

**Minutes**  
**WARRICK COUNTY AREA BOARD OF ZONING APPEALS**  
Regular meeting to be held in the Commissioners Meeting Room,  
Third Floor, Historic Courthouse,  
Boonville, Indiana  
May 23, 2022 at 6:00 P.M.

**PLEDGE OF ALLEGIANCE:**

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

**MEMBERS ABSENT:** Mike Winge

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

**MINUTES:** Upon a motion made by Jeff Valiant and seconded by Paul Keller the Minutes of the last regular meeting held April 25, 2022 were approved as circulated.

Chairman Dayvolt explained the Rules of Procedure.

**VARIANCES:**

**VARIANCE:** BZA-V-22-15

**APPLICANT & OWNER:** Tawana & Jeffrey D. Snelling

**PREMISES AFFECTED:** Property located on the W side of Anderson Road approximately 965 feet S of the intersection formed by Anderson Road and Sharon Road., Ohio Twp. 36-6-9 5533  
*Anderson 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 for an addition to a SFD with access by a 25' ingress/egress easement only in an "A" Agricultural Zoning District. (14'x16') *Advertised in The Standard May 12, 2022*

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 a single-family dwelling with several unattached accessory buildings. She stated the surrounding zoning and land use is zoned "A" Agriculture and "R-1A" One-Family Dwelling with single-family dwellings. She added there is no floodplain and they have an existing drive off Anderson Road. She said their statement says *access by easement only would like to add a family room*. She stated everything is in order.

Chairman Dayvolt asked are there any questions from the Board.

Mrs. Barnhill stated this property is kind of weird it looks like they intended a road to go through there and they actually dedicated some right-of-way but then the road was never built. She said so

they do have this easement that gets them all of the way to Anderson Road the property just doesn't get out there, which is why they needed the variance.

Chairman Dayvolt asked do you maintain the easement.

Tawana Snelling replied yes. She stated the easement is for CenterPoint Energy, there is a gas line at the bottom of our driveway that feeds I guess the rest of southern Indiana. She said so that is the reason the easement is there.

Chairman Dayvolt replied okay.

After ascertaining there were no questions from the Board and no remonstrators for or against, Chairman Dayvolt 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

Attorney Doll stated isn't it due to the platting of the lot not reaching the road right-of-way, which was platted by someone other than you.

Tawana Snelling stated yes, 1971 I think, we looked it up and they were going to subdivide it and it never went through.

Mike Moesner stated under those conditions then.

4. The strict application of the terms of the Warrick County Comprehensive Zoning Ordinance will constitute a practical difficulty, unusual and unnecessary hardship if applied to the property for which the Variance is sought.
5. The approval does not interfere substantially with the Warrick County Comprehensive Zoning Ordinance adopted pursuant to IC 36-7-4-500 et seq.

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

The motion was seconded by Doris Horn and carried unanimously.

Mrs. Barnhill stated we can prepare the hold harmless for you and I will email it to you we can probably get that done tomorrow. She said you guys will need to sign, notarize, and then it does get recorded. She stated we will want a recorded copy and then we will be ready to do the permit.

Tawana Snelling replied okay, thank you.

Mrs. Barnhill responded you're welcome.

**VARIANCE:** BZA-V-22-16

**APPLICANT:** Castle Country Academics by Carolyn Peter, Owner/Administrator

**OWNER:** Century Real Properties by Brent Holweger, Partner

**PREMISES AFFECTED:** Property located on the N side of Haley Dr. approximately 440 feet NE of the intersection formed by Haley Drive and Peachwood Drive. Ohio Twp. Lot 12A Warrick Place VI Corrected Plat 3711 Haley Drive

**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: two electronic message boards (SU-8); 1 free-standing 8'x21' sign being only 4' from the existing building and 1- 4'x6' sign on the building. All in a "C-3" highway Commercial Zoning District. *Advertised in The Standard May 12, 2022.*

Kip Husk stated I am the President of Husk Companies Incorporated. He stated I am here representing Castle Country.

Chairman Dayvolt asked sir, are the owners here.

Kip Husk replied so uh.

Chairman Dayvolt asked are the owners of the property. He asked is Mr. Holweger here.

Kip Husk stated Brent Holweger's daughter has passed away and Al was supposed to be here and was given a power of attorney and Al is not here either because of that. He said we will need to either beg for forgiveness or if some type of situation that we have been told that we can call him on his phone, if that would be appropriate. He stated if not then we would have to ask for a continuance.

Attorney Doll stated the power of attorney that we have has not been recorded and our rules say to be affective it has to be recorded in Warrick County. He said while this is a step in that direction it isn't complete as it is. He stated it would need ... Mr. Holweger would need to be present either of them.

Kip Husk replied that isn't going to be possible today.

Attorney Doll stated and this also needs to be recorded if the senior Mr. Holweger is going to represent his son in this regards so I don't think you can proceed tonight with this.

Bernard Peter stated that is okay we understand. He said what we do want the Board here to understand is that Mr. Brent Holweger's daughter passed away.

Attorney Doll stated yes.

Bernard Peter stated Al would be here, just so you all know, Al would be here but we have a grieving grandfather.

Attorney Doll said sure.

Bernard Peter stated I talked with Allan today and his last words were to me, which I will pass on to you all that if the Board wanted we could call him on his cell phone, Molly could call him, and he would give a yes to that. He said I just want the Board to realize that.

Chairman Dayvolt asked sir, will you state your name, please.

Bernard Peter said Bernard Peter.

Chairman Dayvolt asked did you sign...

Bernard Peter stated I am the husband of Carolyn Peter.

Carolyn Peter asked do you want us to sign this.

Chairman Dayvolt said sign the sign-in sheet.

Carolyn Peter asked this one.

Mrs. Barnhill replied yes.

Chairman Dayvolt stated our Rules of Procedure state that we need the petitioner and owner of record or legal representative by a power of attorney, an attorney at law, or attorney-in-fact. He said if we deviate from that we are breaking the precedence of our own rules.

Bernard Peter replied right.

Chairman Dayvolt stated so I do foresee that we can do that. He said a continuance....

Kip Husk asked is there a fee for a conditional continuance.

Chairman Dayvolt said pardon.

Kip Husk asked is there a fee for a conditional continuance.

Mrs. Barnhill replied no, there is not it gets continued here tonight.

Kip Husk asked do we need to refile or can it be continued.

Mrs. Barnhill replied no, you don't need to re-notice or refile anything we would just put it on the agenda for next BZA agenda.

Carolyn Peter asked so it would be in June then.

Mrs. Barnhill replied yes.

Carolyn Peter said okay.

Kip Husk asked if I may ask questions of the Board while we are here are there any issues from the Board on...there are two clarifications, two typos in here that I want to make get sure they get cleared up. He stated it is not an 8x21 sign it is actually 21 feet tall it is a 4x8 sign.

Chairman Dayvolt said 4x8 sign.

Kip Husk stated a 4x8 digital sign and then the one on the building is a 3x6 not a 4x6 digital sign. He said our renderings are correct but I don't know how the typos got in there but they are pretty gross typos it is 21 feet overall height but it is only a 4x8 digital sign. He stated I don't want anybody to be confused by that.

Jeff Willis stated that is a huge sign.

Kip Husk stated it is a little different than a 4x8. He asked is there anything else we need to consider or work on while we are in continuance mode. He asked does anybody have any issues with this if we were going to move forward.

Attorney Doll stated we can't prejudge the application until it is being heard publicly.

Kip Husk responded okay, I just want to make sure we put our ducks in a row so we don't have another continuance down the road, they really need their signs.

Attorney Doll stated the only reason for tonight's continuance is we need a Holweger.

Kip Husk replied understood and that is not possible tonight.

Attorney Doll asked do you see the sign description, did we get it wrong or is it wrong on the application.

Kip Husk stated the renderings themselves are correct so if you look at those it is a 4x8 digital sign with a 2x8 sign on top of it.

Mrs. Barnhill stated no, it is a 6 1/2 x 8'5" on the pole with a 21 1/2' overall height.

Kip Husk replied correct, and that is a 4x8 digital sign with a 2x8 across the top of it.

Attorney Doll stated so we just...

Kip Husk stated it is a typo on...it is not an 8x21 sign.

Attorney Doll stated on the agenda is an error.

Kip Husk replied yes.

Jeff Valiant stated well on the application it says 8x21.

Jeff Willis said yes, and 4x6.

Jeff Valiant stated up there at the top.

Kip Husk stated I just want to make sure we that corrected.

Mrs. Barnhill stated the other one is about 4' it is 3'4.5" and they rounded up to 4x6 digital sign.

Kip Husk replied right, it is a 3x6 digital sign with a 2x6 sign above it.

Mrs. Barnhill stated 3'4.5" so they rounded up on that.

Chairman Dayvolt stated thank you, Morrie.

Mike Moesner stated in the writing it is an 8x21' sign.

Attorney Doll stated let me see.

Kip Husk stated it is 21' overall height from the ground to the top of the sign.

Mrs. Barnhill stated it is right there. She said that is the wrong application.

Mike Moesner stated that is why he couldn't find it.

Mrs. Barnhill asked is that the same packet. She said no, that is the Snelling packet.

Attorney Doll stated got it.

Kip Husk asked does it make sense.

Attorney Doll asked so, your application says it is an 8x21'.

Kip Husk replied it should say it is a 4x8 digital sign with a 2x8 sign above it.

Attorney Doll responded it doesn't.

Mrs. Barnhill stated our office wrote that in. She said we did it wrong.

Attorney Doll said okay, alright, got it.

Kip Husk asked will we need to do anything to correct that or...

Mrs. Barnhill and Attorney doll replied no.

Kip Husk asked will your office do that.

Mrs. Barnhill asked is there anything...can they give you their power of attorney or Carolyn a power of attorney.

Carolyn Peter stated they probably would give it to me. She said I have known them...we've known the family for 18 years all of the Holweger's. She stated I don't have a problem with anything that they do but I just didn't feel comfortable with their power of attorney. She said that is a pretty strong thing to own and so...

Attorney Doll stated it is a limited power of attorney though just for this purpose.

Mrs. Barnhill stated it is super limited.

Attorney Doll said yes, so you can't do anything else with the building except apply for a sign permit.

Kip Husk said Carolyn if you would like I have no issue with taking that power of attorney if necessary. He stated I have done it several times before with ...

Carolyn Peter replied okay.

Attorney Doll stated it just would eliminate having to have a Holweger here. He said they are going to be grieving for a while obviously.

Kip Husk stated yes, I agree with that.

Attorney Doll stated so it would be nice...

Carolyn Peter asked so next time....

Attorney Doll stated the can write a new power of attorney giving it to you or the sign company's representative and we don't have to bother the Holweger's.

Carolyn Peter replied okay.

Kip Husk responded I think that would be great.

Mrs. Barnhill stated you will need to get it recorded.

Attorney Doll stated yes, record it.

Carolyn Peter asked do I bring that to you.

Mrs. Barnhill stated yes, after it is recorded.

Attorney Doll stated take it to the Court House to the Recorder's office.



Carolyn Peter said oh, so I do that part.

Mrs. Barnhill replied yes.

Carolyn Peter stated so, I have the Holweger's to give me a power of attorney...

Attorney Doll replied yes, then you take it to the Court House and get it recorded then bring it to Molly.

Carolyn Peter replied okay.

Attorney Doll stated and then we don't have to bother the Holweger's with attending, okay.

Carolyn Peter replied okay.

Jeff Valiant asked so we just need a motion to continue.

Attorney Doll replied a motion to continue.

Jeff Valiant stated I make a motion to continue BZA-V-22-16 to the June meeting.

Mrs. Barnhill stated June 27.

Jeff Valiant responded sounds good.

The motion was seconded by Jeff Willis and carried unanimously.

Attorney Doll asked do you want the power of attorney back.

Carolyn Peter replied yes, I think we should have it back.

Jeff Valiant stated watch...

Mrs. Barnhill stated I'm coming around.

Jeff Willis stated they put...

Jeff Valiant stated yes, they put the....

Kip Husk asked June 22 is that what...

Mrs. Barnhill stated I just said it....

Carolyn Peter said 27<sup>th</sup> is what I wrote down.

Mrs. Barnhill stated the 27<sup>th</sup>, June 27.

Attorney Doll stated 27<sup>th</sup> it is the fourth Monday of each month this Board meets.

Mrs. Barnhill stated we will email you an agenda beforehand too.

Kip Husk replied okay, thank you.

Carolyn Peter replied ok, good. She asked then we get this organized and it should be pretty much we don't have to (unintelligible) right.

Mrs. Barnhill responded right.

Carolyn Peter replied okay.

Kip Husk said thank you.

Attorney Doll stated sorry for your trouble.

**ATTORNEY BUSINESS:**

Chairman Dayvolt asked is there was any Attorney business.

Attorney Doll said none.

**EXECUTIVE DIRECTOR BUSINESS:**

Chairman Dayvolt asked is there any Executive Director business.

Mrs. Barnhill replied I thought the solar farm was going to come meet with this month but I guess not. She said maybe next month. She stated it is coming.

Chairman Dayvolt asked have they came and met with you.

Mrs. Barnhill replied they said they were going to come in May for the site review and they did not call and schedule that.

Chairman Dayvolt asked so that is going to be on the agenda soon.

Mrs. Barnhill stated I think so unless something has happened.

Jeff Willis said cost of materials.

Chairman Dayvolt asked does anybody else have anything that they want to bring up.

Jeff Valiant asked have you had any luck in finding someone for the office.

Mrs. Barnhill replied we have gotten several good resumes.

Jeff Valiant said well, good.

Mrs. Barnhill responded yes, and we have started a Facebook page so we put it on Facebook. She stated we have three really good ones come off there. She said I put it on LinkedIn and then HR has it on Indeed.

Jeff Valiant said good deal.

Chairman Dayvolt asked any more business.

Jeff Valiant made a motion that we adjourn. The motion was seconded by Mike Moesner and the motion carried unanimously. The meeting adjourned at 6:22.

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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 May 23, 2022.

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Molly Barnhill, Executive Director