Floyd County Board of Zoning Appeals
Minutes

The regular meeting of the Floyd County Board of Zoning Appeals was held on **November 10, 2025 at 5pm** at the following address:

Pineview Government Center Assembly Room 104
2524 Corydon Pike
New Albany, IN 47150

ROLL CALL
Present: Larry Bibelhauser, Victor Unruh, Guy Heitkemper, Scott Whalen, Bill White
Absent: none
Other: Rick Fox, Raymond Dibaya, Nick Creevy, Gabbrielle Adams

MINUTES

Minutes from October, 2025 regular BZA meeting

Motion: Approve
Moved by: Victor Unruh
Seconded by: Scott Whalen
Motion passed unanimously.

Mr. Whalen- my name is misspelled on the first couple of pages in a couple of spots but I approve with those changes.

OLD BUSINESS
Agenda Item 1 – FC-09-25-27: Revocation of Special Exception at 4939 Highway 111 South, New Albany, IN 47150 (22-01-02-900-001.000-001). Section 29, Township 3 South, Range 6 East. Owner, Sporting Club at the Farm. Public Meeting item.

Raymond Dibaya- County Planner, read the staff report. On September 9th, 2024, Director of Operations, Nick Creevy, issued a Notice of Violation to the Sporting Club at the Farm for violation of the restricted boundary area during an archery event that took place from August 16th-18th. The Farm appealed the decision to the BZA as their understanding was that they did not think archery events were beholden to the restricted area. The BZA upheld the decision, stating that archery events must also adhere to the boundary area. On August 21, 2025, staff issued the Sporting Club at the Farm a Notice of Violation letter after an investigation by Code Enforcement Officer, Albert North, regarding an archery event held on the property from August 8–10 which was found to be in violation of several conditions of their Special Exception approval. The letter specified violations related to the maximum number of people permitted on the property during events, participants shooting within the restricted boundary area, and the absence of adequate traffic control during the duration of the event. This notice of violation notified the Sporting Club at the Farm of a scheduled public meeting to revoke the Special Exception as it was a continuance of previous violations of the conditions of their Special Exception. Staff met with Sporting Club personnel On October 1st, 2025 to discuss the second notice of violation letter. Staff met with them again on October 23rd to discuss the material submitted to staff by Attorney

Jon Hughes relevant to the Notice of Violation that led to the tabling of the scheduled October 15, BZA meeting. Findings of Fact: The notice of violations regarding excessive people at the archery event. Staff noted that during the archery event that took place from August 8th to August 10th of 2025, that the number of people on the property exceeded the number specified (maximum people at events 500 per day) in the modified conditions of the Special Exception from the March 9th, 2020 BZA meeting (FC-04-19-13). Staff counted the number of vehicles on the property during the event and it exceeded the maximum amount of people permitted on the property (506 vehicles) during events as stipulated in their SE approval. The notices of violations regarding the shooting of arrows within the restricted boundary area are point in time violations as they occurred at a specific moment (during the archery events) rather than an ongoing occurrence. The function of the restricted boundary area was to ensure safety of the surrounding properties and residents during shooting events, as well as to lessen the noise burden associated with those events. Based on the understanding of owner, Joe Crea, and operator, Robert Brooks, during the investigation of the September 9th, 2024 violation, the two did not believe that the boundary area applied to archery events. Although archery was not specifically addressed during the property's initial Special Exception approval, it was deemed consistent with the Farm's approved use as a shooting sport and subsequently received Storm Water Pollution Prevention Plan approval as a commercial activity on the site. During the archery event held from August 8-10 of 2025, staff took photographic evidence that appeared to show participants of the event shooting within the restricted boundary area. The notice of violation regarding traffic control during the duration of the archery event. During the same event held from August 8th to August 10th of 2025, staff took photographs that seemed to show that traffic control was not present for the duration of the event. On Monday, October 13, 2025, Jon Hughes submitted a packet that he asserts provides evidence of violations of the Farm's Special Exception. The packet included several exhibits that Mr. Hughes states support a recommendation for the revocation of the Special Exception. He states that the packet includes testimonies from neighboring property owners, evidence of shooting of arrows in the boundary, and violations pertaining to lead reclamation. As the purpose of this meeting is to address the violations noted in the Notice of Violation letter sent to the farm dated August 21, the items addressing alleged violations of lead reclamation, or shells located on neighboring properties are not pertinent to the meeting to address the Revocation of the Special Exception for the noted violations included in the Notice of Violation letter. Response from the Farm: In response to the aforementioned second Notice of Violation letter they received, the Farm has stated that the alleged violations were either inaccurate, or were a result of a misunderstanding. In regards to the first violation of the conditions noted in the letter pertaining to the exceeding amount of people on the property for the event, the Farm claims that they informed the company hosting the event, TAC, (Total Archery Challenge) of the 500 person cap, but that a surprise appearance by a popular archer drew more spectators than expected, leading to the exceeded amount of people. They explained that the exceeded amount did not include participants, although, the condition imposed on their Special Exception stipulated a limit on people, not participants. Regarding the second violation of conditions noted in the letter, the Farm asserts that no targets were within the boundary area, and stated that a software application utilized by TAC, 'OnX', was used to measure and verify placement of targets in relation to the property's restricted boundary area, and that photographic evidence submitted by staff merely shows participants carrying equipment from station to station and shooting within permissible shooting areas. They included data from the software program showing that the shooting locations were a minimum of 319 yards from the South and Southwest property line, not within the 300 yard restricted boundary area from the South and Southwest property line. Regarding the third violation of conditions noted in the letter, the Farm states that they had contracted a security company to ensure traffic control for the duration of the event and that the off-duty police officers that were assigned to the event to provide assistance with traffic control and other safety duties did so for the entirety of the event. They provided a letter from the security company, an

invoice, and a point of contact for the assignment. In response to Mr. Hughes packet, the Farm states that much of what was submitted was not pertinent to the violations noted in the Notice letter, and that they would only address the relevant items. The Farm states in their response letter that they acknowledge that there was a target placed within the 300-yard buffer zone that they were unaware of, but indicate that the target was not positioned in a fashion where it posed a safety risk to the public or adjoining property owners as it was positioned in a manner in which arrows were shot inward towards the property. To ensure that this violation does not reoccur, the Farm stated they will implement steps such as assigning an employee to verify each target's location in relation to restricted boundaries before any shooting begins, and conducting a formal on-site meeting with TAC representatives prior to event staging to address the boundary map and clearly identify off-limits areas. Considerations: The site limitations for the initial approval of the use were more concerned with the shotgun events and hunting activities as distance for the boundary was determined with consideration to the travel distance and noise of shotgun projectiles. As such, the restricted area imposed during initial approval of the SE may be considered substantially restrictive for archery events- an event where excessive noise is not a large concern. Limiting the number of people could be seen as overly restrictive of the business, as it limits the Farm's operational capacity, given the substantial acreage of the property, and reduces the Farm's ability to fully realize its business potential. Albeit, the Farm should be required to maintain traffic control throughout the entirety of its events, — both archery and non-archery — to ensure the safety of pedestrians and motorists. The approval for the modification for the SE states a maximum of 500 people at events per day. The requirement for the maximum amount of people permitted at the event may be seen as restrictive if adequate traffic control is provided and enforced throughout the duration of the event. Revoking the Special Exception for the Sporting Club is excessive given the Farm has demonstrated an ability to comply with most of the conditions imposed on their initial SE approval. The archery event in question seems to be the most problematic event given the parameters imposed on it are also reflective of events that necessitate more stringent and restrictive requirements (such as hunting and shotgun events). Given that the Farm may not have adequately addressed the reoccurring violations pertaining to the restricted boundary area, perhaps a Special Exception modification would be the more appropriate course of action to pursue. Modifications of conditions that could be soluble of the violations could be, requiring the Farm to conduct a survey of the property and to mark or post signage exactly along the where the restricted boundary area starts/ends as well as requiring enforcement of the boundary area by Farm staff to ensure compliance by participants or having a safety specialist attest to why the boundary area for archery events can be lessened. The Farm is currently not in Violation of any conditions as of the time of the writing of this staff report. Staff Recommendations: Recommendation to not revoke the Special Exception. The nature of the violations of the conditions are incidental. Traffic control not being provided for the entirety of the event, as well as the participant cap are violations that do not seem to have been done intentionally or with malice, rather they were a result of a misunderstanding by Farm personnel that the farm can redress. In response to the target in the restricted boundary area, The Farm has stated their intent to rectify the issue through stricter enforcement and better communication with TAC. A singular target being placed within a buffer zone on a substantially large lot during an event in which large groups of people participated, along with excessive people on the property, and traffic control not being present for the entirety of the event does not merit a revocation of the businesses' use. Staff does recommend that The Farm consider a change of restrictions through a Special Exception modification if they want to modify any conditions, and present justifications as to why. As such, staff recommends the following to address the restrictions: For the restricted boundary area restriction – a survey should be conducted and Farm staff shall post markings/signs dedicated along the restricted area every 100 feet or so. For maximum attendees' restriction – moderate event capacity by both spectators and participants via a sign-in sheet or other event attendance tracking. For the traffic restriction – ensure traffic control contractors are operating

for duration of events. Staff also recommends issuing a fine in accordance with the Floyd County Zoning Ordinance at $75 per day for the three-day event. The fine covers violations for targets placed within the restricted boundary area and for exceeding the allowed number of participants for the duration of the event, for a total of $225.

Mr. White- I want to point out to the crowd just for your information. When dealing with violations of previously approved conditions, our rules do not require us to open the floor up for public comment, however, by look at the large group tonight, we wanted to make an exception to that, based on the level of interest, and we understand some of the neighbors of adjoining properties have hired an attorney to represent them and we would be willing to grant the attorney to speak on behalf of the group, grant five minutes to come and make their case and of course we will have to allow the representative of the Farm to respond. After we heard that, we will close that section of the meeting and will then get into how we would ordinarily deal with violations.

Jonathan Hughes- Attorney with Boes, McKinney and Evans at 111 Monument Circle, suite 2700, Indianapolis, Indiana. I represent two families, Paul and Julie Reilly at 3934 Five Mile Lane. There is a map in Exhibit E, they live on the left hand side of that map, just directly next to the Farm property. I also represent Andrew and Angela Loesch at 4105 Five Mile Lane, they are next to the Reilly property and I want to say north but it's really just the top part there above the Reilly's. This is the fourth time I've been in front of this Board, this is the third time that I've brought evidence of violations. I don't want to be here, I'm sure you don't want to see us back here, you don't want to see the Farm back here. But we're here because we've have repeated and consistent violations. I must take issue with the Staff Reports suggestion that this was a moment in time violation. We were just here in January over whether or not shooting archery in this buffer yard was a violation and this Board said it was. We were just here last year in August on whether or not they needed to reclaim the lead and this Board said they violated their ESP, haven't followed through and get this done and we presented evidence that is still within the year since we had that hearing, they still have not completed that requirement. As my October 13th letter indicates, I'm asking you take all of the information that I've provided before from FC-08-21-21, FC-04-24-16, FC-10-24-44 and well as this letter into consideration tonight. As concerns for the lead contamination, both Staff and the Farms response is 'that's not relevant tonight, just deal with that later and we'll investigate another time'. If we have to come back to investigate that again then I guess we'll be back, I was trying to save time. We think it's pretty clear they haven't done what this Board told them to do, not sure what else there is to investigate but if we have to come back, we'll file another violation. Back in January Staff found that it was a violation to shoot within the restricted area. We noted that to them, we provided information to Staff, Staff had pictures and hears what the Farm said in response to the pictures, their letter states "we believe that it is simply not accurate [that they shot from the restricted area], the photographs appear to show archers carrying equipment from one station to another, as well as archery shooting at practice stations. When TAC arrives at a venue, before they setup their various courses, TAC receives very clear boundary instructions from the property owner as was done here" and they talk about using OnX. Well that turned out to be a lie. We presented a video, there is a video in the file, I'm sure you all had a chance to review it. That video shows that exact location that they were shooting arrows there and their response was "oh we didn't know about that one" but their response originally was 'we marked them all with this OnX technology, everything was outside the buffer'. Once they got caught in the lie, not only did they say 'oh we didn't know about that' but they also sent a letter to my client saying 'stop watching what we're doing. Stop videoing what we're doing'. Well let me tell you why we're doing that, we brought this to Staff's attention right off the bat, we told Staff the a couple of days before the event that targets were being setup in the wrong place, can you please review it. Staff went out and told them to move the targets. They moved the targets that could be seen from the Reilly property but they didn't

move the other ones. They just left them where they were. They could've went out and done their job but they didn't. Staff then told us to take pictures and documentation. We present pictures and the Farm says 'oh those are just photos, nothing's happening there' so we have to get videos. This is getting ridiculous, I think enough is enough, I'm tired of coming here and telling this Board that these guys can't follow the rules. I was hopeful I was wrong last time but it's clear they cannot keep the rules. It's a simple rule, stay outside of the buffer yard. Last thing I want to address is Mr. Loesch's property. Mr. Loesch testifies, and this is not addresses by anybody, not by Staff, not by the gun range that there were three targets within 35 yards of this property during the entire event. Mr. Loesch found 30 arrows, Mr. Loesch will you hold those up? [Mr. Loesch holds up a bundle of arrows for the Board to see] Any one of those arrows is a death. This is serious stuff. Arrows on his property because they are not shooting inwards, they are shooting at the targets. That's what his testimony does. Nobody addresses that at all, they just ignore it. This weekend, Mr. Reilly went out to Leta Kines property which is on the other side of the map and they found another set of arrows, Mr. Reilly has those there. [Mr. Reilly held up another bundle of arrows for the Board to see] Happy to submit those for the record. I do have a petition here signed by 151 folks and another petition signed by 11 other folks requesting that this property be revoked. Finally, $225.00 fine? That's ridiculous. Your zoning ordinance says for a variance fine $500.00 which is the variance application x 5 x number of days in violation. I suggest you give them that for each one of the people that was on that property. According to their permit, they expected 1300 people out there, that's $97,000.00 a day times three days, that's $292,000.00, if you're going to give them a fine do that but your zoning ordinance says that if there is evidence of revocation then it's this Boards duty to revoke the permit and that is the right remedy here. Revoke this permit, enough is enough.

Mark Phillips- Attorney with Phillips Law in Booneville, Indiana. On behalf of Joe Crea the owner and his partner, Ben. Let me first suggest to you, I have been the City Attorney of Booneville for 31 years and before that I served as council for the Wort County Board of Zoning Appeals and Plan Commission so my appreciation for people like you who serve on a Board goes way back. It's not been my experience as productive to come before you and start yelling at you saying the things you do are ridiculous and then suggesting things that are nonsensical. The other thing I learned as a trail lawyer, you run the risk of really offending people when you call them liars. One of the things I've been most impressed in my experience with Joe and other full-time employees at the Farm, is when meeting with both Nick and Ray, it was apparent to me they had two primary objectives, one was sifting through the allegations that were made and trying to understand what the perimeters of their permit operation is, the best way to address people who make unreasonable allegations and hire a lawyer to come before you to call them a liar, it's best to submit information to you and not get into that kind of approach. I'm not going to call people liars and the last thing I'm going to do is insult the information that was provided to you by the two gentlemen that you vested to provide you with that information. One of things that we cannot do is call them, we can't provide this information. The notice of violation has outline three specific areas of inquiry. We met twice with your staff and both times we addressed those issues and we talked about how to remedy those violations to move this venture forward. This is an incredible economic opportunity, development opportunity for Floyd County. It is a beautiful venue and there is nothing that these people want to do but function in a fashion that is productive, fiscally responsible, that is in compliance with the exception conditions that you have imposed, and remedy things if issues come up and that's what we've done. We provided to your staff and Ray alluded to this, Staff suggested and we agree, the other side doesn't care, we provided information to you showing the lead reclamation had occurred. A letter dated 11/30/25 outlined that reclamation was done between 8/24/25 – 8/27/25, it tells 800 cubic yards were screened, the equipment that was used and talks about the 5,000 pounds of clean lead that was recovered and bagged. Lead was of high quality and excellent for loading. What offended these people, they objected to the clean fill dirt being removed and sold. There were allegations of ground water being contaminated

that I won't get into. The purpose of addressing these, is when they were notified of the violations, we learned about some of the activities occurring, including illegally flying drones over private property, I sent a letter to Mr. Hughes and said we don't want to approach these things in anymore of an adversarial fashion then we have to. When you make allegations that weren't true, if Wart County, if someone had a problem they go to that business and say "hey this is something we don't approve of". These people had an open house when new management took over and no one attended. There have been instances where there have been overtures to remove things that they find objectable, they don't want to take them up on that opportunity because as Mr. Hughes told you, if you don't do what they want, they will come back with more reports of violations if they are true or not. That is not what this Board is for. The Staff made an investigation, they made a recommendation to you, they have recommended things my client is ready to ready to accomplish and they will have a check to pay the fine if the Board sees fit to approve the Staff Report and issue the orders required by statue. This is not about calling people names, this is about allowing this business to function in a reasonable, appropriate, and consistent fashion is has to do. We ask you follow the staff recommendations.

Mr. White- does the Board have any questions? We heard the staff report and had a chance to review all that.

Mr. Creevy- we would like to address Mr. Loesch's arrows that were included. We did not include those because we were not able to verify the location of those based on the photos that were sent. So that is not a substantiated violation in our eyes.

Mr. White- when you say the arrows, what are you talking about?

Mr. Creevy- in the documentation Mr. Hughes provided, there were photographs of targets and arrows. We don't know where those were so we weren't able to include those in the violation. We did research and investigate those. We have been here a few times regarding violations, all of the times we have noticed them for violations, they have corrected those issues to our understanding.

Mr. Bibelhauser- the arrows that were found, can you show on the map where they were found?

Mr. Creevy- we do not know where they were found.

Mr. Bibelhauser- neither one of these groups of arrows?

Mr. Creevy- no, we don't know where they're from.

Mr. Bibelhauser- okay. Can the lawyer show us where they were?

Mr. White- yes, that's our prerogative

Mr. Bibelhauser- would you explain where you all are saying these arrows were located?

Mr. Hughes- yes, I will be happy to, in my packet of information, if you go to exhibit D, you will find a map [holds up map to Board members and shows the locations], the Loesch property is here along this boundary and the arrows were found here in this area behind the woods. Also, the most recent arrows that we brought today was found on this open farm field over here. The other thing I would note for the Board, I appreciate what the Staff has said and I'm in no way suggesting that Staff doesn't do a good job,

I know they do, it's just frustrating for my clients. I do want to note that Staff never met with my clients, they never came out and looked, they didn't come out and look on their property, all they told them and it was in the materials, you'll see the emails, they said to just take pictures for us. My clients did what they were asked to do by Staff. It's kinda hard to take a photo of an archery target when someone is shooting archery at it, you can't do that, it's going to put your life at risk.

Mr. Bibelhauser- what I'm struggling with, I don't have a layout of where these targets are so I don't know where on the Farm property where they are. So when I drove around out there and see this big hill, how do they shoot down or get to the Loesch's property. I can't conceive how they get there without a better explanation.

Mr. Heitkemper- I know the one along Five Mile Lane that was awful close to the road. There is a berm there but if you look how they're shooting, there could still be in incident. What I don't understand is after they done told them they have targets in the wrong place and to move them and we still have one and possibly some others, I have a real hard time with that. They were notified, they were out there, move them please move them and then we end up with one that wasn't very far from Five Mile Lane, it was real close. I drive through there, my wife drives through there, we have family and friends go through there all time, it's a main artery Five Mile Lane, coming off Highway 11 from the top of the hill. I couldn't believe it was that close, that's ridiculous after they were warned to move and we still have one there.

Mr. White- other comments or thoughts from the Board? Seeing none, do we have a ballot?

Mr. Unruh- read the ballot. Docket FC-10-25-29, property owner The Sporting Club at the Farm. The Board of Zoning Appeals will act in accordance with the requirements set forth in Indiana State Code 36-7-4 and Section 15.14 of The Floyd County Zoning Ordinance. Findings of fact: 1. Evidence reviewed: Staff Report, Notice of Violation, and Docket Package 2. The Procedure for Violations outlined in Section 15.05 of the Floyd County Zoning Ordinance were followed. 3. The evidence does not indicate an uncorrected violation of the conditions of the special exception approval. 4. The Board of Zoning Appeals hereby does not revoke the Special Exception at the meeting held on the 10th day of November, 2025. 5. The Board of Zoning Appeals requires the following actions: Owner shall meet with two board meeting and staff as soon as possible, the staff recommendations per the staff report and the violation per the staff report.

Motion: Does not revoke
Moved by: Victor Unruh
Seconded by: Scott Whalen

Mr. White- we have a ballot and a second, any other comments or questions?

Mr. Bibelhauser- I have some comments. What I just heard was to go along with the Staff recommendations?

Mr. Unruh- let me back up and read those just for the record. The staff recommendation follows to address restrictions: For the restricted boundary area restriction – a survey should be conducted and Farm staff shall post markings/signs dedicated along the restricted area every 50 feet or so. For maximum attendees' restriction – moderate event capacity by both spectators and participants via a sign-in sheet or other event attendance tracking. For the traffic restriction – ensure traffic control contractors are operating for duration of events. Staff also recommends issuing a fine in accordance with the Floyd County Zoning Ordinance at $75 per day for the three-day event. The fine covers

violations for targets placed within the restricted boundary area and for exceeding the allowed number of participants for the duration of the event, for a total of $225. That is my ballot.

Mr. Bibelhauser- on your first restricted thing about the boundary, I would like to add that no archery event can be held until the restricted boundary is surveyed and marked and then I would also like to add that the gun club have, I'm going to call them marshals, that go around and monitor that people are staying within this boundary. To let TAC run it for the day, it seems like they're doing whatever they want to do. I think the gun club needs to have marshals to enforce the boundary. I have a question for Nick about the fine. Mr. Hughes says there is a much bigger fine we can add instead of $75.00, he's come up with a $500.00 number. Are you familiar with what he's talking about, is that allowable.

Mr. Creevy- I believe he is referring to violations of site plans where you construct something in violation of the approved site plan, which we allow five times the application fee.

Mr. Bibelhauser- can that be put under this as opposed to the $75.00?

Mr. Fox- at the end of day, it's your discretion in terms of what you want to charge in terms of the fine, subject to the zoning ordinance.

Mr. Bibelhauser- I would propose we go to the $500.00 and if there were two violations, one for the number of people and one for being outside of the boundary. That makes it $1,000.00 at 3 days would make it a $3,000.00 fine which doesn't sound like much but it's a little more significant than $450.00

Mr. Unruh- would you like me to re-read that Mr. White?

Mr. White- yes, please.

Mr. Unruh- Mr. Bibelhauser is asking that we add into the conditions, that no archery events until the corrections are made and when that correction is made, he wants a marshal that is responsible for seeing the targets are in the proper places and shooting in the proper direction, and make the fine $3,000.00 total. That is the amended ballot.

Mr. White- when you said the corrections are made, you are referring the survey and the post markings and signs.

Mr. Unruh- that is correct.

Mr. Whalen- do you want to call them recommendations or corrections? They're more recommendations than corrections.

Mr. Unruh- well its conditions, they are conditions, not recommendations.

Mr. Whalen- not corrections, conditions.

Mr. Unruh- they're conditions, that's correct, these are conditions.

Mr. White- okay

Mr. Unruh- so somebody's going to have to vote on that and then I have to rewrite that into my ballot.

Mr. White- so we have a modified ballot as presented by Mr. Unruh. Do we have a second for that?

Mr. Bibelhauser- I'll second it.

Mr. White- we have a modified ballot and a second, all in favor signify by saying Aye. All opposed, likewise.

Motion: Approve modified ballot
Moved by: Victor Unruh
Seconded by: Larry Bibelhauser
Motion passed unanimously.

NEW BUSINESS:

Agenda Item 2 – FC-10-25-28: Development Standards Variance – Applicant is requesting a variance for a 4' rear setback for a shed instead of the required 10' setback. Deborah Hunt, 1500 Northfield Drive, Georgetown, IN 47122 (22-02-03-600-324.000-002). Section 36, Township 2 South, Range 5 East.

Mr. Dibaya- read staff report. The applicant is requesting a variance to allow for the placement of an accessory structure in the required setbacks. The applicant is proposing placing a 12'x30' shed 4' from her south property line which would not meet the 10' rear yard setback requirement established for the RR zoning district. The subject property is a .63-acre lot located in the Northfield Subdivision. All adjoining properties are also zoned RR. The applicant states there is no other feasible location to place the shed as septic lines would prohibit placement any further North of the proposed location or closer to the residence. The eastern portion of the lot contains mature trees and a fishpond that would prevent placement of the shed there. Other proposed locations would likely also require a Variance as they would likely be encroaching on the 10' side yard setback or would require a Variance for placement if it were to be placed in front of the residence. The adjoining property to the southeast has a shed placed within 10' of their southern property line, albeit the property is not located in the subdivision, but it is also zoned RR. A 10' utility easement currently exists along the South property line, owned by Harrison REMC for electric. The applicant has submitted a letter from Harrison REMC giving them consent to place the proposed shed in the existing easement. Section 5.04 Accessory Use/Structure Standards Item D – No accessory structure(s) shall be placed in any required setbacks. Staff Comments: 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community. The placement of the shed behind the home poses no threat to the public. The proposed shed will also have no effect on access to the residence for emergency services. The FCHD has indicated no issues with the proposals interference with the sites septic system and the applicant has received consent for placement of the shed in the existing easement by the owner of the easement. 2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. The use and value of adjacent properties will not be affected by the placement of the barn behind the residence. Accessory structures are already permitted behind residences by the FCZO, so the request is not substantially adverse aesthetically or in the property's use. Additionally, the applicant has indicated that the shed will match the visual character of the home which may increase the value of the residence, and in turn other residences in the area. 3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. The strict application prohibiting placement of an accessory structure within the setbacks could present a difficult use of the applicant's property in the sense that, although the use of the

property as a single family dwelling unit may not be hindered, there is no other feasible location the applicant can place the shed due to the odd triangular shape of the lot and the septic lines located directly behind the residence. This hardship would limit the applicant's ability to fully utilize their lot. All other feasible locations would likely also require a variance. 4. The variance does not involve a structure that is near an airstrip and regulated under Indiana Code 8-21-10. There is not an airstrip in the vicinity regulated under IC 8-21-10. Staff Recommendations: None.

Deborah Hunt- 1500 Northfield Drive, Georgetown. He pretty much covered everything I was going to say.

Mr. Heitkemper- this is going to be a portable building, no foundation, can be moved anytime?

Ms. Hunt- no foundation, no electric, most sheds only have two or three trends on the bottom for moving it and we added five so it can be moved anytime if there's an issue.

Mr. Heitkemper- it's going to be tied down, I take it?

Ms. Hunt- we'll do whatever they recommend when they place it.

Mr. Heitkemper- okay.

Mr. White- asked if anyone would like to speak in favor. No one came forward. Asked if anyone would like to speak in opposition.

Christopher Clayton Cavataio- 5650 West Willis Road, Georgetown, IN 47122 which is directly behind the property she's talking about. All my wife and I ask is maybe a survey be presented so we know where the boundary lines lay so we know where the four foot boundary line would be from their property and shed.

Mr. White- would anyone else like to speak in opposition. Seeing none, we'll close that section and Ms. Hunt you may respond to that comment.

Ms. Hunt- there are pins currently on the property that shows the boundary and they are clearly marked.

Mr. Unruh- what type of pins, are they yellow?

Ms. Hunt- all I can tell you is at the corner of each end of our lot going into a pie shape, there's a metal pin. It's clearly marked. If they look at the white picket fence that outlines the corners of our yard, that is the property line.

Mr. Unruh- there's someone back there I think wants to say something.

Ms. Hunt- that's my husband.

Mr. Unruh- I thought so.

Jonathon Hunt- 1500 Northfield Drive. They're the original survey pins from Floyd County that Gary Loftus and Jeremy Loftus had pinned from the beginning. We're asking for the four foot but we're really going

to be like four foot six just to be safe. The survey pins have the green and yellow tops that you're talking about. They've been there for 26 ½ years.

Mr. Unruh- read the ballot. Docket FC-10-25-28, after careful review the Board finds that: 1. Approval of the variance will not be injurious to the public health, safety, morals, and general welfare of the community because: the placement of the shed behind the home poses no threat to the public. The proposed shed will also have no effect on access to the residence for emergency services. The FCHD has indicated no issues with the proposals interference with the sites septic system and the applicant has received consent for placement of the shed in the existing easement from Harrison REMC. 2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because: the placement of accessory structures are already permitted behind residences by the FCZO. The request is not adverse to the aesthetic or in the property's use. Additionally, the applicant has indicated the shed will match the visual character of the home which may increase the value of the residence. 3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because: prohibiting placement of an accessory structure within the setbacks presents a difficult use of the applicant's property because there is no other feasible location the applicant can place the shed die to the odd triangular shape of the lot. This reason coupled with the septic lines located directly behind the residence would limit the applicant's ability to fully utilize their lot. 4. This variance does not involve a structure that is near an airstrip and regulated under Indiana Code 8-21-10. The Board of Zoning Appeals hereby grants the Petitioner's Variance at the meeting held on the 10th day of November, 2025. Approval by the Board is subject to the completion of the following conditions: Proper tie downs. Staff to approve property line.

Motion: Approve
Moved by: Victor Unruh
Seconded by: Guy Heitkemper
Motion passed unanimously.

Agenda Item 3 – GV-10-25-01: Development Standards Variance – Applicants are requesting a variance for a 6' tall fence instead of the allowed 4' tall fence. JC & Cecilia Cheshire, 8600 Highway 150, Greenville, IN 47124 (22-03-00-400-056.000-005). Section 04, Township 2 South, Range 5 East.

Mr. Dibaya- read the staff report. The applicants are requesting a Development Standards Variance to allow the continued use of a six foot fence in the front yard of their residence, exceeding the four-foot maximum height standard permitted by the Town of Greenville's Zoning Ordinance (TGZO). The subject property is a 1.1-acre lot zoned Residential Suburban (RS) that abuts Highway 150. Adjacent properties to the north, east, and south are also zoned RS, while the property directly to the west along the property's frontage is zoned Neighborhood Commercial (Dollar General). The property directly to the East (8510 Highway 150) is owned by the applicants as well, and has received Special Exception approval for a retail gun store (GV-03-24-01). On September 9, 2025, a complaint was filed with our office regarding the height of the fence located in the front yard. Following an investigation by Code Enforcement Officer Albert North, it was determined that the fence was in violation of the TGZO. A Notice of Violation was issued on September 10, directing the property owners to take corrective action within fifteen days of receipt of the letter. In response, the owners submitted a Development Standards Variance application on September 21, 2025. Section 5.10 Fences and Wall Article A – Item 2. May not be greater than 4 feet in height in front yard excepting fences used for primary agricultural uses. The applicants indicate that the fence functions as a barrier to reduce debris and noise from Highway

150, and to enhance privacy and security for the residence. However, these purposes can still be adequately met through compliance with the TGZO's four 4-foot height limit. Allowing an exception would create inconsistency with the surrounding neighborhood, where no comparable front yard fences exceed the established standard. The applicant has indicated in their cover letter that several properties including a retail store and a subdivision located west of their property have fences of similar height. The Dollar General located immediately west of the subject property has fencing along its rear, consistent with the TGZO standards. However, as a commercially zoned property, the business is permitted to have fencing up to eight feet in height within its front yard in accordance with Item B of Section 5.10 of the TGZO which states, "All commercial and industrial districts including those commercial and industrial legal non-conforming uses may have a fence no greater than 8 feet in height in the front yard. These uses must meet all other zoning standards regarding fencing". Additionally, the nearby Villas of Heritage Springs subdivision features fencing along the rear of its lots, as the homes are oriented toward the internal subdivision streets. As a result, the fences visible along Highway 150 serve as rear yard fences rather than front yard fences. That fencing would be compliant with Item 3 of Section 5.10 of the TGZO which states, "May not be greater than 8 feet in height in the side yard and rear yard". The fences located at the aforementioned developments were also grandfathered in as the subdivision and the Dollar General were developed prior to the TGZO's adoption in 2022. The majority of residences located along Highway 150 either don't have fences, or do not have fences that exceed the TGZO standard of 4', so the issues cited for the justification for the fences are not unique to the applicant and are common amongst residences along Highway 150. Staff Comments: 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community. The 6' fence will not be injurious to the public, health, safety, or morals of the community it poses no risks to neighboring properties, won't inhibit access to emergency service, and doesn't interfere with septic lines. 2. The use and value of the area adjacent to the property included in the variance will be affected in a substantially adverse manner. The property values of adjacent properties may be affected as the uniform aesthetic standard for fences would not be followed. The TGZO has likely stipulated this specific requirement to ensure a consistent visual character along streets as this standard applies to almost all zoning districts with the exception of commercial and industrial districts. Straying from this standard would create an exception in which a preference, rather than a hardship is pursued that is not aligned with the intent of the Ordinance. 3. The strict application of the terms of the zoning ordinance will not result in practical difficulties in the use of the property. The owners may cut the fence down by 2' and still have a fence that adequately serves their property, and the use of the property will not be hampered by a fence that is not 6'. The reasons for the justification of the fence would not be substantially hindered by a fence that would meet the Ordinance's standards. Additionally, requesting the fence for privacy reasons and as a noise buffer are personal preferences rather than zoning hardships as several residences along Highway 150 don't have fences and a property located along a busy state Highway such as Highway 150 would be subject to noise and other inconveniences. 4. The variance does not involve a structure that is near an airstrip and regulated under Indiana Code 8-21-10. There is not an airstrip in the vicinity regulated under IC 8-21-10. Staff Recommendations: As the fence height is a self-imposed hardship, rather than one resulting from circumstances that are no fault of the owners, and the height of the fence does not align with the standard outlined in the TGZO, staff recommends that the owners either lower the fence height to the required standard or have the Board deny the request for the 6' fence.

Mr. Heitkemper- the fence goes from the front of the house all the way around. Are we talking lower 4 foot along the drive, everything in front of the house, and even on the side?

Mr. Dibaya- no, just in the front, the side and rear meet the ordinance.

Mr. Bibelhauser- the front line of the house.

Mr. Creevy- the front yard will be the build line of the house and forward.

Mr. Heitkemper- that's what I wanted to know, I didn't know if it included the side to the left of it. Just want to make sure we're on the same page.

Cecelia & Jc Cheshire- 8600 Highway 150, Greenville, IN.

Mrs. Cheshire- I want to be clear that one of the sides is the Dollar General fence. We continued off their fence, obviously we won't be cutting the Dollar General fence, so then if we cut it [her fence], aesthetically it's going to look kind of funny because we have a six foot Dollar General fence that's created a buffer and then we go down to four feet, it's not going to look nice. He talked about debris and noise but really it's about my children. We can't use our backyard, it can't function like a backyard because it's a driveway. We use the front space for the children to play, we have a two year old, a five year old, and teenagers. If I cut that fence down, my children can hop over that fence. I've seen people walking the fence line going to the Dollar General. I don't want to come into my house worried someone is going to snatch my kids while I go make lunch while they play outside. I'm passionate about that, that's my fear. I generally want that privacy so we can function as a family in that space and keep my kids safe. It's about safety.

Mr. Cheshire- I have something about the noise. Even with the fence being that high, it does cut back on a lot of the noise. If it were to be cut down to four feet, the jake brakes from semis rolling through there, it's already loud and I can't imagine what it's going to be like if the fence is shorter. Also debris and rocks on the side of the road being thrown up into the yard, a six foot fence will help protect us while being in the yard since that is the area our children play in the summer.

Mrs. Cheshire- we're not in a neighborhood, we're not in a HOA. It is unique, this is unique situation because we are right on a very busy highway, raising our family with small children.

Mr. Whalen- so the pvc on the side is Dollar General?

Mrs. Cheshire- that's all Dollar General. We wanted to off that to make it look nice and if you go beyond Dollar General you'll see aesthetically it continues on in front of those apartments, it's all continuous and looks nice because it's all the same height.

Mr. White- asked if anyone would like to speak in favor.

Heather Peters- Attorney for the Town of Greenville. Office address is 611 Watts Street, Jeffersonville, IN. The Town voted in September and asked me to bring the complaint on behalf of the town, which I did. They also asked me to be here tonight on their behalf, we actually have a public meeting in about 30 minutes on a public ordinance up in Greenville.

Mr. White- are you in favor or against?

Ms. Peters- I am in favor of his staff report. Against his exception.

Mr. White- just for the sake of our meeting order, let me make sure there's no one here that would like to speak in favor of the request. We have one person, sorry Ms. Peters, give us a moment and we'll get you back up.

Dee Roney- 3621 North Luther Road. I don't know the applicant or familiar with, I don't know them personally but as an unobjective observer I can say this appears to be private property, they pay taxes, and there's a continuation of what is already there. It appears to be a common sense thing that I hope you all would take under advisement. Seems to be a safety issue as well with young kids. I would be in favor of it.

Mr. White- asked if anyone else would like to speak in favor. No came forward. Asked if anyone would like to speak in opposition.

Ms. Peters- I appreciate Mr. Roney's comments. The Town worked really hard to get a zoning ordinance. It took us until 2022 and the Dollar General and apartments coming in to get our zoning ordinance. Our position has always been that zoning ordinances are there for a reason. So when they first brought this issue to me, it was obviously in the zoning ordinance and they voted to do the complaint. I support and well as my client the staff recommendation that the front be cut down to four feet. I understand the concerns about the children, I don't know what their lot looks like otherwise because I can't see. It's the first thing you see, pretty much the first house you see other than these two Parkland Heights, which I'm sure they had a front buffer for the sound also. I can hear from my home and I live behind Mr. Cheshire and the Dollar General so I don't know that a fence will alleviate those concerns. The whole point of those are site safety. Dollar General has a side fence that goes side, not across the whole front. It's the first property you see when you come into town and the last one you see when you leave the town. Aesthetically and in line with the ordinance, as my client's position has always been, that if we continue to hand out variances and exceptions to the ordinances, why have the ordinance?

Ms. Cheshire- we want to point out that we didn't just build this fence, it's been there for 18 months. We just got a violation for it in September. It caught us way off guard because we didn't even know about the ordinance. She hasn't seen our fence for how long and now all of sudden we're hearing about this, it hasn't bothered anybody, and it hasn't harmed anybody. Talk about site lines, this has not been an issue for anybody. This is a personal unique concern for our family and it's a very functional and nice fence that has been there for over 18 months.

Mr. Unruh- Ray, if this was a commercial zoned property, that fence could be how tall?

Mr. Dibaya- eight feet in the front yard

Mr. Unruh- okay, so they could have the option to go and ask for rezoning?

Mr. Dibaya- I mean they could but they would have to follow the process and submit the application

Mr. Unruh- I understand but it's doable. I'm just throwing this what if, if they are willing to apply for rezoning, would we possibly allow them to keep the fence up until they were denied zoning of some sort, can we do that?

Mr. Creevy- they would need to use it as a commercial rezoned property, propose a commercial use. If they are living in it as their personal residence, they would not qualify as a commercial use. Then they would be in violation of that use.

Mr. Bibelhauser- read the ballot. Docket GV-10-25-01, Petitioner's Jc and Cecelia Cheshire. After careful review the Board finds that 1. Approval of the variance will not be injurious to the public health, safety, morals, and general welfare of the community because: The 6' fence will not be injurious to the public, health, safety, or morals of the community it poses no risks to neighboring properties, doesn't inhibit access to emergency service, and doesn't interfere with septic lines. 2. The use and value of the area adjacent to the property included in the variance will be affected in a substantially adverse manner because: The property values of adjacent properties may be affected as the uniform aesthetic standard for fences would not be followed. The TGZO requirement is to ensure a visual characteristic along streets as this standard applies to almost all zoning districts with the exception of commercial and industrial districts. Straying from this standard would create a peculiar exception in which a preference, rather than a hardship is pursued that is not aligned with the intent of the Ordinance. 3. The strict application of the terms of the zoning ordinance will not result in practical difficulties in the use of the property because: The owners may reduce the height of the fence by two feet and still have a fence that adequately serves their property. The justification given by the Applicant for a six foot fence would not be substantially hindered by a four foot fence that meets the ordinance's standards. Additionally, privacy and traffic noise are personal preferences rather than zoning hardships as a property located along a bust state highway would be subject to noise and other inconveniences. 4. This variance does not include a structure that is near an airstrip and regulated under Indiana Code 8-21-10. The Board of Zoning Appeals hereby denies the Petitioner's variance at the meeting held on the 10th day of November, 2025. Approval by the Board is subject to the completion of the following conditions: Dollar General fence is not the removed.

Motion: Denied
Moved by: Larry Bibelhauser
Seconded by: Scott Whalen
Motion passed.
Yes- Larry Bibelhauser, Bill White, Scott Whalen, Guy Heitkemper
No- Victor Unruh

Agenda Item 4 – FC-10-25-30: Revocation of Special Exception at 5159 Scottsville Road, Floyds Knobs, IN 47119 (22-04-00-800-055.000-006). Section 08, Township 2 South, Range 6 East. Owner, Robert & Carol Sprigler. Public Meeting item.

Mr. Dibaya- read staff report. On June 4th, 2024, Building Commissioner, Kelly Lang, issued a Notice of Violation to the owners of the property, Robert and Carol Sprigler for operating a furniture and related product manufacturing business without local zoning approval. The s property had been used for the business for 12 years with no zoning approval and at the time of the Notice and was being operated out of an existing garage. The letter informed the owners of the property of required corrective action within 15-days. On June 6th, 2024, James Sprigler submitted an application for a Special Exception to continue operation of a family owned cabinet business at his father's residence in a new building. On August 12, 2024, the BZA approved the request with the following conditions: 1. Permanent bathroom facility is required for employees and requires Health Department approval. 2. Any outside storage of materials must be fully screened by fence or wall. 3. Drive and parking spaces must be paved 4. No signage permitted. 5. Screen workshop from adjoining residential properties following FCZO 5.09 A

Buffer Yard Standards. 6. Hours of Operation limited to Monday through Friday 8am – 6pm. 7. Serious Consideration shall be given to moving the new building to the southeast corner and, behind the septic system, if built in NE then garage doors to face away from Dogwood Road. 8. This special exception is limited to the applicant only. 9. Limit of 4 employees 10. No exhaust toward Dogwood Road. In March of 2025, Staff started receiving concerns from neighbors questioning whether Mr. Sprigler was in compliance with the approved conditions for the use. Director and Chief Operations Officer, Nick Creevy, informed the interested parties that staff typically conduct a 1-year follow up on approved sites to verify compliance with their conditions and site plans. On September 24, 2025, Code Enforcement Officer Albert North conducted an investigation to verify if the conditions of the approval had been met. In Mr. North's report he found that Mr. Sprigler was indeed operating the business out of the garage and noted other violations of the conditions of approval such a lack of a permanent bathroom facility and various equipment and materials on site. Mr. North states in his investigative report that Mr. Sprigler had changed his mind about building a new building on the property and had decided to move the business to Leavenworth. On September 30, 2025, staff issued a Notice of Violation letter to Mr. Sprigler for noncompliance of several conditions of his Special Exception approval. Staff Recommendations: Recommendation to revoke the Special Exception. As Mr. Sprigler is not in compliance with the conditions of approval for the use, and has indicated his intent to relocate the business, staff recommends revoking the Special Exception to stop continued operation of the business on site.

James Sprigler- 5002 Lakeview Drive. As far as the compliance, Nick Creevy came out and gave us a few compliance, it was approximately a month after the review we had of the special exception. We got rid of a couple of things and there was no other complaints or violations at that time. In the new violations, which nothing has changed on the property, Nick told me, I use to have a port-a-potty on there for a bathroom and he said to, we are using the house for the bathroom so I took it as that's efficient enough for having a bathroom on the location of the property for employees and owners. As far as the building, I was restricted some times on there as a small business operating 8-6 Monday-Friday, it didn't allow the time to properly operate a small business. I tried to move somewhere else and I'm in the process of that. So I'm trying to relocate but that process takes time so I guess I'm looking for a little additional time to move forward with my business.

Mr. White- how much time do you need?

Mr. Sprigler- approximately a year but I'm not in any other violations. The property is fully screened on the backside. I think it said something in there about being fully screened.

Mr. White- Ray, would you agree that there isn't any other violations?

Mr. Dibaya- when Al conducted his report, he stated there was not a bathroom facility which is a violation and he also stated there was various equipment and materials were on site. There may still be, and this was sent out in September, so at the time of writing of this staff report, these were in violation so they may not be but this is just based on what Al's written in his investigative report so I cannot 100% guarantee that it is or is not.

Mr. Creevy- he was approved for the use of the property based on the conditions. He is not meeting those conditions. He states he cannot meet those, does not intend to meet those. That's the violation. He is still using the property. He has not met those conditions, each individual condition doesn't, I mean they

matter, but the purpose is he's operating where he should not be based on your all's special exception approval.

Mr. Bibelhauser- if I remember, wasn't he going to build a new building?

Mr. Creevy- yes.

Mr. Bibelhauser- supposed to be a new building away from the property line with proper exhaust and all that stuff but he wants to continue to operate in the existing building and not correct the exhaust or none of that.

Mr. Sprigler- the exhaust is not facing towards Dogwood, the doors are not faced towards Dogwood, I have screening along the backside, I believe that is all in the ordinance.

Mr. Creevy- the Board approved a new structure to be appropriate and conditional on the approval. That's the issue.

Mr. White- I'm looking at the staff report with ten things and what I'm hearing is you haven't complied and not going to comply with all of them in total, based on what I'm reading here, if you're not planning on building the building nor do the other items here in total as approved, then we have a decision to make as a Board. I don't think we can pick and choose one or two here.

Mr. Creevy- that is what we are requesting, revoking his special exception. Then his property would be in violation if he is working there and that would be up to you if you want to give him time to move out, he's had a year, more than a year to do this already so that's a second issue. The first issue is if you want to revoke the special exception.

Mr. Whalen- can he file for additional special exception for the new or current conditions and eliminate the building?

Mr. Creevy- I think it was approved with those conditions, he could request a modification, that would be possible to do that, it would be up to the Boards discretion if he can operate while he is under that application.

Mr. Unruh- when you said a year, you kinds turned me off. If you said 90 days, I maybe listened but a year is a long time to be in violation.

Mr. Sprigler- I don't think I've been in violation, I had Mr. Creevy come out and looked at everything and he said this was a violation and took my port-a-potty away and said I had to use the house for the restroom. I said okay so I'm following the directions of Floyd County and what he wanted us to do. I had IDEM come out, I followed all their directions. Everything is screened.

Mr. White- each of the conditions that were set when this was approved, that is a violation and continuing to operate without meeting those creates a separate violation. Our Boards decision is to determine if we are going to revoke the approval we gave and if we are going to grant any extension of time to continue operating while Mr. Sprigler moves his business. I see that as the only two issues before us.

Mr. Heitkemper- I was looking over the minutes and I remember the meeting and at that time, it says the building permit was on hold with you all and we were looking at this like a new building was coming in, not the existing. How come the building hasn't been built.

Mr. Sprigler- operation hours, I don't know why to invest so much money into something that I can only operate 8-6 Monday- Friday. It took me awhile to figure that out.

Mr. Unruh- that's understandable.

Mr. White- all of us as business people can relate to that, I can't dispute that at all. However, if you don't like those business hours then you can't continue to operate in a residential area which is why this came up in the first place. The burden really falls to you to decide do you want to move your business somewhere else or stop doing it where you are. Our decision is going to be whatever it is but it's really boiling down to that.

Mr. Sprigler- correct and I did find some property and have to go through the State as well and I just purchased it a month ago and I have to go through some hoops and it took me some time to find it as well.

Mr. Bibelhauser- read the ballot. Docket FC-10-25-30, Petitioner James Sprigler, finding of fact: 1. The evidence present does show evidence of violations of the conditions of the Special Exception approval. 2. Evidence reviewed: from the staff report and the Applicant's intent to not comply with the initial application (not to build a building). 3. The Board of Zoning Appeals hereby revokes the Special Exception at the meeting held on the 10th day of November, 2025. The Applicant may continue for 90 days and then cease this operation.

Motion: Revoke the Special Exception
Moved by: Larry Bibelhauser
Seconded by: Guy Heitkemper
Motion passed unanimously.

Motion: Adjourn
Moved by: Guy Heitkemper
Seconded by: Victor Unruh
Motion passed unanimously.

Adopted this 8th day of December, 2025.

Bill White
Chairperson

Kristi Poe
Attest

Mr. Heitkemper- I was looking over the minutes and I remember the meeting and at that time, it says the building permit was on hold with you all and we were looking at this like a new building was coming in, not the existing. How come the building hasn't been built.

Mr. Sprigler- operation hours, I don't know why to invest so much money into something that I can only operate 8-6 Monday- Friday. It took me awhile to figure that out.

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Mr. White- all of us as business people can relate to that, I can't dispute that at all. However, if you don't like those business hours then you can't continue to operate in a residential area which is why this came up in the first place. The burden really falls to you to decide do you want to move your business somewhere else or stop doing it where you are. Our decision is going to be whatever it is but it's really boiling down to that.

Mr. Sprigler- correct and I did find some property and have to go through the State as well and I just purchased it a month ago and I have to go through some hoops and it took me some time to find it as well.

Mr. Bibelhauser- read the ballot. Docket FC-10-25-30, Petitioner James Sprigler, finding of fact: 1. The evidence present does show evidence of violations of the conditions of the Special Exception approval. 2. Evidence reviewed: from the staff report and the Applicant's intent to not comply with the initial application (not to build a building). 3. The Board of Zoning Appeals hereby revokes the Special Exception at the meeting held on the 10th day of November, 2025. The Applicant may continue for 90 days and then cease this operation.

Motion: Revoke the Special Exception
Moved by: Larry Bibelhauser
Seconded by: Guy Heitkemper
Motion passed unanimously.

Motion: Adjourn
Moved by: Guy Heitkemper
Seconded by: Victor Unruh
Motion passed unanimously.

Adopted this _____ day of _____, 2025.

_____ _____

Chairperson Attest