

Minutes
WARRICK COUNTY AREA BOARD OF ZONING APPEALS
Regular meeting to be held in the Commissioners Meeting Room,
Third Floor, Historic Courthouse,
Boonville, Indiana
August 22, 2022 at 6:00 P.M.

PLEDGE OF ALLEGIANCE:

MEMBERS PRESENT: Terry Dayvolt, Chairman, Jeff Willis, Doris Horn, Mike Winge, and Jeff Valiant.

MEMBERS ABSENT: Paul Keller and Mike Moesner

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

MINUTES: Upon a motion made by Jeff Valiant and seconded by Doris Horn the Minutes of the last regular meeting held July 25, 2022 were approved as circulated.

Chairman Dayvolt explained the Rules of Procedure.

SPECIAL USES:

SPECIAL USE: BZA-SU-22-26

APPLICANT & OWNER: Keith Austin Bunner

PREMISES AFFECTED: Property located on the East side of Petersburg Rd approximately 0' east of the intersection formed by Petersburg Rd and Doerner Rd. Hart, TWP 33-3-8 630 Petersburg Rd

NATURE OF CASE: Applicant requests a Special Use, SU 22, from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, IN to allow a mobile home as a residence in an "A" Agricultural Zoning District. *Advertised in The Standard on August 11, 2022*

Keith Bunner stated his name. He asked for the address on this, is that my current mailing address or the address for this permit.

Mrs. Barnhill stated current.

Chairman Dayvolt asked for a staff report.

Mrs. Barnhill stated we have all of the return receipts except for one for John & Denice Rudolph. She said we do have the white pay receipt showing it was mailed correctly. She stated the existing land use is a single-family dwelling on there that is to be removed. She asked is that right.

Keith Bunner responded yes, it has been removed already.

Mrs. Barnhill replied okay. She stated the surrounding zoning and land use to the north, east, and west are zoned "A" Agricultural Zoning District with single-family dwellings or vacant ground. She said property to the south is zoned "R-1A" One-family Zoning District with single-family dwellings or vacant. She stated there is no flood plain and they have an existing driveway on Petersburg Road. She stated the Building Inspector, Dennis Lockhart, has submitted a letter stating a mobile home can be put on agricultural land in this area as long as they meet the Building Commissions requirements for foundation. She said their applicant's statement says *mobile home as residence*. She stated the application is in order.

Chairman Dayvolt asked do you have anything to add.

Keith Bunner responded it is just pretty well what is stated.

Chairman Dayvolt asked are there any questions from the Board.

Doris Horn stated the only thing she would like to make sure it is on the record is when you bring your mobile home in because we have an ordinance against having mobile homes in the city limits to make sure it is exactly where it was set before.

Keith Bunner replied umhumm, yep.

Doris Horn said I just want that on the record. She stated I know that you are six foot in the county from Lynnville's city limits so I just wanted that on record.

Mrs. Barnhill responded okay.

Doris Horn stated otherwise welcome to Lynnville.

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

I, Doris Horn, 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 obtaining an Improvement Location permit
2. Subject to any required Building Permit for the Warrick County Building Department.
3. Subject to all public utility easements and facilities in place.
4. Subject to the property being in compliance at all times with the applicable zoning ordinance of Warrick County.

The motion was seconded by Jeff Valiant and unanimously approved.

Chairman Dayvolt stated motion passed you have your permit.

Keith Bunner responded all righty, thank you.

Mrs. Barnhill stated it is a zoning approval and you can pick that up on Wednesday and then we can proceed with the location permit.

Keith Bunner replied okay.

Mrs. Barnhill responded thank you.

SPECIAL USE: BZA-SU-22-28

APPLICANT: Rivertown Pickleball of Southern Indiana by Gina Adams, President

OWNER: Warrick Parks & Recreation by Daniel Roach, President

PREMISES AFFECTED: Property located on the south side of Vann Rd approximately ¾ mile east of the intersection formed by Vann Rd and Prospect Dr. Ohio TWP. 19-6-8

NATURE OF CASE: Applicant requests a Special Use, SU-1, from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, IN to allow: ten, 30'x 60' pickleball courts all in an "A" Agricultural Zoning District. *Advertised in The Standard on August 11, 2022*

Chairman Dayvolt asked state your name please.

Gina Adams stated her name.

Chairman Dayvolt asked is Mr. Roach here Miss Adams.

Gina Adams replied he is not.

Chairman Dayvolt responded he is not.

Mrs. Barnhill asked is anybody representing the Park Board.

Gina Adams stated we have somebody representing the Commissioner's.

Attorney Doll said Terry.

Terry Dayvolt responded yes, sir.

Terry Phillippe stated I am not on the Park's Board but I am happy to speak on their behalf if I am allowed to do so.

Attorney Doll stated the Park's Board has a relationship with the Commissioner's. He asked do you direct it, fund it, or control it, Commissioner.

Terry Phillippe stated we have funded this project.

Attorney Doll stated there you go.

Chairman Dayvolt replied okay.

Attorney Doll stated thank you.

Chairman Dayvolt asked for a staff report.

Mrs. Barnhill stated we have all of the green cards on their notice to the adjacent properties except for three. She said we do have the white pay receipts and they were mailed correctly. She stated the existing land use is vacant piece of the Vann Road Park along Vann Road. She said the surrounding zoning and land use to the north is zoned "M-2" General Industrial with Warrick Research and Industrial Park. She stated to the south is zoned "A" Agricultural with Vann Road Park. She said to the east is zoned "A" Agricultural and "M-2" General Industrial with a church and to the west is zoned "A" Agricultural being Vann Road Park and "M-2" with more of the Warrick Research and Industrial Park. She stated there is no floodplain. She said they have an existing drive into the park and they will be sharing the drive with the existing park. She said the applicant's statement says *the property will be used to construct and maintain community Pickleball complex which includes pickleball courts and a building with a storage facility and restrooms.*

Chairman Dayvolt asked do you have anything to add Miss Adams.

Gina Adams stated I think she pretty much said it all. She said just a little bit about Rivertown Pickleball we are a non-profit organization. She stated we are just wanting to put pickleball courts in for the community. She said we feel like it will enhance the fitness social interaction and the well-being of our community. She stated we currently have over 700 people on our Facebook and we've taught beginners how to play. She said we have taught over 750 people how to play. She stated there is obviously support and clear indication that the pickleball courts

are needed. She said that is why we are here tonight to respectfully ask you guys to be able to zone it for pickleball so... we have the money and we are ready to construct.

Chairman Dayvolt asked for questions from the Board.

Attorney Doll asked you have 2.23 acres.

Gina Adams replied yes, it is a little over two acres.

Attorney Doll said it says it is leased. He asked can you tell the Board a little bit about the lease.

Gina Adams stated we have a maintenance agreement with the Park's Board for five years. She said so we are leasing the land but the constructed pickleball courts will be owned by the Park's Board. She stated we are going to be taking care of them and that is why we have all of the members. She said we have the committees in place to be able to take care of them. She stated that is our plan.

Attorney Doll asked so the constructed improvements will be public property.

Gina Adams replied correct.

Attorney Doll stated thank you.

Jeff Valiant asked what will these be like, you will set up leagues and stuff like that. He said I am not familiar with pickleball so I'm sorry.

Gina Adams responded sure.

Jeff Valiant asked would it be like league games going on or is it just open for public use whenever.

Gina Adams replied both.

Jeff Valiant said okay.

Gina Adams stated we will provide community leagues and we help people get together and find people that can play together so we will have parties, picnics, and league play and put you with your right level. She said we will continue to host beginner's clinics. She stated we are close to Castle schools. She said we really want to get the kids involved because we feel like with Warrick Trails they can ride their bikes and get out there so we want to teach them. She stated we want to have seniors...families can play these games so anywhere between 2 and 102, it's a sport for all ages, which is really cool so that we can teach everybody. She said that is our plan that is why we want ten courts we want to have everybody out there playing.

Chairman Dayvolt asked will it be something that will be available to the public say if we want to go out there and just get on the court and play.

Gina Adams responded absolutely. She stated we will have tournaments and there will be times where we are going to bring a lot of revenue into the economy having some tournaments. She said that will be a time where the courts may be closed to the public for that.

Chairman Dayvolt replied sure.

Gina Adams stated but of course that is bringing in money. She said we plan to, if we have league play and clinics, always have one of the ten courts available for any of the community to come in so there will always be at least one court available if we are using the rest of them to host clinics, round robins and things like that.

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

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

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

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

1. Subject to the property being in compliance at all times with the applicable zoning Ordinances of Warrick County.
2. Subject to all public utility easements and facilities in place.
3. Subject to any required Improvement Location Permits being obtained.
4. Subject to any required Building Permits being obtained.

The motion was seconded by Jeff Willis and carried unanimously.

Gina Adams said thank you.

Attorney Doll stated good luck.

Doris Horn responded good luck. She said great project.

Jeff Valiant said Terry we have first game right.

Terry Phillippe replied yeah, we have first game.

Terry Dayvolt replied we have first game.

Jeff Willis asked first the beginner's clinic.

SPECIAL USE: BZA-SU-22-29

APPLICANT: American Land Holdings of Indiana, LLC by Jim McKean, Senior Manager-Land

OWNER: American Land Holdings of Indiana, LLC by Bryce G. West, Vice-President

PREMISES AFFECTED: Property located on the north side of a private road approximately 2.3 miles west of the intersection formed by SR 61 and Lynnville Rd. Hart TWP. 8-4-8

NATURE OF CASE: Applicant requests a Special Use, SU-18, from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, IN to allow: a 190' self-supporting tower with a 5' lightning rod for a total of 195' and associated buildings all in a "CON" Recreation & Conservancy Zoning District. *Advertised in The Standard on August 11, 2022*

Chairman Dayvolt said state your name, sir.

Jim McKean stated his name.

Chairman Dayvolt asked for a staff report.

Mrs. Barnhill stated their notice to adjacent properties owners they are their own adjacent property owners all of the way around them so none were required. She said the existing land use is the mine. She stated the surrounding zoning and land use is "A" or "CON" and it is all mine ground out there. She said there is no floodplain. She stated they have an existing drive onto Lynnville Road. She said the applicant's statement says *installation of a 190' self-supporting tower with a lightning rod to ensure effective communications ensuring the safety and accessibility of the operations and personnel.*

Jim McKean said well stated, Molly.

Chairman Dayvolt asked do you have anything to add.

Jim McKean responded no, sir. He said I am open to respond to any questions you may help to elaborate or provide any further color necessary.

Chairman Dayvolt asked for questions from the Board.

Doris Horn asked when will you guys start this project if approved.

Jim McKean stated pending approval, as soon as approval is granted we would be prepared to commence construction.

Attorney Doll asked is Mr. West in the audience.

Jim McKean stated Mr. West is my supervisor so I'm authorized to (unintelligible)

Attorney Doll stated he delegated the authority to you.

Jim McKean replied pretty much. He stated I would say so.

Attorney Doll asked is this a knuckle tower.

Jim McKean said pardon.

Attorney Doll a knuckle tower.

Jim McKean said Rodney.

Rodney Nicholson responded no, sir.

Attorney Doll asked so does it have anything around it within...what is the fall radius foot for foot.

Mrs. Barnhill stated two feet for every one foot of tower.

Attorney Doll said so basically 400'.

Mrs. Barnhill stated that is from residential, residences. She stated the plot plan, one of the last pages it is a larger sheet so it will fold out, and it shows where the tower is going it is kind of back by the shop. She stated you can't even see the road on the plot plan.

Attorney Doll stated so it doesn't have any residences within 400 feet.

Jim McKean and Mrs. Barnhill stated no, sir.

Attorney Doll responded thank you.

Jeff Valiant asked this is strictly for communication with the employees and guys out working.

Jim McKean replied and the adjacent operation at this current juncture. He said the opportunity for expansion is present pending what the provider has what hardware and the weight capacity of

that design. He said I think it has the.... I know it has the ability to but it is just going to be situational dependent.

Jeff Valiant said thank you.

Attorney Doll asked will the tower be available to any emergency personnel to hang their repeaters or communication devices on it.

Jim McKean replied yes, sir. He said we have the ability to accommodate the capacity is there depending on what structure what hardware needs to be installed we have that ability to do so pending approval further obviously.

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

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

1. Subject to any required State or Federal Permits.
2. Subject to an Improvement Location Permit being obtained.
3. Subject to any required Building Permits being obtained.
4. 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.
5. Subject to the property being in compliance at all times with the applicable zoning ordinances of Warrick County.

6. Subject to an anti-climbing device and/or fence, be put up around tower.
7. Subject to the following from the Warrick County Comprehensive Zoning Ordinance:

Each operator of a broadcast internet facility must send to the Area Plan Commission a copy of any notice sent to the appropriate governing body of this entity of intention to cease operations. All abandoned or unused towers and associated facilities shall be removed within six (6) months of the cessation of operations at the site unless a time extension is approved by the Board of Zoning Appeals. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted prior to issuance of the required improvement location permit, shall be incorporated as part of the permit, and permit approval shall be conditioned upon removal of the structure(s) within six (6) months after cessation of the use. In the event that the tower is not removed within six (6) months of the cessation of operations at a site, the tower and associated facilities may be removed by the County and the costs of removal assessed against the property. (pg. 35)

The motion was seconded by Doris Horn and unanimously carried.

Mrs. Barnhill stated we will type up the approval and will be ready to do the permit on Wednesday.

Jim McKean replied okay.

Mrs. Barnhill asked does that work.

Jim McKean responded I will see you then.

Rodney Nicholson asked when will it be ready.

Mrs. Barnhill replied Wednesday.

Rodney Nicholson asked I'm not getting it now.

Jim McKean stated that is just tomorrow so just....

Rodney Nicholson stated thanks you guys.

Mrs. Barnhill replied you're welcome.

VARIANCES:

VARIANCE: BZA-V-22-25

APPLICANT: Timothy Turner

OWNER: Living Word Christian Church by Timothy Turner, Facilities Coordinator

PREMISES AFFECTED: Property located on the east side of SR 261 approximately 0' SE of the intersection formed by SR 261 and Peachwood Dr, Ohio TWP. Pt Lot No. 4 in Warrick Place III 3888 SR 261

NATURE OF 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 24'x 32' unattached accessory structure to be built 4' from the existing commercial building (Living Word Church). All in a "C-4" General Commercial Zoning District. *Advertised in The Standard on August 11, 2022*

Tim Turner stated his name.

Chairman Dayvolt asked for a staff report.

Mrs. Barnhill stated we have all of the green cards for the adjacent property owners. She said the existing use is a church. She stated the surrounding zoning and land use to the north, south, & east are zoned "C-4" General Commercial and "C-3" Highway Commercial all with commercial businesses. To the west is zoned "C-4" General Commercial and "M-2" General Industrial all with commercial businesses. She stated there is no floodplain. She said they have an existing drive on Peachwood Drive. She stated we do have a letter from Dennis Lockhart, Warrick County Building Inspector, stating I am giving a variance for 32x24 pole barn structure to be built 4-foot from the southeast corner of Living Word Christian Church at 3888 SR 261, Newburgh. She said the applicant's statement says *requesting to put a 24'x32' structure 4' from the SE corner of church due to a drainage easement that was in the way*. She stated everything would be in order.

Chairman Dayvolt asked do you have anything to add sir.

Tim Turner replied no, sir.

Chairman Dayvolt asked for questions from the Board.

Mrs. Barnhill stated normal separation is ten feet between structures due to fire code, which is why we got the letter from our inspector.

Jeff Willis asked fire code issues those would be the thing for the inspector to worry about, ten foot between buildings.

Mrs. Barnhill stated he said it was okay. She said he gave a variance already but we always check with him before we bring these to you guys.

After ascertaining there were no more questions from the Board and no remonstrators for or against the project, Chairman Dayvolt called 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 location of the easement in relation to where the building is going.
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.

Tim Turner stated thank you I appreciate it.

Mrs. Barnhill stated we will be ready Wednesday with your approval and you can get the permit.

Tim Turner replied that sounds good. He said thank you all and have a nice evening.

Mrs. Barnhill and Jeff Valiant replied you too.

VARIANCE: BZA-V-22-27

APPLICANT & OWNER: Jerry Evans

PREMISES AFFECTED: Property located on the north side of Phillips Rd approximately 525' NE of the intersection formed by Phillips Rd and Moss Rd. Skelton TWP. 10-5-7 3600 Phillips Rd.

NATURE OF 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 30'x 40' unattached accessory building located in front of the single-family dwelling with less than 2.5 acres (1.072 acres) being in an "A" Agricultural Zoning District. *Advertised in The Standard on August 11, 2022*

Chairman Dayvolt said state your name please.

Jerry Evans stated his name.

Chairman Dayvolt asked for a staff report.

Mrs. Barnhill stated we have all of the white pay receipts showing they were mailed correctly. She said the existing land use is a single-family dwelling. She stated it is zoned "A" Agricultural all around it with single-family dwellings or vacant ground. She said there is no floodplain. She stated they have an existing drive on Phillips Road. She said in the application he states that *I, Jerry Evans, need a variance to build the proposed building in front of the existing home on this 1 acres for the following reasons: to move it back to even with the existing home would place it on top of the homes septic field bed. To put it anywhere else on this property would not be cost efficient.* She stated the application is in order.

Chairman Dayvolt asked sir is there anything you would like to add to that.

Jerry Evans stated I have the green cards.

Mrs. Barnhill responded okay, you can hand them to Jen, she will take those. She said thank you.

Chairman Dayvolt asked do you have anything else to add to what

Jerry Evans stated no, not really. He said it is just the reason I had it cut down to one acre is my mother is going to be living there and for her...I am going to be traveling so for her to take care of it and to put it on the other side of the house I would have had to go through a big gulley and it would be not cost efficient to put a driveway in there so I am using the existing driveway.

Chairman Dayvolt asked so this building will not be used as a residence.

Jerry Evans replied oh no, no. He said it is storage.

Chairman Dayvolt responded okay.

After ascertaining there were no questions from the Board and no remonstrators for or against the project, Chairman Dayvolt called 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 existing house sits further back on the lot not leaving room for an accessory building in the rear of the lot. Plus there is a previous building at this site which was

Jeff Willis asked does this go with this.

Attorney Doll said that was destroyed by a tornado.

Jeff Valiant asked destroyed by a tornado is that true.

Mrs. Barnhill stated no, I don't know why that is on there. She said I am sorry.

Jeff Valiant said that is okay I was just like...

Mrs. Barnhill stated such condition is.

Jeff Valiant said such condition is I was going to say...

Mrs. Barnhill stated such condition is...

the topography of the lot and the gulley to the east of the property and the septic on the west.

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 stated we will have this approval done Wednesday.

Jerry Evans responded thank you.

Mrs. Barnhill stated you're welcome.

ATTORNEY BUSINESS:

Attorney Doll said the due date on Nelly's Restaurant is September 2, 2022. He said nothing further.

Terry Dayvolt asked and the Nelly's is for the...

Attorney Doll stated the outside patio that is in the right-of-way built without a location improvement permit and in two right-of-ways, well maybe three. He said it is over a city sanitary sewer from the Town of Newburgh, it's under a transmission line for CenterPoint Electric, and I think it is over a high pressure gas line also owned by CenterPoint.

Mrs. Barnhill asked gas line.

Attorney Doll responded yeah.

Chairman Dayvolt asked so they are going to...

Attorney Doll stated I have no idea. He said they have hired counsel to fight it.

Chairman Dayvolt responded okay. He said here we go again.

Mrs. Barnhill said okay.

EXECUTIVE DIRECTOR BUSINESS:

Mrs. Barnhill said nothing.

Mike Winge made the motion to dismiss at 6:35 p.m. Doris Horn seconded the motion and it carried unanimously.

Terry Dayvolt, Chairman

ATTEST:

The undersigned Secretary of the Warrick County Board of Zoning Appeals does hereby certify the above and foregoing is a full and complete record of the Minutes of the said Board at their monthly meeting held August 22, 2022.

Molly Barnhill, Executive Director