

## MINUTES

### POSEY COUNTY BOARD OF ZONING APPEALS REGULAR MEETING

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

JANUARY 13, 2022  
5:00 P.M.

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

**MEMBERS ABSENT:** None

Attorney Beth McFadin Higgins administered the Oath of Office for the one-year reappointments of Mark Seib and Keith Spurgeon.

**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. Roll Call Vote (5-0). **Motion carried.**

**ELECTION OF OFFICERS 2022:** Mark Seib made a motion in the affirmative to nominate Larry Williams as Chairman for 2022. Motion was seconded by Ron Fallowfield. Ron Fallowfield made a motion to close nominations. Motion was seconded by Mark Seib. Roll Call Vote (4-0). **Motion carried.**

Keith Spurgeon made a motion in the affirmative to nominate Ron Fallowfield as Vice Chairman for 2022. Motion was seconded by Larry Droege. Roll Call Vote (4-0) **Motion carried.**

**ATTORNEY 2022:** A motion was made in the affirmative by Ron Fallowfield and seconded by Larry Droege to retain Beth McFadin Higgins as primary attorney for 2022. Roll Call Vote (5-0). **Motion carried.**

**BACKUP ATTORNEY 2022:** A motion was made in the affirmative by Mark Seib and seconded by Keith Spurgeon to retain the office of Van Haaften & Farrar as backup attorney for 2022. Roll Call Vote (5-0). **Motion carried.**

**MEETING DATES AND TIMES FOR 2022:** Mark Seib made a motion to keep the time and the date of meetings the same as in 2021, the second Thursday of the month at 5:00 p.m., provided the APC keep their dates the same also. Ron Fallowfield seconded the motion. Roll

Call Vote (5-0). **Motion carried.**

**RULES OF PROCEDURE:** A motion was made in the affirmative by Ron Fallowfield and seconded by Larry Droege to accept the Rules of Procedure for 2022 as presented. There are no changes from 2021. Roll Call Vote (5-0). **Motion carried.**

**DESIGNATED NEWSPAPER:** Mark Seib made a motion to designate the Posey County News for 2022. Ron Fallowfield seconded the motion. Roll Call Vote (5-0). **Motion carried.**

**SPECIAL USE TABLED FROM DECEMBER 9, 2021 MEETING:**

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.

Mr. Williams asked if any board members had a conflict of interest with this application. Mr. Williams and Dr. Spurgeon stated they had a conflict of interest because they are both board members of the United Way of Posey County. Mr. Williams 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.

**KEELY WINIGER:** I am the Executive Director for the United Way of Posey County. The homeless shelter as we know it is closing and they are looking to give their locations to another 501c3 nonprofit. They approached us asking who we thought could use this. I asked if we could be a possibility. It would save us rent, we would have an asset and if we closed we could give it to another nonprofit. It would give us signage.

**MARK SEIB:** Are you planning to expand this and increase the number of people that will be there?

**KEELY WINIGER:** It is a modular home and it is set up with three bedrooms, two baths and a living room area and kitchen. We plan to make one of the bathrooms in the main area ADA

accessible. We plan on putting a ramp outside. Besides that, just basically paint and make a conference room in the kitchen.

**RON FALLOWFIELD:** Will there be ample parking?

**KEELY WINIGER:** There is. There is a garage where individuals can park. There is also parking in the rock area. What we have thought about there is a grass area on the side that in the future if need be could be parking that we could use. But no immediate attempt to have that done. We are an office of two. The only time it is really busy is during campaign and that is October until December timeframe. We meet once a month with maybe six of us total. There is not a lot of traffic.

**RON FALLOWFIELD:** 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. Fallowfield confirmed with Mindy Bourne there were no emails, letters or phone calls.

Mark Seib made a motion in the affirmative to approve Docket #21-15-SU-BZA. Motion seconded by Larry Droege. The Special Use Voting Sheet was read. **Roll Call Vote (3-0) Larry Williams and Keith Spurgeon abstained. Yes. Motion carried.**

**MINDY BOURNE:** This Special Use has been approved. You will receive a letter from our office stating that this has been approved. You can keep it for your records.


Mr. Fallowfield turned the meeting over to Mr. Williams.

**ADDITIONAL BUSINESS:** None

**CITIZEN CONCERNS:** None

**ADJOURNMENT:** Mark Seib made a motion to adjourn the meeting at 5:26 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: 21-1536-BZA  
*United Way of Posey County*

HAS THE APPLICANT PROVEN BY SUBSTANTIAL EVIDENCE THE FOLLOWING:

1. The Zoning Ordinance authorizes the Special Use *Section 153.048(B)(5) 153.156(B)(2)*  
*It does changing from residence to office - Ron Fallowfield*

Larry Droege	<input checked="" type="checkbox"/> YES ( ) NO*	Keith Spurgeon	( ) 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	<input checked="" type="checkbox"/> YES ( ) NO*				

2. The proposed Special Use is essential or desirable to the public convenience and welfare.  
*Good location for non profit - Ron Fallowfield*

Larry Droege	<input checked="" type="checkbox"/> YES ( ) NO*	Keith Spurgeon	( ) 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	<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.

*It is a need - office - Mark Seib*

Larry Droege	<input checked="" type="checkbox"/> YES ( ) NO*	Keith Spurgeon	( ) 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	<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.

*It is in the interest of public and convenience - Mark Seib*

Larry Droege	<input checked="" type="checkbox"/> YES ( ) NO*	Keith Spurgeon	( ) 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	<input checked="" type="checkbox"/> YES ( ) NO*				

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

*You will non for profit - help them have an office that will serve whole county - Ron Fallowfield*

Larry Droege	<input checked="" type="checkbox"/> YES ( ) NO*	Keith Spurgeon	( ) 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	<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.

*It is in harmony with the Comprehensive Plan - Mark Seib*

Larry Droege	<input checked="" type="checkbox"/> YES ( ) NO*	Keith Spurgeon	( ) 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	<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.

*Off street, property is available - Ron Fallowfield*

*Don't think there is an issue with health/safety for office - Mark Seib*

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

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*				

*N/A*

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.

*Working out of existing building they meet all of those requirements - Mark Seib*

Larry Droege	( <input checked="" type="checkbox"/> ) YES ( ) NO*	Keith Spurgeon	( ) YES ( ) NO*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	( <input checked="" type="checkbox"/> ) YES ( ) NO*	Larry Williams	( ) YES ( ) NO*	3	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 13<sup>th</sup> day of January, 2022.