

MINUTES

**POSEY COUNTY
BOARD OF ZONING APPEALS
REGULAR MEETING**

**THE HOVEY HOUSE
330 WALNUT STREET
MT. VERNON, IN 47620**

**AUGUST 12, 2021
5:00 P.M.**

MEMBERS PRESENT: Mr. Larry Williams-Chairperson, Mr. Ron Fallowfield-Vice Chairperson, Mr. Mark Seib, Mr. Larry Droege, Dr. Keith Spurgeon, Mr. Trent Van Haaften – Attorney, Mrs. Mindy Bourne –Executive Director, and Mrs. Becky Wolfe – Administrative Assistant

MEMBERS ABSENT: None

APPROVAL OF MINUTES FOR LAST REGULAR MEETING: Ron Fallowfield made a motion in the affirmative to approve the minutes of the last regular meeting as emailed. Motion seconded by Keith Spurgeon. **Motion carried.**

VARIANCE:

DOCKET NO: 21-12-V-BZA

APPLICANT: Randy Northrop

OWNER: Randy H. & Mary R. Northrop

PREMISES: Lot Number 10 in Mueller Manor Subdivision in the East Half of the Northwest Quarter of Section 24, Township 6 South, Range 12 West, lying in Marris Township, Posey County, Indiana. More commonly known as 11318 James Drive, Mt. Vernon, Indiana. Containing 1.03 acres more or less. (Complete legal description is on file at the Posey County Area Plan Commission Office).

NATURE OF CASE: Applicant requests a Variance for placement of a pool in the side yard in an R-1 (Residential Single-Family) Zoning District under Section 153.024 (B) (7) of the Zoning Ordinance of the City of Mt. Vernon, Town of Cynthiana, Town of Poseyville and Unincorporated Posey County.

Larry Williams confirmed with Mindy Bourne that the applicant met all the requirements for notification per the statute.

RANDY NORTHROP: 11318 James Drive, Mt. Vernon, Indiana. We are requesting a Variance to install an inground swimming pool at our residence.

MARK SEIB: Is this another one of the address situations?

MINDY BOURNE: Yes, it is the side yard.

RON FALLOWFIELD: I don't understand that with him being on James Drive.

MINDY BOURNE: Based on definition in the ordinance, your front lot line is the narrower of the two lot lines. It doesn't really matter what your address is. The Fernwood Drive is actually their front yard.

RON FALLOWFIELD: I understand now.

MARK SEIB: And this is a 16' x 32'?

RANDY NORTHROP: Yes.

MARK SEIB: Is it being placed directly behind the house, I guess?

RANDY NORTHROP: Yes.

MARK SEIB: The way the house sits...

RANDY NORTHROP: Yes. Looking out the front door, it will be directly behind the house.

LARRY WILLIAMS: You may have a seat. We will now open this application up for public comment. Is there anyone here wishing to speak for or against this application? With no one coming forward, we will close the public portion.

Mr. Williams confirmed with Mindy Bourne there were no emails, phone calls or letters.

RON FALLOWFIELD: I think it is straightforward.

MARK SEIB: It is a nice big yard. It does not obstruct any view.

A motion was made in the affirmative by Ron Fallowfield to approve Variance 21-12-V-BZA. Motion was seconded by Mark Seib. The Variance Voting Sheet was read. **Roll call vote (5-0) Yes. Motion carried.**

MINDY BOURNE: This application has been approved. You need to come into our office to get your Improvement Location Permit.

SPECIAL USE:

DOCKET NO: 21-11-SU-BZA

APPLICANT: Mathew Seifert

OWNER: Mathew R. Seifert

PREMISES: Lot 2 Seifert Caborn Road Exempt II Division Part of the West Half of the Southwest Quarter of Section 5, Township 7 South, Range 12 West, lying in Marris Township, Posey County, Indiana. More commonly known as 7150 Allison Lane, Mt. Vernon, Indiana. Containing 2.001 acres more or less. (Complete legal description is on file at the Posey County Area Plan Commission Office).

NATURE OF CASE: Applicant requests a Special Use for a 16' x 76' singlewide mobile home in an A (Agricultural) Zoning District Section 153.032 (B) (5) Use Unit 9 Mobile Home Dwelling of the Zoning Ordinance of the City of Mt. Vernon, Town of Cynthiana, Town of Poseyville and Unincorporated Posey County.

Larry Williams confirmed with Mindy Bourne that the applicant met all the requirements for notification per the statute.

NICHOLAS SEIFERT: 7100 Caborn Road South, Mt. Vernon, Indiana. I'm Mathew's father. My son is requesting to put a singlewide trailer on two acres that the family farm has sold to him. We surround that two acres with our agricultural farm and we have no problem with that.

LARRY WILLIAMS: Are there any questions from the Board?

MARK SEIB: So he is going to live there or is it going to end up being a rental?

NICHOLAS SEIFERT: No, he is going to live there. They are going to eventually build a pole barn house. With the cost of lumber... He is getting married in October.

LARRY WILLIAMS: So this is temporary until they build the house?

NICHOLAS SEIFERT: Yes, that is correct. He is putting in septic and everything for the size of the pole barn house that will eventually be constructed there.

MARK SEIB: Once that is achieved, he will remove the trailer?

NICHOLAS SEIFERT: Yes, that is correct.

LARRY DROEGE: Is there much dirt that will have to be moved on the two acres to move that mobile home in?

NICHOLAS SEIFERT: No, it is very flat.

LARRY WILLIAMS: You may have a seat. We will now open this application up for public comment. Is there anyone here wishing to speak for or against this application? With no one coming forward, we will close the public portion.

Mr. Williams confirmed with Mindy Bourne there were no emails, phone calls or letters.

LARRY WILLIAMS: We will now open this application up to the board for discussion.

MARK SEIB: With it being removed and replaced with a structure that he is trying to get in, I think it takes care of all of the concerns we normally have and worries about a trailer and end up being a rental.

LARRY WILLIAMS: I certainly understand his hesitation of building with the cost of lumber.

LARRY DROEGE: Mark, your point though, and that was a great question about whether or not it is going to be a rental. If an owner was to move a trailer in on their property and then build a home later and then decide to rent that trailer out, do they have to go through another permit process?

MARK SEIB: He can't have two homes on the same property. He would have to subdivide or do something to make it two individual lots.

LARRY DROEGE: So if the lot is deemed not big enough, they could turn down that request to subdivide that two acres?

ATTORNEY BETH MCFADIN HIGGINS: Depending on how big the lot is to begin with, we have minimum acreage. But if you haven't subdivided the land... Just so everyone knows, it doesn't always come back to the APC or this body. It can be what we call an Exempt Sub. So you can subdivide so many lots off before coming to us. If it was a six acre lot to begin with, then they could potentially come in, depending on how many times it has been subdivided...

A motion was made in the affirmative by Mark Seib to approve Special Use 21-11-SU-BZA. Motion was seconded by Larry Droege. The Special Use Voting Sheet was read. **Roll call vote (5-0) YES. Motion passed.**

MINDY BOURNE: In this instance, when he came in to get the permit to build the pole barn house, we would put on the permit he has 90 days, it is typically 90 days, to remove the mobile home from the site. Once the pole barn home is deemed complete by the Building Commissioner, then he would have 90 days to get it removed from the site. This Special Use has been approved. Once he is ready to place the mobile home, he needs to come into the office to get his Improvement Location Permit.

ADDITIONAL BUSINESS: None

CITIZEN CONCERNS: None

VARIANCE VOTING SHEET

POSEY COUNTY BOARD OF ZONING APPEALS Report of Findings of Fact

BZA NO: 21-12-V-BZA
Randy Northrop

1. Will the granting of this variance be injurious to the public health, safety, morals and general welfare to the community?

No, large lot - Ron Fallowfield

Larry Droege	(<input checked="" type="checkbox"/>) NO	() YES*	Keith Spurgeon	(<input checked="" type="checkbox"/>) NO	() YES*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	(<input checked="" type="checkbox"/>) NO	() YES*	Larry Williams	(<input checked="" type="checkbox"/>) NO	() YES*	0	5
Mark Seib	(<input checked="" type="checkbox"/>) NO	() YES*					

2. Will the use or value of the area adjacent to the property included in the variance be affected in a substantially adverse manner?

Should not have any effect on neighbors - Larry Williams

Larry Droege	(<input checked="" type="checkbox"/>) NO	() YES*	Keith Spurgeon	(<input checked="" type="checkbox"/>) NO	() YES*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	(<input checked="" type="checkbox"/>) NO	() YES*	Larry Williams	(<input checked="" type="checkbox"/>) NO	() YES*	0	5
Mark Seib	(<input checked="" type="checkbox"/>) NO	() YES*					

3. Does the need for this variance arise from conditions peculiar to the property included in the variance?

Yes - front yard is in wrong location - Larry Williams

Larry Droege	() NO*	(<input checked="" type="checkbox"/>) YES	Keith Spurgeon	() NO*	(<input checked="" type="checkbox"/>) YES	<u>YES</u>	<u>NO</u>
Ron Fallowfield	() NO*	(<input checked="" type="checkbox"/>) YES	Larry Williams	() NO*	(<input checked="" type="checkbox"/>) YES	5	0
Mark Seib	() NO*	(<input checked="" type="checkbox"/>) YES					

4. Are these conditions general in the same zone?

No - just lot size - Larry Droege

Larry Droege	(<input checked="" type="checkbox"/>) NO	() YES*	Keith Spurgeon	(<input checked="" type="checkbox"/>) NO	() YES*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	(<input checked="" type="checkbox"/>) NO	() YES*	Larry Williams	(<input checked="" type="checkbox"/>) NO	() YES*	0	5
Mark Seib	(<input checked="" type="checkbox"/>) NO	() YES*					

5. Will the strict application of the applicable Ordinance constitute unusual and unnecessary hardship if applied to the property in question?

No - plenty of lot - Ron Fallowfield

Larry Droege	() NO*	(<input checked="" type="checkbox"/>) YES	Keith Spurgeon	() NO*	(<input checked="" type="checkbox"/>) YES	<u>YES</u>	<u>NO</u>
Ron Fallowfield	() NO*	(<input checked="" type="checkbox"/>) YES	Larry Williams	() NO*	(<input checked="" type="checkbox"/>) YES	5	0
Mark Seib	() NO*	(<input checked="" type="checkbox"/>) YES					

6. Will the granting of this variance interfere substantially with the comprehensive plan or materially increase street congestion?

Property is pretty secluded with tree growth - Larry Droege

Larry Droege	(<input checked="" type="checkbox"/>)	NO	()	YES*	Keith Spurgeon	(<input checked="" type="checkbox"/>)	NO	()	YES*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	(<input checked="" type="checkbox"/>)	NO	()	YES*	Larry Williams	(<input checked="" type="checkbox"/>)	NO	()	YES*	0	5
Mark Seib	(<input checked="" type="checkbox"/>)	NO	()	YES*							

***If any one of your answers above is followed by an asterisk, under the statute you must deny the application.**

DECISION: It is therefore the decision of the Board, that the variance:

is hereby granted _____ ()

is hereby denied _____ ()

subject to any conditions stated in the minutes of the Board, and incorporated herein and made a part of the decision. Adopted this 12th day of August 2021

(date)

**POSEY COUNTY
SPECIAL USE VOTING SHEET**

Posey County Board of Zoning Appeals
Report of Finding Fact

BZA NO: 21-11-56-BZA
Mathew Seifert

HAS THE APPLICANT PROVEN BY SUBSTANTIAL EVIDENCE THE FOLLOWING:

1. The Zoning Ordinance authorizes the Special Use.

Yes - mark seib

Larry Droege	(<input checked="" type="checkbox"/>) YES () NO*	Keith Spurgeon	(<input checked="" type="checkbox"/>) YES () NO*	YES	NO
Ron Fallowfield	(<input checked="" type="checkbox"/>) YES () NO*	Larry Williams	(<input checked="" type="checkbox"/>) YES () NO*	5	0
Mark Seib	(<input checked="" type="checkbox"/>) YES () NO*				

2. The proposed Special Use is essential or desirable to the public convenience and welfare.

puts house on property and will be removed at later date - Mark Seib

Larry Droege	(<input checked="" type="checkbox"/>) YES () NO*	Keith Spurgeon	(<input checked="" type="checkbox"/>) YES () NO*	YES	NO
Ron Fallowfield	(<input checked="" type="checkbox"/>) YES () NO*	Larry Williams	(<input checked="" type="checkbox"/>) YES () NO*	5	0
Mark Seib	(<input checked="" type="checkbox"/>) YES () NO*				

3. The proposed use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.

Yes - all the reasons stated in #2 - Larry Williams

Larry Droege	(<input checked="" type="checkbox"/>) YES () NO*	Keith Spurgeon	(<input checked="" type="checkbox"/>) YES () NO*	YES	NO
Ron Fallowfield	(<input checked="" type="checkbox"/>) YES () NO*	Larry Williams	(<input checked="" type="checkbox"/>) YES () NO*	5	0
Mark Seib	(<input checked="" type="checkbox"/>) YES () NO*				

4. Granting the proposed Special Use is consistent with the public interest/welfare and the Comprehensive Plan in regard to the location, size, use, that nature of intensity of the operation and the site layout with relation to existing or future traffic patterns.

In middle of field - will not effect traffic - Ron Fallowfield

Larry Droege	(<input checked="" type="checkbox"/>) YES () NO*	Keith Spurgeon	(<input checked="" type="checkbox"/>) YES () NO*	YES	NO
Ron Fallowfield	(<input checked="" type="checkbox"/>) YES () NO*	Larry Williams	(<input checked="" type="checkbox"/>) YES () NO*	5	0
Mark Seib	(<input checked="" type="checkbox"/>) YES () NO*				

5. The proposed Special Use will constitute an environment of sustained desirability and stability.

Temporary till he gets home built - Mark Seib

Larry Droege	(<input checked="" type="checkbox"/>) YES () NO*	Keith Spurgeon	(<input checked="" type="checkbox"/>) YES () NO*	YES	NO
Ron Fallowfield	(<input checked="" type="checkbox"/>) YES () NO*	Larry Williams	(<input checked="" type="checkbox"/>) YES () NO*	5	0
Mark Seib	(<input checked="" type="checkbox"/>) YES () NO*				

6. The proposed Special Use is in conformity and in harmony with the goals and objectives of the Comprehensive Plan.

allows it to be - Mark Seib

Larry Droege	(<input checked="" type="checkbox"/>) YES () NO*	Keith Spurgeon	(<input checked="" type="checkbox"/>) YES () NO*	YES	NO
Ron Fallowfield	(<input checked="" type="checkbox"/>) YES () NO*	Larry Williams	(<input checked="" type="checkbox"/>) YES () NO*	5	0
Mark Seib	(<input checked="" type="checkbox"/>) YES () NO*				

7. Under the circumstances of the particular case, the proposed Special Use is detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity, or injurious to property values or improvements in the vicinity.

Will not effect - rural setting - Ron Fallowfield

Larry Droege	() YES* (<input checked="" type="checkbox"/>) NO	Keith Spurgeon	() YES* (<input checked="" type="checkbox"/>) NO	<u>YES</u>	<u>NO</u>
Ron Fallowfield	() YES* (<input checked="" type="checkbox"/>) NO	Larry Williams	() YES* (<input checked="" type="checkbox"/>) NO	0	5
Mark Seib	() YES* (<input checked="" type="checkbox"/>) NO				

8. If the request is for a "Home Occupation" it meets the definitional requirements found in the applicable Zoning Ordinance.

NA

Larry Droege	() YES () NO*	Keith Spurgeon	() YES () NO*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	() YES () NO*	Larry Williams	() YES () NO*		
Mark Seib	() YES () NO*				

9. The proposed Special Use will comply with regulations and the conditions specified in The Zoning Ordinance of the City of Mt. Vernon, Town of Cynthiana, Town of Poseyville and Unincorporated Posey County for such use and with stipulations and conditions made a part of the authorization granted by the Board.

Ordinance allows for it - Mark Seib

Larry Droege	(<input checked="" type="checkbox"/>) YES () NO*	Keith Spurgeon	(<input checked="" type="checkbox"/>) YES () NO*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	(<input checked="" type="checkbox"/>) YES () NO*	Larry Williams	(<input checked="" type="checkbox"/>) YES () NO*	5	0
Mark Seib	(<input checked="" type="checkbox"/>) YES () NO*				

10. Conditions, limitations or temporary uses deemed necessary for the protection of the surrounding area in order to carry out the intent and purpose of the Zoning Ordinance of Posey County:

None

*IF ANY ONE OF YOUR ANSWERS ABOVE IS FOLLOWED BY AN ASTERICK, UNDER THE STATUE YOU SHOULD DENY THE APPLICATION.


DECISION: It is therefore the decision of the Board that the Special Use:

is hereby granted ()

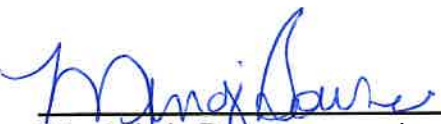
is hereby denied ()

subject to any conditions stated in the minutes of the Board, and incorporated herein and made a part of the decision. Adopted this 12th day of August, 2021.

ADJOURNMENT: Ron Fallowfield made a motion to adjourn the meeting at 5:25 p.m. Mark Seib seconded the motion.



Mr. Larry Williams, Chairman



Mrs. Mindy Bourne, Executive Director