh, yeah.

Jeff Willis said there was a long story about the…

Shari Sherman said oh, yeah, I remember that one.

Jeff Willis said under oath you are going to tell us that he was naked on his lawn mower and throwing the dead chickens toward your car.

Vice Chairman Winge stated Morrie, I think we should look at something you could write up as a proposal is the way to do it.

Attorney Doll stated they are real simple. He said I could give Molly language for both the application…if this Board instructs Molly and I that you want this done I can give Molly the language she needs for the application and the oath for the witness.

Vice Chairman Winge asked so it would be for both the witness and/or the attorney.

Attorney Doll stated anybody that comes to that microphone…

Mrs. Barnhill said whoever talks the first thing we are going to do is this thing…

Jeff Willis stated do you solemnly swear to tell the truth, the whole truth so help you God.

Shari Sherman stated when the application goes in, they are saying I hereby depose that the above statements that are in these papers hereby true sworn before me on this date. She continued so did they swear…

Attorney Doll stated I want that worded a little better…

Shari Sherman said I know but they are putting that on there now so make sure…

Mrs. Barnhill stated for some reason that is on the variance but it is not on our special use.

Shari Sherman replied oh.

Mrs. Barnhill stated the variance is the only one that…

Vice Chairman Winge said people come up there and depose or anything is not I mean or anything…you are getting it on the recording.

Attorney Doll said I’m a remonstrator and I show up I should be held to the very same standards. He continued if I am going to stand up there…I was thinking of Yellow Banks.

Shari Sherman said oh, yeah.

Vice Chairman Winge said that is a lot….

Attorney Doll stated we had a lot of people and they kept saying stuff…we don’t know if it was true or not. He continued they ought to be held to the standard of telling us the truth.

Vice Chairman Winge said well both sides…the other side gave the impression that they were going to work on roads and it was just in that little area in the entrance so they can give you all kinds of impressions and they were telling the truth but kind of…

Jeff Valiant asked so if we go this route Molly it sounds like you or someone from your office would be handling it…would you want to do it from there or whoever you have here that night coming up to them and doing that…

Vice Chairman Winge said you would have to have two of them…

Jeff Valiant continued that is kind of what I was getting at.

Mrs. Barnhill stated I would want a fill in but I would just do it from here.

Attorney Doll stated I would recommend that she do it…

Jeff Valiant stated I am just curious how…

Shari Sherman said read that and raise your hand and you know.

Jeff Valiant said to tell the truth, the whole truth, and nothing but the truth.

Attorney Doll stated I really think the Board would be better served if that was done to the witnesses and if all of the applications.

Vice Chairman Winge said yeah, because we have been sued in the past.

Attorney Doll said pardon me.

Vice Chairman Winge said the Board has been sued in the past so you need to…

Jeff Valiant asked so do we need to do this too.

Attorney Doll responded not successfully.

Jeff Valiant asked with him saying that do we need to do it.

Vice Chairman Winge said well, I understand that but still…

Jeff Valiant asked or is our position on here…

Several Board members talking (unintelligible).

Jeff Valiant asked what about us do we have to do this too.

Attorney Doll replied I don’t understand the question.

Jeff Valiant asked are we going to have to take an oath before every meeting.

Attorney Doll responded no, you are not offering testimony in support or against.

Vice Chairman Winge said we are not giving testimony either against or for…

Jeff Valiant stated we do spit out facts…I’m just making sure we are covered.

Vice Chairman Winge replied our decisions are based on whether they are telling the truth or not…hopefully.

Jeff Valiant said just covering bases.

Vice Chairman Winge said that is the point. He asked do we need a motion.

Attorney Doll stated there is a motion on the floor for the witness testimony.

Shari Sherman added and the…

Vice Chairman Winge said all people.

Attorney Doll stated and the sworn application.

Shari Sherman said yes, anyone that comes before us that is giving testimony should be sworn in.

Jeff Willis asked what if the property owners aren’t going to talk, do they need to be sworn in if they have already sworn when they signed the application.

Attorney Doll responded only if they come to the mic.

Jeff Valiant stated only if they come up and…

Attorney Doll stated because that is the only way Jeff, that they’re participating in the…if they are not participating in the hearing say they hire Morley and he comes and does the talking for them…

Jeff Willis responded right.

Attorney Doll said Morley does.

Jeff Willis asked would he need to be sworn in for every time he speaks or just once per night…

Jeff Valiant said he is going to be here for five times…

Jeff Willis continues or every time he leaves.

Shari Sherman said because he would be talking about a different project.

Jeff Valiant said different project.

Mrs. Barnhill stated each application he would be sworn in for each application.

Attorney Doll responded yeah.

Dave Goldenberg stated I will second that motion if you are still looking for one.

Jeff Valiant asked are we going to call for a vote.

Vice Chairman Winge stated we need a second.

Several Board members stated Dave seconded the motion.

Vice Chairman Winge said I didn’t hear him. He continued we have a motion and a second all in favor.

Motion carried unanimously.

Vice Chairman Winge said I was listening for a second and didn’t hear him.

Attorney Doll said the second thing I am asking you to think about is do we have all of our applications sworn in front of public notary.

Shari Sherman asked say what now.

Jeff Valiant asked would we do that via them…putting a space on there for them to sign.

Attorney Doll replied we would. He said they are on some of our applications but they are not on all of our applications.

Jeff Valiant said I think that should be…that is something we realize…

Shari Sherman stated I think it should be on there.

Jeff Valiant stated I didn’t realize it wasn’t on the…

Shari Sherman said but they are saying…

Attorney Doll stated it is not on the variance I think is which one it isn’t on.

Mrs. Barnhill stated it is the special use.

Attorney Doll said special use doesn’t have…

Jeff Valiant asked do you need that in a motion too.

Attorney Doll stated yes, please.

Jeff Valiant stated I will make that motion.

The motion was seconded by Mike Moesner and carried unanimously.

Attorney Doll stated I will be asking the APC to do the same thing about witnesses and…

Jeff Willis stated my only concern is that it is going to cause people to not feel like they can remonstrate for some reason.

Attorney Doll responded you know…chilling effect is what you are talking about.

Jeff Willis replied yeah.

Attorney Doll said it might have a chilling effect and it shouldn’t. He continued if I am testifying…

Jeff Valiant said because you would be getting up there and telling the truth.

Attorney Doll continued I ought not to be afraid…

Jeff Willis said but some people get up there and they are emotional and they might not intend to lie…

Attorney Doll stated right now there are no consequence to their lie…

Vice Chairman Winge said it just puts more pressure on them to be honest.

Mike Moesner responded right; I think that is a good thing because they know right up front…

Jeff Willis said they are so nervous they are shaking and they’re, you know…

Vice Chairman Winge stated they will just have to get over it.

Shari Sherman stated they are saying to the best of their knowledge and that, you know…

Attorney Doll said right.

Vice Chairman Winge said they used to tell us to take a chill pill. He said a motion…

Attorney Doll said that’s it.

Attorney Doll and Mrs. Barnhill asked is there a motion to adjourn.

Dave Goldenberg said we haven’t adjourned yet.

Vice Chairman Winge asked didn’t you make a motion to adjourn…I thought you did.

Dave Goldenberg said you are just making things up.

Mrs. Barnhill stated I have no Executive Director business.

Vice Chairman Winge said motion to adjourn.

The motion was seconded by Dave Goldenberg and carried unanimously. The meeting adjourned at 7:00 p.m.

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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 March 24, 2025.

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Molly Barnhill, Executive Director