**Minutes**

**WARRICK COUNTY AREA BOARD OF ZONING APPEALS**

Regular meeting to be held in the Commissioners Meeting Room,

Third Floor, Historic Courthouse,

Boonville, Indiana

April 25, 2022 at 6:00 P.M.

**PLEDGE OF ALLEGIANCE:**

**MEMBERS PRESENT:** Doris Horn, Vice-Chairman, Mike Moesner, Jeff Willis, Paul Keller, Mike Winge, and Jeff Valiant.

**MEMBERS ABSENT:** Terry Dayvolt

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

**MINUTES:** Upon a motion made by Jeff Valiant and seconded by Mike Winge the Minutes of the last regular meeting held March 28, 2022 were approved as circulated.

Vice-Chairman Horn explained the Rules of Procedure.

**VARIANCES:**

**VARIANCE:** BZA-V-22-10

**APPLICANT & OWNER:** Stratman Family Properties by John Stratman, Managing Member

**PREMISES AFFECTED:** Property located on the S side of Stratman Lane approximately 870 feet S of the intersection formed by Stratman Lane and Ayrshire Road., Lot 6 in Stratman-Johnson PUD Amended Subdivision Campbell TWP. *1355 Stratman Lane*

**NATURE OF CASE:** Applicant requests a variance from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, IN to allow a home workshop (SU-28) in an existing unattached accessory building (4,594 sq.ft.) closer to the road than the residence to be used for internet based firearm sales. All in an “A/PUD” Agricultural Planned Unit Development Zoning District. *(Advertised in The Standard on April 14, 2022)*

John Stratman is present.

Vice-Chairman Horn asked for a staff report.

Mrs. Barnhill stated they did send notices to the adjacent properties. She said we have one green card but we do have the white pay receipts for Nicholas & Marla Stratman and Robert Aldrich showing they were mailed correctly. She said the existing land use is a SFD with an unattached accessory building. She stated the surrounding zoning and land use is to the north, east, and south are zoned “R-1/PUD” One Family Dwelling/Planned Unit Development with either a house or vacant property. She said to the west is zoned “A” and “FP” Agricultural and Flood Plain with single-family dwellings or vacant. She stated there is some AE floodplain in the area. She stated they have an existing drive on Stratman Lane, which is a private road. She said in their statement it says a *Home workshop in barn for storage of imported guns to be shipped to various retailers around the country. There will not be any retail sales at this location.* She added everything is in order.

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

John Stratman stated it is pretty straight forward. He said we do import over and under shotguns and ship them to dealers. He stated we have no walk-in sales and no retail sales, it is all transferred with dealers throughout the country.

Mike Winge asked and you have had your site visit by ATF.

John Stratman replied we have and they have approved it.

Mike Winge asked pending.

John Stratman responded yes.

Mike Winge asked no ammunitions just the guns.

John Stratman replied yes.

Mike Moesner asked is this fairly secure as far as being able to….

John Stratman stated we have a secure gate and you cannot come down our road. He said the building is alarmed and the guns are kept in a steel 20’ container and that is alarmed with cameras also.

After ascertaining there were no questions from the Board and no remonstrators for or against Vice-Chairman Horn called for a 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…

Attorney Doll stated well I am looking at this site. He asked Mr. Stratman can you tell me a little bit more about the property. He said I mean it is a strangely shaped piece of property isn’t it.

John Stratman stated I don’t know which part you are talking about. He said we have… okay so we are building our residence there in order to take this property and get it properly zoned and get the variance and etcetera we had to attach our residence, the barn to our residence, so that is probably why it is that shape. He stated I’m not sure how big of an area you are looking at there. He said we basically own a couple of hundred acres plus there that’s all isolated and controlled and gated etcetera etcetera.

Attorney Doll asked but it is essential probably to the safety of this business that it be located around your home isn’t it.

John Stratman replied it is less than 100 yards from our residence and it is less than 100 yards from my son’s residence.

Attorney Doll stated so the unique feature is that it needs to be located in close proximity to your home due to the nature of the business and what you will have stored there. He asked is that right.

John Stratman replied yes.

Mike Winge stated that is fine.

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

 ordinances of Warrick County.

1. Subject to all public utility easements and facilities in place.
2. Subject to any required Local, State or Federal Permits.

4. Subject to the owner remaining a resident of the residence.

5. Subject to the plot plan on file.

6. Subject to Article V Special Uses, Section 5 Procedure Subsection K SU-28.

The motion was seconded by Paul Keller and carried unanimously.

Mrs. Barnhill stated Mr. Stratman we will have your approval for you to pick up and it will be ready Wednesday for you to pick up.

John Stratman replied okay, thank you.

Mrs. Barnhill responded thank you.

**VARIANCE:** BZA-V-22-11

**APPLICANT & OWNER:** Louis A. Kravetz Trust w/Life Estate by Louis A. Kravetz, Trustee

**PREMISES AFFECTED:** Property located on the W side of Taylorville Road approximately 450 feet N of the intersection formed by Taylorville Road and Leslie Road. Lane TWP 24-4-7 *8059 Taylorville Road*

**NATURE OF CASE:** Applicant requests a variance from the requirements as set forth in the comprehensive Zoning Ordinance in effect for Warrick County, IN to allow an Improvement Location Permit to be issued for: a 14x40’ unattached accessory building with an existing permitted 36x36’ unattached accessory building all in an
“A” Agricultural Zoning District. *(Advertised in The Standard on April 14, 2022)*

Louis A. Kravetz is present.

Vice-Chairman Horn asked for a staff report.

Mrs. Barnhill stated we have all of the return receipts from the notice to the adjacent property owners. She said the existing land use is an unattached accessory building. She stated in all directions are zoned “A” Agricultural with single-family dwellings or vacant ground. She said there is some A floodplain but not where the building will be located. She stated they have an existing drive on Taylorville Road. She said the applicant’s statement in the application says they *Removed trailer-replace with 14x40’ shed for ATV storage and mowers.* She add the application is in order.

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

Louis Kravetz stated no that is basically it. He said it’s a pre-built shed that I am going to buy from these people (holds up a pamphlet) and set it on the… remove the old trailer and put this building up in its place. He said it is basically a storage building. He stated I live in Port County, 300 miles from here and this is my weekend type thing so nobody lives there. He said like I said it is just for a weekend thing for myself and my son. He stated that is about all I have to say.

Jeff Valiant asked I assume the existing building is full.

Louis Kravetz replied yes.

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

Attorney Doll asked tell me a little more about why you need…is this shed that you are buying; is it going to be on a foundation.

Louis Kravetz replied I would like to put it on a slab.

Attorney Doll said slab, okay. He asked the existing building is full, there isn’t any more room to store…That is not a very big building you are bringing in 14 by….

Louis Kravetz responded 14 x 40’. He stated it is all pre-built like a trailer they place it on the property.

Jeff Valiant stated they just bring it in and drop it off with a little tractor thing.

Louis Kravetz replied yes that is basically what it is.

Attorney Doll asked it is set up to be storage.

Louis Kravetz replied yes.

Attorney Doll asked and you don’t have any place else…you live 300 miles away and you have nowhere else to store what you intend to put in this shed.

Louis Kravetz stated the idea for that is when I come down here to use the equipment that is down here, I have lawn mowers, tractors, and that kind of stuff in there.

Attorney Doll asked and you have nowhere else that you could store those things when you come down here for your weekend visits.

Louis Kravetz replied no.

Attorney Doll said okay. He asked you are not going to be living on this property.

Louis Kravetz responded no I do not live there.

Attorney Doll stated okay, thank you.

Vice-Chairman Horn called for a motion.

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

1. The grant of the Variance will not be injurious to the public health, safety, morals, and general welfare of the Community. As such, it is further found that the granting of the Variance shall not be materially detrimental to the public welfare.

1. 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.
2. 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 existing building size, items need to be stored and nobody living on the property so we are adding additional storage.

Attorney Doll asked it looks like your property is heavily wooded.

Louis Kravetz replied yes, there is 25 acres there.

Attorney Doll asked there used to be a mobile home there.

Louis Kravetz replied yes, a 1970 home…when I bought the piece of property it was junk.

Attorney Doll stated you probably did the County a favor by removing it.

Louis Kravetz replied yes.

1. The strict application of the terms of the Warrick County Comprehensive Zoning Ordinance will constitute a practical difficulty, unusual and unnecessary hardship if applied to the property for which the Variance is sought.
2. The approval does not interfere substantially with the Warrick County Comprehensive Zoning Ordinance adopted pursuant to IC 36-7-4-500 et seq.
3. The granting of the Variance is necessary in order to preserve a substantial property right of the petitioner to use the property in a reasonable manner, and not merely to allow the petitioner some opportunity to use his property in a more profitable way or to sell it at a greater profit.
4. That the hardship to the applicant’s use of the property was not self-created by any person having an interest in the property nor is the result of mere disregard for or ignorance of the provisions of the Warrick County Comprehensive Zoning Ordinance.
5. The approval of the requested Variance is the least modification of applicable regulations possible so that the substantial intent and purpose of those regulations contained in the Warrick County Comprehensive Zoning Ordinance shall be preserved.
6. This Variance shall expire six (6) months after this date, UNLESS a Permit based upon and incorporating this Variance is obtained within the aforesaid six (6) month period or unless the provision of the Variance are adhered to within the aforesaid six (6) month period. Upon advance written application for good cause, a renewal for an additional six (6) month period may be granted by the Secretary of the Area Plan Commission.
7. Application is approved in accordance with the application and plans on file with the Warrick County Area Board of Zoning Appeals per Variance Docket Number BZA-V-22-11 to the following conditions:
8. Subject to the property being in compliance at all times with the applicable zoning ordinances of Warrick County.
9. Subject to all utility easement and facilities in place.
10. Subject to obtaining an Improvement Location Permit.

d.) Subject to obtaining a Building Permit

The motion was seconded by Mike Winge and carried unanimously

Mrs. Barnhill stated we can have your approval ready to pick up Wednesday and then you can get your permit at that time.

Louis Kravetz asked can you mail that to me because I am leaving town.

Mrs. Barnhill asked mail it to you.

Louis Kravetz replied yes, ma’am.

Mrs. Barnhill stated I can mail the approval but you will still need to come in at some point and get the permit.

Louis Kravetz replied next trip down. He asked do you need these green… I was told to bring them.

Mrs. Barnhill responded will you hand those to Kim please.

Louis Kravetz responded thank you.

Mrs. Barnhill respond you’re welcome.

Vice-Chairman Horn stated thank you.

**VARIANCE:** BZA-V-22-12

**APPLICANT & OWNER:** Scott A. & Wendy A. Young

**PREMISES AFFECTED:** Property located on the N side of Turpin Hill Road approximately 1,150 feet W of the intersection formed by Turpin Hill Road and SR 61 Hart TWP 24-4-8 *2788 Turpin Hill Road*

**NATURE OF CASE:** Applicant requests a variance from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, IN to allow an Improvement Location Permit to be issued for: a SFD on a property with an existing SFD to be removed within 3 months after receiving COO, all being in an “A” Agricultural Zoning District. *(Advertised in The Standard on April 14, 2022)*

Scott & Wendy Young are present.

Vice-Chairman Horn asked for a staff report.

Mrs. Barnhill stated we have all of the return receipts from the notice to adjacent property owners. She said the existing use is a single-family dwelling and unattached accessory buildings. She stated all directions are zoned “A” Agricultural with single-family dwellings or vacant ground. She said there is no floodplain. She stated they have an existing drive on Turpin Hill Road. She said their applicant’s statement says *We would like to continue to reside in existing home while new home is built. Upon completion we will have old home demolished.* She stated the application is in order.

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

Wendy Young stated I will most definitely have the old home torn down ASAP. She said I have nothing else to add.

Attorney Doll asked folks are you participating in the building of your own home.

Wendy Young responded thank goodness no. She stated we have purchased a home from Century and we have our mortgage approved from Heritage Federal Credit Union and we are awaiting your approval.

Attorney Doll asked so is this a modular home.

Wendy Young replied yes, sir.

Attorney Doll asked so it will be fairly quick.

Wendy Young replied yes, we are hoping so.

Attorney Doll asked do you have an estimate of when.

Wendy Young responded as soon as the variance goes through he thinks he might be able to start on the septic replacement in July and we are looking at a move in of August or September hopefully.

Attorney Doll asked and you have nowhere else to live…

Wendy Young replied no.

Attorney Doll asked while this is being built…okay, thank you.

Jeff Willis asked do you think if you complete it in September that will pretty much be enough time….is it a modular home that you are taking out as well or is it a….

Wendy Young responded no, it is a very old farmhouse.

Jeff Willis responded okay, I didn’t know because we are getting to the weather is…

Wendy Young replied and that is included in my contract with Century. She stated the tear down is included in the contract, Century will also be tearing down the home.

Vice-Chairman Horn stated oh, so as soon as you get it in place and move in then they are going to start tearing down the old one you won’t be doing it.

Wendy Young replied yes.

Vice-Chairman Horn responded okay.

Mrs. Barnhill stated and then our countdown starts from the day of ….

Attorney Doll said COO.

Jeff Valiant stated the COO.

Attorney Doll stated and probably with a track hole that thing will be down in a couple of hours.

Wendy Young stated I have watched them tear down whole houses just like that.

Jeff Willis stated September and October shouldn’t be a problem but I know sometimes December and January you run into problems with it.

Wendy Young responded yes, it might be cold.

After ascertaining there were no questions from the Board and no remonstrators for or against the project, Vice-Chairman Horn called for a motion.

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

* 1. The grant of the Variance will not be injurious to the public health, safety, morals, and general welfare of the Community. As such, it is further found that the granting of the Variance shall not be materially detrimental to the public welfare.
	2. The use or value of the area adjacent to the property included in the Variance will not be affected in a substantially adverse manner. As such, it is further found that the granting of the Variance shall not result in substantial detriment to adjacent property or the surrounding neighborhood.
	3. The need for the Variance arises from some condition peculiar to the property involved. The peculiar condition constituting a hardship is unique to the property involved or so limited to such a small number of properties that it constitutes a marked exception to the property in the neighborhood. Such condition is they need to live on the same premises while building.
	4. The strict application of the terms of the Warrick County Comprehensive Zoning Ordinance will constitute a practical difficulty, unusual and unnecessary hardship if applied to the property for which the Variance is sought.
	5. The approval does not interfere substantially with the Warrick County Comprehensive Zoning Ordinance adopted pursuant to IC 36-7-4-500 et seq.
	6. The granting of the Variance is necessary in order to preserve a substantial property right of the petitioner to use the property in a reasonable manner, and not merely to allow the petitioner some opportunity to use his property in a more profitable way or to sell it at a greater profit.
	7. That the hardship to the applicant’s use of the property was not self-created by any person having an interest in the property nor is the result of mere disregard for or ignorance of the provisions of the Warrick County Comprehensive Zoning Ordinance.
	8. The approval of the requested Variance is the least modification of applicable regulations possible so that the substantial intent and purpose of those regulations contained in the Warrick County Comprehensive Zoning Ordinance shall be preserved.
	9. This Variance shall expire six (6) months after this date, UNLESS a Permit based upon and incorporating this Variance is obtained within the aforesaid six (6) month period or unless the provision of the Variance are adhered to within the aforesaid six (6) month period. Upon advance written application for good cause, a renewal for an additional six (6) month period may be granted by the Secretary of the Area Plan Commission.
	10. The Variance Application is subject to the terms contained therein and the plans on file subject to the following additional conditions:
1. Subject to an Improvement Location Permit being obtained.
2. Subject to a Building Permit being obtained.
3. Subject to the property being in compliance at all times with the applicable zoning ordinances of Warrick County.
4. Subject to all utility easement and facilities in place.
5. Subject to existing residence being removed within 3 months from issuance of Certificate of Occupancy.

The motion was seconded by Mike Winge and unanimously carried.

Mrs. Barnhill stated we can have your approval ready on Wednesday too so you can get that and whenever you are ready to get your permit.

Wendy Young responded thank you.

Scott Young responded awesome, thank you.

Mike Winge stated you’re welcome.

**VARIANCE:** BZA-V-22-13

**APPLICANT:** Lamar Advertising/Evansville by E. Shane Pollard, Real Estate Manager

**OWNER:** The Chuang Group LLC by Andrew Chuang, Vice President

**PREMISES AFFECTED:** Property located on the S side of SR 66 approximately 687 feet W of the intersection formed by SR 66 and SR 261. Ohio TWP 26-6-9

**NATURE OF CASE:** Applicant requests a variance from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, IN to allow an Improvement Location Permit to be issued for: a message board (SU-8) to be used as an off premise sign not meeting the minimum required spacing between off premise signs of 1,000 ft. from the nearest billboard also being 672 sq. ft. when the maximum size allowed is 500 sq.ft. all in a “C-4” General Commercial Zoning District. *(Advertised in The Standard on April 14, 2022)*

Shane E. Pollard, Real Estate Manager for Lamar Advertising Evansville and Andrew Chuang, Vice President are present.

Mrs. Barnhill stated we have one green card from the notice to the adjacent properties but we do have white pay receipts showing they were mailed correctly. She said the existing land use is a billboard that they want to convert to digital. She stated the surrounding zoning and land use in all directions are either “C-3” Highway Commercial or “C-4” General Commercial with some vacant lots and commercial businesses. She said there is no floodplain and they have an existing drive on SR 66. She said their statement in the application says *The conversion of the static faces to digital faces. The structure will remain at the same height.* She stated they have also filed an email confirmation from INDOT where their application for the message board has received State approval. She added everything is in order.

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

Shane Pollard stated at this time we are only looking to replace or convert the east face. He said the new head that we will put on it if approved will be designed to hold two digitals but at this time we are only looking at converting the east face to a digital (inaudible).

Mrs. Barnhill asked so you may do both at some point in time.

Shane Pollard replied at some point in time we probably…it is only good for a year I think the variance, right so we would have to come back maybe in the future to get a variance.

Mrs. Barnhill stated you have six months to get your permit. She added if you need an extension that is a possibility for another six months. She asked so we are just doing the one east facing right now.

Shane Pollard replied yes.

Paul Keller asked is it the same size as the static one you have now.

Attorney Doll asked so you are really asking for two variances. He said one as to size of the face of the board.

Shane Pollard replied right.

Attorney Doll stated and the other one is as to the distance. He asked your board is on 66, this billboard is on 66.

Shane Pollard responded right.

Attorney Doll asked and the closest board to it is on 261.

Mrs. Barnhill stated no it is the same.

Attorney Doll said so it is 66.

Mrs. Barnhill stated it is 790 feet west of this one.

Shane Pollard stated I think it is the Grease Monkey. He asked isn’t that the closest one.

Attorney Doll replied okay. He asked so this board is located next to what.

Several people replied Wendy’s.

Paul Keller stated the Wendy’s is the closest one.

Attorney Doll stated well Wendy’s is….

Paul Keller stated and then you have the auto parts place, Sonic, and all of that.

Attorney Doll said here.

Mrs. Barnhill stated it is right there isn’t it.

Attorney Doll replied yes. He asked can you give us any….why do you need these variances.

Shane Pollard stated we are seeing a need in this area for…many of the businesses in this area are looking for ways to advertise. He said we are also seeing other digital billboards go up. He stated we already have one digital that is in Newburgh that is already full so we are just seeing a need for this type of product in Newburgh.

Attorney Doll asked why does it need to be this size or…

Shane Pollard stated well the existing structure that is there now is already that size that we are requesting. He added I think the rules were probably passed after…it is probably already grandfathered in. He stated it was already built to the size of 14x48’ structure. He said we are not expanding it or making it look any bigger it is already that size that is there.

Attorney Doll responded right, but non-conforming pre-existing use is if you modify them you lose that protection so why not bring it into compliance with Warrick County standards of 500’.

Shane Pollard replied for one thing if we….you are talking about the square footage.

Attorney Doll replied yeah.

Shane Pollard stated it is very cost prohibitive for us to be able to do something like that. He said it would cost us more money to shrink the size down than what it is there now. He stated and as an addition here it also doesn’t give us as big a bang for what we can sell it as a smaller unit as what is currently there now.

Attorney Doll replied sure. He stated well the variance has to be justified. He said there has to be something unique to that site, that property that makes the application of the standard in the County, which is 500 feet with a 1,000 foot of separation not work. He stated and the mere profitability isn’t a justification for that it needs to be something more than that. He asked is there any other reason why you need this big of a sign and to be this close. He stated I mean I guess I could see the closeness because there is a hill there you can’t really see very far as you are coming to the east. He stated when you are coming to the west you are rounding a corner on 66 before the 261 interchange. He said so I understand why the location maybe but I’m just trying to understand is there any other reason why….

Shane Pollard stated well the size is…I mean we are just basically replacing the size that is already there.

Attorney Doll said I understand.

Shane Pollard replied I know you understand that but…

Attorney Doll asked do they not manufacture 500 square foot digital faces for billboards.

Someone in the seating replied not at that aspect ratio.

Shane Pollard stated not at that aspect ratio.

Attorney Doll replied okay, there you go. He stated so you are telling me there isn’t a product in the marketplace that would give the appearance, the crispness of the look, at a 500 square foot dimension is that true.

Shane Pollard responded correct.

Attorney Doll asked so you need this variance because you are trying to give a certain crispness to the display and it has to be this big if you are going to be able to do this.

Shane Pollard replied okay.

Attorney Doll responded thank you.

After ascertaining there are no more questions from the Board and no remonstrators for or against the application, Vice-Chairman Horn called for a motion.

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

1. The grant of the Variance will not be injurious to the public health, safety, morals, and general welfare of the Community. As such, it is further found that the granting of the Variance shall not be materially detrimental to the public welfare.

2. The use or value of the area adjacent to the property included in the Variance will not be affected in a substantially adverse manner. As such, it is further found that the granting of the Variance shall not result in substantial detriment to adjacent property or the surrounding neighborhood.

3. The need for the Variance arises from some condition peculiar to the property involved. The peculiar condition constituting a hardship is unique to the property involved or so limited to such a small number of properties that it constitutes a marked exception to the property in the neighborhood. Such condition is the dimensions of the face of the digital board has aspect ratio which they desire.

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.

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.

1. 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.

1. Subject to all utility easement and facilities in place.
2. Subject to the plot plan on file and not to be altered or expanded.
3. Subject to their permit with INDOT.
4. Subject to no use of the words, “stop”, “danger”, “look”, or any other word which would confuse traffic.
5. Subject to no revolving beams of light or strobe lights**.**

The motion was seconded by Jeff Valiant and carried unanimously.

Mrs. Barnhill stated Shane that will be ready Wednesday if you want…

Shane Pollard responded thank you very much.

Vice-Chairman Horn stated thank you.

**VARIANCE:** BZA-V-22-14

**APPLICANT:** Tiffany Mushinski

**OWNER:** Matthew & Tiffany Mushinski

**PREMISES AFFECTED:** Property located on the S side of Ash Street approximately 640 feet E of the intersection formed by Yellowbanks Trail Road and Ash Street. Pigeon TWP. Lots 46 & 50 in Clark Addition to Selvin *7299 Ash St.*

**NATURE OF CASE:** Applicant requests a variance from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, IN to allow an Improvement Location Permit to be issued for: a SFD on property with an existing SFD to be removed. All in “A” Agriculturally Zoned District. *(Advertised in The Standard on April 14, 2022)*

Matthew and Tiffany Mushinski are present.

Vice-Chairman Horn asked for a staff report.

Mrs. Barnhill stated we have all of the green cards but one for David & Heather Weddle. She said we do have the white pay receipt showing it was mailed correctly. She stated the existing land use is a single-family dwelling with unattached accessory buildings. She said to the south, east, and west are zoned “A” Agricultural and are vacant and to the north is zoned “R-1A” One-Family Dwelling with single-family dwelling and a vacant lot. She stated there is no floodplain and they have an existing drive on Ash Street. She said their statement in the application says *We are wanting to build a new home but will need to live in existing home until new home is finished. When occupancy is granted, old home will be torn down within 3 months.*

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

Tiffany Mushinski stated I have learned a few things watching this so no, I do not have anywhere else to live while we are building it. She said 2, yes we will be tearing down that horrible old house. She stated I love parts of it but other parts not so much. She said DC Metal, Davis County Metal, is doing the whole outside of it. She added we will be participating on the inside of it.

Attorney Doll asked and living there will afford you a more convenient opportunity to assist in the building.

Tiffany Mushinski replied yes, of course as soon as he gets off work every day. She asked how are you.

Mike Moesner replied I am fine.

Tiffany Mushinski asked did you recognize my name. She stated I signed on all of your stuff that I’m in Pigeon Township.

Mike Moesner replied yes.

Vice-Chairman Horn asked is there anything else to add to the staff report.

Tiffany Mushinski replied no.

After ascertaining there were no questions from the Board and no remonstrators for or against the application, Vice-Chairman Horn called for a motion.

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

1. The grant of the Variance will not be injurious to the public health, safety, morals, and general welfare of the Community. As such, it is further found that the granting of the Variance shall not be materially detrimental to the public welfare.

1. 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 they don’t have any place else to live and living there will afford you a more convenient opportunity to assist in the building.

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.

1. 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.

1. 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.
2. 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.
3. 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.

1. Subject to all utility easement and facilities in place.

e) Subject to existing residence being removed within 3 months from issuance of Certificate of Occupancy.

The motion was seconded by Jeff Valiant and carried unanimously.

Mrs. Barnhill stated we will have your approval ready on Wednesday.

Tiffany Mushinksi replied I will see you all on Wednesday because you know that I am going to come back.

Vice-Chairman Horn said thank you.

Tiffany Mushinski stated thanks guys.

**ATTORNEY BUSINES IS:**

Vice-Chairman Horn asked if there was any Attorney business.

Attorney Doll said none.

**EXECTIVE DIRECTOR BUSINESS:**

Mrs. Barnhill replied nothing.

Mike Winge made a motion that we adjourn. The motion was seconded by Jeff Valiant and the motion carried unanimously. The meeting adjourned at 6:44.

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 Doris Horn, Vice-Chairman

ATTEST:

The undersigned Secretary of the Warrick County Board of Zoning Appeals does hereby certify the above and foregoing is a full and complete record of the Minutes of the said Board at their monthly meeting held April 25, 2022.

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Molly Barnhill, Executive Director