

**Minutes**  
**WARRICK COUNTY AREA BOARD OF ZONING APPEALS**  
Regular meeting to be held in the Commissioners Meeting Room,  
Third Floor, Historic Courthouse,  
Boonville, Indiana  
November 27, 2023 at 6:00 P.M.

**PLEDGE OF ALLEGIANCE:**

**MINUTES:** Upon a motion made by Mike Moesner and seconded by Mike Winge the Minutes of the last regular meeting held October 23, 2023 were approved as circulated.

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

Members absent Jeff Valiant

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

Chairman Dayvolt stated tonight we have a Special Use and a Variance. He said first up is a Special Use.

**SPECIAL USE:**

**BZA-SU-23-28**

**APPLICANT:** Sign Art LLC by Lisa Argue, President

**OWNER:** Newburgh True Blue Holdings LLC by Matt Bilyeu, Owner/Franchisee

**PREMISIS AFFECTED:** Property located on the north side of High Pointe Drive approximately 0' east of the intersection formed by Libbert Road and High Pointe Drive, Lot 2 in Bellmoore Landing Sec 1A Subdivision. Ohio Twp. 22-6-9 8970 *High Pointe Drive*

**NATURE OF THE CASE:** Applicant requests a Special Use, SU 8, from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, IN to allow: an 11'3"x4'5' Electronic message center in a "C-4" General Commercial Zoning District. *Advertised in The Standard on November 16, 2023.*

Lisa Argue, with Sign Art and Tyler Rehmel, Co-Owner of Newburgh True Blue Holdings LLC were present.

Chairman Dayvolt asked for a staff report.

Mrs. Barnhill stated we have all of the white pay receipts showing that the notice to the adjacent property owners were mailed correctly. She added and we received two green cards back today. She said the existing land use is vacant. She asked they have started construction on the building right.

Tyler Rehmel replied uh uh.

Mrs. Barnhill asked they have not.

Tyler Rehmel replied no.

Mrs. Barnhill stated it will be a Culver's but right now it is vacant. She said the surrounding zoning and land use to the north is zoned "A" Agriculture with a single-family dwelling and two unattached accessory buildings. She added to the east, west, & south are zoned "C-4" General Commercial and are either vacant or commercial businesses. She stated there is "A" floodplain on the property and existing access is onto High Pointe Drive. She said the applicant has submitted a letter for the applicant's statement and it is in your packet.

Chairman Dayvolt stated I think I missed some measurements on the sign. He said it is 11'3" and the sign is 4'x5' correct.

Mrs. Barnhill stated it should be 4'5".

Chairman Dayvolt asked so, that is a mistake that is on our end so it needs corrected then right. He asked does it have to be corrected.

Lisa Argue stated it is 11'3"x 4'5".

Chairman Dayvolt said okay, I've got.... He asked will you state your names please.

Lisa Argue stated my name is Lisa Argue.

Tyler Rehmel stated my name is Tyler Rehmel.

Chairman Dayvolt asked you are the owner of the property.

Tyler Rehmel responded correct.

Chairman Dayvolt asked do you have anything to add to the staff report that was just given.

Lisa Argue replied yeah, I was going to read something here.

Chairman Dayvolt responded okay.

Lisa Argue said I am Lisa Argue and I am with Sign Art out of Indianapolis and I am here representing Culver's for a Special Use permit for an electronic message center. She read *Culver's is a nationally recognized restaurant, and with that comes Brand Standards consistencies. The Brand Standard format for Culver's is to be consistent with branding, public identity, public wayfinding, public safety, marketing and visual imaging throughout the entire chain. EMC's not only allow businesses to take advantage of technology available, but the dynamic output allows a business to be competitive in the marketplace. Culver's Brand Standard requires "Flavor of the Day" messaging. Color is relevant to any safety concerns as the world is full of color. Culver's*

*request will for the EMC design to compliment the modern look and feel of the physical building. Electronic message centers are safer to our employees than manual reader boards that have to be changed by hand. Electronic messages centers are programmable to meet City requirements along with automatic dimming for day-time and night-time hours for public safety to the public traveling along Commerce Dr. Images on an EMC are a better communication tool than text for the following reasons:*

- 1. Pictures (graphics) are more universal allowing quicker comprehension of message (safer messaging)*
- 2. Picture (graphics) overcome language barriers (tourist or foreign nationals can better understand business function).*
- 3. Pictures overcome learning disabilities or education discrepancies and enhance the experience and comprehension of the message to those who otherwise may miss the message.*
- 4. A picture is worth a thousand words.*
- 5. Product/Consumer education is enhanced with pictures and graphics.*

*The requested special use is minimum and reasonable use to our business. Granting our request would not be detrimental to the public's health, safety, and welfare. The general welfare of the community is better served when product and customer service messages are readily available. We also feel our request is in harmony with the Warrick County Comprehensive Plan. We are respectfully asking for you to review our request, see our need, and approve our Conditional Use Permit.*

Chairman Dayvolt asked for questions by the Board. He asked will this be the same sign that they have down on Burkhardt Road.

Tyler Rehmel responded it should be a little different. He said it is going to be a little more updated as far as the graphics that can go on it like the flavor of the day is like a blackberry cobbler there may actually be a picture of that flavor to give a little more description of what the flavor is. He said so, it may be a little different.

Chairman Dayvolt stated I know the one on Burkhardt, I think has a big "C" on it doesn't it.

Tyler Rehmel stated it's an EMC and it does have the big "C" and we will have the big "C" with the Culver's. He said and underneath....

Chairman Dayvolt added and underneath will be the message board.

Tyler Rehmel responded yeah, correct. He added the big blue sign should be very similar and recognizable, yep.

Chairman Dayvolt replied okay.

Mrs. Barnhill stated they submitted some really good pictures with their application.

Chairman Dayvolt said I am not looking at them because I haven't had supper yet.

Mrs. Barnhill stated will, let me show you.

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

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

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

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

- a. Subject to an Improvement Location Permit being obtained.
- b. Subject to a Building Permit being obtained.
- c. Subject to the property being in compliance at all times with the applicable zoning ordinances of Warrick County.
- d. Subject to all utility easement and facilities in place.
- e. Subject to no flashing, moving or intermittent lights except white.
- f. Subject to the plot plan on file and not to be altered or expanded.
- 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.

The motion was seconded by Doris Horn and unanimously approved.

Lisa Argue said thank you very much.

Attorney Doll asked may I ask you a question.

Lisa Argue replied sure.

Attorney Doll asked you travel around Indiana to various counties for purposes of electronic information.

Lisa Argue stated I am partnering with...we will be doing the install. She said we do a lot of Culver's displays.

Attorney Doll asked how many counties require a Special Use for an electronic message board. He said the majority, the minority....

Lisa Argue stated almost every county I go to there is some sort of special...almost never are they just approved.

Attorney Doll said okay, thanks. He said we have been debating that point on whether we should just incorporate them into...they are so prolific.

Lisa Argue respond yeah, yeah.

Attorney Doll said whether we should just incorporate them...recommend to the County that they just incorporate them into the County Ordinance.

Lisa Argue stated the ones that do have very strict like distance from like residential and....

Attorney Doll asked so they take care to put restrictions in the ordinance...

Lisa Argue said yes.

Attorney Doll continued but it is presumed that if you can meet the restrictions you get...

Lisa Argue responded which is rare.

Attorney Doll stated thank you.

Lisa Argue responded thank you.

Tyler Rehmel said thank you guys.

Several Board members said good luck.

Chairman Dayvolt stated the next thing on the docket is a variance.

**VARIANCE:**

**BZA-V-23-27**

**APPLICANT& OWNER:** Dion & Kim Wingerter

**PREMISIS AFFECTED:** Property located on the south side of New Harmony Rd approximately 0' southeast of the intersection formed by New Harmony Rd and Three Lakes Dr. Campbell Twp. 9-5-9 Lot 1 Miners Ridge Phase 1 4300 Three Lakes Drive

**NATURE OF THE CASE:** Applicant requests a Variance from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, IN to allow an Improvement Location Permit to be issued for: an unattached accessory building 30'x56' with an existing unattached accessory 40'x60' on the property. All in an "A" Agricultural Zoning District. *Advertised in The Standard on November 16, 2023.*

Chairman Dayvolt asked for a staff report.

Mrs. Barnhill stated we have all of the white pay receipts showing they were mailed correctly. She added we do have one where they signed waiver of notice by Gary & Brandi Howland. She stated the existing land use is one unattached accessory building. She continued surrounding zoning and land use in all directions are zoned "A" Agriculture being either vacant ground, single-family dwellings, or unattached accessory buildings. She said there is no floodplain and they have an existing drive on Three Lakes Drive. She added their statement says *need extra storage for tractor etc.* She stated it would be in order.

Dion Wingerter was present.

Chairman Dayvolt asked do you have anything to add.

Dion Wingerter stated no, other than we are going to build a home, I promise you. He added I'm Three Lakes Drive broke. He continued with the land and everything we want to be there, we are happy to be there, I just need some storage right now to get rid of stuff in the...especially for winter...tractors, 4-wheelers, car... He stated that is all I am looking for and it is going to look tasteful, it is going to look just like my barn I have so, everything is going to match perfectly. He said other than that no, sir.

Chairman Dayvolt asked if there are any questions by the Board. He asked so you do not have a living facility on the property now.

Dion Wingerter replied no, that's ah...with the times I was expecting too but just waiting to...I am going over some quotes this winter so, I'm going to try to get in there and get something going in the spring. He stated I love the area, I work the ground, I have all of the...I have put a lot of money into it, pretty well everything I've got pretty much. He said we love it out there and that is where we are going to be, but that was the problem I guess I was kind of blindsided by it I didn't realize it was going to be a problem with the variance of not having the residency yet. He stated I wasn't aware of it, I thought it would be...you know.

Mike Winge asked so when are you planning on starting the residency.

Dion Wingerter replied as soon as possible. He added I am going over it this winter...

Mike Winge asked are you talking next summer or...

Dion Wingerter responded yes. He said I am hoping some things...I mean things are going in the right direction right now...the building prices as far as the products have been down I'm just waiting on the interest rate to go down a little bit. He stated it is the difference of maybe a \$1,000.00 a month on a loan as you know with the interest rates right now. He added they are astronomical, you know I didn't sell my home and be this way. He said I want my kids to go to Tecumseh and then go to (unintelligible someone coughed). He stated I am happy with everything there other than these interest rates right now and getting things going. He continued we will find a way, we work a lot. He stated my wife and I we work, we work, we work, and then we work some more.

Mike Winge asked where do you live now.

Dion Wingerter responded I am with my in-laws so, we are ready to go. He said I will tell you that we are ready to go. He stated I have always been in Vanderburgh County and I came out there and I have a cousin that lives on the west side of Vanderburgh County that always says it is God's country but I am always wondering what are you talking about...he is a living legend out on the Westside too, I'm thinking God's country out here I don't see anything that pretty until you get into St. Wendel and things you know. He stated but it is beautiful where we are at...I mean...that is why we kind of invested...that's why we just did it. He stated we always said we wanted it when we retired but I am very happy. He added the neighbors are awesome.

Mike Winge stated I am one of them.

Dion Wingerter continued very happy with everything.

Mike Winge said I am one of your neighbors.

Dion Wingerter asked are you.

Mike Winge stated I like it up there too.

Dion Wingerter asked where at.

Mike Winge responded I am up on Ditney Hill Road just north of you.

Dion Wingerter said okay, I ah...

Mike Winge said went through the intersection right there down from the corner. He added it is nice up there.

Dion Wingerter responded beautiful, just beautiful. He continued anyhow I wasn't expecting this but...

Chairman Dayvolt asked anybody here...

Dion Wingerter continued the house is getting built I promise you.

Chairman Dayvolt asked anybody here for or against this project if so now is the time to stand up.

Mike Winge stated there ain't nobody out there.

Chairman Dayvolt said there ain't anybody out there.

Dion Wingerter said please sit down.

Chairman Dayvolt asked any more questions by this Board.

Mike Winge said I have a question for Morrie. He asked are we allowed to do that...can we do that.

Attorney Doll stated I questioned it but Molly says that the Board has done it before.

Mrs. Barnhill stated yes, it is the exact same application that we have done before over and over.

Attorney Doll said way back.

Mrs. Barnhill said not the exact same property but...

Attorney Doll asked for one building.

Mrs. Barnhill stated they are allowed to have one accessory but they can't have more than that without a variance.

Mike Winge stated so, he's got one.

Someone speaking at the same time is unintelligible.

Mrs. Barnhill stated right, unless they build a house and then they can have as many accessories as they want as long as they meet the setbacks.

Mike Winge asked so he is at his limit unless he builds a house.

Mrs. Barnhill stated with one, yes.

Mike Winge said we can't make...I see where you are coming from.



Mrs. Barnhill stated it didn't use to be that way...

Mike Winge said pardon.

Mrs. Barnhill stated it didn't use to be that way, but then we got to where people were putting multiple accessories all over their property...

Attorney Doll said and not building a house.

Mrs. Barnhill responded yes, actually we weren't sure what they were. She added that was back when Sherri was here. She continued so, it was decided by the Board that the definition in our Ordinance means that one accessory is allowed on the property prior to being a residence.

Mike Winge said well, let me ask Morrie a question and this may help us on this. He asked if we put in a condition in there that he has to start a house within a year, a year and a half, or something like that.

Attorney Doll asked how do you enforce it.

Mike Winge said either that or they would have to vacate the building. He asked can we do that.

Attorney Doll stated to vacate the building doesn't fix the problem. He said he can use the existing building but not being able to use the new building doesn't remove the proposed new building and it is the existence of the building that is the variance.

Mike Winge stated I was just looking for some way that we could see that they follow through with it.

Attorney Doll responded I understand. He said Mr. Wingerter do you have any idea when you are starting the construction of your home.

Dion Wingerter stated like I said I am very, very hopeful for this next coming year.

Attorney Doll responded I know, I know but...

Dion Wingerter stated I don't have a date. He said I am ah...

Attorney Doll asked have you selected a builder.

Dion Wingerter replied no. He said we have all of our plans, we have paid for our plans... He added I thought I was going to be in the house this year, I really did, and all of these prices just went pssh. He said I mean they are crazy. He continued I sold a beautiful home to get what I have now. He added I am not doing it to put a bunch of buildings on it I promise you. He stated I paid a lot of money for that land and I want my home there...all I can say is my word is there will be a home put on there. He stated I am even looking into maybe, if I have to, within the next year I am

going to downsize my plans even though I've got...I mean I have \$1,200 in my plans. He said you know, they have been done for a year and a half, but I start looking at them and I go these prices...I might have to shrink it down a little bit.

Mike Winge said I don't think they will go down. He said I have been in that industry a long time and inflation is keeping them up higher.

Dion Wingerter stated one way or the other we are doing it...we are going to do it. He added I am just trying not to make the...

Attorney Doll asked what do you use the tractors for. He asked are you farming.

Dion Wingerter stated no, we've got six and a half acres out there and I'm bush hogging, and I've...

Mike Winge stated he has a pretty place out there. He added it looks nice he keeps it up...

Dion Wingerter said six and a half and I'm putting four in groomed grass is what I have been trying...working at.

Attorney Doll stated well, you've got a 40'x60' building now.

Dion Wingerter replied right.

Attorney Doll asked and the tractor won't...

Dion Wingerter responded and I've got some vehicles and several things...

Mike Winge said let me ask this Morrie. He asked if in that building he was to put a small living quarter, would that qualify to get him...

Attorney Doll stated well, if he could meet the definition a...

Mike Winge said kitchen, bathroom...

Jeff Willis stated wouldn't he need septic out there

Mike Winge continued meet the building code.

Attorney Doll said pardon me.

Jeff Willis asked is it septic or is it sewer out there.

Dion Wingerter responded septic.

Mrs. Barnhill stated we talked about this in the office and that is not his intent so I advised him to follow through with his intended plan and not try to skew it to make it fit. She said that is what I thought.

Attorney Doll said so, if you are going to approve this application you are going to have a variance, otherwise he won't qualify for the application and the variance would be to permit two accessory buildings on a residential...on a lot, it is a lot, in an Agricultural zoned district without a residence. He added and you have to have a reason. He stated he has testified that it's the economy.

Mike Winge stated he is living with his in-laws...

Attorney Doll stated but that is not going to be fixed by an accessory building.

Mike Winge responded I understand. He said the reason for...you are almost going to almost have to have some kind of something there. He asked can't you just partition a section off in there and put a small kitchen, sink, and bedroom...

Attorney Doll stated then he is skewing it the way Molly...

Mike Moesner stated the way I see it if he is going to be building a house he has to have a place to store the materials as he gets them and he can't do that in the situation that he is in.

Attorney Doll stated the ordinance though Mike says everybody can put one accessory building on the lot and I remember we've had people bought cabinets and appliances and stored them while they were building the house. He said this is different, this is two accessories on the same lot with no house and the gentleman can't tell us when he is going to start the house, and I understand that, that's life but that's an open ended...

Mike Winge said and we have to quit somewhere. He said can't do it. (talking softly and it is unintelligible).

Dion Wingerter asked if a date could be given...I can tell you by the...

Mike Winge said move a small trailer in.

Mike Moesner stated I was going to put...

Dion Wingerter said I can guarantee you that by the end of next year the house will be started.

Mike Moesner asked what if you moved a camper trailer out there and actually lived in it, would that qualify.

Attorney Doll stated well, you know, that opens another question. He said we've had that before with a camper in the front yard.

Mrs. Barnhill stated it would have to be on a permanent footers and it would have to be a substantial...and meet the size requirements.

Attorney Doll continued and we had an objection and I don't know what the covenants are for...

Dion Wingerter stated they won't let you do that. He added I don't know exactly what they are but they are pretty strict and um not strict but they do have covenants.

Attorney Doll stated I understand that it is just that you already got one building and...

Mike Winge asked how old is that building.

Dion Wingerter asked how old.

Mike Winge replied yeah.

Dion Wingerter stated don't quote me but I want to say it is a year and a half not or two years at the most.

Chairman Dayvolt asked what if he would get a building permit for his house along with the building permit for this barn.

Attorney Doll stated a building permit for the house has all kinds of requirements. He added I mean you have to...

Mike Winge stated he wouldn't meet them.

Mrs. Barnhill stated he doesn't know where...

Chairman Dayvolt stated he has a drawing.

Dion Wingerter said I've got all of the drawings...

Attorney Doll stated you have to be able to draw it to the plat of the site and then show where you are going to put it on there.

Mrs. Barnhill stated site plan, water, sewer or septic, septic where you are at.

Dion Wingerter stated I know exactly where it is going.

Mike Winge stated let me ask you one more question.

Mrs. Barnhill responded yes.

Mike Winge asked he has that shown separate, what if he built an attachment on the building he already has, if they attach to that then he would only have one building, if this is about storage. He said the worst case scenario they would still have one if he...

Mrs. Barnhill stated I asked that question and what was the answer.

Dion Wingerter stated I do not want to put...I mean this is going to be two different things. He said the barn is...I mean the barn does have a bathroom, a sink, and a shower in it. He said it is very nice, it is going to be for gatherings and my Dad's car one day all of that. He said I mean...

Attorney Doll asked is the barn what is there now.

Dion Wingerter replied yes, it is a very nice barn. He said it becomes a barn it is going to be very nice when we use it as a barn. He stated I didn't spare no expense on it but I did a lot of work myself. He said I don't want it attached to something that is not going to have...it is going to match it, it is going to be close but I...

Mike Winge said what you are using it for.

Dion Wingerter stated yeah, it's 20...my house is going to be right up against....we will share the driveway and it is going to be right there.

Mike Winge responded okay.

Dion Wingerter stated I know exactly what I am wanting to do, you know, I have put a lot of thought in it. He said it is just these interest rates and right now I am just trying to wait it out especially with it being an election year next year...

Mike Winge stated my problem with that now is...

Dion Wingerter said it I'm hoping something could twist a little bit...

Mike Winge continued I don't think it is going to go down. He said I think inflation is what's going to be there and if you are going to have a problem now it could be...two buildings on it, it's going to be a lot worse later. He added because I just don't see it coming down. He said I have been watching that stuff and it hit me the same way and I just don't see it...a few things they are coming down on but I think it is going to get higher.

Dion Wingerter stated God help us if it does.

Mike Winge stated I just don't see it going any other way right now.

Dion Wingerter stated I'm not suggesting that you are not right but I just...

Mike Winge said I don't know what we will do.

Attorney Doll stated 19%.

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

Mike Winge asked Morrie, is there anything that we have that we can do to...

Attorney Doll stated you have to have a variance to permit the gentleman to build the second barn on a lot without a residence because I don't think the Ordinance envisions that. He added it envisions one accessory building.

Paul Keller asked could you limit it to two.

Attorney Doll asked in the motion.

Paul Keller responded yes.

Attorney Doll replied yeah.

Paul Keller stated that is what I am saying so that you don't get that...

Dion Wingerter stated yeah, that would be great.

Attorney Doll stated but with all due respect what you are opening the door to is the next applicant and the one after that and the one after that and the one after that who's coming in saying.

Mike Winge stated if we approve that then we have to...we've already done it once.

Chairman Dayvolt stated we have already done it once.

Attorney Doll said if we give a variance then what is the purpose of having the ordinance. He continued with all due respect. He said it is a slippery slope...I'm not saying not to give it I am just answering your questions.

Dion Wingerter stated I am going to be a good resident of Warrick County, I can tell you that. He said I'm a good neighbor, I'm good person, I look out for things, and I take care of my property. He stated I promise you a house is getting put on there. He said that is all I can say I know a house is getting put on there. He stated I have \$140,000 in the land. He added it is six acres; think about that a little because that is crazy. He said I want to be there, you know...I get your points I'm not you know....

Attorney Doll stated we don't write the Ordinances.

Dion Wingerter continued I'm just saying that it's just it's...I want to build a house.

Jeff Willis stated we have to figure out why we can make the exception for you and the next guy comes along who doesn't have the good intentions.

Dion Wingerter said I get that.

Jeff Willis said and we can tell him no because...

Dion Wingerter said if it's been done before that is all...I'm not trying to be disrespectful in any way I promise you.

Jeff Willis stated no, no.

Mike Winge stated we have never done it before for more than one have we.

Mrs. Barnhill replied yes.

Chairman Dayvolt responded yes.

Mike Winge asked oh, we have.

Mrs. Barnhill stated we have done it twice this year.

Mike Winge responded hum.

Attorney Doll asked without a residence.

Mrs. Barnhill replied yes. She said two accessory buildings.

Attorney Doll asked who were the applicant's.

Mrs. Barnhill stated I don't have that on me but I can go down and get all of that.

Attorney Doll replied no. He asked what were the circumstances.

Mrs. Barnhill responded it was just done not far from here.

Kim Kaiser stated Taylorville Road and Asbury Cemetery Road and Fisherville I think.

Chairman Dayvolt said Fisherville and Asbury.

Mrs. Barnhill stated Taylorville Road we had one.

Mike Winge stated that is right up there.

Mrs. Barnhill stated they just needed more storage before they built the house.

Attorney Doll asked did they file for a variance.

Mrs. Barnhill replied yes, they came to this Board.

Attorney Doll responded there you go.

Mike Winge said okay.

Chairman Dayvolt asked what is the....

Mike Winge stated I am going to make a motion.

Chairman Dayvolt responded okay, make your motion.

I, Mike Winge, 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.

Mike Winge asked can we not put in there Morrie that storage space.

Attorney Doll stated I don't think that is unique. He said I think what you are talking about though is the unexpected rise in interest rates has curtailed the ability to construct the house and so that is the explanation of why the residence isn't there and it is being delayed because of that.

Mike Winge said we'll just leave it at that. He added we will go with it.

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.

Mike Winge asked is that it.

Mike Moesner stated that is all I have in mine.

Mike Winge said that is all of mine.

Mrs. Barnhill asked you don't have a back.

Several Board members responded no.

Mike Moesner stated I thought there should be more but I can't find it on mine.

Mrs. Barnhill said here you go, I'm sorry.

Mike Winge said okay.

10. The Variance Application is subject to the terms contained therein and the plans on file subject to the following additional conditions:
  - a. Subject to an Improvement Location Permit being obtained.
  - b. Subject to a Building Permit being obtained.
  - c. Subject to the property being in compliance at all times with the applicable zoning ordinances of Warrick County.
  - d. Subject to all utility easement and facilities in place.

Mike Winge asked should we put anything for the second building or are we good with that.

Attorney Doll said that was a Board discussion a moment ago. He said it is up to him to tell you whether he wants you to include that in the motion or not.

Mike Winge asked do you have something you want in the motion.

Chairman Dayvolt said Paul you were the one that wanted something to limit it to two buildings.

Attorney Doll said Paul.

Mrs. Barnhill said to limit it to the two accessories.

Paul Keller stated yes, so that we don't get a prolific ration of buildings. He added that would keep that from happening.

Mrs. Barnhill asked so you want two accessories prior to a home being built.

Paul Keller responded yeah.

Mrs. Barnhill stated a limit of two.

Mike Winge stated you have a limit of two buildings until your home is built.

Paul Keller said yes and I will second the motion.

Dion Wingerter stated I sure appreciate it.

Chairman Dayvolt stated a motion by Mr. Winge and a second by Mr. Keller is there any more discussion. He said seeing none all in favor.

The motion carried unanimously.

Dion Wingerter said thank you so much.

Chairman Dayvolt responded you're welcome.

Mrs. Barnhill stated we will go back and type up an approval and then give us until Wednesday to get that done since we have to do the minutes and stuff and then we are ready to do the permit.

Dion Wingerter asked once we do the permit then I can get going. He asked can I tell Graber's on that.

Mrs. Barnhill stated you will come to our office with \$100 cash and then you will go to the Building Department.

Dion Wingerter said okay, thanks folks. He said I appreciate it.

Mike Moesner replied good luck.

Chairman Dayvolt responded you're welcome. He asked any Attorney Business

**ATTORNEY BUSINESS:**

Attorney Doll said no, but we ought to look at this accessory building of the code. He said if we are going to permit more than one then we ought to tell Molly and allow her to do that without a variance. He stated there is no reason to have a variance if that is what we are going to be doing. He said if the Board interprets it to mean that you can have more than accessory on a lot then let's not require these folks...what did this cost him or how much did he have to pay.

Mrs. Barnhill stated \$200 plus the notices so maybe \$250.

Attorney Doll said if we are going to approve them and this is the third one this year.

Mrs. Barnhill replied yes.

Attorney Doll said then my recommendation is we send it to the Commissioner's change the wording in this section of the code to allow for the Board to approve more than one building as an accessory structure on a lot...or Molly can approve more than one building.

Mike Winge stated I wouldn't have a problem at all with Molly looking at the circumstances and deciding if somebody needed a second building but I wouldn't want to go over two buildings because there shouldn't be any reason; why have more than two buildings.

Attorney Doll stated the Commissioners could put that in there. He said the Commissioners could amend the Ordinance to say up to two accessory buildings but there is no reason to charge \$250 to come up here and ask for this if we are going to just routinely approve it.

Chairman Dayvolt stated I agree with you.

Attorney Doll said so, my suggestion would be for you to think about that and give Molly some direction...

Chairman Dayvolt said I have a question for you Molly.

Mrs. Barnhill responded uh huh.

Chairman Dayvolt asked could he have built a lean-to on the side of his building for his tractors.

Mrs. Barnhill replied yes, he could have added to his existing building.

Chairman Dayvolt asked so he could have built a lean-to to store his tractor...

Mike Winge stated but he has that designed and I see the building. He is very meticulous with everything and he wants that looking a certain way to match the house and he doesn't...

Chairman Dayvolt responded I understand that...

Mike Winge continued with the tractor running up in that part of the yard would be detrimental to the looks of his property. He said in other words he's got that building over...the one he wants now is over and away from that.

Chairman Dayvolt said I understand, I understand, I understand that...

Mike Winge said I don't think he would go there.

Chairman Dayvolt continued but, there comes a point in time where we have to stand by what we have been given...

Attorney Doll said the rules of the road.

Chairman Dayvolt continued as guidelines.

Mrs. Barnhill asked should we look at lot size since this is such a large lot.

Chairman Dayvolt said that would be okay.

Jeff Willis said how many acres they have.

Mrs. Barnhill stated I feel like in a smaller...

Attorney Doll said I agree, I agree.

Mrs. Barnhill continued subdivision we would need it differently and the ones that we have done this year have been on large parcels.

Attorney Doll said in Agricultural zoned districts.

Mrs. Barnhill replied yes.

Mike Winge stated people like that when they come in they have two options. He said what they should go back and do...they're not really familiar or have the right advice but if they go and talk to the Building Inspector he can tell them that they can downsize that house immediately and have it set up to where they can add on to it when things dropped or we know where it is going. He stated he could still go ahead and get his house taken care of because...

Jeff Willis stated well, the Building Inspector can do that but the bank might not want him to.

Paul Keller responded that's right and there are multiple levels of...

Jeff Willis said it is not just us and the County he also has to deal with if he needs financing then he needs to finance...

Chairman Dayvolt said we are here to help people and I understand that.

Mike Winge stated I don't want to make it harder on them.

Chairman Dayvolt said I am with Morrie. He stated if we are going to do this we have to do it in a fashion where...

Attorney Doll stated we will have other people who will come to us and say well I want to put my second building or my third building and you have already approved multiple buildings on a lot and the precedence will say how come you are going to deny me and Molly will have to look at them and say well that was a different set of circumstances and here is the reason it was approved then but we are not going to approve it now.

Mike Winge asked Molly, why don't we put on our next Board meeting a scheduled time where we will discuss that and we would have something that we would suggest for the Commissioner's. He continued a set of the guidelines that we think would be a limit of two and whatever the restrictions that we would want to put on it.

Attorney Doll stated that is up to you and the Board. He added I don't make policies but you have to decide and Molly...I'm just trying to give Molly some direction...

Mike Winge said yeah.

Attorney Doll continued and save \$250.

Mike Winge stated our goal is to help the people so we don't want to make it harder on them.

Chairman Dayvolt asked he would still have to go and get a building permit correct.

Attorney Doll replied yeah.

Mrs. Barnhill responded um hum.

Mike Winge said he has to go through all of the channels.

Attorney Doll asked are you asking Molly to put it back on the agenda for next month.

Mike Winge said yeah...

Jeff Willis said meeting.

Mike Winge continued I would like for her to put it on there and we could discuss it.

Attorney Doll said next meeting.

Mike Moesner said I think...

Attorney Doll said January.

Several Board members laughingly said yeah, January.

Attorney Doll said yes, January meeting.

Mike Moesner stated I think the lot size has something to do with that as well.

Attorney Doll replied it sure does.

Mike Winge said we can bring all of that up Mike, that's a good point and we can get something put together then Molly can take it to the Commissioners. He stated then that's the cap and they are done at that point there is no use even coming up.

Attorney Doll asked do you want to take the Ordinance and play, with the ordinance so we have something to pass out.

Mike Winge said look at.

Attorney Doll said look at.

Mike Winge said it is a good idea like Mike said sizes too. He stated look at something and we have to have some kind of a limit on it.

Mrs. Barnhill responded okay.

Jeff Willis asked did you have...

Tyler Rehmel said I just wanted to come back in and talk to you a little and thank you guys and introduce myself a little better. He continued I want to thank you for your time but I don't want to take up any more of your time.

Mike Winge stated I make a motion that we dismiss.

Chairman Dayvolt said well, wait a minute. He stated you can smell the cookies but you got to talking but I have one more questions on the agenda.

Mrs. Barnhill asked what cookies.

Jeff Willis said time to go eat.

Chairman Dayvolt stated he has been over here crying about his wife making cookies and he can smell them and he wants...

Mike Winge said all the way from...

Chairman Dayvolt said to go home and eat hot cookies.

Mike Winge said I have Christmas cookies waiting let's go.

Chairman Dayvolt asked is there any Executive Director business...

Mrs. Barnhill replied no.

Chairman Dayvolt continued that you would like to talk about.

Mrs. Barnhill responded no, sir.

Attorney Doll said there is an opening.

Chairman Dayvolt asked you can't come up with anything.

Mrs. Barnhill said sure, I can.

**EXECUTIVE DIRECTOR BUSINESS:**

Mrs. Barnhill stated we have an opening for a planner position in the office coming up. She said I am taking applications right now.

Attorney Doll said so if you know of anyone looking preferably that has some experience in building and planning...

Chairman Dayvolt responded no.

Attorney Doll continued that would be a good assistant to Molly.

Mrs. Barnhill stated computer skills, good organizational skills, multi-tasking, and can deal with the public.

Board members start laughing.

Mike Moesner said that's a big...I was there until...

Attorney Doll said she wants to hire all of those.

Chairman Dayvolt said seeing no further business I will entertain your motion, Mike.

Mike Winge stated I make a motion that we dismiss.

Mike Moesner said I'll second that.

Chairman Dayvolt said a motion by Mr. Winge to adjourn and a second by Mr. Moesner. The motion carried unanimously. The meeting adjourned at 6:42 p.m.

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Terry Dayvolt, Chairman

ATTEST:

The undersigned Secretary of the Warrick County Board of Zoning Appeals does hereby certify the above and foregoing is a full and complete record of the Minutes of the said Board at their monthly meeting held November 27, 2023.

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Molly Barnhill, Executive Director