

MINUTES

POSEY COUNTY BOARD OF ZONING APPEALS REGULAR MEETING

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

MARCH 10, 2022

5:00 P.M.

MEMBERS PRESENT: Mr. Larry Williams-Chairperson, Mr. Ron Fallowfield-Vice Chairperson, Mr. Larry Droege, Dr. Keith Spurgeon, Mr. Mark Seib, Mrs. Beth McFadin Higgins- 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 Mark Seib. Roll Call Vote (5-0). **Motion carried.**

APPROVAL OF MINUTES FOR EXECUTIVE SESSION: Ron Fallowfield made a motion in the affirmative to approve the minutes of the last executive session meeting as emailed. Motion seconded by Larry Droege. Roll Call Vote (5-0). **Motion carried.**

Mark Seib made the motion to authorize Beth McFadin-Higgins, as legal counsel for the BZA, to appeal the decision rendered in the Collins versus BZA case, Cause No. 65D01-2108-MI-269, and ratify any action necessary to preserve the right to appeal that were required prior to today's date. Motion seconded by Ron Fallowfield. Roll Call Vote (5-0). **Motion carried.**

SPECIAL USE:

DOCKET NO: 22-01-SU-BZA

APPLICANT: Donnarae Woolston

OWNER: Daniel W. Woolston

PREMISES: Part of the Northeast Quarter of Section 1, Township 5 South, Range 13 West, Center Township, Posey County, Indiana, containing 6.5 acres, more or less. More commonly known as 5801 SR 66, Poseyville, Indiana. (Complete legal description is on file at the Posey County Area Plan Commission Office).

NATURE OF CASE: Applicant requests a Special Use for a retail greenhouse in an (A) Agricultural Zoning District. Section 153.032 (B) (6) Use Unit 15 Other Trades & Services and Section 153.160 (B) (1) (a) (x) of the Zoning Ordinance of the City of Poseyville, Town of Cynthiana, Town of Poseyville and Unincorporated Posey County.

Mr. Williams confirmed no board members had any conflict of interest.

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

DANIEL WOOLSTON: 4302 W. Main St., Poseyville, IN 47633. We are asking for a Special Use Permit to have a retail greenhouse at the site to sell native plants.

RON FALLOWFIELD: Where are you going to put this greenhouse?

DANIEL WOOLSTON: To the south of the house and behind the pool in the rear.

LARRY WILLIAMS: Are the plans to have people visiting the greenhouse? How are you planning on operating this?

DANIEL WOOLSTON: There will be some retail and some mail order.

RON FALLOWFIELD: Are you expecting to have a lot of traffic?

DANIEL WOOLSTON: No heavy traffic because these will be native plants and it is more of a niche' market. There is not a big following like the plants going into places like Home Depot.

MARK SEIB: Are you doing more landscaping type plants?

DANIEL WOOLSTON: Trees, shrubs and native perennials, like what was here in the area before people showed up.

MARK SEIB: This will be a 5000 square foot greenhouse?

DANIEL WOOLSTON: Yes.

LARRY DROEGE: Your home is due west of the greenhouse or due north?

DANIEL WOOLSTON: North

LARRY DROEGE: You're only using the existing driveway?

DANIEL WOOLSTON: The greenhouse will only be used for growing of plants, the items will be brought up front and sold at the garage, off of Highway 66. The house will be used more as an office.

RON FALLOWFIELD: That is good.

LARRY WILLIAMS: How close is your nearest neighbor to the greenhouse?

DANIEL WOOLSTON: Other side of the field about ¼ mile.

MARK SEIB: What about parking are you expecting a dozen cars? The one driveway and having customers and deliveries. Will you be shipping out of there or will they will be coming to pick up parcels?

DANIEL WOOLSTON: We take shipping to UPS or FedEx in Evansville so we would be putting them in their hands, we want them shipped out as soon as possible and to arrive in good condition. There is currently enough room for 6 – 8 vehicles. We can make more if we see a need to.

LARRY DROEGE: I have one more question. On line item 4 of the application, it asks that if the situation changes is there anything to prevent you from expanding. I see your pool is close by but is there anything like a field bed that could be an issue.

DANIEL WOOLSTON: The utilities come from the highway area towards the house. There is nothing but a hydrant to water a horse out the back.

LARRY DROEGE: So in 5 years when your internet is jamming with people wanting plants, you can put up another greenhouse beside that and not have to worry.

KEITH SPURGEON: The application states the business is 5000 square feet plus 288 for greenhouse? What does that mean?

DANIEL WOOLSTON: I will need to refer to my wife, she applied for the permit a long time ago.

DONNARAE WOOLSTON: We were planning for a 12 X 20 greenhouse. When you are doing the natives, the greenhouse is not absolutely necessary like it is for the plants from Europe which need that control. The natives do better if they are out in the open. I don't see expanding the greenhouse. I'll have tables where plants are set out in the grass area by the garage for people to look at. That will leave at least 6 – 8 spaces for parking by the garage to the first tree on the opposite side of the driveway. Does that answer your questions?

KEITH SPURGEON: I think so but correct me if I am wrong. The 5000 square feet is like the general area where you are going to be doing business, the greenhouse itself which hasn't been built yet will be the 288 square feet, the 12 X 24.

DONNARAE WOOLSTON: Yes.

LARRY WILLIAMS: You have any more questions.

MARK SEIB: Will there be any signage or lit signs?

DONNARAE WOOLSTON: Not lit. My sign will be roughly 3 X 4 feet.

MARK SEIB: Your hours are listed as only Thursday, Friday and Saturday from 12:00 – 5:00 PM.

DONNARAE WOOLSTON: Yes.

MARK SEIB: So there will be no need for outside lights or any outdoor lights which would bother any neighbor.

DONNARAE WOOLSTON: No Sir.

LARRY WILLIAMS: Have a seat. Open the floor for public comment. No one. Close the public portion and turn back towards the board for any further comment.

RON FALLOWFIELD: I don't see any issues with 6.5 acres there and it is close to the middle. Shouldn't affect any neighbors.

BETH MCFADIN-HIGGINS: This is a little different, most things coming before you deal with home occupations. This is not a home occupation. So some of the restrictions that come with home occupation do not apply here such as the size of the sign and no employees. This is actually a Special Use to operate a business in an Agricultural District. Attorney, McFadin-Higgins read from the Ordinance and reiterated to the board that Veterinary Office, Animal Hospital or kennel and greenhouse were the only business types which the board can authorize Special Uses for in an Agricultural District. With Special Uses you can put any kind of conditions on it if you feel it is necessary.

MINDY BOURNE: I did receive one phone call from Paula Hoehn on 2/16/2022, she is worried about drainage. If they use a lot of chemicals it will drain on her property. She wonders where their drainage will go. She doesn't want a lot of chemical drainage that can go into the lake.

DANIEL WOOLSTON: With native plants, there are no chemicals, think organic. And about 90% of that property drains to the north away from the Hoehn's or towards the highway.

DONNARAE WOOLSTON: We don't use pesticides or herbicides.

LARRY WILLIAMS: Any motion?

Ron Fallowfield made a motion in the affirmative to approve Docket #22-01-SU-BZA. Motion Seconded by Larry Droege. The Special Use Voting Sheet was read. **Roll Call Vote (5-0)**
Yes. Motion carried.

MINDY BOURNE: This Special Use has been approved. You will receive a letter and you will also need to obtain an Improvement Location Permit from our office to build the greenhouse and a permit from the Building Commissioner's Office.

SPECIAL USE & VARIANCE:

DOCKET NO: 22-02-SU-BZA & 22-01-V-BZA

APPLICANT: Josh Hood, Wessler Engineering

OWNER: Posey County Regional Sewer District

PREMISES: Part of the Southeast Quarter of the Northwest Quarter of Section 21, Township 5 South, Range 12 West, lying in Robinson Township, Posey County, Indiana, Containing 0.21 acres more or less. More commonly known as Off Highway 66, Wadesville, 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 14' x 28' booster station in an R-1 (Residential Single-Family) Zoning District Section 153.042 (B) (2) Use Unit 3 Public Protection and Utility Facilities, 153.148 (B) (9) and Variance for relaxation of front yard setback from 25' to 19' Section 153.043 (B) (1) (b) of the Zoning Ordinance of the City of Mt. Vernon, Town of Cynthiana, Town of Poseyville and Unincorporated Posey County.

Mr. Williams confirmed no board members had any conflict of interest.

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

JOSH HOOD: For Wessler Engineering. 5401 Vogel Rd, Evansville, IN 47715. As a part of the Wadesville-Blairsville wastewater expansion. Based on the large area of coverage, the up and down terrain on the Blairsville side, there needs to be a booster station to regulate the pressure between upstream half of Blairsville and downstream half. It is a giant tank that is housed inside the 14 X 28 building. Sewer flows into the tank, pressurizes, and flows out the other side. It will help keep everything running efficiently as possible and will be able to adjust to variable flows.

RON FALLOWFIELD: You mentioned pressure tank, what will keep the odors in check? Or when you say pressure, are you meaning a pump to move it on?

JOSH HOOD: It is a sealed system – the entire system is low pressure. It is not like a forced main where you get really high pressure which is trying to get it out of there as soon as possible. It is slow moving kind of using pumps within the booster tank to equalize that out.

LARRY WILLIAMS: When you say the pumps may be audible during operation, how loud is audible?

JOSH HOOD: It is hard to describe, if you have ever been around a lift station. It is more of a hum. If you are standing right next to it when it goes off you will definitely hear it. With it being in the insulated building, obviously, the further you get away the less you hear. It is not like it will wake up the neighbors. If you are inside the little building, then yes it may sound loud. It will only be running 2 – 4 times a day, once or twice in the morning and once or twice in the evening. When there is more flows such as in the mornings when people are going to work or when they come home and making dinner or getting ready for bed, it might run once or twice during those cycles.

RON FALLOWFIELD: I know where I live in Poseyville it is very quiet. You would have to be right up at them to hear them. I do have one question, do you anticipate a generator for backup power?

JOSH HOOD: Yes, there will be. I don't know the exact specifics but I assume a standard industrial generator. It shouldn't be that big.

RON FALLOWFIELD: In looking at the maps, the houses are not very close to the area to worry about the noise.

LARRY DROEGE: In the drawings that we received, the darkened area is all going to be the perimeter of the fencing. Am I assuming that correctly?

JOSH HOOD: Not exactly, the darkened area is the gravel. The rectangular piece not the piece that goes up towards the highway. If you square off the rectangular that is basically what is in the fenced in. I think that we may call for a foot of gravel outside of the fence to make it look nicer.

LARRY DROEGE: Another question, the actual physical location, there is an empty lot there and just to the west of this pump station will be a home with a chain link fence between there. Is that correct? Or is it going to be behind that property, just south of that house on Highway 66.

JOSH HOOD: It will be south of the house. When you are out in the field and are looking at it it appears to be one parcel but is actually 2 parcels. The one closest to the highway that is where the house sits. I believe there is a building line on there.

LARRY DROEGE: So, you in the grass area directly south of the home in the fenced in area. Well actually, right now there is no fence on the south side, it is open. There are two mounds directly south of that yard and they appear to be some sanitary mound system. Have you looked to make sure there is not a septic/sanitary system there? I am sure you have been out there when you were doing site drawings. To me it didn't look like a very good spot.

JOSH HOOD: Our surveyors did all of this. I'm not sure if it is on the exact property where we are trying to place our station.

LARRY DROEGE: There is a big open lot beside that place but behind the house didn't seem like a good place to me. But if all of the engineering drawings verify there is nothing underground then I guess it is OK, but it looks like there should be.

JOSH HOOD: I can take a look at it in depth as long as the building isn't on top of those mounds it can be left there. If the engineers had suspected there was a septic bed they would have notated that.

LARRY DROEGE: Did you put up posters and when?

JOSH HOOD: February 25, 2022

KEITH SPURGEON: What is the reason for building of this booster station?

JOSH HOOD: The booster station is a part of the sewer system design. There is a need for the booster station for the County.

MARK SEIB: Are you anticipating more of these applications coming through?

JOSH HOOD: No, if more boosters are needed, a new treatment plant would probably be needed.

MARK SEIB: What road are they using to get access to that lot?

JOSH HOOD: Off of Highway 66 there is a utility drive, or gravel pad right now to pull off that goes back to the property.

LARRY WILLIAMS: You may have a seat. We will open the floor to the public for comments. Seeing none, we will close the public portion.

Mr. Williams confirmed with Mindy that there were no emails, phone calls or letters concerning this application.

LARRY WILLIAMS: We will open to the board for further discussion or action.

RON FALLOWFIELD: This should be pretty straight forward, other than the for the hours when the generator kicks on, there should be minimal to almost no noise based on my experience with Poseyville.

LARRY WILLIAMS: This is needed and outweighs any minor inconveniences that there might be.

Ron Fallowfield made a motion in the affirmative to approve Docket #22-02-SU-BZA. Motion seconded by Keith Spurgeon. The Special Use Voting Sheet was read. **Roll Call Vote (5-0) Yes. Motion carried.**

MINDY BOURNE: The Special Use has been approved.

LARRY WILLIAMS: 22-01-V-BZA Mr. Williams confirmed no board members had any conflict of interest. Mr. Williams confirmed with Mindy Bourne that the applicant met all the requirements for notification per the statute.

JOSH HOOD: For Wessler Engineering. 5401 Vogel Rd, Evansville, IN 47715. We are asking for a variance for relaxation of front yard setback from 25' to 19'. The booster station as designed is 19' feet from the property line to the north instead of the 25'.

MARK SEIB: North property line is 19' instead of 25', is that because of design or position of the building on the property?

JOSH HOOD: Because of the design, but it could be moved.

LARRY DROEGE: On the south side, how far is off that side?

JOSH HOOD: 10' I think. I don't have the drawing that I made for Area Plan.

MARK SEIB: Conferred with Mindy Bourne about lot line requirements.

MINDY BOURNE: It would have to be more than 10' it would need to be 25' in the rear also.

MARK SEIB: Inquired to Mindy Bourne how big the lot is.

MINDY BOURNE: 2.1 acres.

LARRY DROEGE: So it has to be deeper than wider.

MARK SEIB: What are the setback requirements for this lot?

MINDY BOURNE: R-1 would be 25' 25' 5' 5'.

MARK SEIB: We are looking at 19' to the front, 49' to the rear.

RON FALLOWFIELD: I believe if you look at your map, that is Blairsville Road and the highway isn't true north.

LARRY DROEGE: Stierly is to the right.

MARK SEIB: What I'm trying to figure out is the position of the building versus the property line. He has 14' to the south, 19' to the north, 85' to the west and 49' to the east. Shouldn't he need a Variance for the setback to the south as well?

ATTORNEY BETH MCFADIN HIGGINS: If there is additional information that you should need, rather than taking a vote, you can table it until the next meeting.

LARRY DROEGE: My concern is that there is a residence not far from where that structure is going to be. Why couldn't we look at moving the building?

ATTORNEY BETH MCFADIN HIGGINS: He stated that it could be moved. If it was tabled, it would give him time to look at that.

JOSH HOOD: We can look at rotating it. As long as there isn't any manufacturer's recommendation that it needs to be oriented like that. I don't see that to be the case.

LARRY WILLIAMS: If we table that you could go back and get those answers.

Mark Seib made a motion in the affirmative to table application 22-01-V-BZA until the April 14, 2022 meeting. Motion was seconded by Keith Spurgeon. **Roll call vote (5-0). Motion passed.**

ATTORNEY BETH MCFADIN HIGGINS: Our next meeting is April 14, 2022, here in this room at 5:00 p.m.

VARIANCE:

DOCKET NO: 22-02-V-BZA

APPLICANT: David E. Wells

OWNER: David E. Wells

PREMISES: Part of the Southwest Quarter of the Northwest Quarter of Section 3, Township 7 South, Range 12 West, lying in Marrs Township, Posey County Indiana. More commonly known as 9120 Old SR 62, Mt. Vernon, Indiana. Containing 0.75 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 setbacks from 5' to 3' to build a 24' x 30' pole barn addition in an R-1 (Residential Single-Family)

Zoning District under Section 153.042 (D) (1) (c) of the Zoning Ordinance of The City of Mt. Vernon, Town of Cynthiana, Town of Poseyville and Unincorporated Posey County.

Mr. Williams confirmed no board members had any conflict of interest.

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

DAVID WELLS: 9120 Old SR 62 East. I am asking for a 2' Variance so I can connect this pole barn I am wanting to build to an existing building.

MARK SEIB: There appears to be another building in the drawing that has a square part. Is that what you are going to add on?

DAVID WELLS: That is a yard barn that I have taken out.

MARK SEIB: Are you saying this is a garage that is already there that is just south of that yard barn?

DAVID WELLS: Correct.

MARK SEIB: And this is setting 3' off the property line?

DAVID WELLS: Correct.

RON FALLOWFIELD: And you are wanting to add onto the garage to extend it?

DAVID WELLS: Yes.

MARK SEIB: Have you contacted the adjacent property owner to the east to see if they have any issues?

DAVID WELLS: Yes.

MARK SEIB: Do you have anything in writing saying it is ok?

DAVID WELLS: Only the certified letter that I sent to each one of my neighbors. Nothing in writing. Just a verbal.

LARRY DROEGE: Did you build that existing garage?

DAVID WELLS: It was there when I bought the property.

LARRY DROEGE: It has a foundation and is a permanent building?

DAVID WELLS: Yes.

RON FALLOWFIELD: Will this be in the way of your septic?

DAVID WELLS: No, it is to the west.

LARRY WILLIAMS: 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 now close the public portion.

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

RON FALLOWFIELD: We don't like this being that close to the property line.

LARRY DROEGE: Yes, normally I definitely would object. In this case, there is already a structure there and I don't blame him for wanting to line it up with the existing building.

RON FALLOWFIELD: He says he has the verbal and I trust that he does. There is nothing in the way of it.

MARK SEIB: The existing building was already established when he bought the property and he is just trying to carry on.

Mark Seib made a motion in the affirmative to approve docket 22-02-V-BZA. Motion was seconded by Larry Droege. **Roll call vote (5-0). Motion passed.**

ADDITIONAL BUSINESS

ATTORNEY BETH MCFADIN HIGGINS: Last spring AT&T Mobility came before the board about a Special Use and a Variance on West 62. If you recall that was kind of an odd one because the motion died for lack of a second. So they have acted under the statute where no action taken it is deemed approved. If you have any questions, just give me a call.

CITIZEN CONCERNS

ADJOURNMENT: Meeting was adjourned at 6:25 p.m.



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: 22-01-54-BZA

Donnaeae Woolston

HAS THE APPLICANT PROVEN BY SUBSTANTIAL EVIDENCE THE FOLLOWING:

1. The Zoning Ordinance authorizes the Special Use.

Yes - Section 153.032(1)(6) - 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>5</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 you are working with native products - 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	(<input checked="" type="checkbox"/> YES () NO*)	<u>5</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.

They are going to be selling native plants away from neighbors. - Ron Fallowfield
In family community

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>5</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.

Ag business going in Ag district not much traffic - 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>5</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.

Highway going to it - accessible - Larry Droege
Organic chemicals - no drainage issues - 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	(<input checked="" type="checkbox"/> YES () NO*)	<u>5</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.

Yes - ag district - ag business - 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	(<input checked="" type="checkbox"/> YES () NO*)	<u>5</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.

no - using organics - Larry Williams

Larry Droege	() YES* () NO	Keith Spurgeon	() YES* () NO	<u>YES</u>	<u>NO</u>
Ron Fallowfield	() YES* () NO	Larry Williams	() YES* () NO	0	5
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*	NA	NA
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.

Does comply - Ron Fallowfield

Larry Droege	() YES () NO*	Keith Spurgeon	() YES () NO*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	() YES () NO*	Larry Williams	() YES () NO*	5	0
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 10th day of March, 2022.

POSEY COUNTY SPECIAL USE VOTING SHEET

Posey County Board of Zoning Appeals
Report of Finding Fact

BZA NO: 22-02-SU-BZA

Josh Hood, Wesler Engineering

HAS THE APPLICANT PROVEN BY SUBSTANTIAL EVIDENCE THE FOLLOWING:

1. The Zoning Ordinance authorizes the Special Use.

Yes 153.042(B)(2) 13148(a)(4)

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>5</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.

Up-much needed - 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>5</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.

Yes - Whole process is needed - Ron Fallowfield Proven in that area Sept. 2019 health issue 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*	<u>5</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.

Will not effect traffic patterns - 1 vehicle day - 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	(<input checked="" type="checkbox"/>) YES () NO*	<u>5</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.

Improve health of community - Mark Seib Part of a bigger project - Larry Droege

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>5</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.

Yes - Special use - allowing growth of community for residential 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*	<u>5</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.

Make whole area water - Ron Fallowfield - No honor in immediate vicinity of lake

Larry Droege	() YES* () NO	Keith Spurgeon	() YES* () NO	<u>YES</u>	<u>NO</u>
Ron Fallowfield	() YES* () NO	Larry Williams	() YES* () NO	0	5
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.

Complies with all conditions - Keith Spurgeon

Larry Droege	() YES () NO*	Keith Spurgeon	() YES () NO*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	() YES () NO*	Larry Williams	() YES () NO*	5	0
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 _____ day of _____, 20_____.

VARIANCE VOTING SHEET

POSEY COUNTY BOARD OF ZONING APPEALS

Report of Findings of Fact

BZA NO: 22-02-V-BZA

David E. Wells

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

No - continuation of building already there - 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*					

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, he contacted adjacent property owner - Mark Seib & the structure there - 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*					

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

Yes - 3' from the building already there - keep it in the - Mark Seib

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 - Mark Seib

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?

Be hard to get vehicle in - 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					

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

No - no street issues - Ron Fallowfield
Larry Droege (☒) NO () YES*
Ron Fallowfield (☒) NO () YES*
Mark Seib (☒) NO () YES*

Keith Spurgeon (☒) NO () YES*
Larry Williams (☒) NO () YES*

Not existing on neighbors' property
YES NO
0 5

***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 _____ day of _____

(date)