MINUTES

WARRICK COUNTY AREA BOARD OF ZONING APPEALS

Regular meeting held in the Conference Meeting Room,
Third Floor, Historic Courthouse,
Boonville, Indiana
Monday, September 28, 2009 at 6:00 P.M.

MEMBERS PRESENT: Don Mottley, Chairman; William McCune, Terry Dayvolt, Scott Dowers, Mike Winge, Larry Willis

Also present were: Sheila Lacer, Assistant Executive Director; Morrie Doll, Attorney and Jaynann Hebner, staff.

MEMBERS ABSENT: Tony Curtis

MINUTES:

The Chairman asked if everyone received a copy of the minutes from August 24, 2009. He asked if there were any corrections or additions to those minutes. There being none he entertained a motion.

Mike Winge made a motion to approve the August 24th minutes as circulated.

Larry Willis seconded and the motion unanimously carried.

The Chairman explained the rules of procedure.

SPECIAL USES:

BZA-SU-09-28 – Applicant: Hendrickson Enterprise, Inc. by Donald G. Hendrickson, Sec. Owner: Betty Lou Hendrickson, Vera Lou Klippel & Donald G. Hendrickson.
Premises – Property located on the north side of SR 62 W. approximately 0 ft. east of the intersection formed by American Way and SR 62 W. Boon Twp. *3144 SR 62 W. (Complete legal on file)* Advertised in the Boonville Standard on September 17, 2009.
Nature of Case - Applicant requests a Special Use, SU-8, for the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, IN, to allow the addition of an electronic message board to an existing sign in a "C-4" General Commercial Zoning District.

Don Hendrickson approached the podium and stated his name for the record. Jen McKinney with Alvey's Sign Company was also present and signed her name for the record.

Mr. Hendrickson stated there was an automobile business at this location previously and the contract was terminated and when the contract was terminated they also took the sign. He stated he needed to put a sign back up. He said that he has asked Alvey's Sign Company to put up the sign and he would like to have a message board underneath the sign so he could display the date and time and advertise his products. He stated the sign is located in the same spot the first sign was and he did not feel it would be a hindrance to traffic or the public. He said he hoped the public would see

the sign and come into the business. He stated he checked with the State Highway Department and he is in compliance with not having the sign on State property or along property that is not occupied as a business.

The Chairman asked the Assistant Executive Director for the staff report.

Mrs. Lacer stated all return receipts from certified mail to the adjacent property owners have been submitted and the applicant is requesting a Special Use, SU-8, to allow an electronic message board. She stated they have received a permit for the sign already so this Special Use is just to add the message board on the existing sign. She said the property is 13.238 acres zoned "C-4" General Commercial, property to the west is Wal-Mart, and property to the south is O'Reilly Automotive, both zoned "C-4", property to the east is a car lot zoned "C-4" and "A" and property to the north is zoned "A" and "R-1A" with residences. She said the applicant states on the application they are requesting a Special Use Permit to allow the existing business to advertise by use of a message board and allow customers to locate the business. She stated any approval should be subject to advertising for the on-premise business only and not to allow it to be used as a billboard. She said the Comprehensive Zoning Ordinance states that a sign cannot display the words "stop", "danger", "look" or any other words that could confuse traffic nor can there be any rotating or revolving beams of light and it may not display light that resemble danger or emergency lights. She stated there is no flood plain on the property and the application is in order.

The Chairman asked if there were any questions by Board Members.

Mr. Hendrickson asked if he would be able to display things about local football games.

Mrs. Lacer stated she did not think that would fall under advertising as a billboard.

Mr. Hendrickson said it was a tradition and there were no other message boards around and he felt it would be a good thing to add, particularly the date and time, for people coming and going to work. He stated the sign would not be multiple colors; it would only be amber and black.

Jen McKinney stated she had the colored rendering if the Board would like to look at it.

Mr. Hendrickson stated his color choices were red and black or gold and black. He said he chose gold and black because of his heritage at Boonville High School.

The Chairman asked if there were any remonstrators for or against the petition. There being none he entertained a motion.

Larry Willis made a motion that findings 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.

7. The USE will allow the business to advertise to a larger area, promote and increase the amount of customer awareness of the location.

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

1. Subject to any required State or Federal Permits.

2. Subject to an Improvement Location Permit being obtained.

3. Subject to the property being in compliance at all times with the applicable zoning ordinance of Warrick County.

4. Subject to any required Building Permit for the Warrick County Building Department.

5. Subject to all public utility easements and facilities in place.

6. Subject to the message board being used for on premise advertisement of only and will not be used as a billboard for lease.

7. Subject to no use of words, "stop", "danger", "look", or any other word which would confuse traffic.

8. Subject to display lights not resembling danger or emergency lights.

9. Subject to no rotating or revolving beams of light.

The motion was seconded by William McCune and unanimously carried.

VARIANCES:

BZA-V-09-26 – Applicant: Steven McDaniel Owner: Mac & Angelia McDaniel
Premises – Property located on the west side of Boner Rd. (W 25) approximately 2331 ft. south of the intersection formed by Boner Rd. (W 25) and Eble Rd. (S 550) Anderson Twp. *5933 Boner Rd. (Complete legal on file)* Advertised in the Boonville Standard on September 17, 2009.
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 living quarters in an unattached accessory building on property with an existing residence in an "A" Agricultural Zoning District.

Mac McDaniel and Steven McDaniel approached the podium and stated their names for the record.

The Chairman asked the Assistant Executive Director for the staff report.

Mrs. Lacer stated we have all return receipts from certified mailings to adjacent property owners. She said the applicant is requesting permission to put living quarters in an unattached accessory building on property with an existing residence. She said Mac and his wife own the property and built a house 2 or 3 years ago, they now have an unattached accessory building and want to put living quarters in it for Steven. She stated the applicant states on the application that this would be a temporary place to stay until he can get a place of his own and it will not be rented. The applicant also states dividing the property is not an option because it would cause a financial hardship and there is no intention of selling the property. She stated the property is approximately 9.1 acres zoned "A" Agriculture with all surrounding property being zoned the same with residences. She stated the property owner obtained an Improvement Location Permit on 7/21/09 for an unattached accessory building and on 8/4/09 a formal complaint was filed stating the owner had obtained a permit for a pole barn but did not state that it would be used as a residence and there was an existing residence already on the property. She said the Zoning Inspector did an inspection on 8/5/09 and his report stated the contractor was unaware of any intention for living quarters but there was going to be one bathroom. She said the owner immediately came into the office and informed the staff that his brother was going through a difficult time and needed a temporary place to stay and he would like to be able to help him with as little interruption to his own home as possible and would do whatever he needed to come into compliance. She stated the Office staff informed him he would need to file for a Variance and appear before the Board of Zoning Appeals. She stated a letter was submitted by the Health Department that states "In regards to 5933 Boner Road, this department will allow a temporary use of the garage as living quarters in keeping with the agreement made with the Area Planning Commission. We will need to have inspection privileges of the facility once the living quarters are removed. Once connection has been made to the current septic field, if any issues or complications arise, the property owner must agree to add an additional 100 feet of septic lateral. This however will not allow the continued use of the garage as living quarters in any fashion; it is only to address problems that develop as a result." She said this was Aaron Franz's statement today, however, Mr. McDaniel does have a soil test, he has had the property perked and intends on putting a septic system in solely for the garage.

Mac McDaniel stated he would not be able to tap into the existing system because the garage is downhill from the system. He stated he wants to keep the bathroom in the garage even after his brother moves out.

Mrs. Lacer stated the Health Department's problem with the laterals is moot now since Mr. McDaniel is putting in a new septic system. She stated there is no flood plain on the property and the application is in order.

Mrs. Lacer asked the owner what kind of time frame he was looking at before the living quarters would be removed.

Mac McDaniel said he was unsure because his brother, Steven, will be inheriting property with a house already existing on it and they do not feel there is any reason to buy a house when he will have one eventually from an inheritance.

Mr. Willis asked if the will had been activated yet.

Mac McDaniel stated the will has been written already but the owner has not died.

Steven McDaniel stated that he didn't have a house currently because his ex-wife got their house in the divorce. He stated he has been staying with Mac but it has really been a hassle with everyone in the same house. He said Mac has always wanted a barn and he offered to take care of the living space.

Mr. Winge asked Mr. McDaniel why it was going to 1620 sq. ft. if he was going to be the only one staying there.

Steven McDaniel stated he has 2 kids he shares custody for. He said he has them every other day and they stay overnight. He said the living space will be 30′ x 45′ which is less than half.

Mr. Winge asked Mr. McDaniel what type of footers are under the building.

Mac McDaniel stated they are poured footers and it has already been inspected.

Mr. Winge asked Mr. McDaniel how many bedrooms the new septic system would support.

Mac McDaniel said Aaron Franz told him it had to be 300 ft. minimum.

Mr. Winge asked if the system was approved for 2 or 3 bedrooms.

Steven McDaniel stated his plan was to give each kid a bedroom because he has a boy and a girl and he would just stay in the top loft.

Mr. Winge asked if they were aware they would have to have smoke alarm systems.

Steven and Mac both replied yes.

Mr. Winge stated there would also have to be an alarm in the top area where Mr. McDaniel puts his bed which would technically make it 3 bedrooms and he doesn't feel that the 300 ft. of lateral is the requirement for 3 bedrooms. He stated Mr. McDaniel would need to let the Health Department know that he would need enough lateral for 3 bedrooms.

Steven McDaniel stated the area he would be sleeping in was not actually going to be a bedroom because there wouldn't be any walls.

Mr. Winge stated how Mr. McDaniel looked at it didn't matter because he was a former Building Inspector and if you sleep there it is a bedroom so it will have to have smoke alarms and will be deemed as 3 bedrooms.

Mr. McCune stated he didn't think the owner would have a problem with the smoke alarms or whatever he needs. He stated he believes Mr. McDaniel works for Fire Protection.

Mr. Winge asked if the applicant had spoken with the Building Inspector.

Mac McDaniel stated yes, he had talked to Adam Smith the Building Inspector about what all he would need to do. He said the barn is finished but they were waiting on approval to start on the living area.

Mr. McCune asked the applicant if he could set a time limit just to start out with and when the time comes; if more time was needed they could come back and renew the approval.

Mac McDaniel stated if the Board wanted to set a time limit he would just make sure he came back for approval if his brother still needed a place to stay.

Mr. Winge stated technically once this gets going we will need some kind of standards to follow. He stated the Board's attorney made it very clear that we should be careful with temporary approvals.

Mrs. Lacer asked the applicant if the living quarters would be removed after he moved out.

Mac McDaniel stated the bathroom would stay but the rest would be removed.

Mr. Winge asked if Mr. McDaniel was putting a kitchen in.

Mac McDaniel said there would be a sink and stove and refrigerator.

Steven McDaniel stated there would not be a wall or anything, it would all be open and when he leaves he will take his appliances with him.

Mr. Mottley asked what the Mac McDaniel did for a living.

Mac McDaniel stated he was currently doing logging and underground work for Tri-State Fire Protection.

Mr. Mottley asked if he would use the barn to store equipment.

Mac McDaniel said yes.

The Chairman asked if the Board Members had any more questions.

Attorney Doll stated if a motion is made to approve the application it needs to state a time, like 2 years, subject to review. He said this would mean the applicant could come back in at that time and if the circumstances are still the same the Board of Zoning Appeals could extend it. He stated if it is temporary it really should have some sort of a time component in the motion.

Mr. Winge said it should also state the approval is only for the applicant.

Attorney Doll stated it could be conditional that it's not for commerce and not meant to be rented for compensation.

Mr. Winge also added that when the applicant leaves the living quarters should be removed.

Steven McDaniel stated the only reason he was doing this is because when the place he will inherit becomes available he won't have the burden of trying to sell.

The Chairman asked if there were any remonstrators here for or against this petition. Being none he entertained a motion.

Mr. Winge made 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 this being a temporary residence awaiting a permanent residence and should be revisited in two years.

4. The strict application of the terms of the Warrick County Comprehensive Zoning Ordinance will constitute a practically 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 Improvement Location Permit 2009-248 being amended.

    b) Subject to any required Building Permit from the Warrick County Building Department 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 easements and facilities in place.

    e) Subject to the living quarters being removed once the brother no longer needs to live there.

    f) Subject to the stipulations set per the letter submitted by the Warrick County Health Department.

    g) Subject to this being a temporary residence awaiting a permanent residence and should be revisited in two years.

William McCune seconded and the motion carried unanimously.

Mrs. Lacer informed Mr. McDaniel he could pick up his approval on Thursday but he would need to amend the Improvement Location Permit and before he can do that he will need to get a septic permit from the Health Department. She stated he would also need to amend his permit from the Building Department because it was for an unattached accessory building so they can need to assess it for living quarters now. She stated the Planning Commission would notify them a couple of months before the approval expired.

BZA-V-09-27 – Applicant: Irene Staats Owner: Norman Ray Staats, Mary Bowman & Judy Kay Staats.
Premises – Property located on the west side of SR 161 approximately 890 ft. north of the intersection formed by SR 161 and McClary Rd. (N 825) Pigeon Twp. *8455 N. SR 161 (Complete legal on file)* Advertised in the Boonville Standard on September 17, 2009.
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 the location of a mobile home as a residence on property with an existing mobile home that is used only for storage in an "A" Agriculture Zoning District.

Irene Statts and Mary Bowman approached the podium and stated their names for the record.

The Chairman asked the Assistant Executive Director for the staff report.

Mrs. Lacer stated we have one return receipt from certified mail, two were returned unclaimed and one has not been returned but we do have all white pay receipts and the

addresses were verified in the Auditor's Office. She stated the applicant is requesting a variance to allow the location of a mobile home as a residence on property with an existing mobile home that is used only for storage. She said the property is approximately 10 acres zoned "A" Agriculture with property to the north, south and east being zoned the same with residences and property to the west is also zoned "A" Agriculture but is vacant. She stated the applicant states on the application that she is asking permission to pull a mobile home on the property because building a house is not an option due to financial hardships. She states she will be the only one living in the mobile home and the existing mobile home is used only for storage and is not hooked up to any utilities. She said the applicant previously lived in a mobile home on this property but since then has purchased another one in better condition, so this would be an upgrade from what was previously there and the previous mobile home has already been removed from the property. She said we have a sign off from the Health Department stating the existing septic system is adequate, there is no flood plain on the property and the application is in order.

The Chairman asked the applicant if she had anything to add to the staff report.

Mrs. Staats replied no, she just wanted to get her home back. She stated she had an operation and couldn't stay by herself for a while so she bought a better trailer.

Mr. Willis asked the applicant when the previous trailer was removed.

Mrs. Staats said last April.

Attorney Doll asked if the applicant remembered what size the old mobile home was.

Mrs. Staats replied no.

Attorney Doll asked if the new mobile home was about the same size as the previous one.

Mrs. Staats said she thought it was a little bit smaller.

Mr. Winge asked how many bedrooms each one had.

Mrs. Staats said the old one had 3 and the new one has 2.

Mrs. Lacer stated the Health Department as already signed off on the septic system.

Mr. Mottley stated the plot plan shows the proposed mobile home being 12' x 60'.

Mr. Winge asked if the applicant had contacted the building inspector to find out how the foundation is suppose to be set up because he thinks it has to be done by someone licensed now.

Mrs. Lacer stated they had probably not done that yet but once they receive their Improvement Location Permit they have to go to the Building Department and that is where they will find that out.

Mr. McCune asked if they had neighbors with mobile homes.

Mrs. Staats said yes.

Mr. McCune asked how far they were from hers.

Mrs. Staats said she wasn't sure.

Attorney Doll asked the applicant how long she had owned the property.

Mrs. Staats replied since 1968.

Attorney Doll stated this was almost a nonconforming use, which would have been allowed because it wasn't being expanded. He stated it would have had to been there since 1964.

Mrs. Lacer stated she is going to a smaller size mobile home plus it is an upgrade.

Mr. McCune asked if Mrs. Staats would be the only one living in the mobile home.

Mrs. Staats said yes, but her kids would be there a lot, especially her granddaughter, she would probably be there every day.

The Chairman asked if there were any remonstrators here for or against this petition. Seeing none he entertained a motion.

Terry Dayvolt made a motion 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 medical condition of the owner and her residential needs.

4. The strict application of the terms of the Warrick County Comprehensive Zoning Ordinance will constitute a practically 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 any required Building Permit from the Warrick County Building Department 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 easements and facilities in place.

    e) Subject to the existing mobile home being used for storage only and not as a residence.

Larry Willis seconded and the motion carried unanimously.

Mrs. Lacer told the applicant she could pick up her approval on Thursday.

OTHER BUSINESS:

Violation of BZA-V-05-43 - Applicants & Owners: Blaine and Susan Barclay. *10733 Besing Rd.*

Mrs. Lacer stated on December 19, 2005, the Applicant was granted a Variance Approval by the Board of Zoning Appeals to allow an Improvement Location Permit to be issued for a single family dwelling on property with an existing residence in an "A" Agriculture Zoning District subject to the existing house being removed by September 2007. She stated per a phone call received by staff in the Area Planning Commission Office it was brought to our attention that the old house had never been removed. She said the Zoning Inspector did an inspection in August, 2009 with his report and photographs confirming the house was still there. She stated on August 27, 2009, a certified letter was mailed to the owners stating they were in violation of the Variance approval granted in 2005 and they were given 30 days to remove the older residence but if additional time was needed they would need to come before this Board and say why. She stated they were told if we did not hear from them by September 21st, it

would be placed on the agenda for further action. She stated the Inspector went out again on September 25th and took photographs with his report saying it was in the process of being torn down but was not complete yet. The owners did call the office today and said they were pretty much finished except for a little bit of debris and wanted to know if they needed to come to the meeting tonight, so we had the Inspector go out again and take pictures which does show that it is mostly gone except for some debris and they are still working on it so we told them they would not need to appear this evening.

Attorney Doll stated if someone wanted to table this until the November meeting, then prior to that the Inspector could drive by and see if it is cleaned up.

Mrs. Lacer asked if it really even needed to be tabled because it was pretty much gone.

Attorney Doll stated the only reason would be is if the Board wanted to make sure the rest of the debris was gone.

Mr. Mottley stated that from September 25th to September 28th they removed all the walls.

Mrs. Lacer stated she felt they had worked very hard to comply with the letter we sent. She said the home they built was very nice.

Mr. Winge made a motion to table until the November meeting.

Mr. Willis seconded and the motion carried unanimously.

Attorney Doll asked if the Board wanted the Inspector to do another inspection prior to the November meeting.

Mr. Winge said yes.

Attorney Doll suggested the inspection be done a week or so before the meeting, something that would allow the staff to complete the agenda in a timely way.

Mr. Winge stated if the owner is sent a notice that another inspection will be done a week before the November he thinks they will get it done.

Mr. Willis stated they could call the office and let us them know when it is gone.

ATTORNEY BUSINESS:

Attorney Doll stated he argued on September 9th the lawsuit over the Variance for the wind turbine for Dr. Johnson and Morton Energy. He said it was heard in September, October and again in April, it was argued again on September 9th in front of Judge Meyers but we do not yet have a ruling from him. He said he expects to have it no later than October 8th. He said the courts have 30 days to rule and Judge Meier is prompt.

Mr. Mottley asked if this would be the final ruling.

Attorney Doll stated it would the final as far as local. He said one side will lose and the losing party always has a right to appeal to the Indiana Court of Appeals if they choose to do so. He stated he has a personnel opinion on whether that would happen if we

win but he will reserve that until Judge Meier rules and we actually know what the other side chooses to do. He stated he will comment that the Evansville paper had an article today about a wind turbine that was built in Illinois by a school district to supply power to a public school and they estimated it will save them $100,000.00 a year in electric charges.

Mr. McCune stated he was in Illinois about a week ago about 100 miles from Chicago and all he saw these huge wind turbines everywhere, supplying towns and feed mills.

Attorney Doll stated that Mrs. Rector had mentioned to him she had been receiving calls in the office from other Warrick County residents wanting to know if they could get a permit to build a residential wind turbine.

Mrs. Lacer stated that was true and we also had another County call wanting to know what we required for wind turbines.

Attorney Doll stated the only comment Judge Meier made was at the end of the hearing he said he observed that the world has changed and what was common place a few years ago is no longer common place and even he is now conscious of energy conservation and shuts lights off when he leaves the room and recycles. He stated the only thing he said was that he preferred that the policy about a wind turbine be established by the Legislative Body of County government as opposed to the Judicial Branch, but none the less he was going to rule on this case. He stated Judge Meier did sort of say that what has happened is technology has outpaced our ordinance and the Board should think about that.

Mr. Winge stated that we are going to see a lot more of this, such as solar panels. He said he is not sure what the rules and regulations but it is going to get complicated and something should be in place so it can't damage the next door neighbors.

Attorney Doll stated the Area Plan Commission has been approached by an outside consulting firm that wants to make a presentation on recommended changes in any County's ordinance to address alternative energy and green energy uses. He said it has had to be continued a time or two because of the I-69 quarter reports, etc., but when it does happen, since many of the variances dealing with alternative energy uses do not go to the Area Planning Commission, they go to the Board of Zoning Appeals, we should invite the members of the Board of Zoning Appeals to join the Area Planning Commission to listen. He said he did not know what day the meeting would be.

Mrs. Lacer said she believed it is going on October 19th.

More discussion ensued regarding wind turbines.

EXECUTIVE DIRECTOR BUSINESS: None

Being no other business the meeting adjourned at 6:55 pm.

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Don Mottley, Chairman

ATTEST:

The undersigned Secretary of the Warrick County Area of Zoning Appeals does hereby certify the above and foregoing is a full and complete record of the Minutes of said Board at their monthly meeting held April 27, 2009.

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Sheila Lacer, Assistant Executive Director