

MINUTES

POSEY COUNTY BOARD OF ZONING APPEALS REGULAR MEETING

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

APRIL 14, 2022
5:00 P.M.

MEMBERS PRESENT: Mr. Larry Williams-Chairperson, Mr. Larry Droege, Mr. Mark Seib, Mrs. Beth McFadin-Higgins-Attorney, Mrs. Mindy Bourne-Executive Director, and Mrs. Becky Wolfe-Administrative Assistant

MEMBERS ABSENT: Mr. Ron Fallowfield and Dr. Keith Spurgeon

ATTORNEY BETH MCFADIN HIGGINS: The Board of Zoning Appeals is a five member board. The statute requires that anything that comes before the Board of Zoning Appeals be approved by a majority of the full board, not a majority of who is present. So for anyone that has applications that are pending tonight, I just want to let you know that we have three members present. In order for an application to be approved, all three members will have to vote in favor of that application. If for any reason you make a decision that you would prefer to hold your particular application off until the next meeting, which will be in May, then you can let us know that when we call your docket. The three members will listen and make their judgement based on the information you have for them. I did want to let you know that under the statute it does require all three members to vote in favor.

APPROVAL OF MINUTES FOR LAST REGULAR MEETING: Larry Droege 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 (3-0). **Motion carried.**

VARIANCE (TABLED FROM 3/10/22 MEETING):

DOCKET NO: 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 Variance for relaxation of front yard setback from 25' to 19' to build a 14' x 28' booster station in an R-1 (Residential Single-Family) Zoning District 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.

MINDY BOURNE: After last months' meeting, the applicant revised their plot plan and they were able to meet all of the setbacks by repositioning the booster station on the lot. They have sent in a letter saying that "After making the change in our construction plans to allow for adequate setbacks from property lines for the Wadesville and Blairsville sanitary sewer expansion project booster station, I would like to formally withdraw our Variance application 22-01-V-BZA Joshua J. Hood.

SPECIAL USE:

DOCKET NO: 22-03-SU-BZA

APPLICANT: Brad Hoskins

OWNER: BAS Evansville Inc.

PREMISES: Section 26, Township 6 South, Range 12 West, lying in Marrs Township, Posey County, Indiana. Containing 55.012 acres more or less. More commonly known as 10424 Middle Mt. Vernon Road, 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 construct a 30' x 70' pole barn to be used for office space and storage in a (B-3) Commercial High Intensity Zoning District. Section 153.088 (B) (4) Use Unit 22 Research and Development and Section 153.167 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.

BRAD HOSKINS: 10424 Middle Mt. Vernon Road. We are proposing a 30' x 70' pole barn for office space. We will have two offices. We can have up to 10 offices built in the building for existing employees.

MARK SEIB: I guess the building is ok with the setbacks?

MINDY BOURNE: Yes. They are here before this board because in the zoning district that they are in, a research facility is a Special Use. They will then be before the Area Plan Commission at the next meeting for the Site Plan approval.

LARRY DROEGE: No production planned in this building? It will just be storage and office?

BRAD HOSKINS: Yes, that is the only use we will have for that building.

LARRY WILLIAMS: Have a seat. Open the floor for public comment. No one. Close the public portion and open it up to the board for any further discussion or action.

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

MARK SEIB: It does appear that it will be out of the way and they do not have any issues with adjacent property owners.

Mark Seib made a motion in the affirmative to approve Docket #22-03-SU-BZA subject to Site Develop Plan approval by the Area Plan Commission. Motion seconded by Larry Droege. The Special Use Voting Sheet was read. **Roll Call Vote (3-0) Yes. Motion carried.**

MINDY BOURNE: This Special Use has passed. It is subject to getting your Site Development Plan approval from the APC, which is the next meeting this evening.

VARIANCE:

DOCKET NO: 22-03-V-BZA

APPLICANT: Patrick Landry

OWNER: Habitat for Humanity of Evansville, Inc.

PREMISES: Lots 142 and 143 in Owen's Enlargement to the City of Mt. Vernon of Section 8, Township 7 South, Range 13 West, lying in Black Township, Posey County Indiana. More commonly known as 615 and 619 E. 2nd St., Mt. Vernon, Indiana. Containing 0.344 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 lot width from 70' to 51.71' for each proposed lot to be replatted in an RM (Residential Multiple Family) Zoning District under Section 153.049 (A) (1) (a) 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.

PATRICK LANDRY: I am the Construction Director at Habitat for Humanity of Evansville, 560 East Diamond Avenue, Evansville, Indiana. We would like to make these in to two buildable lots. That is the reason for the Replat. The reason for the Variance is so we can divide that and down the line that still gives me 51' to put a house on each lot. Instead of just having one lot, we can put two affordable housing units with one on each lot. It will still meet all of the setbacks. It will be 25' and 10' on either side on each lot.

LARRY DROEGE: Will the houses be adjacent or side-by-side.

PATRICK LANDRY: Yes, we have about 15 houses right in that area, some on Water Street and some on 2nd. It will be very much like what we have put up before.

LARRY DROEGE: Have you built any Habitat homes on 2nd Street?

PATRICK LANDRY: Yes, we have eight as of last year on 2nd Street. We built on Water Street last year and the year before we had one on 2nd Street. The City of Mt. Vernon donated one of these lots to us and the other one was donated to us by the Homeless Shelter.

LARRY DROEGE: Do you have a proposed start date yet?

PATRICK LANDRY: We will start as soon as we can. Really, we do one house a year. We will do the one this year. We already have a family that is ready to start. I would like to get started in May or June if possible. The other lot will come the following year.

LARRY WILLIAMS: You may have a seat. We will now open this application up for public comment. Is there anyone here to speak for or against this application?

JIM BARLETT: I have been involved in several of the builds in Mt. Vernon. I just want to bring it to the board's attention that the last house we built on 1018 Water Street was on a 50' wide lot. This is something we have done before and we will meet all of the setbacks.

BENNIE WATSON: 205 Kennedy Drive. It states that it is a multiple family zoned. Also, I found out there is 5' setbacks on the side of the property and the gentleman said 10. I want to know if the 10' is going to be observed or 5' from our property line.

MINDY BOURNE: 5' is the minimum requirement.

PATRICK LANDRY: What I am saying is our setbacks are 10'. I wasn't saying that 10 was the minimum, I was saying that our setbacks are... Our house will be 10' off of the property line.

BENNIE WATSON: Is it normal procedure to cut down from a 70'... In another words if I come here with a private lot, could I build on a 50' lot?

ATTORNEY BETH MCFADIN HIGGINS: As far as normal procedure, you can always request a Variance. Every Variance is taken into consideration on the facts of that particular Variance. So, I can't say that if you come and you file a Variance and it is for relaxation from 70 to 50, it is not like an automatic stamp of approval. There is always an opportunity to apply for a Variance. It is one of the things that the board can vary.

BENNIE WATSON: In other words, you are saying it is case by case?

ATTORNEY BETH MCFADIN HIGGINS: Yes, you look at it case by case.

Larry Williams closed the public portion.

Mr. Williams confirmed with Mindy Bourne there were not phone calls, emails or letters.

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

MINDY BOURNE: I do want to state again that they are requesting a Variance for the width. The Ordinance requires 70' in an RM and they are wanting the 51.71. This also has to go through a Replat with the Area Plan Commission at the next meeting at 6:00.

ATTORNEY BETH MCFADIN HIGGINS: So it would be subject to... If you take any action or in the event of approval it would have to be subject to approval of the Replat before the APC tonight at 6:00.

MARK SEIB: And that is allowable by the City and their ordinance to do a Variance on that?

ATTORNEY BETH MCFADIN HIGGINS: Yes.

Mark Seib made a motion in the affirmative to approve Docket #22-03-V-BZA subject to Replat approval by the Area Plan Commission. Motion seconded by Larry Droege. The Variance Voting Sheet was read. **Roll Call Vote (3-0) Yes. Motion carried.**

MINDY BOURNE: This Variance has been approved subject to Area Plan approval. It is at 6:00 p.m. You will need to go before the APC board.

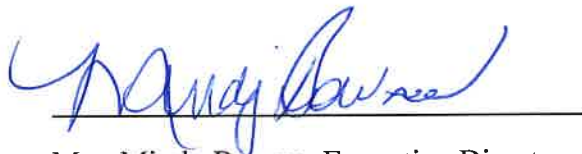
ADDITIONAL BUSINESS: None

CITIZEN CONCERNS: None

Mark Seib made a motion to adjourn the meeting at 5:30 p.m. Larry Droege 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: 22-03-SU-BZA

Brad Hopkins BAS Evansville due

HAS THE APPLICANT PROVEN BY SUBSTANTIAL EVIDENCE THE FOLLOWING:

1. The Zoning Ordinance authorizes the Special Use.

Use Section 153.088 & 153.167 - Mark Seib

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

Add on to existing - meshes with rest of building - Mark Seib

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

Same as #2 - Larry Williams

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

Will not affect traffic - within footprint and meets setbacks - Larry Williams

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

Office building - conducting business as normal - Mark Seib

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

helping existing business expand - Larry Williams

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

Aerial View Shows it is inhabitable - Larry Droege

Larry Droege () YES* () NO Keith Spurgeon () YES* () NO YES NO
Ron Fallowfield () YES* () NO Larry Williams () YES* () NO 0 3
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* MA
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.

Same as #1 - Mark Seib

Larry Droege () YES () NO* Keith Spurgeon () YES () NO* YES NO
Ron Fallowfield () YES () NO* Larry Williams () YES () NO* 3 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:

*subject to
~~none~~ needs site Development Plan approval*

*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 14th day of April, 2022.

VARIANCE VOTING SHEET

POSEY COUNTY BOARD OF ZONING APPEALS Report of Findings of Fact

BZA NO: 22-03-V-BZA

Patricia Landry, Habitat for Humanity of Evansville exec.

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

Take empty lots and turn into homes - Larry Williams

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

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

Should improve the property - Larry Droege

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

Would not allow without variance - Mark Seib

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

Limit the number of homes to be built - Larry Droege

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

Larry Droege	(<input checked="" type="checkbox"/>) NO	(<input type="checkbox"/>) YES*	Keith Spurgeon	(<input type="checkbox"/>) NO	(<input checked="" 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>3</u>
Mark Seib	(<input checked="" 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 14th day of April 2022

(date)