

MINUTES

WARRICK COUNTY AREA BOARD OF ZONING APPEALS

Regular meeting held in Commissioners Meeting Room,
Third Floor, Court House,
Boonville, IN
Monday, February 22, 2010, 6:00 P.M.

MEMBERS PRESENT: Larry Willis, Chairman; Mike Winge, Vice Chairman; Tina Baxter, Tony Curtis, Terry Dayvolt, Don Mottley, and Judy Writsel.

Also present were: Sherri Rector, Executive Director and Secretary; Morrie Doll, Attorney; and Christy Powell, staff.

MEMBERS ABSENT: None.

The meeting was called to order by the Chairman. Roll call was taken and a quorum was declared present.

MINUTES: Upon a motion made by Don Mottley and seconded by Mike Winge, the minutes of the last regular meeting held January 25, 2010 were approved as circulated.

SPECIAL USES:

BZA-SU-10-04 – Applicant and Owner: South Friendship General Baptist Church, by Don Phillips, Trustee

Premises: Property located on the E side of SR 61 approximately 0' NE of the intersection formed by SR 61 and Folz Rd. (W 350) , Boon Twp. *3122 S Folz Rd. Complete legal on file.*

Nature of Case: Applicant requests a Special Use, SU-19 for the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, IN to allow an addition to a church in an "A" Agriculture Zoning District. *Advertised in the Boonville Standard February 11, 2010.*

Don Phillips approached the podium and stated he is a trustee of South Friendship General Baptist Church. He stated Don Phillips Sr. is also a trustee and is present tonight.

The Chairman called for a staff report.

Mrs. Rector stated they have all the return receipts from certified mail to the adjacent property owners. She stated the applicant and owner is South Friendship GB Church by Don Phillips, Trustee. She stated the applicant is requesting a Special Use to add a 45' x 40' addition to the church. She stated they have submitted a proposed use statement stating the addition will be used for a fellowship hall, dining room and classrooms. She stated the subject property and all surrounding property is zoned "A" Agriculture. She stated there is a residence and open field to the west, open field to the north, residences and open fields to the east, open field and McCool Ditch to the south. She stated there is no flood plain on the property. She stated there is a sign off from Bobby Howard the Engineer and he did take this before the Commissioners that no upgrade would be needed to the existing entrance on Folz Rd. She stated they also have an email from INDOT regarding SR 61 stating that "after doing a field check and as discussed this is a legal opening for the church and to access the farm field to the south of the church. It appears the project will have no effects on the drive or its current use. Drainage is not an issue because of difference of the grades. No changes of course can be made to the existing drive without first consulting with us." She stated the church has been there for quite a while. She stated to be issued an ILP for the addition they must come into compliance with the ordinance which is requiring a Special Use for a church. She stated they were required to obtain a new septic permit which they have done. She stated their parking is sufficient (need 13 – showing 14 on the plot plan) per the ordinance 1 for every 6 permanent seats – max capacity is 75. She stated the application is in order.

The Chairman asked if Mr. Phillips had anything to add to the staff report.

Mr. Phillips stated no.

The Chairman asked if there were any questions by Board Members. There being none he asked for any remonstrators. There being none he entertained a motion.

Don Mottley made a motion finding of facts 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 provide additional square footage for the church parsonage in the form of a fellowship hall for dining and classrooms.

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

1. Subject to any required Local, State or Federal Permits.
2. Subject to an Improvement Location Permit being obtained.
3. Subject to any required Building Permit from the Warrick County Building Department.
4. Subject to the property being in compliance at all times with the applicable zoning ordinance of Warrick County.
5. Subject to all public utility easements and facilities in place.

Mike Winge seconded and the motion carried.

Mrs. Rector stated his approval would be ready tomorrow and he could come and get his permit.

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The Chairman stated that Mrs. Rector was discussing how she will handle these single applications in the future and make an Executive Director decision for a hearing officer which is in her scope of responsibility. He stated if she thinks it needs to come in front of the Board then she will put it on the agenda. He stated there is no sense in spending \$400 (for Board members per diems) for one application when she could make that determination.

Mr. Winge stated he wanted to make sure there would be a time schedule in effect in case they have to meet with people. He stated sometimes the applicants have to make arrangements with their engineer or surveyor.

Mrs. Writsel stated Mrs. Rector would be doing that in conference with the people applying.

Mrs. Rector stated correct. She stated what happens is there's a filing deadline and for her to be the Hearing Officer for the Board, the applicant has to get all adjacent property owners to sign off on a non objection statement and then she holds a hearing in the office. She stated that would have to happen 2 weeks before this meeting because if they don't get the sign-off – then the office has to advertise it and they have to come to the meeting so there's no problem on whether there will be or won't be a meeting.

Mr. Winge stated the other thing is if they have to have somebody at the meeting.

Mrs. Rector stated if she advertises it, they have to be here. She stated just like with Mr. Phillips tonight.

Mr. Willis stated it proceeds like normal if she doesn't make an Executive Director's decision on the hearing officer.

Mrs. Rector stated a lot of times she will call the Chairman and Attorney Doll and ask if it's okay if she goes ahead and holds a hearing officer. She stated she doesn't always make the decision herself unless it is something simple. She stated it is set aside for people that have an emergency like "my builder has to start in 2 weeks and I can't wait 60 days" etc.

Mr. Winge stated that is what he was asking about.

Mr. Willis stated she doesn't usurp any of the authorities invested in the Board. He stated it is just a thing she can do in certain situations.

OTHER BUSINESS:

None.

ATTORNEY BUSINESS:

None.

EXECUTIVE DIRECTOR BUSINESS:

Mrs. Rector stated there are new rules of procedure in the Board Member's packets.

Being no other business the meeting adjourned at 6:10 p.m.

Larry Willis, 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 February 22, 2010.

Sherrri Rector, Executive Director & Secretary