

MINUTES

POSEY COUNTY BOARD OF ZONING APPEALS REGULAR MEETING

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

DECEMBER 9, 2021
5:00 P.M.

MEMBERS PRESENT: Mr. Larry Williams-Chairperson, Mr. Ron Fallowfield–Vice Chairperson, Mr. Larry Droege, Dr. Keith Spurgeon, Mrs. Beth McFadin Higgins– Attorney, Mrs. Mindy Bourne –Executive Director, and Mrs. Becky Wolfe – Administrative Assistant

MEMBERS ABSENT: Mr. Mark Seib

APPROVAL OF MINUTES FOR OCTOBER 14, 2021 MEETING: Ron Fallowfield made a motion in the affirmative to approve the minutes of the October 14, 2021 meeting as emailed. Motion seconded by Larry Droege. **Motion carried.**

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.**

SPECIAL USE – TABLED FROM NOVEMBER 18, 2021 MEETING:

DOCKET NO: 21-13-SU-BZA
APPLICANT: Kathy Heck, Husk Signs
OWNER: First Federal Savings Bank
PREMISES: Part of the Northwest Quarter of the Northwest Quarter of Section 24, Township 6 South, Range 12 West, lying in Marrs Township, Posey County, Indiana. More commonly known as 11201 Upper Mt. Vernon Road, Evansville, Indiana. Containing .55 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 to install an electronic message board, in a B-3 (Commercial High Intensity) Zoning District Section 153.166 (N) Use Unit 21 Business Signs and Outdoor Advertising of the Zoning Ordinance of the City of Mt. Vernon, Town of Cynthiana, Town of Poseyville and Unincorporated Posey County.

Mr. Williams asked if any board members had a conflict of interest with this application. With none, Larry Williams confirmed with Mindy Bourne that the applicant met all the requirements for notification per the statute.

KATHY HECK: Husk Signs. We are proposing an electronic message center to fill in the existing poles that are there. There was one at the bank previously, but from what we gathered, they never got the Special Use that was required.

LARRY WILLIAMS: Is this a static board with flashing lights?

KATHY HECK: It is an LED, it is a motion as far as a message center. They do not scroll. They don't flash, they don't strobe or do anything that is not required per the code.

RON FALLOWFIELD: Will it be on for 24 hours?

KATHY HECK: That is up to the clients. It is automatically dimmed according to the weather. That is built into our systems. They can be programmed to turn off and turn back on if it is required.

KEITH SPURGEON: Are there any plans to do that?

CHRISTY MCBRIDE: I am the Chief Operations Officer at First Federal Savings Bank. One of our goals is to make sure as a community bank that we are serving all of the community. I think a lot of people have seen some of the larger banks leave and we want to make sure we are taking care of those folks in the St. Philips area. We want to make sure we can advertise to them and bank them. We are happy to do whatever we need to do. If that is part of the process for us to dim or turn off advertisement at a certain point in time, we can certainly do that. We have a Works 24 that integrates with the TVs that we can use from our corporate office to be able to program what needs to be done.

LARRY WILLIAMS: I think the biggest issue is where there is a lot of traffic, the lights distract the drivers. I don't see that being the situation here. With no further questions from the board, you may have a seat. We will now open this application up to the public. 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, letters or phone calls.

RON FALLOWFIELD: With it dimming at night, I don't see any issues.

LARRY DROEGE: It looks to be about 44' from Upper Mt. Vernon, so that shouldn't be too much of a distraction for traffic.

Ron Fallowfield made a motion in the affirmative to approve Docket #21-13-SU-BZA. Motion seconded by Larry Droege. The Special Use Voting Sheet was read. **Roll call Vote (4-0) Yes. Motion carried.**

MINDY BOURNE: This Special Use has been approved. Before you install the sign, you will

need to come in and get your Improvement Location Permit.

VARIANCE:

DOCKET NO: 21-77-V-BZA

APPLICANT: Ricky Winternheimer

OWNER: Ricky E. & Barbara J. Winternheimer

PREMISES: Part of the Northeast Quarter of the Northeast Quarter of Section 24, Township 6 South, Range 12 West, lying in Marrs Township, Posey County Indiana. More commonly known as 3039 Windy Way Lane, Evansville, Indiana. Containing 0.48 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 the relaxation of street side yard setback from 25' to 10' for construction of an 24' x 32' garage in an R-1 (Residential) Zoning District under Section 153.043 (B) (1) (a) of the Zoning Ordinance of the City of Mt. Vernon, Town of Cynthiana, Town of Poseyville and Unincorporated Posey County.

Mr. Williams asked if any board members had a conflict of interest with this application. With none, Larry Williams confirmed with Mindy Bourne that the applicant met all the requirements for notification per the statute.

RICK WINTERNEIMER: 3039 Windy Way Lane, Evansville, Indiana. I am asking for relaxation on the 25' setback to a 10'. I don't know if you have ever been out in that area, but we built the roads ourselves. They are very narrow. I've talked with all of the neighbors. I've been wanting to build this garage since I moved in. It's been 38 years.

LARRY WILLIAMS: We will now open to the board for questions.

LARRY DROEGE: Do you have a neighborhood association?

RICK WINTERNEIMER: We did about 15 years ago when we put in the roads. I've talked with all of the neighbors and they were cheering me on.

LARRY DROEGE: I was wondering if there were any restrictions or requirements.

RICK WINTERNEIMER: No. There is actually one garage that is less than 4' off the road.

LARRY WILLIAMS: Will you have power and utilities to this garage and outside lighting?

RICK WINTERNEIMER: Yes, I will have power and utilities. I have outside lighting already. There will not be any on the garage itself.

LARRY WILLIAMS: With no further questions from the board, you may have a seat. We will now open this application up to the public. 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, letters or phone calls.

LARRY WILLIAMS: I will now open this up to the board for comments and/or action.

LARRY DROEGE: The lot is a pretty good size.

RON FALLOWFIELD: It is a good size with low volume traffic.

Larry Droege made a motion in the affirmative to approve Docket #21-77-V-BZA. Keith Spurgeon seconded the motion. The Variance Voting Sheet was read. **Roll call Vote (4-0) Yes. Motion carried.**

MINDY BOURNE: This Variance was approved. You will need to come into the office to get your Improvement Location Permit before starting construction.

SPECIAL USE & VARIANCE:

DOCKET NO: 21-16-SU-BZA & 21-78-V-BZA

APPLICANT: Charles Seifert

OWNER: MSD of Mt. Vernon

PREMISES: Section 4, Township 7 South, Range 13 West, lying in Black Township, Posey County, Indiana, containing 10.59 acres more or less. More commonly known as 700 Harriett Street, Mt. Vernon, Indiana. (Complete legal description is on file at the Posey County Area Plan Commission Office).

NATURE OF CASE: Applicant requests a Special Use to build a 120'x140' indoor athletic facility building in an R-2 (Residential Two-Family) Zoning District Section 153.046 (B) (3) Use Unit 4 Community Services, 153.149 (B) (21) and Variance for relaxation of front yard setback from 25' to 10' Section 153.047 (B) (1) (b) and relaxation of height from 35' to 40' Section 153.047 (C) of the Zoning Ordinance of the City of Mt. Vernon, Town of Cynthiana, Town of Poseyville and Unincorporated Posey County.

ATTORNEY BETH MCFADIN HIGGINS: You will need to take the votes separately but can hear the information together.

Larry Williams asked if there were any conflicts of interest. He stated that he had a conflict of interest because he is the President of the Multi School District Board; therefore, he stepped down and turned this portion of the meeting over to Vice-Chairman, Ron Fallowfield. Ron Fallowfield confirmed with Mindy Bourne that the applicant met all the requirements for notification per the statute and asked if anyone was here to speak regarding this request.

ATTORNEY BETH MCFADIN HIGGINS: I need to let the applicant know that we usually have a five-member board. One member is absent. Regardless of the number of people that are here voting, by statute you have to have three affirmative votes. So when we get down to the point where we have only three voting members, then we always let the applicant know if they would prefer to table their request and come back at a time when we have five members, Mr. Williams will always have to abstain, then you are welcome to do that. That would mean you would have to come back in January. If you don't have an issue and we had previously discussed Dr. Spurgeon use to be employed by the school, but he no longer has any administrative... really doesn't have any power with the schools anymore. He doesn't hold a position where he could make a difference in your request or the board's request. Therefore, he would not have to abstain. He is appointed by the school but that is statutory. It is up to you if you want to proceed. If you proceed, you will need the remaining three to vote in favor. If it is denied, you could not apply for one year. The point where you would have to make your decision is prior to the time they call for a motion. So you could explain the project, they could ask questions. Through that process if you become uncomfortable with the questions, you would need to make your request to table it prior to the time they make a motion.

CHARLES SEIFERT: Ok. Let's try that. The building will be 120' x 140', but we are close to the road. One of the problems that we have is that we have a large storm sewer that goes along the east side of the building that is being proposed. If you have been down there during a rain, it collects a lot of water anyway by design. If we go into that any further, that would hinder the use of that drain. We want to keep it open. It is in our best interest, if possible, to be closer to Harriet Street. Height wise, by the pitch of the roof and how big it is, it gets to 35 to 40' pretty quick being 140' long. We are kind of constrained by design.

LARRY DROEGE: I believe you've already done some engineering studies already to know that is indeed fact and this is the best place to put the building.

CHARLES SEIFERT: Yes.

RON FALLOWFIELD: And with that being under structure, do you think you would be ok with the ground soakage on the drainage side?

BARRY TANNER: Tanner Engineering, 625 E. 8th Street. The plan is to not utilize that storm pipe, very, very little from this building. All of the gutters and downspouts will go directly to the ditch with its own separate system. The existing storm sewer that goes out now, there is actually a flap gate, a back flow preventer on that pipe and so when that ditch rises, it backs things up and that is what kind of makes things flood there.

RON FALLOWFIELD: But going to the ditch you think you will be ok?

BARRY TANNER: The only thing that will be going into that at all is a little bit of the sidewalk on the east side of the building.

CHARLES SEIFERT: It will shed to the opposite side of the parking lot.

LARRY DROEGE: Is this building similar to the one they put up at North Posey High School?

CHARLES SEIFERT: The idea is similar. It is for any outdoor activity. In the wintertime we are trying to free up space for basketball by moving the spring sports outside. In the fall and inclement weather, the band can use it. It will be a multiuse facility just to keep our kids under cover and keep them safe. It is a little more temperature controlled.

KEITH SPURGEON: So it is going in the grass at the end of the parking lot on that practice field?

CHARLES SEIFERT: Yes, partially.

KEITH SPURGEON: How does that impact the practice field?

CHARLES SEIFERT: They can still use part of it on the north side. It's just a little smaller. There's other practice fields they can use.

BARRY TANNER: I have some screen shots of what it is going to look like. I have one copy, but you can pass it around.

RON FALLOWFIELD: This will be "Exhibit 1" seven pages.

With no further questions from the board, you may have a seat. We will now open this application up to the public. Is there anyone here wishing to speak for or against this application? With no one coming forward, we will close the public portion.

BARRY TANNER: We would like to move forward with these applications.

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

RON FALLOWFIELD: We will now open it to the board for discussion or any further action.

A motion was made in the affirmative by Larry Droege to approve Docket #21-16-SU-BZA. Keith Spurgeon seconded the motion. The Special Use Voting Sheet was read. **Roll Call Vote (3-0) Yes. Motion carried.**

A motion was made in the affirmative by Keith Spurgeon to approve Docket #21-78-V-BZA. Larry Droege seconded the motion.

ATTORNEY BETH MCFADIN HIGGINS: You have two Variances. You have the height as well as the setback. You will need to do Findings on each one of them. So if you would amend your motion to determine which one you would like to take up first.

Keith Spurgeon amended his motion to approve relaxation of front yard setback from 25' to 10' for Docket #21-78-V-BZA. Larry Droege seconded the amendment. The Variance Voting Sheet was read. **Roll Call Vote (3-0) Yes. Motion carried.**

A motion was made in the affirmative by Keith Spurgeon to approve the relaxation of height from 35' to 40' for Docket #21-78-V-BZA. Ron Fallowfield seconded the motion.

Larry Droege made a motion in the affirmative to adopt the Findings from the Variance Voting Sheet for the relaxation of front yard setback. Keith Spurgeon seconded the motion. **Roll Call Vote (3-0) Yes. Motion carried.**

Roll call vote (3-0) Yes. Motion carried to approve relaxation of height.

MINDY BOURNE: Your Variance and Special Use have been approved. You will need to come into the office to obtain your Improvement Location Permit.

Mr. Fallowfield stepped down as Chairman and turned the meeting back over to Mr. Williams.

SPECIAL USE:

DOCKET NO: 21-15-SU-BZA

APPLICANT: United Way of Posey County

OWNER: Homeless Shelter of Mt. Vernon Inc.

PREMISES: Lot Number 84 in Kimball's Enlargement to the City of Mt. Vernon in Section 9, Township 7 South, Range 13 West, lying in Black Township, Posey County, Indiana. More commonly known as 215 S. Kimball Street, Mt. Vernon, Indiana. Containing .225 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 an office in a RM (Residential Multiple Family) Zoning District Section 153.048 (B) (5) Use Unit 11 Offices and Studios and Section 153.156 (B) (27) of the Zoning Ordinance of the City of Mt. Vernon, Town of Cynthiana, Town of Poseyville and Unincorporated Posey County.

LARRY WILLIAMS: Does anyone on the board have a conflict of interest?

Mr. Williams and Dr. Spurgeon are both on the United Way of Posey County and have a conflict of interest.

ATTORNEY BETH MCFADIN HIGGINS: For the applicant representative that is here, this

is a five-member board. One member is missing this evening. We must have three votes to approve anything. With the two conflicts of interest, we will need to table your request to the January meeting. That date is January 13 at 5:00 p.m. If there was anyone here that was appearing to speak in favor or against this request, this request will be back on the docket on January 13, back here in this building at 5:00 p.m.

VARIANCE:

DOCKET NO: 21-79-V-BZA
APPLICANT: Paul Watzlavik
OWNER: Watzlavik Properties LLC
PREMISES: Jones Lot 56 in Section 9, Township 7 South, Range 13 West, lying in Black Township, Posey County Indiana. More commonly known as 819 E. 4th Street, Mt. Vernon, Indiana. Containing .1600 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 relaxation of side yard setback from 10' to 2' in a CG (Commercial General) Zoning District, Section 153.087 (B) (2) (a) and relaxation of rear yard setback from 20' to 4', Section 153.087 (B) (3) (b) and reduce off street parking, Section 153.159 (D) and 153.180 of the Zoning Ordinance of the City of Mt. Vernon, Town of Cynthiana, Town of Poseyville and Unincorporated Posey County.

Mr. Williams asked if any board members had a conflict of interest with this application. With none, Larry Williams confirmed with Mindy Bourne that the applicant met all the requirements for notification per the statute.

LARRY WILLIAMS: Who is here to speak on behalf of this application?

PAUL WATZLAVIK: Posey County. We would like to ask for a Variance for relaxation of the setback so I can build an additional warehouse consistent with the footprint of the two existing buildings.

RON FALLOWFIELD: You're making this kind of small. What kind of deliveries will you be getting? Will it be semi trucks?

PAUL WATZLAVIK: No. It is just typical deliveries that come from box trucks.

RON FALLOWFIELD: Watershed would be towards the parking lot?

PAUL WATZLAVIK: Yes. There are two existing drains on the property and they will not be compromised.

LARRY WILLIAMS: Where do your trucks come in now?

PAUL WATZLAVIK: They come in off of 4th Street to Byrd Street and they pull into the parking lot. They use a dolly to take it into the store. They will use the same process to put it into the warehouse.

KEITH SPURGEON: Will they be going directly into the warehouse? Will there be a door that goes directly into the warehouse?

PAUL WATZLAVIK: There will be one roll up, garage type door. They will not be pulling into the facility. They will just be dropping it.

LARRY WILLIAMS: How many deliveries will you get?

PAUL WATZLAVIK: Two, maybe three a week. All of those deliveries come early in the day. Well before any kind of traffic.

RON FALLOWFIELD: Will the reduced parking still give you enough for your customers?

PAUL WATZLAVIK: It will because what we are currently using that area for is a temporary shed. We also use that space to park the delivery expedition plus the trailers. We are just relocating all of that. It won't change parking whatsoever.

KEITH SPURGEON: Any outside lighting on the building?

PAUL WATZLAVIK: There is today through Vectren. There are four lights currently. That is all that is needed.

LARRY WILLIAMS: So you have another business there on your lot. Will this affect them?

PAUL WATZLAVIK: It will not affect the current tenants because they do not utilize any of this space for parking.

LARRY WILLIAMS: Any further questions from the board? Hearing none, you may have a seat.

MINDY BOURNE: This does have to go through Site Development application with the Area Plan Commission right after this meeting. Any action you take is contingent upon the Site Plan being approved by the APC.

LARRY WILLIAMS: We will now open this application up to the public. 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, letters or phone calls.

LARRY WILLIAMS: We will open this application up to the board for discussion and/or action.

RON FALLOWFIELD: I was a little concerned about the water but since he owns the lot beside this, it is not as much of an issue to me as long as those drains are left open.

LARRY WILLIAMS: Paul has done a good job of keeping his properties up. I don't think there will be any issues.

KEITH SPURGEON: It looks like the north side of the building that he is wanting a 4' relaxation, that will be pretty much in line with the other building there.

ATTORNEY BETH MCFADIN HIGGINS: Just remember when you make your first motion and you make your Findings, you might want to make those broadly. Then you can adopt those Findings on Variances two and three if you would like.

Keith Spurgeon made a motion in the affirmative to approve relaxation of side yard setback from 10' to 2' on Docket #21-79-V-BZA contingent upon the Site Development Plan being approved by the Area Plan Commission. Larry Droege seconded the motion. The Variance Voting Sheet was read. **Roll Call Vote (4-0) Yes. Motion carried.**

Keith Spurgeon made a motion in the affirmative to approve relaxation of rear yard setback from 20' to 4' on Docket #21-79-V-BZA contingent upon the Site Development Plan being approved by the Area Plan Commission. Larry Droege seconded the motion.

Larry Droege made a motion in the affirmative to adopt the Variance Voting Sheet Findings of Fact. Ron Fallowfield seconded the motion. **Roll Call Vote (4-0) Yes. Motion carried.**

Roll Call Vote (4-0) Yes. Motion carried to approve relaxation of rear yard setback.

Larry Droege made a motion in the affirmative to approve to reduce off street parking on Docket #21-79-V-BZA contingent upon the Site Development Plan being approved by the Area Plan Commission. Ron Fallowfield seconded the motion.

Larry Droege made a motion in the affirmative to adopt the Variance Voting Sheet Findings of Fact. Ron Fallowfield seconded the motion. **Roll Call Vote (4-0) Yes. Motion carried.**

Roll Call Vote (4-0) Yes. Motion carried to approve off street parking.


MINDY BOURNE: All of the Variances have been approved contingent upon the Site Development Plan approval. So you will need to stick around for the Site Plan.

ADDITIONAL BUSINESS: None

CITIZEN CONCERNS: None

ADJOURNMENT: Keith Spurgeon made a motion to adjourn the meeting at 6:11 p.m. Ron Fallowfield seconded the motion.



Mr. Larry Williams, Chairman

Mrs. Mindy Bourne, Executive Director

POSEY COUNTY SPECIAL USE VOTING SHEET

Posey County Board of Zoning Appeals
Report of Finding Fact

BZA NO: 21-13-54-B2A

Kathy Heck, Hawk Signs

HAS THE APPLICANT PROVEN BY SUBSTANTIAL EVIDENCE THE FOLLOWING:

1. The Zoning Ordinance authorizes the Special Use.

Yes it does under Section listed - 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*	4	0
Mark Seib	() YES () NO*				

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

Business - need to let them know you are there - Larry Williams
Consistent with bank in Posey County Larry Droege

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*	4	0
Mark Seib	() 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.

Desirable to let public know bank is there - Keith Spurgeon

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*	4	0
Mark Seib	() 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.

Seems reasonable with bank retail - Larry Droege

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*	4	0
Mark Seib	() YES () NO*				

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

Use of the licensed sign installer agrees with this Larry Droege

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*	4	0
Mark Seib	() YES () NO*				

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

Blends in - not flashy or large - 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*	4	0
Mark Seib	() 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.

Bank sign - replacing existing sign - Larry Droege

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	<u>0</u>	<u>4</u>
Mark Seib	() YES* () NO				

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

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

Drives at night so it covers all the requirements - Larry Williams

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*	<u>4</u>	<u>0</u>
Mark Seib	() 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 9th day of December, 20 21.

VARIANCE VOTING SHEET

POSEY COUNTY BOARD OF ZONING APPEALS

Report of Findings of Fact

BZA NO: 21-77-V-BZA

Ricky Winterheimer

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

No - low volume road - 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	4
Mark Seib	() 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?

No - will improve it - adds to tax base - 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	4
Mark Seib	() NO	() YES*					

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

Yes - setback - Ron Fallowfield location of garage close to road Larry Droege

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	4	0
Mark Seib	() NO*	() YES					

4. Are these conditions general in the same zone?

No other specific to that lot - 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	4
Mark Seib	() NO	() YES*					

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

Yes - hard time putting it anywhere else, septic - 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	4	0
Mark Seib	() NO*	() YES					

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

No - Private Subdivision - 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*	<u>0</u>	<u>4</u>
Mark Seib	() 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 _____ (4)

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 9th day of December 2021

(date)

POSEY COUNTY SPECIAL USE VOTING SHEET

Posey County Board of Zoning Appeals
Report of Finding Fact

BZA NO: 21-16-SU-BZA
MSD of Mt. Vernon

HAS THE APPLICANT PROVEN BY SUBSTANTIAL EVIDENCE THE FOLLOWING:

1. The Zoning Ordinance authorizes the Special Use.

++ does Keith Spurgeon

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*	<u>3</u>	<u>0</u>
Mark Seib	() YES () NO*	<u>Abtain</u>			

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

Yes - wonderful for kids - Ron Fallowfield - Good indoor space - Keith Spurgeon

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	() YES () NO*	<u>3</u>	<u>0</u>
Mark Seib	() 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.

Great asset to community - Ron Fallowfield

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	() YES () NO*	<u>3</u>	<u>0</u>
Mark Seib	() 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.

Yes - worked on drainage - no rerouting of traffic - Ron Fallowfield

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	() YES () NO*	<u>3</u>	<u>0</u>
Mark Seib	() YES () NO*				

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

Yes - usage - Ron Fallowfield

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	() YES () NO*	<u>3</u>	<u>0</u>
Mark Seib	() YES () NO*				

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

Yes school district Keith Spurgeon

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	() YES () NO*	<u>3</u>	<u>0</u>
Mark Seib	() 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.

Provides Safety for Students - Keith Spurgeon

Larry Droege () YES* (☒) NO

Keith Spurgeon () YES* (☒) NO

YES

NO

Ron Fallowfield () YES* (☒) NO

Larry Williams () YES* () NO

Mark Seib () YES* () NO

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

Larry Droege () YES () NO*

Keith Spurgeon () YES () NO*

YES

NO

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.

Yes - Larry Droege

Larry Droege (☒) YES () NO*

Keith Spurgeon (☒) YES () NO*

YES

NO

Ron Fallowfield (☒) YES () NO*

Larry Williams () YES () NO*

Mark Seib () 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 9th day of December, 2021.

VARIANCE VOTING SHEET

POSEY COUNTY BOARD OF ZONING APPEALS

Report of Findings of Fact

BAZ NO: 21-78-V-B2A *Relaxation of Front Yard Setback*
MSD of Mt. Vernon

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

No - Keith Spurgeon

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	() NO	() YES*	<u>0</u>	<u>3</u>
Mark Seib	() 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?

Will not - Increase Value - 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	() NO	() YES*	<u>0</u>	<u>3</u>
Mark Seib	() NO	() YES*					

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

Yes - avoid existing sewer system - Larry Droege

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*	() YES	<u>3</u>	<u>0</u>
Mark Seib	() NO*	() YES					

4. Are these conditions general in the same zone?

Unique to this property - School property - Keith Spurgeon

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	() NO	() YES*	<u>0</u>	<u>3</u>
Mark Seib	() NO	() YES*					

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

- Yes - they would have water issues - 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*	() YES	<u>3</u>	<u>0</u>
Mark Seib	() NO*	() YES					

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

No - will not impact traffic - Keith Spurgeon

Larry Droege	(<input checked="" type="checkbox"/>) NO	(<input type="checkbox"/>) YES*	Keith Spurgeon	(<input checked="" type="checkbox"/>) NO	(<input type="checkbox"/>) YES*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	(<input checked="" type="checkbox"/>) NO	(<input type="checkbox"/>) YES*	Larry Williams	(<input type="checkbox"/>) NO	(<input type="checkbox"/>) YES*	<u>0</u>	<u>3</u>
Mark Seib	(<input type="checkbox"/>) NO	(<input type="checkbox"/>) 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 9th day of December 2014
(date)

VARIANCE VOTING SHEET

POSEY COUNTY BOARD OF ZONING APPEALS

Report of Findings of Fact

BZA NO: 21-78-V-BZA Relaxation of Height
MSD of Mt. Vernon

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

No - Keith Spurgeon

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	() NO	() YES*	0	3
Mark Seib	() 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?

Will not - increase value - Ron Fallowfield

Larry Droege	(<input checked="" type="checkbox"/>) NO	() YES*	Keith Spurgeon	() NO	() YES*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	(<input checked="" type="checkbox"/>) NO	() YES*	Larry Williams	() NO	() YES*	0	3
Mark Seib	() NO	() YES*					

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

Yes - avoid existing sewer system - Larry Droege

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*	() YES	Larry Williams	() NO*	() YES	3	0
Mark Seib	() NO*	() YES					

4. Are these conditions general in the same zone?

Unique to this property school property - Keith Spurgeon

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	() NO	() YES*	0	3
Mark Seib	() NO	() YES*					

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

Yes - they would have water usage - 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*	() YES	3	0
Mark Seib	() NO*	() YES					

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

No - Will not impact traffic - Keith Spurgeon

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	() NO	() YES*	<u>0</u>	<u>3</u>
Mark Seib	() NO	() YES*					

***If any one of your answers above is followed by an asterisk, under the statue 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 9th day of December 2011

(date)

VARIANCE VOTING SHEET

POSEY COUNTY BOARD OF ZONING APPEALS

Report of Findings of Fact

BZA NO: 21-79-V-BZA Relaxation of side yard setback
Paul Wiatykowski

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

No - no runoff issue - Ron Fallowfield
Consistent with existing footprint - Keith Spurgeon

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	4
Mark Seib	() 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?

add to tax base - 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	4
Mark Seib	() NO	() YES*					

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

Yes - Keith Spurgeon

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	4	0
Mark Seib	() NO*	() YES					

4. Are these conditions general in the same zone?

No - specific to property existing footprint, neighboring properties
Keith Spurgeon

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	4
Mark Seib	() NO	() YES*					

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

couldn't do it without variance - 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	4	0
Mark Seib	() NO*	() YES					

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

Plenty of off street parking - Ron Fallowfield
Used for storage - Larry Williams

Larry Droege	(<input checked="" type="checkbox"/>) NO	(<input type="checkbox"/>) YES*	Keith Spurgeon	(<input checked="" type="checkbox"/>) NO	(<input type="checkbox"/>) YES*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	(<input checked="" type="checkbox"/>) NO	(<input type="checkbox"/>) YES*	Larry Williams	(<input checked="" type="checkbox"/>) NO	(<input type="checkbox"/>) YES*	<u>0</u>	<u>4</u>
Mark Seib	(<input type="checkbox"/>) NO	(<input type="checkbox"/>) 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 9th day of December 2021

(date)

VARIANCE VOTING SHEET

POSEY COUNTY BOARD OF ZONING APPEALS

Report of Findings of Fact

BZA NO: 21-79-V-B2A *Relaxation of rear yard setback*
Paul Witzelbach

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

No - no runoff issues - Ron Fallowfield *Consistent with existing footprint - Keith Spurgeon*

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	4
Mark Seib	() 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?

Add to tax base - 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	4
Mark Seib	() NO	() YES*					

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

Yes - Keith Spurgeon

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*	() YES	Larry Williams	() NO*	(<input checked="" type="checkbox"/>) YES	4	0
Mark Seib	() NO*	() YES					

4. Are these conditions general in the same zone?

No - specific to property, existing footprint, neighboring properties - Keith Spurgeon

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	4
Mark Seib	() NO	() YES*					

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

Couldn't do without variance - 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	4	0
Mark Seib	() NO*	() YES					

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

Plenty of off street parking - Ron Fallowfield Used for storage - Larry Williams

Larry Droege	() 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*	<u>0</u>	<u>4</u>
Mark Seib	() NO	() YES*					

***If any one of your answers above is followed by an asterisk, under the statue 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 9th day of December 2021

(date)

VARIANCE VOTING SHEET

POSEY COUNTY BOARD OF ZONING APPEALS

Report of Findings of Fact

BZA NO: 21-79-V-BZA - Reduce off street parking

Paul W. Wylancik

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

No - no runoff issues - Ron Fallowfield *consistent with existing footprint - Keith Spurgeon*

Larry Droege	(<input checked="" type="checkbox"/>) NO	(<input type="checkbox"/>) YES*	Keith Spurgeon	(<input checked="" type="checkbox"/>) NO	(<input type="checkbox"/>) YES*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	(<input checked="" type="checkbox"/>) NO	(<input type="checkbox"/>) YES*	Larry Williams	(<input checked="" type="checkbox"/>) NO	(<input type="checkbox"/>) YES*	0	4
Mark Seib	(<input type="checkbox"/>) NO	(<input type="checkbox"/>) 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?

add to tax base - Larry Williams

Larry Droege	(<input checked="" type="checkbox"/>) NO	(<input type="checkbox"/>) YES*	Keith Spurgeon	(<input checked="" type="checkbox"/>) NO	(<input type="checkbox"/>) YES*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	(<input checked="" type="checkbox"/>) NO	(<input type="checkbox"/>) YES*	Larry Williams	(<input checked="" type="checkbox"/>) NO	(<input type="checkbox"/>) YES*	0	4
Mark Seib	(<input type="checkbox"/>) NO	(<input type="checkbox"/>) YES*					

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

Yes Keith Spurgeon

Larry Droege	(<input type="checkbox"/>) NO*	(<input checked="" type="checkbox"/>) YES	Keith Spurgeon	(<input type="checkbox"/>) NO*	(<input checked="" type="checkbox"/>) YES	<u>YES</u>	<u>NO</u>
Ron Fallowfield	(<input type="checkbox"/>) NO*	(<input checked="" type="checkbox"/>) YES	Larry Williams	(<input type="checkbox"/>) NO*	(<input checked="" type="checkbox"/>) YES	4	0
Mark Seib	(<input type="checkbox"/>) NO*	(<input type="checkbox"/>) YES					

4. Are these conditions general in the same zone?

No - specific to property, existing footprint - neighboring properties - Keith Spurgeon

Larry Droege	(<input checked="" type="checkbox"/>) NO	(<input type="checkbox"/>) YES*	Keith Spurgeon	(<input checked="" type="checkbox"/>) NO	(<input type="checkbox"/>) YES*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	(<input checked="" type="checkbox"/>) NO	(<input type="checkbox"/>) YES*	Larry Williams	(<input checked="" type="checkbox"/>) NO	(<input type="checkbox"/>) YES*	0	4
Mark Seib	(<input type="checkbox"/>) NO	(<input type="checkbox"/>) YES*					

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

couldn't do without Variance - Ron Fallowfield

Larry Droege	(<input type="checkbox"/>) NO*	(<input checked="" type="checkbox"/>) YES	Keith Spurgeon	(<input type="checkbox"/>) NO*	(<input checked="" type="checkbox"/>) YES	<u>YES</u>	<u>NO</u>
Ron Fallowfield	(<input type="checkbox"/>) NO*	(<input checked="" type="checkbox"/>) YES	Larry Williams	(<input type="checkbox"/>) NO*	(<input checked="" type="checkbox"/>) YES	4	0
Mark Seib	(<input type="checkbox"/>) NO*	(<input type="checkbox"/>) YES					

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

Plenty of off street parking - Ron Fallowfield *Used for storage - 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	4
Mark Seib	() NO	() YES*					

***If any one of your answers above is followed by an asterisk, under the statue 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 9th day of December 2011
(date)

Exhibit 1



VIEW LOOKING NORTHWEST



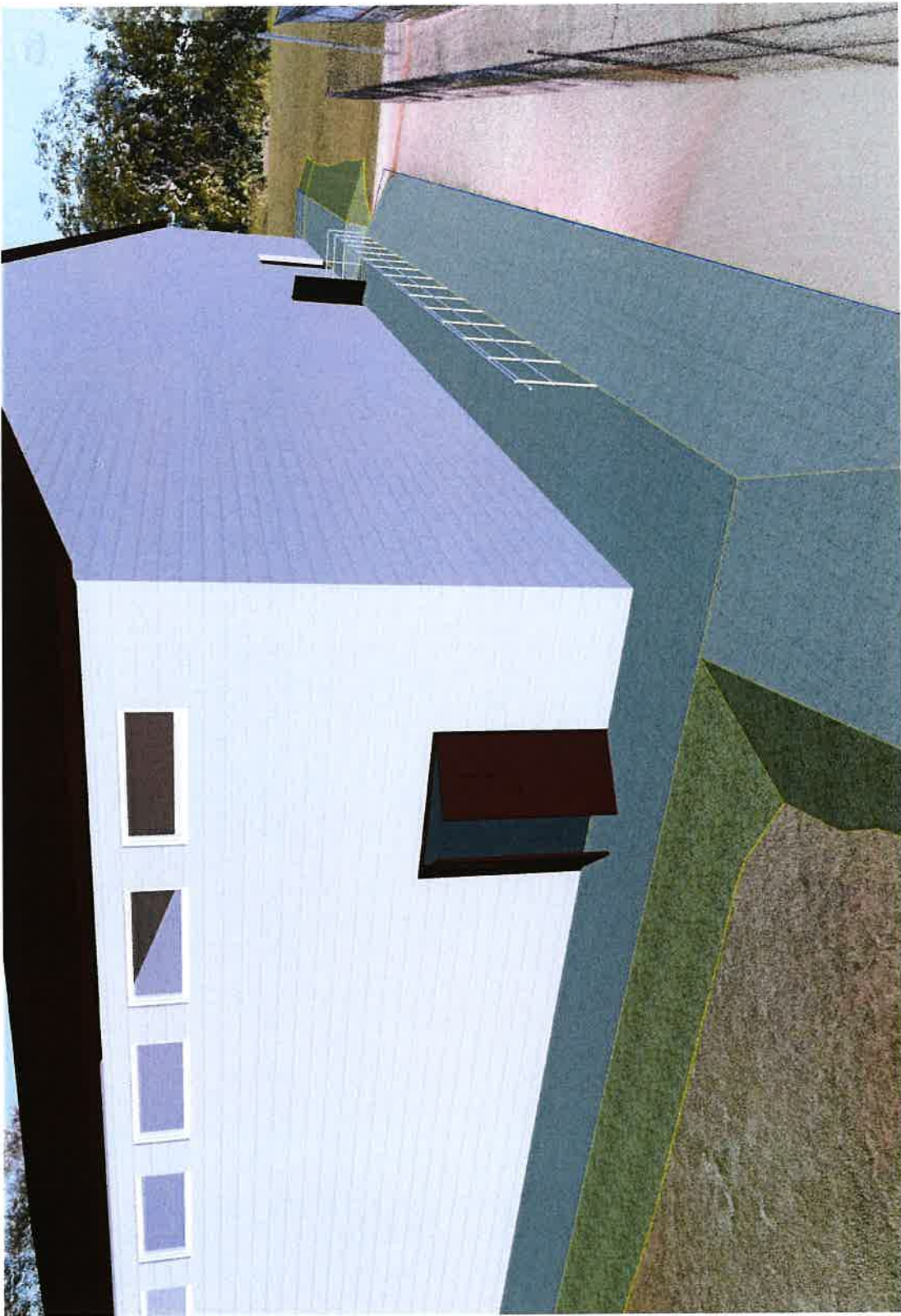
VIEW LOOKING SOUTHWEST



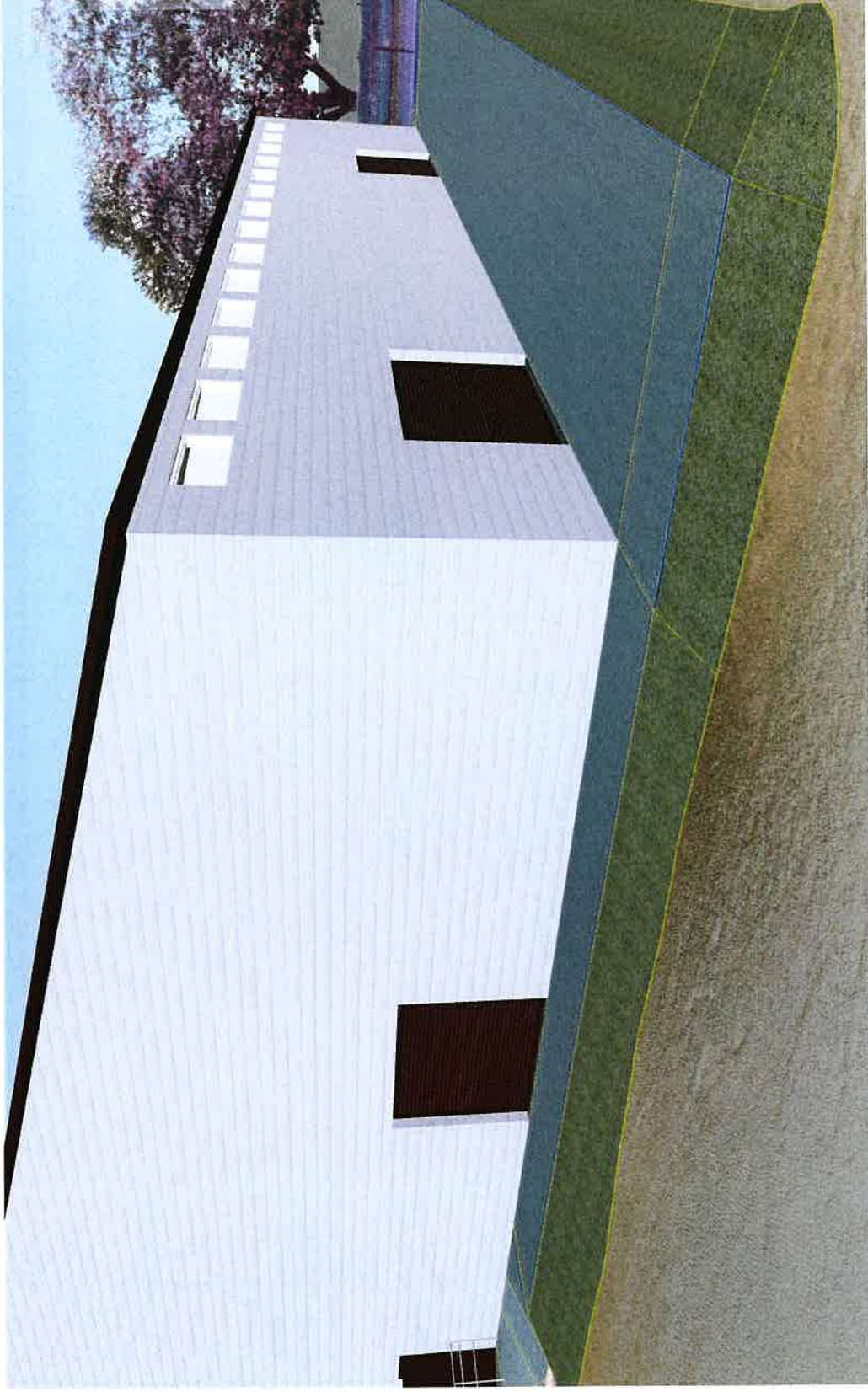
VIEW LOOKING SOUTHEAST



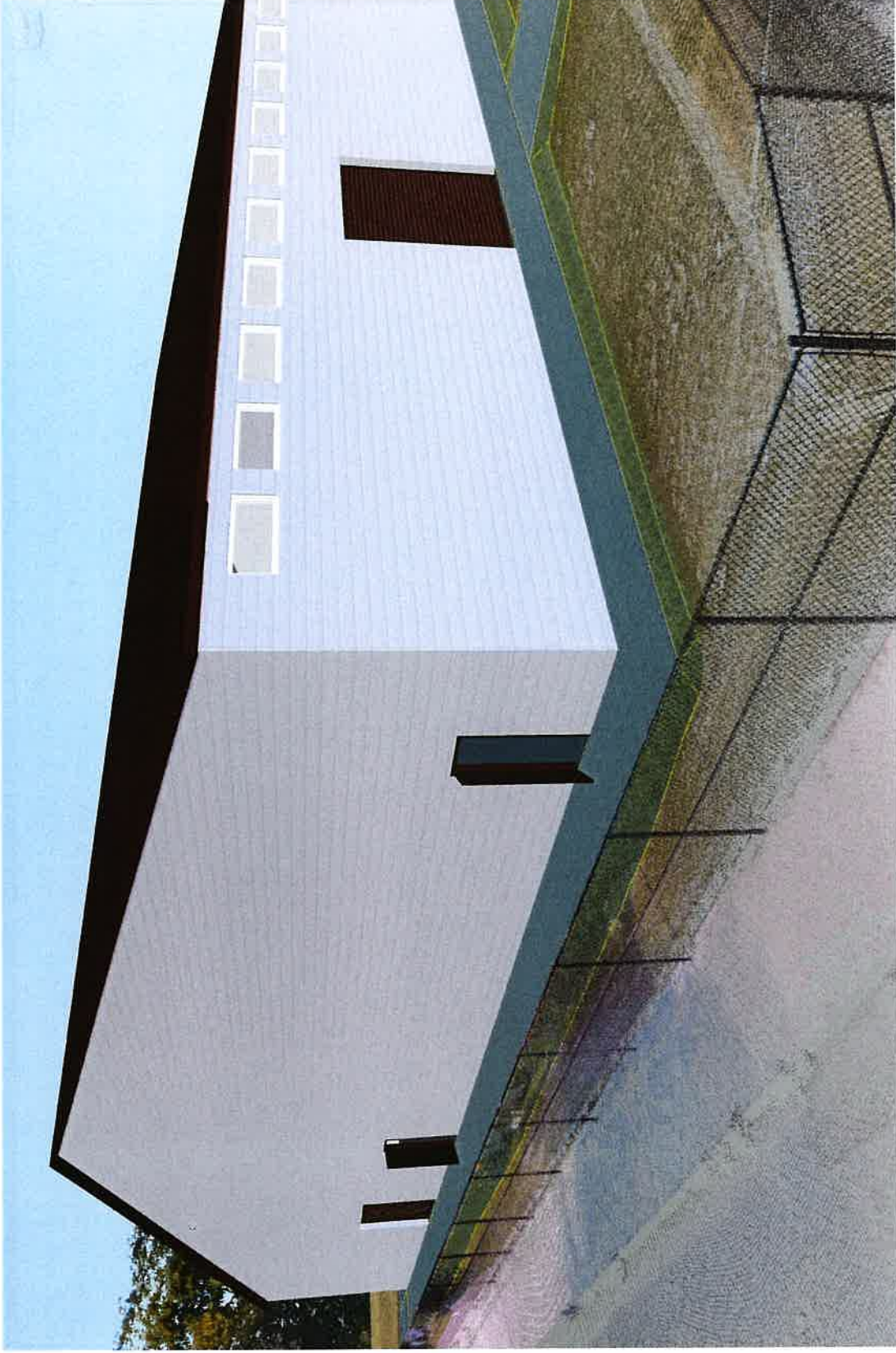
VIEW LOOKING NORTHEAST



VIEW LOOKING ALONG EAST WALL



VIEW LOOKING AT NORTHEAST CORNER



VIEW LOOKING AT SOUTHWEST CORNER