

WARRICK COUNTY AREA BOARD OF ZONING APPEALS

Regular meeting to be held in the Commissioners Meeting Room,
Third Floor, Historic Courthouse,
Boonville, Indiana
May 26, 2026 at 6:00 P.M.

PLEDGE OF ALLEGIANCE:

MEMBERS PRESENT: Terry Dayvolt, Shari Sherman, Dave Goldenberg, Mike Moesner, Jeff Willis

MEMBERS ABSENT: Mike Winge, Jeff Valiant

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

MINUTES:

Mike Moesner made the motion to approve the April 27, 2026 minutes. Dave Goldenberg seconded the motion, the motion passed by 4 to 1 with Jeff Willis abstaining.

Chairman Dayvolt said ok, tonight we will start with a special use, BZA-SU-26-13 Man Lung, is that right.

Mrs. Barnhill asked do you want to start with the 26-05.

Chairman Dayvolt said you want to read them all together. He continued I mean, we've got 1, 2, 3, 4 of them.

Mrs. Barnhill said we can do them all at once with 26-05 if you wanted.

Chairman Dayvolt said well instead of making them wait through all of that.

Mrs. Barnhill said ok, so we're going to skip one on the agenda.

Attorney Doll said for now.

Mrs. Barnhill said ok for now, sorry.

SPECIAL USES

BZA-SU-26-13:

APPLICANT: Man Lung, Lau

OWNER: A Farm N Stay LLC, by Man Lung, Lau, Owner

PREMISES AFFECTED: Property located on the E side of Martin Rd. approx. 1350' S of the int. formed by Martin Rd. & Lincoln Ave. Lt. 1 in G. Martin Minor Sub Ohio Twp. 25-6-9.

Complete legal on file. 4788 Martin Rd.

NATURE OF THE CASE: Requests a Special Use 1, from the requirements as set forth in the Comprehensive Zoning Ordinance for Warrick County, IN to allow an orchard, a vineyard and other outdoor activities including a rental cabin. All in a “A” Agricultural Zoning District. As advertised in *The Standard* on May 14, 2026.

Chairman Dayvolt asked for a staff report.

Mrs. Barnhill said we have the affidavit and all of the green cards have been returned from their notice to the adjacent property owners. She continued the existing use is a single-family home with unattached accessories. She said to the north, south and east is “A” Agricultural Zoning consisting of single-family homes and some farm ground, to the west is “R-1A” One Family Dwelling Zoning and “R-2” Multiple Family Dwelling Zoning consisting of single-family dwellings. She continued there is no flood plain and they will have access onto Martin Rd. She said in the applicant statement they say that *“The applicant applying for SU-1, proposes to operate an agritourism business on the subject property, which is currently zoned for agriculture use. The intent is to diversify farm-related income while maintaining the agricultural character of the land. The agritourism activities will be secondary and complementary to the primary agricultural use.”* She said there will also be a place for a food truck and we do have a letter of approval from the Health Department for the placement and use of a portable restroom that they are proposing as well.

Chairman Dayvolt said I’m sorry if I didn’t state your name right.

Man Lung Lau said it’s ok.

Chairman Dayvolt said if you would please state it for us for the microphone, state your name.

Man Lung Lau stated his name.

Chairman Dayvolt asked your name please.

Vania Lau stated her name.

Chairman Dayvolt said please raise your...

Mrs. Barnhill said will you raise your right hand; you want me to go ahead and do that.

Chairman Dayvolt said yea go ahead.

Mrs. Barnhill said do you swear to tell the truth, the whole truth, and nothing but the truth.

Man Lung Lau said yes.

Vania Lau said yes.

Chairman Dayvolt said there is a paper there on the podium, if you'd please sign in. He asked would you state your name too please.

Kim Ho stated her name.

Chairman Dayvolt said ok, do you have anything else to add to the staff report that was Mrs. Barnhill gave.

Man Lung Lau said no.

Chairman Dayvolt asked questions by the Board.

Attorney Doll asked did you swear her in.

Mrs. Barnhill said huh.

Attorney Doll said did you swear her in.

Mrs. Barnhill said oh, Kim, sorry do you swear to tell the truth, the whole truth, and nothing but the truth.

Kim Ho said yes.

Mike Moesner asked do you intend to have daily activities or what is the plan for the property.

Man Lung Lau said usually for the weekend because the for the week days I don't think there's much people coming for anything.

Mike Moesner asked so you're going to have, are you going to have planned activities on the weekend or just once in a while you'll have something special.

Man Lung Lau said usually we can, it depends on if the customers like it or not.

Mike Moesner said ok.

Shari Sherman said I had a question, the orchard and vineyard what, um, length of time do you see it being productive.

Man Lung Lau said I planted about 20 of them, I see one time I will have fruit this year.

Shari Sherman said ok.

Man Lung Lau said and maybe next year there is some more.

Shari Sherman said ok, and then the orchard, are you looking at apples.

Man Lung Lau said we have apple, peach, and pears.

Shari Sherman said so you already have those planted.

Man Lung Lau said yes.

Shari Sherman said oh ok.

Chairman Dayvolt asked are you planning on selling the produce that you grow, like the apples, are you planning on selling those.

Man Lung Lau said pick your own thing, something like that, like a tour, like children come to pick the apple, that kind of, usually we find that extra.

Mike Moesner said what about a vineyard, are you going to be raising grapes, making wine or what...

Man Lung Lau said no wine, I can not make, I don't know how to do that, too difficult.

Mike Moesner said ok.

Shari Sherman said the grapes in the early stage.

Jeff Willis said the original stage.

Chairman Dayvolt asked are there any more questions.

Shari Sherman asked do you already have the chickens and the rabbits and those, do you already have those.

Man Lung Lau said I tried raising chickens last year but they were all eaten by the skunks, so I need a better protection this year.

Shari Sherman said oh ok.

Chairman Dayvolt said any other questions, attorney questions.

Attorney Doll said none.

Shari Sherman said I think there may be some remonstrators.

Chairman Dayvolt said yea, anybody else here for or against this project.

From the audience yes.

Chairman Dayvolt said ok, if would you please step back and let them come up. He said you need to sign in and state your name.

Kevin Schmidt stated his name.

Chairman Dayvolt said you need to raise your right hand and be sworn in by Mrs. Barnhill.

Mrs. Barnhill said do you swear the tell the truth, the whole truth and nothing but the truth.

Kevin Schmidt said yes. He continued I have a couple of concerns, I live right next door, I live at 4700 Martin Road, I live right down the hill. He said I got that almost 6-acre parcel there. He said I didn't know about a porta potty, gonna be potentially be in there, cause I walk out my back door and I'm gonna look over and see porta potties and I don't, my wife was completely against that. He continued I think that's going to be the biggest thing is we don't want to see a porta potty coming out our back door, I don't think any of you guys would want to see a porta potty out your back door either. He said that's the biggest concern, if it would go through, we'd want it to be moved somewhere else. He continued it's a great family here, I'm hoping they can do it, the biggest thing is the porta potties, and maybe the traffic issue. He said I have a farm right next door and my concerns will be how are we gonna to be able to keep people from pulling into my driveway and you know, making sure it's not, you know, a part of their farm and stay. He continued I just don't want someone coming on my property and getting hurt, getting in with some cows or whatever. He said those are my biggest concerns here I think, because it's right next door, I think our driveways might be 150' – 200' feet apart on the same side of the road, I don't know if there's a way that something like that wouldn't happen, but I think that's all.

Chairman Dayvolt said ok.

Kevin Schmidt said thank you.

Larry Snodgrass asked how you guys doing today.

Mrs. Barnhill said raise your right hand, do you swear to tell the truth, the whole truth and nothing but the truth.

Larry Snodgrass said I do.

Mrs. Barnhill said thank you.

Chairman Dayvolt said would you state your name please.

Larry Snodgrass stated his name.

Chairman Dayvolt said Larry Snodgrass ok.

Larry Snodgrass said I live right across from...my front window looks right in their front yard. He said I live directly across the street and I don't want to see a parking lot when I look out the window.

Chairman Dayvolt asked do you live at 6500 Concord Drive or...

Larry Snodgrass said 6511.

Chairman Dayvolt said 6511 ok.

Larry Snodgrass said my address, my driveway is on Concord but my house faces Martin. He continued and that's, and the traffic on that hill, there's already a lot of traffic on that road, and there's gonna be even more, and I don't want to see a parking lot. He said I been there 40 years and I don't wanna see a parking lot when I look out my front window, and that's what it'll be.

Chairman Dayvolt said ok, is that your only complaint.

Larry Snodgrass said yea, I just don't want to see like, a commercial building nowhere, a commercial parking lot, I don't wanna see all that.

Chairman Dayvolt said ok.

Larry Snodgrass continued see cars, food trucks, when you look out your front window, it's not good.

Chairman Dayvolt said yea.

Larry Snodgrass said and that's my main concern.

Chairman Dayvolt asked it'd be like the strawberry patch down from you, wouldn't it.

Larry Snodgrass said yea, I just don't wanna see all that going on over there. He said if my house didn't face directly to their house that'd be a little different, but my front, my living room window that's what you see directly right into it.

Chairman Dayvolt said so you would see that and the farm at 4700 Martin Rd too.

Larry Snodgrass said 4700.

Kevin Schmidt from the audience said that's my house.

Larry Snodgrass said no I can't see him, he's down over the hill.

Chairman Dayvolt said ok.

Larry Snodgrass said cause I'm on top of the hill, right over, over the hill a little bit over the on the right, not much just a little but he's down, I can't see, I can see the top of the roof of his house but I can't see his house.

Chairman Dayvolt said ok, alright. He continued ok we've heard your complaint.

Larry Snodgrass said alright, thank you.

Kevin Schmidt from the audience said I have one more question, if I can, I forgot about something.

Chairman Dayvolt said ok.

Kevin Schmidt said I would like to ask too, how will they contain the trash, if there's gonna be like food vendors and stuff there, on the paper I didn't see any designated spots for trash cans or anything like that. He continued I'd like to make sure, if it does go through, I'd like to make sure that can be designated because I don't want trash rolling down, that would be another concern I would have, I just didn't see it on the paperwork anywhere.

Chairman Dayvolt said ok.

Kevin Schmidt said thank you.

Paul Campbell said good evening, my name is Paul Campbell, I live at 4814 Martin Road.

Mrs. Barnhill said raise your right hand, do you swear to tell the truth, the whole truth, and nothing but the truth.

Paul Campbell said I do. He continued I've lived at my residence for 30 plus years next to Mr. Snodgrass and um, my concern is the amount of traffic that could possibly be increased onto Martin Road. He said right now that road is highly traveled, um, during school time, any time of the day, it has people riding bicycles, 4-wheelers, side by sides, I'm just afraid that the increased traffic will cause more accidents than what we already have at the intersection of Martin and Concord. He said there is only one entrance into that property and it sits at the very apex of the hill, which is in line with Concord, and you can not see over the hill if somebody's turning left into their property or left into Concord, you have to inch up over the hill and hope nobody's coming before you get hit. He continued I've responded to numerous accidents at that intersection um, I hear them crash all the time in my living room, so it's one of my biggest concerns is the increased traffic into that area. He continued and everything the other folks have said, I have concerns with also, trash, we have enough trash on the side of the road that people throw out their window, excuse me out their windows, and we start blowing trash all over the place from that property where is it going to end up, my yard or somebody else's yard, that's all I have.

Chairman Dayvolt said ok.

Paul Campbell said thank you.

Chairman Dayvolt asked would you like to respond to their, ma'am would you like to respond to what their concerns are.

Man Lung Lau said ok, the first concern, that parking lot, there are several big trees on the side of Martin Road, so it blocks most of the view, if he really don't want to see the car, I can plant more privacy trees on their and um, if you don't want to see my... I'm not going to have a party in the back yard, just normal activities, so I don't know what to say. He continued for the last question, it is on the top most of the road, so if you follow the instruction, the sign, it will be safe, you turn, you watch there's no car before you turn entering my property. He said and um I don't see accident happen before, I don't know if you have concern, they have a lot of concern there, there's nothing I can do, it's just concern.

Chairman Dayvolt said are you planning on inviting like, the schools or something like that there.

Man Lung Lau said no, we can not handle that, that amount of people, it's just a 3-acre property and limited parking space, we are looking for some small-scale activities only.

Chairman Dayvolt said ok, any more questions by the Board.

Jeff Willis said they had a concern with like trash for like when you the um food trucks, like trash blowing around things of that nature on windy days, I guess.

Man Lung Lau said we can collect it, and we will provide enough trash cans, and there's a fence around my property so it won't go through my neighborhood and we will pick it up out there.

Chairman Dayvolt asked what about the concern about the porta potty.

Man Lung Lau said porta potty.

Chairman Dayvolt said moving it, the restroom.

Shari Sherman said oh outdoor bathroom.

Man Lung Lau said oh outdoor bathroom.

Shari Sherman said yes.

Man Lung Lau said oh it's in the middle of my property so I, what is your concern.

Chairman Dayvolt said they don't want to see a porta potty.

Man Lung Lau said oh ok.

Shari Sherman said the one gentleman at 4700...

Man Lung Lau said we can do something to cover it up.

Shari Sherman said yea.

Man Lung Lau said make it look nice.

Chairman Dayvolt said ok.

Mike Moesner said looking at the drawing here it shows the portable restroom right up next to the barn, if you'll look at that, and so it could be slid around one side or the other looks to me like it wouldn't be apparent from outside.

Kevin Schmidt from the audience asked are you saying move it to the south side of the building there.

Mike Moesner said yea, one side or the other, looks to me like it could easily be moved.

Kevin Schmidt from the audience unintelligible.

Mike Moesner said it's with, you know, moving 5 or 10 feet one way or the other is not going to affect access.

Attorney Doll said yea.

Man Lung Lau said I can do that.

Kevin Schmidt from the audience the north side as soon as you walk out my back porch you can see it, so if he moves it to the south side of the building there, that would take care of my concern.

Mike Moesner said ok.

Jeff Willis said it looks like on the south side, an empty lot is south of them, it looks like.

Shari Sherman said uh hmm.

Mrs. Barnhill said that entrance, he did come in for a site review and sat down with our County Engineer who, he just has to line it up with Concord across the street and it'll be a commercial entrance that he'll have to do. She continued so the County Engineer has looked at that already. She said yea he'll have to do some upgrading to protect the road.

Chairman Dayvolt said so it's going to be 30 feet wide.

Mrs. Barnhill said throat width and all that.

Chairman Dayvolt said that's what it says.

Shari Sherman said well...

Chairman Dayvolt said well, 30 feet wide at the narrow end of the throat.

Shari Sherman said yea 87.

Chairman Dayvolt said 87 feet at the big part.

Mrs. Barnhill said I don't know what they require, you want me to look it up.

Chairman Dayvolt said well that's what's on the plans here that he's presenting to us.

Mrs. Barnhill said ok.

Chairman Dayvolt said I think, I don't know...is that what they

Man Lung Lau said the specifications were provided by the engineer.

Shari Sherman said ok.

Mrs. Barnhill said so that does match the driveway permit.

Man Lung Lau said yes, it does match.

Mrs. Barnhill said ok.

Chairman Dayvolt said ok.

Shari Sherman said ok.

Kevin Schmidt from the audience question could we maybe have ...

Attorney Doll said you have to speak up here.

Chairman Dayvolt said would you please.

Kevin Schmidt said oh yea, yea, I'm sorry.

Attorney Doll said we're not going to give in to it if it's not.

Kevin Schmidt said if it would pass, could we have him cut the hill back and that could help with safety coming in and out, cause it's a steep embankment there on that road there, that could easily help make it to where if he would have this pass.

Chairman Dayvolt said you mean at the entrance.

Kevin Schmidt said yea, yea, I mean.

Chairman Dayvolt said because the hill itself is the County's.

Kevin Schmidt said yea well then, the county would have to come in and take care of that.

Attorney Doll said the engineer has looked at this and he has approved this proposal as it is, so.

Kevin Schmidt said ok, I was just thinking it might help with traffic coming in and out though.

Mike Moesner said looking at the schematic here it shows a total of 13 cars or 13 parking spots, so that's not a great number of ...

Shari Sherman said no.

Mike Moesner continued cars.

Mrs. Barnhill said nuh uh.

Shari Sherman said this appears to be a small operation.

Mrs. Barnhill said we talked about his wanting a food truck, is it one food truck at a time.

Man Lung Lau nodded yes.

Mike Moesner said how about in front of the parking lot right next to the road if you could have some bushes to kind of offset being able to look into the parking, it might dress up the front of your property as well.

Attorney Doll said or some trees.

Mrs. Barnhill asked between the parking lot and the road.

Mike Moesner said yes.

Mrs. Barnhill said some type of evergreen.

Mike Moesner said yea, it wouldn't have to be humungous, you know, 6 foot tall would be plenty as far as knocking down the access and whatever.

Mrs. Barnhill said um hum.

Chairman Dayvolt asked any more questions by the Board. He asked are there any more remonstrators here for or against this, seeing none, I'll entertain a motion.

I, Mike Moesner, 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.
4. Subject to any required Improvement Location Permits.
5. Subject to any required Building Permits.
6. Subject to any required permits from the State
7. Subject to a Commercial Site Review prior to any permits being issued.
8. Subject to any required permits or approvals from the Health Department.

Mike Moesner said can I add another point to that.

Mrs. Barnhill said well can we strike 7 please.

Attorney Doll said it already happened.

Mike Moesner said it has already been approved.

Mrs. Barnhill said yes, they've already had their Commercial Site Review.

Mike Moesner said in place of that then could I add we would appreciate seeing some kind of buffer between the parking lot and the road.

Shari Sherman said greenery.

Mike Moesner said I'm sorry.

Shari Sherman said greenery.

Mike Moesner said greenery, yes.

Mrs. Barnhill said to...

Chairman Dayvolt asked do you understand what is being said.

Man Lung Lau from said yes, to put some trees in the front.

Chairman Dayvolt said is that...

From audience do what.

Chairman Dayvolt said does that address all your issues.

Larry Snodgrass from audience said it's still zoned Commercial.

Chairman Dayvolt said pardon.

Larry Snodgrass asked is it going to be rezoned Commercial.

Chairman Dayvolt said no it'll stay Ag.

Larry Snodgrass said yea if he puts some bushes and stuff there, that'll help.

Chairman Dayvolt said it's going to stay Ag, it's not going to be Commercial.

Larry Snodgrass said like 6-foot trees or like a green giants, something to screen that off right there.

Mike Moesner said yea.

Chairman Dayvolt said yea.

Larry Snodgrass said so that way when I look out my window, I don't see all the cars.

Mike Moesner said yea.

Chairman Dayvolt said you'll see that big tree.

Larry Snodgrass said that big tree was gone anyway.

Mike Moesner said and I think he's heard the moving the porta potty around would help also.

The motion was seconded by Shari Sherman and it passed unanimously.

Chairman Dayvolt said your motion carried, you have your permit, I mean your variance – Special Use.

Mrs. Barnhill said so we'll go back and type up the minutes and have an approval to give you. She continued and we can email that to you, is that ok.

Man Lung Lau said yes.

Mrs. Barnhill said and then when you're ready for your permits to build your cabin, you come see us, ok.

Man Lung Lau said ok.

BZA-SU-26-05:

APPLICANT: Robinson Outdoor, by Brent DeWilde, Real Estate Manager

OWNER: A Plus Auto and Tire, LLC by Richard Modlin, Owner

PREMISES AFFECTED: Property located on the West side of Hwy 66 approx. 316' North of the intersection formed by Hwy 66 & Lincoln Ave. Ohio Twp. Part Lot 3 in Heritage Triangle Sub recorded in Plat file #1, card #172 in the Warrick County Recorder's office. *Complete legal on file. 4466 Lenn Rd.*

NATURE OF THE CASE: Requests a Special Use, SU-8, from the requirements as set forth in the Comprehensive Zoning Ordinance for Warrick County, IN to allow a 12'x 24' Electronic Message Center. All in a "C-4" General Commercial Zoning District. *As advertised in The Standard on March 12, 2026.*

**Tabled from the April 27, 2026 meeting.

Mrs. Barnhill said and this is filed with some additional variances, do we want to go ahead and read those.

Chairman Dayvolt said yes ma'am.

Mrs. Barnhill said so the next one is BZA-V-26-03, sorry, skip that one, that's not the right one, BZA-V-26...

Attorney Doll said 06.

Chairman Dayvolt said 06.

Mrs. Barnhill said 06, that's the one. She continued and that one is to request a variance for the billboard the 1000' distance requirement, they're requesting 820', so a relaxation of 180'. She said the next one is 26-07, this one is asking for the billboard to not meet the 75' setback from the controlled access right of way, they're requesting an 18' setback from the road right of way which is a relaxation of 57'. She continued then BZA-V-26-12 this one is requesting that the billboard does not meet the 10' requirement between all structures and these were all tabled from the April 27th meeting.

Chairman Dayvolt said Robinson are you here.

Richard Modlin said hello my name is Richard Modlin, property owner.

Danny Marler said and I'm Danny Marler a representative from Robinson Outdoor, I'm a real estate specialist. He continued Mr. DeWilde couldn't be with us today, he's in Ohio in another meeting.

Mrs. Barnhill said alright, could I have you raise your right hand, do you swear to tell the truth, the whole truth and nothing but the truth.

Richard Modlin said I do.

Danny Marler said yes.

Chairman Dayvolt said we're going to, we will talk about these all together, we will vote on them individually.

Danny Marler said yes sir.

Chairman Dayvolt said ok, that's how this will work.

Danny Marler said yes sir.

Chairman Dayvolt said we'll start out with the, I guess...

Attorney Doll said special use.

Mrs. Barnhill said um hmm.

Chairman Dayvolt said huh.

Attorney Doll said special use.

Chairman Dayvolt said special use, yes.

Attorney Doll said 26-05.

Chairman Dayvolt said where they're wanting the 12x24 Electric Message Center all in a "C-4" General Commercial Zoning district.

Mrs. Barnhill said so Jeff Willis was the absent last time right.

Chairman Dayvolt said yes.

Mrs. Barnhill asked do you have any questions.

Jeff Willis said I mean, my only concern is the, they're trying to... it's too close to the right of way

Chairman Dayvolt said uh hmm.

Jeff Willis continued and I'm trying to figure out if it's a huge right of way or if it's really tight to the road.

Attorney Doll said it's the 4-lane highway.

Jeff Willis yea, I know but did they widen it 25 years ago or whatever it was and then took everybody's land and it put the building it's right up next to the road.

Mrs. Barnhill said yep, and so now it requires a 75-foot setback for a billboard on that controlled access thoroughfare so that's one of the variances that they filed.

Jeff Willis asked if it wasn't controlled access what would the setback be.

Mrs. Barnhill said it's 5.

Chairman Dayvolt said it shouldn't be 5 feet.

Mrs. Barnhill said if it wasn't a controlled access thoroughfare, typical commercial setbacks are 5 feet.

Shari Sherman said that would be very dangerous.

Chairman Dayvolt said yes.

Mrs. Barnhill said since I'm in a public hearing, let me look it up. She continued it's on table B...

Shari Sherman asked does it matter; I mean it is what it is.

Jeff Willis said if it was a safety issue and they say it's 25 feet, but the state has already signed off on it, it sounds like.

Danny Marler said yes sir.

Jeff Willis said it's their road and it'd be their safety issue; I just want to make sure we're consistent.

Mrs. Barnhill said it would be 5 feet, it would be your standard commercial setback.

Jeff Willis said ok.

Danny Marler asked may I also make a statement, um on behalf, you had asked a question at the last meeting about a non-profit and I wanted to apologize to you because I wasn't for sure at the time when you asked me that questions. He continued I did reassure with the president of our company, and yes non-profits are included in the use of our boards, it's actually done on a case-by-case basis just because of the occupancy, but other than that, yes, we do allow non-profits to use the board. He said yes and to answer your question, yes, we have ascertained the state permit according to their rules and regulations.

Chairman Dayvolt said BZA-V-26-12 they're not meeting the 10-foot requirement either.

Jeff Willis said I mean it's their building.

Chairman Dayvolt said between structures.

Jeff Willis asked is it their building or a neighbor's building that they are too close to.

Richard Moldin said it's mine.

Chairman Dayvolt said you've got maps there too.

Richard Modlin said mine, and if I may speak, I believe and I said this last time I don't think you were present, that the necessity of that I'm assuming is safety to the building in the event something...

Jeff Willis said fire.

Shari Sherman said um hmm.

Richard Modlin said fire, uh so danger to the building or its occupants...

Attorney Doll said building.

Richard Modlin continued due to a fire caused by the sign, electricity I suppose, correct.

Attorney Doll said it could be a fire caused by anything, it could be lightening, it could be...

Richard Modlin said right.

Attorney Doll continued any type of fire and the fire could come from the building just as much as from the sign.

Richard Modlin said right.

Attorney Doll said that generally is enough room for the firefighters to get around the property and drag their hoses and do what they need to do.

Richard Modlin said I see, I see, well the post of the sign wouldn't really...it's going to be close enough, I don't see how that would deter much there. He continued I wanted to raise the point though that the part of the sign that is over the building is not a part that is generally occupied. He continued it's not near the office or the waiting room or working area, it's over a compressor at the back corner of the building, someone walks in there in the morning and turns it on and someone walks in there in the evening and turns it off, so if the sign came down, but that was my thinking. He said fire, I suppose where it is, that's on the far side of the building from the access point for a fire truck, it's on the opposite side of the building there's a big parking lot on the other side and the concrete from Lincoln Avenue entrance. He continued that's where they would be coming from and I find it difficult to fathom that they would want or that they would spend the time to go around the building with hoses they would do it from the other side. He said I don't think they would, it's a slope, it is often wet grass, anyway, so just wanted, I don't know if you've seen the particular site, I think that any fire mediation would be handled from the other side likely anyway in this particular case.

Danny Marler said and on the site plan, if you look at the site plan as well, you'll see the structure on the site plan; not the whole entire structure is over the top of the building, it's just a small portion on the right, the right-hand reed of the sign there's portion of it that actually extends over. He continued part of it is outside the 10 feet part of it is inside the 10 feet of the required spacing, but due to the uniqueness of that piece of the property, that's the reason why it's in the way it is, just to be able to stay back off the right of way as much as possible stay off the adjoining neighbor's property as well.

Chairman Dayvolt said you had to do that to stay off the adjoining neighbor's property.

Danny Marler said we had to stay off there as well, yes sir, absolutely.

Shari Sherman said so remind me this sign is facing basically south or is it facing...

Danny Marler said north and south.

Shari Sherman said so you'll have two signs.

Danny Marler said no one sign...

Shari Sherman one sign but it'll be two-sided.

Danny Marler said yes ma'am yes ma'am.

Jeff Willis said like a triangle.

Danny Marler said it'd be a V-shape yes sir. He continued now as far as the pole with the structure, I mean we can move that, to help accommodate any safety issues or fire apparatuses getting around there and stuff, you know we don't have a problem with that. He said we need to tweak, perhaps the design, the pole itself can go in front of the sign, middle of the sign or back of the sign, but when it comes to that but the sign itself, the actual head of the structure is where it's going to have to be more than 10 feet to accommodate for the use of the...

Chairman Dayvolt asked why is it in a V-shape.

Danny Marler answered the reason we V-shape our signs is to actually point the signs directly to the motoring public to avoid them having to look over to read something as they pass by it, it's a safety issue, same thing as by moving the sign further away from the right of way you know, it distracts drivers because they're looking further way... they're devoting their attention away from the driving lane, over to 75 feet away from the roadway. He continued and to kind of substantiate that as well MODOT or INDOT or Ohio DOT, when they put their digital message boards on the interstate for the motoring public, they don't stick them 75 feet off the roadway, they put them overhead so when you're driving down the road, when they do Amber Alerts, traffic safety information, all that stuff is directly above you as you're motoring down and that's for safety reasons as well so. He said I know you weren't here for the last meeting; all of our signs are dedicated to the national weather service center for any tornado activities or anything like that, all the advertisement comes off because the advance warning system for the community and stuff. He said so we focus on you know on getting you know revenue into the communities, after driving, excuse me, but after the first time I was here, I wasn't really familiar with this area as well because I wasn't initially the person who made contact with Rick. He continued I'm actually working the Northern Indiana area, but I was asked to come in to assist with the meeting and stuff, but I did kind of drive the area. He said I got over here really early and was kind of looking at the aesthetics of the other signages in the area and stuff and the basically use that we're wanting to do for this sign is pretty much standard for that area. He continued I don't believe we're asking for a whole lot more than what is already here, the distancing from the roadway and stuff. He said we understand the power grid and stuff to, we have stipulations by Federal Guidelines to stay back 13.6 feet from that as well so there's a lot of other factors that we have to take into consideration before we can just stick a sign in the ground. He continued so I just wanted to let you guys know that I did take a look the opportunity to view the area as well.

Chairman Dayvolt said see, according to our Ordinance, it's any structure, and we have not approved people building a work center or a barn or a garage within 8 feet of their house. He continued due to the fire and all that...

Danny Marler said yes sir.

Chairman Dayvolt said now you're asking us to approve something that's hanging over a building.

Danny Marler said yes sir.

Jeff Willis asked is there a commercial side line setback.

Attorney Doll said site.

Jeff Willis said like if you're going to build like some zonings like in Evansville, I know, you can build your building right up to the property line, is there a side, like...

Mrs. Barnhill replied it's 5 feet all the way around on a commercial lot.

Jeff Willis said alright.

Chairman Dayvolt that's why I was asking why it was in a triangle.

Danny Marler said yes sir.

Mike Moesner said well I understand why it's in a triangle because if it's straight then you're looking at it perpendicular you're not going to be able to see the whole picture right because it's electronic you know.

Danny Marler said yes sir, and can I ask a question, how many people here have computers at home or at work. He continued so if when you're looking at the computer screen if somebody is standing over here, they can't see what you see, how many times you got to kind of go around to kind of see, it's kind of pretty much the same thing with a digital off premise advertising sign. He said from an angle you can't see it, you know if its straight perpendicular with the road you know, at certain angles you can, but to eliminate people looking back, we V them out.

Richard Modlin said straining for proper views while driving, yea, it's a safety thing, that's why I understand.

Jeff Willis said if the built, attached their pole to their building would we be having the conversation within 10 feet, if they attached the pole to the building.

Attorney Doll said it looks like the building is...

Jeff Willis said I mean it's over the building anyway, if they...

Shari Sherman said but that's just one of the issues we're talking about it.

Jeff Willis said well my biggest issue is the setback.

Danny Marler said the structural integrity of our signs are 130 mile an hour wind road tested so we have to accommodate the foundation that will support that, engineering design gets established (unintelligible).

Jeff Willis said I was just trying to make the point if you attached it somehow with some kind of bonding would it be ok as the same structure so you don't have to be more than 10 feet.

Danny Marler said I see what you're saying, attach it to the structure.

Jeff Willis said yea, you still have the base, the foundation, it's all because you want that to be secure.

Danny Marler said I know what you're saying.

Jeff Willis said but if it's the same structure would it be an issue.

Shari Sherman said so you're putting a hole in the roof to put the...

Jeff Willis said no, you're still building the sign separately, and then just running an awning over to it a banner over to it.

Mrs. Barnhill said if that ever happened and they met building code and it would be state building code then it would just be an addition, I don't know.

Jeff Willis said that's how they get around with the sewer in Evansville a lot they make it the same building by building an awning over.

Mrs. Barnhill said yes.

Jeff Willis to make it the same building so you can put a toilet in an outbuilding.

Mrs. Barnhill said I'm not sure how it would fly with a billboard.

Shari Sherman said but building then a sign, that's something on the ground, this is something that's what 12 feet high, no...

Jeff Willis said I'm not saying we would require that, to me the 10-foot set back distance is not an issue, because they could put something between them to make it the same building get out of that.

Shari Sherman said that's just one of the issues.

Jeff Willis said right.

Attorney Doll asked do you have to have a 50-foot, 57-foot right of way set back.

Danny Marler said I'm sorry.

Attorney Doll said you've asked for a 57-foot, the typical sign right of way set back is 75 feet minimum.

Danny Marler said yes sir.

Attorney Doll continued and you've asked for a 57-foot relaxation of that setback.

Danny Marler said yes sir.

Attorney Doll said you're proposing to only setback 18 feet.

Danny Marler said yes sir, due to the uniqueness of that... sorry.

Attorney Doll said and that's 18 feet from the leading edge of the sign.

Danny Marler to the very front point.

Attorney Doll said closest to the road.

Danny Marler said closest to the road.

Attorney Doll said that's a considerable setback, um relaxation, a considerable setback relaxation. He continued that's 26-07.

Richard Modlin said if I may say something, that was my biggest concern was the potential for passing that variance there, the part, as I understand it, the setback is likely required for access to working or servicing the highway, the part of the sign or the end that is within that minimum requirement is way overhead. He continued they don't do anything that high when they work on the road, the post – the post is only 10 feet from my building, they wouldn't likely be there working on the highway, it's a long way from the highway, it's a big old ditch there. He continued I think like you all their going to work from the other side, I don't know how they would, there's a bit old sewer there, so they can't unless with the land there, so I don't see how it could encroach upon their ability to work on the highway being given the fact the only part of the sign that's within that requirement is...

Attorney Doll said I don't think you're right about that.

Richard Modlin said ok.

Attorney Doll said I don't think it's just to work on the highway, form the 1960s there was a beautification program that tried to keep billboards off right of ways of public highways so far back, Ladybird Johnson was a big proponent of that. He continued and if the road was built with Federal dollars it was supposed to be applicable, so I think that's the way it's in our zoning code.

Richard Modlin said understood.

Danny Marler said the biggest thing I'd like to, looking at the site plan sir, you was talking about the setbacks as well, the unfortunate thing is the farther we move it back from the right of way, due to the uniqueness of that property, the way it lays, and the angle of his property, that actually puts more of the sign, like if I even moved it back 10 more feet, that puts me even closer to his building than we originally are to begin with and trying to trade one for the other to make it work to accommodate, um, but like I said, I mean, I wouldn't have any issues with trying to move back 10 more feet but that puts it even closer to the building than we started off with.

Attorney Doll said well the sign protrudes further towards the right of way according to the drawing than the building does, is that correct.

Danny Marler said yes sir.

Attorney Doll said why is that.

Danny Marler said it's actually, it's actually... our sign is parallel to his on-premise sign.

Attorney Doll said I understand its parallel to the end of the building but it sticks out towards the road further than the building does.

Danny Marler said yes sir, but what I was saying though, his on-premise sign, if you look to the left of where our sign location is, he's got an on-premise sign that's designated on that site plan as well from INDOT ad it shows his signage and ours is parallel with his on-premise sign as well.

Shari Sherman said that could have been grandfathered in when they widened the road.

Attorney Doll said I don't know.

Shari Sherman said I mean, I drive that area and I know that coming around, you don't see it on here, but there's more of a curve when you're coming around on...66.

Attorney Doll said 66.

Shari Sherman said yea.

Mike Moesner said it looks like the existing sign is right on the, practically on the line as it is right now.

Richard Modlin said I'm trying to comprehend what we're talking about, there was an existing sign when I bought the property. He said I've put up a digital sign in the interim.

Attorney Doll said yea you don't have that steel sign do you.

Richard Modlin said sorry.

Attorney Doll said you don't have that original sign anymore.

Richard Modlin said I do not.

Attorney Doll said that signs not there, the digital sign is at the corner isn't it.

Richard Modlin said yes, the opposite end.

Attorney Doll said by your office.

Richard Modlin said yes, well, yes.

Attorney Doll said by that end of the building.

Richard Modlin said opposite waiting area, end of the building, it's very close to the building, I don't know how far it is. He said that got passed, I feel like this 10 feet from the building, I don't know.

Danny Marler said I don't have that measurement.

Richard Modlin said it's Quite close.

Danny Marler said that was done after they widened the road though.

Richard Modlin said right, apparently.

Chairman Dayvolt asked is there anybody here for or against this. He continued would you please step forward.

Shari Sherman asked we're still on the first one right.

Chairman Dayvolt answered yes.

Attorney Doll said well, we're sort of on it all.

Shari Sherman said I know.

Attorney Dolls said but we're recommending to the Board that you vote on each individual application separately.

Shari Sherman said but we haven't really gotten a chance to discuss all the other issues.

Chairman Dayvolt said well we've been discussing them but...

Shari Sherman said yea.

Chairman Dayvolt said state your name please.

Andrew Morris said my name is Andy Morris, address is...sorry.

Chairman Dayvolt said go ahead.

Andrew Morris continued address is 5801 Oak Grove Rd., Evansville, Indiana.

Chairman Dayvolt said ok, will you please raise your right hand and Mrs. Barnhill will swear you in.

Mrs. Barnhill said do you swear to tell the truth, the whole truth, and nothing but the truth.

Andrew Morris said yes.

Mrs. Barnhill said thank you.

Andrew Morris said thank you for your time tonight, like I said my name is Andy, I'm located in Evansville and transparency, I represent Lamar Advertising, a sign company. He continued I've heard your concerns and I've been here at the last couple of meetings and the first thing I would say is it's very concerning when you see 4 variances for something just to get progress made. He said it invokes the question, you're trying too hard. He continued but I just want to focus on one particular issue tonight and that's the spacing between the other billboards, which would be Lamar's billboard. He said which I would argue that the most important part of the signage code is the spacing between billboards. He continued the quickest way to go from Boonville to Boonvegas is to break the sign code because it begs the question, whose next. He said if you look at this agenda tonight, there's two other sign companies that are looking to break the sign code, and when you start doing that you start bringing up precedent. He continued I know that this Board looks at every variance differently but it starts to beg the question, why them and not me, and it also starts to ask the question, where do we stop between variances of other signs coming between the spacing codes, then you're either looking at the sign code or more variances. He said when I looked at the past history, May of 2025, this Board met here on an evening for three variances, tonight in May of 2026, we have three sign companies in here, 1 myself for remonstrating and two looking to break the space code. He continued and I understand this doesn't set precedent, but there will be more meetings like this in this room with multiple sign companies looking to get inside the spacing code if this gets passed tonight. He said and rightfully so, maybe they all pass, maybe they don't pass, but it would be for this Board to deliberate that and to take each one into consideration if something like this would happen for the other respective companies. He continued and the last point I want to make as regards to the benefits to non-profits and community partnership, and I think that's great, I've been working in the media for almost 20 years, not just in signage but going back to broadcast, and every company, everyone I've worked for, every major company out there has some commitment to give back to their community. He continued you want that in a broadcast partner, in an out of home partner, in a radio television whatever it would be, there is a commitment, and I do

commend them for that, they should do that. He said every company that has a platform for communication should do that, but I would be remiss if I didn't implore this Board tonight that it's about the content of the sign, it's about the sign itself. He continued so as you deliberate that, I would ask politely that you take that into consideration about, that it's not the content, it's the sign itself, so.

Chairman Dayvolt said I have a question for you.

Andrew Morris said yes sir.

Chairman Dayvolt said Lamar Advertising.

Andrew Morris said yes.

Chairman Dayvolt said if you came up to this Board with the same situation, and we passed this, what would your expectation be.

Andrew Morris said if I was in the other seat.

Chairman Dayvolt said no, if this all goes through, and you came up with a sign that was the same thing as or same situation, what would you expect of this Board.

Andrew Morris said in full transparency, every situation is particularly different so I would say as long as it's apples to apples, you know, in a similar situation, barring out anything out of the ordinary I would ask for the same consideration and that's exactly my point tonight sir.

Chairman Dayvolt said ok, alright, thank you.

Andrew Morris said thank you.

Danny Marler asked may I readdress.

Chairman Dayvolt said yes sir.

Attorney Doll said are they any other remonstrations.

Danny Marler said and I thank you for noticing our community development program for emergency alert systems and stuff and Lamar is a competitor, no question, they're the largest billboard company in the world, that I'm aware of, I don't think anybody else can touch them at this point in the ball game. He continued but my thing is as well, I know these gentlemen have been in front of these Boards just like I have been, asking the same questions that I'm asking you, for the variance, you know, the distancing, the setbacks, the rules and regulation. He said I've actually competed with Lamar in other states under the same pretense, you know, we all are out here trying to do what we do, you know, we're all out here conducting the business and we're at your mercy as to whether or not you feel that what we are bringing to the plate is adequate for your community or will benefit your community. He continued will we do it safely,

will we do it tastefully, that's all we're doing, we're not asking for preferential treatment, I know how that works. He said but like I said, I do respect their company as well, I ain't got a bad thing to say about the, I'm just saying, I know that they go to city council meetings and asking for variances and distancing's and stuff like that as well, I think its apples to oranges, its apples to apples so but thank you for your time, I do appreciate you guys for all your time.

Chairman Dayvolt said I understand what you're saying.

Danny Marler said yes sir.

Chairman Dayvolt continued you know and we take it in advisement.

Danny Marler said yes sir, that's all we can ask, they spent all that time and dedication doing the same thing we do so, again thank you everybody.

Chairman Dayvolt asked do we have any more questions.

Mike Moesner asked do you have any other option available to you to put a sign on the property that you have.

Richard Modlin said not to my knowledge.

Danny Marler said following all the regulations, that's the tightest spot we can use.

Mike Moesner said ok.

Danny Marler said even if we moved it to the other side of the building, I'm sorry, even if we went to the other side of the building that puts us even closer to their signs that are just right around the corner from us on the same side of the street.

Jeff Willis said the back side of the building you'd have the power lines and the gas lines and more.

Danny Marler said sure.

Jeff Willis and pipelines.

Danny Marler said like I said, when we pick a location and when we do the placement of the signage itself, it's not always about where the sign is going to be itself, the ground tells you what, you know, I've done landscaping for 28 years, until you start digging in the dirt, you don't know what's in there. He continued by the time you do dig rights, by the time you look at the title search, find out where other easements are, gas lines, power lines, sewer lines, um even water runoff, you know, it pretty much determines where you're going to go as far as that goes. He said so you know, we have flexibility to a certain extent, but it's very limited because we paid for all the site surveys to be done, the dig rights to be done, state permits to be pulled, the guidelines, sideline setbacks and all that, pretty much limits us to where we can actually place

the sign as well, then as well the community growing the way it is, residential is taking over, and that's going to limit things even more, but yep, did that answer your question sir.

Mike Moesner said yes.

Danny Marler said thank you.

Jeff Willis said I have a question, I guess it's more of a statistics it might be coded as to, like one side of the road, if I'm at a stoplight headed towards Evansville...

Danny Marler said headed south.

Jeff Willis said yea, I guess north.

Shari Sherman said north.

Danny Marler said I'm sorry, north.

Jeff Willis continued I have a sign there to read while my light is red, cause sometimes that's a red light when you're waiting to turn left, but if I'm coming south it's, or coming yea...

Shari Sherman said south.

Jeff Willis said south, am I going to be watching that sign and miss the red light in front of me. He asked is it safer to have it closer to the stop light or further away.

Danny Marler said well we moved the furthest point away from the stop sign, absolutely.

Shari Sherman said and you're on a curve so you're, the chances of seeing that is you know, that's a dangerous intersection.

Danny Marler and that's another reason why the state regulates as far as motion and all that stuff, as far as that goes too, so you know, there's no motion allowed, no red, no flashing, nothing that will emulate a traffic signal.

Richard Modlin and given the fact that it's on a curve, the sign comes out of sight when... the stoplight is inside, they're both visible at the same time, which may seem like a negative, cause you can see this instead of that, when you go past the sign, you're still quite a distance from the light then the light is the only thing visible. He continued in the instance of a fire I'd like to say, I don't know how, I don't want to speak about likelihood on digital signs, I know nothing about that, but the sign post is steel, being only (unintelligible)... that's a very low power consumption. He said I don't that that ever happens, but if the top of the sign exploded, my building is all steel, as well, so I can't see, I don't know it could cause a burning of my structure, it's the external the skeleton of my building is all steel as well as the sign post, I don't know how likely that is.

Shari Sherman said they're still asking for, I mean, basically, four different variances to relax it, not just once but four times.

Mike Moesner said I understand the 1000' feet distance, and the difference between the 1000' and this is one is 180' and I don't think you can visually visualize the difference between 1000' or it's only 870' or whatever it is...

Attorney Doll said 820.

Mike Moesner said 820, I don't think that that's a visual distance to make any difference really.

Jeff Willis said and I'm not going to go way out, but if they moved it 100' or 130' or whatever the other way from it, they're not going to hit another sign.

Mike Moesner said no.

Jeff Willis said I don't think there's another sign on that road there.

Chairman Dayvolt asked what's the will of the Board.

Attorney Doll asked as to the special use or the variance.

Chairman Dayvolt said special use.

Attorney Doll said the variance.

Chairman Dayvolt asked the variance.

Attorney Doll said no, the special use, you should deal with the special use first.

Chairman Dayvolt said that's what I thought.

Attorney Doll said 26-05, SU-26-05.

Chairman Dayvolt said that's to allow the 12'x24' electronic message center. He continued it does not deal with the relaxation.

Attorney Doll said no.

Chairman Dayvolt said it does not deal with the request an 18' relaxation.

Jeff Willis asked so if we approve it and then not give the variance and they couldn't do the project.

Chairman Dayvolt said yes.

Attorney Doll said and visa versa, if you approve the variances but you don't approve the special use, they can't do the project.

Shari Sherman said yea.

Attorney Doll said this is sort of the grandfather question, is can they have an electronic message board then ok, where can they have it.

Shari Sherman well, if they met the variance then they wouldn't...but they don't, and its...you have to figure them all in and they're all 4 of them are asking for relaxation.

Attorney Doll said but you might agree one or two of them but not all of them or visa versa.

Shari Sherman said yea, that's true.

Mrs. Barnhill said the approvals are in the packets themselves, then the denials are taped to the back of your folders.

Jeff Willis said we are doing the special use first.

I, Jeff Willis, make a motion finding of fact be made as follows BZA-SU-26-05 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.

Chairman Dayvolt said we have a motion by Mr. Willis.

Attorney Doll said that's just part of it.

Mike Moesner said that's not all of it.

Shari Sherman said you still have to read more.

Chairman Dayvolt he still has to read more.

Shari Sherman said he took a breath.

Jeff Willis said I took a breath, because 6 is when we go through all the variances to see.

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

- a) Subject to the property being in compliance at all times with the applicable zoning ordinances of Warrick County.
- b) Subject to all utility easement and facilities in place.
- c) Subject to the plot plan on file and not to be altered or expanded.
- d) Subject to an Improvement Location Permit being obtained.
- e) Subject to a Building Permit being obtained.
- f) Subject to no flashing, moving or intermittent lights except white.
- g) Subject to no use of the words, “stop”, “danger”, “look”, or any other words which would confuse traffic.
- h) Subject to no rotating or revolving beams of light.
- i) Subject to approval and conditions of BZA-V-26-06, BZA-V-26-07 and BZA-V-26-12

The motion was seconded by Mike Moesner and it passed with a 4-1 vote, with Shari Sherman being opposed.

Shari Sherman said it passed.

Attorney Doll said it passed.

Chairman Dayvolt said ok.

Mrs. Barnhill asked how'd you vote Terry.

Chairman Dayvolt said I vote aye on the sign itself.

Mrs. Barnhill said so 4 in favor, 1 opposed, that one passes.

Chairman Dayvolt said next up would be BZA-V-26-06.

Attorney Doll said which is the exception from the 1000' distance requirement between public billboards.

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 lack of location otherwise.
4. The strict application of the terms of the Warrick County Comprehensive Zoning Ordinance will constitute a practical difficulty, unusual and unnecessary hardship if applied to the property for which the Variance is sought.
5. The approval does not interfere substantially with the Warrick County Comprehensive Zoning Ordinance adopted pursuant to IC 36-7-4-500 et seq.
6. The granting of the Variance is necessary in order to preserve a substantial property right of the petitioner to use the property in a reasonable manner, and not merely to allow the petitioner some opportunity to use his property in a more profitable way or to sell it at a greater profit.
7. That the hardship to the applicant's use of the property was not self-created by any person having an interest in the property nor is the result of mere disregard for or ignorance of the provisions of the Warrick County Comprehensive Zoning Ordinance.
8. The approval of the requested Variance is the least modification of applicable regulations possible so that the substantial intent and purpose of those regulations contained in the Warrick County Comprehensive Zoning Ordinance shall be preserved.
9. This Variance shall expire six (6) months after this date, UNLESS a Permit based upon and incorporating this Variance is obtained within the aforesaid six (6) month period or unless the provision of the Variance are adhered to within the aforesaid six (6) month period. Upon advance written application for good cause, a renewal for an additional six (6) month period may be granted by the Secretary of the Area Plan Commission.

10. The Variance Application is subject to the terms contained therein and the plans on file subject to the following additional conditions:
 - a) Subject to the property being in compliance at all times with the applicable zoning ordinances of Warrick County.
 - b) Subject to all utility easement and facilities in place.
 - c) Subject to the plot plan on file and not to be altered or expanded.
 - d) Subject to an Improvement Location Permit being obtained.
 - e) Subject to a Building Permit being obtained.
 - f) Subject to the conditions of the INDOT permit.
 - g) Subject to the approval and conditions of BZA-V-26-07 and BZA-V-26-12

The motion was seconded by Jeff Willis.

Jeff Willis said I do have a question though, the 1000' is that something Warrick County did or is that something the state recommended.

Attorney Doll said Warrick County, it's contained in the ordinance, but that's sort of the standard nationally, I think.

The motion had 3 ayes and 2 nay votes.

Mrs. Barnhill said so it fails, that motion fails.

Attorney Doll said I don't know.

Dave Goldenberg said wait a minute 3 to 2.

Attorney Doll said I think you should have a roll call.

Chairman Dayvolt asked should we state our ...

Attorney Doll said yes, you should state your reasons.

Mrs. Barnhill called Terry Dayvolt.

Chairman Dayvolt said nay because it sets a precedent that I don't believe that we want to get into.

Mrs. Barnhill called Shari Sherman.

Shari Sherman said no and that reason and because I think it just opens up more, not just signs, but any other variance that somebody wants, we've set a precedence that we're, that the regulations we have can easily be changed, I mean we're looking at 4 different ones, so no sorry.

Mrs. Barnhill called Dave Goldenberg.

Dave Goldenberg said yes, I don't have a problem with the changing the 1000' down to... or whatever it was, 75 down to...they've already got the permit on file from INDOT, so if INDOT has approved it, then the only thing we're talking about is our ordinances, and we change our ordinances and give changes in those all the time in this case, I don't see it significant enough to render a nay.

Mrs. Barnhill called Mike Moesner.

Mike Moesner said I vote for and I think that the 1000', we're going to have to look at these from time to time and if he needs a place his sign, I don't have a problem with just looking at the difference between 1000- and 180-foot difference.

Mrs. Barnhill called Jeff Willis.

Jeff Willis said I voted yes because we could move it 180' to the north and it would meet the requirement, so it wouldn't be affected by another sign, we're still within the aggregate of the 1000's of the sign, just a little shorter on one side, it won't be too cluttered.

Mrs. Barnhill said that is 3 yeses and 2 nos.

Attorney Doll said so variance BZA-V-26-06 fails.

Chairman Dayvolt said BZA-V-26-07, requirements requesting an 18'1" from the ROW this is a relaxation of 57' all on the "C-4" General Commercial Zoning District.

Attorney Doll said I'm sorry.

Dave Goldenberg said 3 yays and 2 nays.

Attorney Doll said it takes 4.

Dave Goldenberg said ok, if there's 7 then.

Attorney Doll said if there is 7 it takes a majority.

Dave Goldenberg said ok I get it.

Attorney Doll said so now the consideration is now turned to 26-07.

Chairman Dayvolt said yes, but we're not meeting the 75' minimum setback on the controlled access.

Jeff Willis said I guess we need to vote on these, but since the other one failed...

Attorney Doll said you need to vote on them, they are properly before the Board, I would encourage you all to consider them.

Jeff Willis said but there's not room on the property where he can get 1000' away.

Attorney Doll said well, I...

Shari Sherman said we still have to vote.

Attorney Doll said you still have to vote on them Jeff.

Jeff Willis said ok.

Chairman Dayvolt said I'll read the request again, a variance from the requirements as set from in the Comprehensive Zoning Ordinance for Warrick County, IN to allow an Electronic billboard not meeting the 75' minimum setback from a controlled access ROW, requesting an 18' relaxation of 57', all in a "C-4" General Commercial Zoning District.

Attorney Doll said is there a motion.

Chairman Dayvolt said I'm looking for a motion ladies and gentlemen.

Mrs. Barnhill said I can read it if someone wants someone to read.

Attorney Doll said no, you can't make a motion.

Mrs. Barnhill said no.

Attorney Doll said I don't think the question is reading it, I think the question is whether anyone wants to make a motion.

Mike Moesner said I'll go ahead and make the motion and put it on the table.

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

Attorney Doll said you're dealing with V-26-07.

Mike Moesner said 07 yes.

Attorney Doll said thank you.

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 lack of location otherwise.
4. The strict application of the terms of the Warrick County Comprehensive Zoning Ordinance will constitute a practical difficulty, unusual and unnecessary hardship if applied to the property for which the Variance is sought.
5. The approval does not interfere substantially with the Warrick County Comprehensive Zoning Ordinance adopted pursuant to IC 36-7-4-500 et seq.
6. The granting of the Variance is necessary in order to preserve a substantial property right of the petitioner to use the property in a reasonable manner, and not merely to allow the petitioner some opportunity to use his property in a more profitable way or to sell it at a greater profit.
7. That the hardship to the applicant's use of the property was not self-created by any person having an interest in the property nor is the result of mere disregard for or ignorance of the provisions of the Warrick County Comprehensive Zoning Ordinance.
8. The approval of the requested Variance is the least modification of applicable regulations possible so that the substantial intent and purpose of those regulations contained in the Warrick County Comprehensive Zoning Ordinance shall be preserved.
9. This Variance shall expire six (6) months after this date, UNLESS a Permit based upon and incorporating this Variance is obtained within the aforesaid six (6) month period or unless the provision of the Variance are adhered to within the aforesaid six (6) month period. Upon advance written application for good cause, a renewal for an additional six (6) month period may be granted by the Secretary of the Area Plan Commission.
10. The Variance Application is subject to the terms contained therein and the plans on file subject to the following additional conditions:
 - a) Subject to the property being in compliance at all times with the applicable zoning ordinances of Warrick County.

- b) Subject to all utility easement and facilities in place.
- c) Subject to the plot plan on file and not to be altered or expanded.
- d) Subject to an Improvement Location Permit being obtained.
- e) Subject to a Building Permit being obtained.
- f) Subject to the conditions of the INDOT permit.
- g) Subject to the approval and conditions of BZA-V-26-06 and BZA-V-26-12.

The motion was seconded by Jeff Willis. Dave Goldenberg and Mike Moesner voted aye.

Chairman Dayvolt asked are you abstaining.

Jeff Willis answered no.

Shari Sherman answered no.

Jeff Willis said I just seconded it so we can talk about it or vote on it.

Chairman Dayvolt said ok.

Chairman Dayvolt, Shari Sherman and Jeff Willis voted nay.

Attorney Doll said 3 no's, 2 yeses, I recommend a roll call.

Mrs. Barnhill called Terry Dayvolt.

Chairman Dayvolt said no based on the precedence we're setting against our own ordinance.

Mrs. Barnhill called Shari Sherman.

Shari Sherman answered no, again for we're going against the ordinances that we have in place at this time.

Mrs. Barnhill called Jeff Willis.

Jeff Willis answered no, it's a significant relaxation of the setbacks that we required.

Mrs. Barnhill called Dave Goldenberg.

Dave Goldenberg answered yes, I'm just being consistent with my last yes on the other one, if INDOT says it's ok with them, I don't have a problem with it because we do relax ordinances from time to time.

Mrs. Barnhill called Mike Moesner.

Mike Moesner answered I'll agree with what Dave is saying there, if INDOT approved it and they're limited to where they can put a sign.

Mrs. Barnhill said ok.

Chairman Dayvolt said next us is BZA-V-26-12, that's...

Attorney Doll said that deals with the...

Chairman Dayvolt said the 10-foot requirement.

Attorney Doll said a relaxation of 5 feet of the 10-foot requirement from the building.

Chairman Dayvolt said yes.

I, Jeff Willis, make a motion to approve the Variance Application BZA-V-26-12 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 only place where the sign can fit is within 10 feet of the building and it shouldn't create much of a hazard to the building or any neighboring buildings.
4. The strict application of the terms of the Warrick County Comprehensive Zoning Ordinance will constitute a practical difficulty, unusual and unnecessary hardship if applied to the property for which the Variance is sought.
5. The approval does not interfere substantially with the Warrick County Comprehensive Zoning Ordinance adopted pursuant to IC 36-7-4-500 et seq.

6. The granting of the Variance is necessary in order to preserve a substantial property right of the petitioner to use the property in a reasonable manner, and not merely to allow the petitioner some opportunity to use his property in a more profitable way or to sell it at a greater profit.
7. That the hardship to the applicant's use of the property was not self-created by any person having an interest in the property nor is the result of mere disregard for or ignorance of the provisions of the Warrick County Comprehensive Zoning Ordinance.
8. The approval of the requested Variance is the least modification of applicable regulations possible so that the substantial intent and purpose of those regulations contained in the Warrick County Comprehensive Zoning Ordinance shall be preserved.
9. This Variance shall expire six (6) months after this date, UNLESS a Permit based upon and incorporating this Variance is obtained within the aforesaid six (6) month period or unless the provision of the Variance are adhered to within the aforesaid six (6) month period. Upon advance written application for good cause, a renewal for an additional six (6) month period may be granted by the Secretary of the Area Plan Commission.
10. The Variance Application is subject to the terms contained therein and the plans on file subject to the following additional conditions:
 - a) Subject to the property being in compliance at all times with the applicable zoning ordinances of Warrick County.
 - b) Subject to all utility easement and facilities in place.
 - c) Subject to Improvement Location Permits being obtained.
 - d) Subject to Building Permits being obtained.
 - e) Subject to the conditions of the INDOT permit.
 - f) Subject to the approval and conditions of BZA-V-26-06 and BZA-V-26-07.

The motion was seconded by Dave Goldenberg.

Chairman Dayvolt asked any more questions here or discussion.

Dave Goldenberg, Mike Moesner and Jeff Willis voted aye. Shari Sherman and Chairman Dayvolt voted nay.

Attorney Doll said you need to have a roll call please.

Mrs. Barnhill called Terry Dayvolt.

Chairman Dayvolt answered present.

Attorney Doll said that doesn't work.

Chairman Dayvolt said no, because we wouldn't because we don't relax it for our citizens of Warrick County, why would I relax it for a company.

Mrs. Barnhill called Shari Sherman.

Shari Sherman answered no, and that and we're looking, we're basically looking at lowering it to half the distance so no.

Mrs. Barnhill called Dave Goldenberg.

Dave Goldenberg said yes, staying consistent with my last couple of INDOT permits, we've changed ordinances all the time and relax them not causing real issues other than that pole, the whole sign is out of the way.

Mrs. Barnhill called Mike Moesner.

Mike Moesner answered I voted for the provision and it's a metal building and a steel sign and I don't see a problem with a safety distance.

Mrs. Barnhill called Jeff Willis.

Jeff Willis answered I voted yes; I don't think the steel pole that's within 5 feet of the building is going to cause an issue.

Mrs. Barnhill said the motion still fails, 3 yeses and 2 nos.

Attorney Doll said so the concept is that you can build a sign there but you can't relax, let me get this right. He continued the 3 relaxations were denied, unanimously all 3 of them were denied, so the reduction of the distance between billboards was denied, the relaxation of the setback from 75 feet to 18.1 feet was denied and the lastly the setback away from the building the separation of the building from 10-foot to 5-foot was denied. He said however, I mean the concept of building an electronic message board was approved but you failed on all of the variances, so.

Danny Marler said thank you.

Richard Modlin said thank you, have a good evening.

VARIANCES:

BZA-V-26-03: **APPLICANT:** Summit Locations, LLC by Luran Bunting, Permit Coordinator
OWNER: Habitat for Humanity of Warrick County Inc. by Amy Hobbs, Executive Director

Property located on the north side of Telephone Rd. approx. 370' west of the intersection formed by Telephone Rd. & Epworth Rd. Ohio Township 8-6-9 *Complete legal on file. 10622 Telephone Rd.*

NATURE OF THE CASE: Requests a Variance, from the requirements as set forth in the Comprehensive Zoning Ordinance for Warrick County, IN to allow two billboards not meeting the 1000' distance requirement. Requesting a 766.7' distance between the billboards, this is a relaxation of 233.3'. All in a "M-2" General Industrial Zoning District. *As advertised in The Standard on February 12, 2026. **Continued from February 23, 2026 meeting.*

Chairman Dayvolt said next up is BZA-V-26-03, applicant Summit Locations, LLC by Laurant Bunting, Permit Coordinator.

Attorney Doll said this is the Habitat for Humanity.

Mrs. Barnhill said yes.

Shari Sherman asked are they here.

Chairman Dayvolt said I'll turn it over to...

Mrs. Barnhill said this was continued from February 23rd, they had originally asked to just for an extension.

Chairman Dayvolt said I don't have it.

Mrs. Barnhill continued there's a reason.

Attorney Doll said they withdrew it.

Mrs. Barnhill said they're asking to withdraw their application.

Shari Sherman made a motion to withdraw the application.

Chairman Dayvolt said do we need a motion on that.

Shari Sherman said I just did, so moved.

Chairman Dayvolt said you did.

Shari Sherman said yes.

The motion was seconded by Mike Moesner and it passed unanimously.

Shari Sherman said did you ask for a motion to adjourn.

Attorney Doll said oh no, there are other items on the agenda.

Shari Sherman said oh there's more stuff, ok.

Chairman Dayvolt asked Andrew Morris you don't want to stay for the adjournment.

Attorney Doll said no, you don't have to stay for the adjournment.

Chairman Dayvolt said I'm just teasing you.

OTHER BUSINESS:

Mrs. Barnhill answered no.

ATTORNEY BUSINESS:

Attorney Doll said the lawsuit was dismissed by Tip Top Homes so that is resolved. He continued I have filed a motion to dismiss it, rather than fight about it, Tip Top Homes capitulated but they... I don't know if they're going to pursue a variance on the parking spaces or not. He continued and if they do, it'll come before this Board.

Chairman Dayvolt said ok.

Shari Sherman said so just want.

Attorney Doll said Tip Top Homes.

Mrs. Barnhill said it was a complaint to the other Board.

Attorney Doll said oh it's out of, it came out of...

Dave Goldenberg said yea it was Area Plan...

Chairman Dayvolt said well Mr. Goldenberg didn't inform us.

Attorney Doll said it came out of the Area Plan Commission and the town of Lynnville and it involves the conversion of the former high school building into apartments. He continued that apparently has been expanded and they don't now have enough parking spaces to suit the number of apartments.

Dave Goldenberg said they were originally, as far as I know, only permitted for 15 apartments which would require 30 parking spaces. He said they increased the limit, someone did, to 36 apartments without getting permits or permission.

Attorney Doll said or parking spaces.

Dave Goldenberg said or parking spaces, cause now they would need 72 parking spaces and do not have anywhere at all...

Attorney Doll said they don't have 30.

Dave Goldenberg continued they don't have 30, that is correct.

Mrs. Barnhill said and they sold their parking lot to someone else.

Dave Goldenberg said and they don't clean their lots, they don't...

Attorney Doll said well that's not part of this.

Shari Sherman said that's a whole other issue.

Chairman Dayvolt said ok, that's all I need to know.

Attorney Doll said so the Area Plan Commission has instructed me to proceed to file a complaint for violation of the ordinance, the only way then can not be in violation of the ordinance is if they file for a variance and you find it meritorious or not and that's totally up to the Board ok.

Chairman Dayvolt so my understanding is they already have the apartments rented and going.

Dave Goldenberg said yes.

Shari Sherman said they should have with 36 they should have 72 parking spaces and they have what now.

Attorney Doll said less than 30, that's a point of dispute.

Dave Goldenberg said we asked for them to provide us with documentation of where their parking spaces are and they never did provide anything to APC.

Attorney Doll said that's correct.

Chairman Dayvolt said I would think that LNB could rent them some.

Shari Sherman said yea.

Chairman Dayvolt said ok, so that will probably hit us.

Attorney Doll said maybe, coming soon.

Chairman Dayvolt said coming soon.

Attorney Doll said maybe.

Dave Goldenberg said they're going to have to do something.

Attorney Doll said well...

Dave Goldenberg said or do we...

Attorney Doll said I'm going to try to precipitate them to do something by filing a complaint for violation of the ordinance. He continued they have said they are going to file for a variance but they haven't yet done that.

Shari Sherman said mmhmm.

Mike Moesner asked Molly have you heard any more about solar farms, in our area, I'm hearing a lot of stuff about it.

Mrs. Barnhill said yes, yes, I have, it's around Tennyson is the newest one.

Mike Moesner said another big thing it's going in up in Dubois County, have you heard about that.

Mrs. Barnhill said so we do need to talk about those, yes.

Mike Moesner said cause that's going in, I passed by it yesterday and there's a whole lot of steel out there, roads have been made out there.

Shari Sherman said this is in Pike County.

Mike Moesner said no, this is in Dubois County.

Shari Sherman said oh ok Dubois.

Mike Moesner said just north of Holland about a couple miles.

Shari Sherman said oh ok.

Mike Moesner said and it's, just judging by how much road frontage as this erosion control fences, it's got to be 2 or 300 acres.

Mrs. Barnhill said wow.

Mike Moesner said I mean, I'm just guessing.

Attorney Doll said we don't have an ordinance for battery storage.

Mr. Barnhill said we do not.

Mike Moesner said when you go up there, you see a lot of signs saying “No BESS” and that’s battery energy storage systems and the other reason it’s being there, there are power lines right going across that property.

Attorney Doll said that’s right, you must have a power line.

Mrs. Barnhill said so the only time that’s been brought up is in combination with a solar...

Mike Moesner said data center or just a solar farm.

Mrs. Barnhill said well the two I’ve heard of are with the solar farms, but want the battery storage go like as an accessory to it, so...

Mike Moesner said I haven’t heard anything about a solar going in there, what I’ve heard is that they’re going to be storing electricity in low demand times and go ahead and sell it back when they need it at a higher price.

Attorney Doll said it depends on the type of the battery.

Dave Goldenberg said yea.

Attorney Doll said whether its lithium or whether it’s what.

Jeff Willis said sodium ion.

Attorney Doll said sodium, um they are completely different batteries, and lithium has a potential to be fire hazards but sodium doesn’t so.

Jeff Willis said everything’s changing, technology is moving fast in that market.

Mrs. Barnhill said and the concerns about those are noise again.

Jeff Willis said yep,

Mrs. Barnhill continued and fire safety.

Mike Moesner said yep.

Chairman Dayvolt said I’d like to warn you against the people for the data centers that are against them, they’ve already called me.

Attorney Doll said which is illegal by statute.

Chairman Dayvolt said I did not take the call, the lady’s name is, last name is Drake, what’s her first name.

Attorney Doll asked Victoria.

Chairman Dayvolt said I had to ask you didn't I.

Mrs. Barnhill said Olivia.

Chairman Dayvolt said yea, it's... when it comes up on my phone, it's Livia, not Olivia but Livia, she wrote me a long message.

Jeff Willis said this is for the Area Plan though right, not the BZA.

Mrs. Barnhill said the ordinance is because the ordinance is the only thing that we're doing right now.

Chairman Dayvolt said yea.

Attorney Doll said the ordinance though provides a role for BZA.

Jeff Willis said yea but there's nothing in front of the BZA about any data center.

Attorney Doll said no, you have no applications.

Jeff Willis said the Area Plan is just trying to get ahead of it.

Attorney Doll said yes.

Chairman Dayvolt said her message was one of those threatening messages, well you know if do this or do that, we'll vote against you. He continued I thought well good luck finding my name on the ballot, unless Molly puts it there. (laughing)

Mrs. Barnhill said I might.

Chairman Dayvolt said you get a whoopin' there.

Mrs. Barnhill said we get emails daily about data centers, they're all auto generated.

Attorney Doll said there's going to be a public meeting hearing before the Area Plan Commission on June the 8th.

Mrs. Barnhill said yep, that's a Monday.

Chairman Dayvolt asked where is that going to be held at.

Mrs. Barnhill said here.

Attorney Doll said right here.

Chairman Dayvolt said will there be enough room.

Attorney Doll said there probably won't be.

Shari Sherman said can I reserve my seat in the back.

Mike Moesner said I can't be here; I've got a meeting that night too that I can't be here.

Jeff Willis said be here early.

Shari Sherman said well I'm here at 4 o'clock.

Jeff Willis said you might have to stay.

Shari Sherman said I did today.

Jeff Willis asked is it going to be possible to post what the draft is for people to find so they can see it in advance.

Attorney Doll said Molly has it ready to go online for the Area Plan Commission website.

Mrs. Barnhill said yes, I'll put it on the website, I have a little blurb to kind of explain what it is, and then I'm going to put the full ordinance on the website share it on the Facebook page, if you guys would like to share it as well, great.

Chairman Dayvolt asked did you put in that about ...

Jeff Willis said I think when people see it, they're not going to be nearly as upset as what I'm reading on Facebook, people don't know what it is so they're upset because they're expecting colossus to come to Evansville.

Attorney Doll said I know, we have said that no data center can exceed 40,000 square feet, that's the biggest one, that's the biggest one, which effectively may, may make applications for data center in Warrick County non-existent because it's too small.

Chairman Dayvolt asked what did we...

Jeff Willis said definitely, because that's technically a small data center.

Shari Sherman said mmhmm.

Jeff Willis continued so it's not even going to be medium, large or...

Shari Sherman said and it's only in an "M-1".

Chairman Dayvolt said only in an “M-1”.

Shari Sherman said that’s...

Chairman Dayvolt said so it’s not to be on ...

Attorney Doll said Agricultural, Residential or any of the...the only problem we have folks is reclaimed coal mine.

Jeff Willis that would be if the State issued it and it wouldn’t be ours.

Attorney Doll said well DNR used to not permit solar on reclaimed coal mine, because of the uncertainty of the soil, so I don’t know what they would say about a data center on a reclaimed coal mind.

Jeff Willis said but that’s not “M-1” though is it.

Attorney Doll said no.

Jeff Willis said so it would have to get rezoned, it would have to get...

Attorney Doll said yes.

Jeff Willis said unless the State, because somebody is marketing some on like LoopNet or somewhere north of Lynnvile and that’s causing people to freak out, I’m like you can’t even do that, that was a state law that didn’t’ get passed.

Attorney Doll said right, right the legislature looked at it, and I have to tell you, Molly and I looked at this. He continued I’m afraid the Feds or the State are going to usurp our authority.

Chairman Dayvolt said yes.

Attorney Doll continued over regulation of data centers, they’re going to take decision away from the locals, they almost did this last session, the general assembly, and it failed at the last, I don’t know if failed in conference committee I don’t know where it failed, but it failed. He said Congress had looked at usurping data center controls and they’ve done that once already and zoning, a local zoning issue on churches, they took our authority away on churches and community group homes.

Jeff Willis said but that’s a first amendment issue.

Attorney Doll said well um, I don’t know, separation of church and state maybe except it seems to me it’s the opposite of that, it’s the church and state were not separated, they were put together. He continued and it was a Senate Bill put out by Senator Kennedy from Massachusetts and Senator Hatch from Utah partnered together to put that into the law, so we’ll have to see.

Jeff Willis said but right now there's not a major data center coming here, we're just meeting on the 8th to pass an ordinance.

Attorney Doll asked Molly do you have any applications for a data center or any inquiries.

Chairman Dayvolt asked what about the inquiry on the battery system for the solar field out here.

Mrs. Barnhill said I've had two inquiries on those.

Attorney Doll said but they're separate from solar, they're just battery storage, is that accurate or would they want solar and battery storage at once.

Mrs. Barnhill said well solar and then they also want battery storage.

Chairman Dayvolt said and that's on the one that we all caved.

Mrs. Barnhill said one is at the existing site that they plan on coming still, this year I believe and the other one plans on filing to be before the Board this year yet, for the solar portion of it.

Chairman Dayvolt said so...

Mrs. Barnhill said but they will be pushing the battery storage system as well.

Chairman Dayvolt said we better be thinking about Ag. ground and stuff like that, how we want to treat that.

Attorney Doll said well this one is already approved on Ag. ground.

Chairman Dayvolt said yes.

Jeff Willis said but not for batteries just for...

Chairman Dayvolt said they would have to amend.

Mrs. Barnhill said right.

Chairman Dayvolt continued their application for batteries.

Attorney Doll said well right now, we don't have an ordinance dealing with batteries.

Shari Sherman said should we have added that on.

Attorney Doll said we talked about that and the Commissioners were opposed to the idea when we adopted the ordinance regulating solar farms, Commissioner Saylor spoke against it.

Chairman Dayvolt said well we better go back to the Commissioners then.

Attorney Doll said well, Molly can make the inquiry and see if they want us to start working on a battery ordinance.

Chairman Dayvolt said I can make some phone calls, I don't know if it would do any good, but.

Mrs. Barnhill said well if they don't, they plan to ask for a zoning determination.

Attorney Doll said whether they can build it with what they've got.

Mrs. Barnhill said umhmm.

Dave Goldenberg said and right now we couldn't say no, could we.

Attorney Doll said right now we could say they have approval to build a solar farm, and stop at that.

Jeff Willis said but when did our approval didn't, we say they couldn't have battery storage there.

Attorney Doll said we may have; I'd have to look at it.

Jeff Willis said I'm pretty sure we did cause...

Shari Sherman said yea.

Mrs. Barnhill said yes, for the Clenara one, we were specific about that that is not included in that approval, the second one that's coming, they're the ones that will be pushing it harder.

Dave Goldenberg said and if that goes through, the first one can come back.

Shari Sherman said or we can say the precedence is set, no.

Chairman Dayvolt said that's the thing I was worried about when we voted that they could put the solar farm on the Ag. property, and we set a precedence.

Jeff Willis said well that one was a little different because it was, that in a TIF district for low impact industry so it's kind of hard to say you can't do low impact industry but zoned for a TIF district, well we're not zoned for it, but there's a comprehensive plan and TIF district for it so.

Chairman Dayvolt said well there's going to be some time that we have to stand our ground I mean, I sit here and listen to who is the economic...

Mrs. Barnhill said Steve Roelle.

Chairman Dayvolt said yea, I sit here and listen to him say that we're going to have a 2 billion plan out here when the solar farm goes up, I won't see anything or hear anything in the wind about any plant going up out there, besides the solar farm.

Attorney Doll said solar farms are extremely expensive to build.

Mike Moesner said and they don't take much to run.

Attorney Doll said they only take 2 or 3 people and only 16% of those that are conceived or planned ever come to fruition, it takes a massive amount of money to build solar.

Chairman Dayvolt said well I don't see why they need the batteries because they've got the substation right there at the Roeder Road and Yankeetown Highway,

Jeff Willis said maybe they need the batteries because there's a...

Attorney Doll said they download the power off the grid during night time for example, and they reverse it and upload the power from batteries.

Jeff Willis said 6am to 9am and 3pm to 7pm.

Attorney Doll continued during the daytime.

Mike Moesner said yea.

Attorney Doll said and they play the spread in the cost of the kilowatts.

Chairman Dayvolt said yea.

Attorney Doll said that's what they're doing.

Jeff Willis said so if it's with a solar system though, when they're producing power at 2 o'clock in the afternoon, they don't need all the power that's being produced.

Attorney Doll said that's true.

Jeff Willis continued so they put it in the battery and sell it back later, that's kind of the...

Attorney Doll said true.

Jeff Willis said the goldilocks scenario but then they, too many companies are good bad or indifferent, they're planning to spread.

Chairman Dayvolt said so now I've been told that CenterPoint doesn't want 'em.

Attorney Doll said CenterPoint is going to honor its contract.

Chairman Dayvolt said they are.

Attorney Doll said the only reason I know that is the Drainage Board had to approve a right of way that CenterPoint wanted to be able to get to a power substation because of the solar farm.

Chairman Dayvolt said ok.

Attorney Doll said so...

Chairman Dayvolt said well we got a lot coming at us.

Attorney Doll said yea, you may be very busy.

Chairman Dayvolt said I'll entertain a motion.

Shari Sherman said I made a motion already to adjourn.

Chairman Dayvolt said a motion is only good for 3 minutes. (laughing)

Sheri Sherman made a motion to adjourn. The motion was seconded by Dave Goldenberg. The meeting adjourned at 7:53 pm.

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 May 26, 2026.

Molly Barnhill, Executive Director