

MINUTES

POSEY COUNTY BOARD OF ZONING APPEALS REGULAR MEETING

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

MAY 12, 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, Dr. Keith Spurgeon.

ATTORNEY BETH MCFADIN HIGGINS: This board consists of five voting members, and for any action to pass there has to be an affirmative vote of three of the five members. There are three members present which constitutes quorum to conduct business. For anything to pass there would need to be an affirmative vote by all three. If anyone with applications pending at this meeting does not feel comfortable with only having three members and would prefer to have their matter heard by a body of five members, we will allow you to ask to table the matter and come back at the next meeting on June 9th. It will be up to you the applicant to have five members here or at least four. If you are comfortable we can certainly go forward tonight and get everything completed for you. As you are called up here, you do not have to make that decision right now but as your case is called if you have any questions about that or if you want to make some sort of record, your request would have to be made before they make a motion. Once the motion is made we cannot reverse it.

APPROVAL OF THE MINUTES OF LAST REGULAR MEETING: Mark Seib made a motion in the affirmative to approve the minutes of the last regular meeting as emailed. Motion seconded by Larry Droege as stated by Mark Seib. Roll Call Vote (3-0). **Motion carried.**

VARIANCE:

DOCKET NO: 22-04-V-BZA

APPLICANT: Carmen Ham, T. Ham Sign, Inc.

OWNER: W&Z LLC

PREMISES: Mt. Vernon Realty Company's Subdivision Lots 17, 18, 19 & Pt 20. Containing .70 acres more or less. Section 4, Township 7 South, Range 13 West, lying in Black Township, Posey County, Indiana. More commonly known as 1328 E. 4th Street, Mt. Vernon, 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 height from 35' to 50' to erect a pylon sign in a CG (Commercial General) Zoning District under

Section 153.166 (G) (1) 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.

LARRY WILLIAMS: Who is here to speak on behalf of this application? Please step to the podium and state your name and address for the record and give a brief explanation of what it is you are asking for.

JOHN DUNGAN: 8386 Old Route 13, Marion, IL with T. Ham Sign, Inc. Basically the pylon sign, the main one for Taco Bell, is 35 feet. Due to the trees and everything that is on the west side of the property, they would like to raise it to 50 feet so it could be more visible on the main street. That is the only sign they have an issue with.

LARRY WILLIAMS: Where is this sign going to be located exactly?

JOHN DUNGAN: Where the existing tire sign was. They are removing all of that area, so it is in the corner of the property.

LARRY WILLIAMS: Will it be lighted?

JOHN DUNGAN: Yes

LARRY WILLIAMS: Is it a static sign or is it going to have any kind of motion to it?

JOHN DUNGAN: No movement, it is just their standard logo. I may have a picture.

LARRY DROEGE: We have that photo. While you have your drawing out, you said it's taller than what is there now. Is your sign going to be extended, is that spacer that is on top, is that the extra height? Are you going to pour concrete? Are you creating the whole sign to be to be taller, to be 50 feet.

JOHN DUNGAN: That stub in there will be longer, that second stage right below the sign. The sign is staying the same size; the pole is going to be taller. Same square footage of signage, just taller pole. The company has basically one size they are sticking with right now.

MARK SEIB: What is the height of the current sign that is there now? How much taller is the new sign over the old sign?

JOHN DUNGAN: I don't have that info. I actually didn't know the old sign was still there. I was told it was going to be demolished.

LARRY DROEGE: The rational was because of the tree height, was why they went to 50 feet.

JOHN DUNGAN: Yes. Still shorter than McDonalds.

LARRY WILLIAMS: Is it shorter than Arby's?

JOHN DUNGAN: I don't know for sure. I was told that McDonald's was 60 feet.

LARRY WILLIAMS: Is it staying lit after hours?

JOHN DUNGAN: I do believe it will. I believe they will have breakfast. It may go off at close And back on before breakfast. Depending on the city codes, which I haven't seen those yet.

LARRY WILLIAMS: Does the city require it to go off?

MINDY BOURNE: I don't think there are any city restrictions.

LARRY WILLIAMS: Any further questions from the board? You may have a seat. Hearing none, we will open the floor to the public comment, is there anyone who wishes to speak for or against this variance. Hearing none we will close the public portion.

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

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

MARK SEIB: I wish I knew what how tall the other sign are? I just don't want to be setting a Precedent.

LARRY WILLIAMS: From what I have seen of other Taco Bell signs, I don't know why this would be any different They are all pretty much the same.

LARRY DROEGE: I know the McDonald sign is very tall compared to others in town. It is in excess of 50 feet.

Mark Seib made a motion in the affirmative to approve Docket #22-04-V-BZA with the stipulation that the lights come on when open and go off when closed. Motion seconded by Larry Droege.

LARRY DROEGE: Can we put stipulations on the application?

ATTORNEY BETH MCFADIN HIGGINS: Reasonable conditions are allowed for Variance.

The Variance Voting Sheet was read. **Roll Call Vote (3-0) Yes. Motion carried.**

MINDY BOURNE: This Variance application is approved with the conditions that the light can only be on during working hours of the operation.

VARIANCE:

DOCKET NO: 22-05-V-BZA

APPLICANT: Brad Unfried

OWNER: Bradley J. Unfried

PREMISES: Part of the North Half of the Northwest Quarter of Section 28, Township 5 South, Range 12 West, Lot 1 Glaser Exempt II, lying in Robinson Township, Posey County Indiana. More commonly known as 1870 Stierly Road N., Wadesville, Indiana. Containing 2.50 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 100' to 96' and rear yard setback from 100' to 10' for a Solar Energy Conversion System (SECS) - Tier 3 in an (A) Agricultural Zoning District under Section 153.026.03 (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 notifications per the statute.

Who is here to speak on behalf of this application? Please step to the podium and state your name and address for the record and give a brief explanation of what it is you are asking for.

BRAD UNFRIED: 1870 Stierly Rd. N., Wadesville, IN. I do not have a roof facing south, so I am looking to put the solar structure on the ground within 10 feet from the rear property line.

LARRY DROEGE: Will it be just one continuous panel along your barn?

BRAD UNFRIED: There will be 32 panels, two rows of 16.

LARRY WILLIAMS: Where is your nearest neighbor to the panels?

BRAD UNFRIED: Probably 400 – 500 feet.

LARRY DROEGE: That is a pretty good spot there. I drive by about four times a week. My mother lives out that way. It would be hard to see the panels from Stierly Road. With them located behind the house and the way the barn is located it would be difficult for anyone to even know there were panels back there if they are casually driving by. My only concern, Brad, with just 10 feet, is that I know it is farm ground behind you and I worry about overspray from the crops. Will that have any detrimental effect on the solar panels or are you not concerned with that?

BRAD UNFRIED: Not that I know of. I may even move it 15 feet just in case so I can get it a little farther away. That would be a good question that I can ask the manufacturer.

LARRY DROEGE: You have plenty of room there. It is a nice property.

MARK SEIB: The only comment I have and it is not a concern to me, but you are showing 8 feet from the barn. It may need to be wider than that for your fire insurance. Otherwise they may consider it to be a hazardous situation and raise your rates. You might want to check into that. I think if you can give it more than 10 feet it would be a tremendous asset. My other question is there is any future subdivisions in that area or next to the properties? Mindy, do you know of any?

MINDY BOURNE: No, not that I am aware of. He did have to get permission from the adjoining property owner, which I believe was a family member.

BRAD UNFRIED: My Uncle.

LARRY WILLIAMS: You may have a seat. Hearing none, we will open the floor to the public for comment. Is there anyone who wishes to speak for or against this Variance? Hearing none, we will close the public portion.

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

MINDY BOURNE: I do need to make a comment concerning this Variance for a setback that he needed to get because Solar Ordinance states 100 feet from a non-participating property owner. This will also need to go through a Development Plan with the APC. So you will need a contingency of the Site Plan approval. That is due to be on the agenda for the next meeting tonight for the APC. Because of the lack of quorum for the APC board, everything on the APC agenda for tonight will be pushed to June 9, 2022. I just wanted to make sure everyone was aware of that.

LARRY WILLIAMS: Does the 100 feet setback apply to residential? I thought it was just for commercial.

ATTORNEY BETH MCFADIN HIGGINS: It would not if it was on a roof. If everything was on an existing roof, then no Development Plan, no issues, no Variance. Because it is land based, it changes the requirements.

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

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

MARK SEIB: I believe he has enough property to install this system. I would just prefer that he go farther than the 10 foot setbacks. I know he has already made contact with the adjoining property owner. But anytime we can get a little more distance on the setbacks on the sides is better.

LARRY DROEGE: I think as we drive around the county you can see more solar systems

being installed on roofs and we are getting more applications for ground systems too.

Larry Droege made a motion in the affirmative to approve Variance 22-05-V-BZA subject to the approval of the APC. The motion was seconded by Mark Seib. The Variance Voting Sheet was read. **Roll Call Vote (3-0) Yes. Motion carried.**

ATTORNEY BETH MACFADIN HIGGINS: Since there are two setbacks with this request you will need a second motion. The first setback listed is the 100 feet to 96 feet on the side yard and then 100 feet to 10 feet on the rear yard. You will need a second motion but you can adopt the findings that you just made on the first one without going through all of the questions again.

Mark Seib made a motion that we accept the 100 feet to 10 feet for the rear yard the second part of 22-05-V-BZA with the stipulation that it is approved by the APC. Motion was seconded by Larry Williams.

Mark Seib made a motion to accept the Findings of Fact as the same as the first from the side yard of this docket. Motion was seconded by Larry Williams. **Roll Call Vote (3-0) Yes. Motion carried. Roll Call Vote (3-0) Yes. Motion carried to approve.**

BRAD UNFRIED: I have a question. If the APC is not going to meet, does that mean I can't get a permit until they do? I will lose a significant amount of money in rebates if I don't get started by end of the month.

MARK SEIB: If there is no quorum by State Statute, we cannot have a meeting. What was explained to me earlier we are one person short and the person who was supposed to be there texted and said they were not able to be there at this time. With that being said, if we come to the meeting at 6:00 o'clock and there is no quorum, which there is not going to be, then that will not be heard until the June 9th meeting. Let us talk it over with legal and see what, if anything, can be done. Of course we are not going to do anything outside of the law but let us see what we can do. I do understand what you are saying about having a deadline met. When is your deadline?

BRAD UNFRIED: I think June 1st.

MARK SEIB: You need to find out.

LARRY DROEGE: Is there an option where you can put a deposit down and still qualify? Are you going to do the install yourself?

BRAD UNFRIED: It has to be paid for in full and yes I am doing the install myself.

LARRY DROEGE: The good part is you don't have to wait for a contractor, but you still have to have the approval.

ATTORNEY BETH MCFADIN-HIGGINS: I know you are wanting to check with legal, but I have already advised that someone stay here until 6:15 PM to see if someone appears for that.

It has been noticed like the two times, generally you have to publish it two times, with the first time at least 10 days before the hearing. Because it has been advertised like an advertisement of a rescheduled meeting as opposed to a full two times for a public hearing. As long as you put the notice up and have Becky take a picture of the notice of the APC meeting on the door so you have all of that. Then see if anyone comes. It would still have to be in the paper at least once. Then you have your 48 hour notice it wouldn't require a special meeting. The question is, before you set a special meeting you want to make sure you have a quorum at your special meeting. I certainly understand the financial involved.

MARK SEIB: So you are saying since this meeting has already been advertised and done through the procedures of notification that we can say that this meeting is now being moved to?

ATTORNEY BETH MCFADIN-HIGGINS: Rescheduled. So it is like a publication of a rescheduled meeting.

MARK SEIB: We will ask Trent when he gets here to verify.

ATTORNEY BETH MCFADIN-HIGGINS: So we are at the 12th. It would have to go into next week's paper. So you wouldn't have to make the second publication, you would be getting it in pretty close to the end of May then that would be the date of the approvals.

BECKY WOLFE: The deadline for sending in a legal notification to the paper is Friday at 4:00 PM.

MARK SEIB: We will see what Trent says and if he agrees to what Beth said, and I think he will be. Then we will pull the trigger and do something.

VARIANCE:

DOCKET NO: 22-06-V-BZA

APPLICANT: Catherine C. Elbert-Burkemper

OWNER: Catherine C. Elbert-Burkemper

PREMISES: Part of the Southeast Quarter of the Southeast Quarter of Section 20, Township 5 South, Range 12 West, lying in Robinson Township, Posey County Indiana. More commonly known as 2020 Stierly Road N., Wadesville, Indiana. Containing 6.00 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 100' to 20' for a Solar Energy Conversion System (SECS) - Tier 3 in an A (Agricultural) Zoning District under Section 153.026.03 (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

notifications per the statute.

LARRY WILLIAMS: Who is here to speak on behalf of this application? Please step to the podium and state your name and address for the record and give a brief explanation of what it is you are asking for.

JOHN CHASE: 6011 Seiler Rd., Newburgh, IN with Ohio Valley Solar. I am the contractor and installing this project for Mr. Burkemper and we are needing a Variance from the setback from 100 feet to 20 feet. The 100 foot requirement would put the solar panels in his house. It is not possible to meet the 100 foot setback. The only neighbor is on the east side and probably over 500 feet away right behind him and it is only a farm field, dead end cul-de-sac that is way off the road and can't be seen.

LARRY WILLIAMS: Any questions from the board?

MARK SEIB: Do we know the width of the property?

JOHN CHASE: I think the width of the property is approximately 350 feet. It is 132 feet from the solar panels to the west and 119 feet to the east and the array is 108 foot long.

MARK SEIB: You are 332 feet from the property line?

JOHN CHASE: Yes

LARRY WILLIAMS: Why couldn't they be moved to fit the ordinance?

JOHN CHASE: North to south is Variance, those numbers were east to west.

LARRY WILLIAMS: How close are the closest neighbors?

JOHN CHASE: The only neighbor is to the east. The house is probably about 500 feet. There aren't any neighbors on the north or west side of the house.

MARK SEIB: Does that property have a pond on it?

JOHN CHASE: Yes, in the front yard.

MARK SEIB: Are you putting the panels in two rows?

JOHN CHASE: Yes, the array will look like one continuous array. It is technically two stands.

MARK SEIB: Will there be grass underneath it?

JOHN CHASE: No, we are putting gravel underneath it to keep from having to mow grass.

MARK SEIB: Will there be any issue with runoff?

JOHN CHASE: No, it's a flat yard.

MARK SEIB: Which way does the yard slope towards? Does it slope towards the pond?

JOHN CHASE: It's almost flat but there is a little slope to the back of the property.

MARK SEIB: So it slopes away from the pond?

JOHN CHASE: Yes, away from the pond. The gravel will only be directly under the solar panels and not outside of them. Any runoff should run off the front of the stand anyway into the yard and not into the gravel.

MARK SEIB: I just don't want any runoff onto adjacent property with a higher rate of speed since you are putting it on rock.

JOHN CHASE: The panels will slope towards the house. The runoff will be on the house side of the gravel underneath the panels.

MARK SEIB: So the land is sloped towards the house?

JOHN CHASE: Yes.

MARK SEIB: Ok. Good enough.

LARRY WILLIAMS: Any further questions from the board? Hearing none, you may have a seat sir. At this time we will open this up to the public for comment. Is there anyone here wishing to speak for or against this application? Hearing none, we will close the public portion.

Mr. Williams confirmed with Mindy Bourne there were no phone calls, emails or letters. Mr. Williams then opened the application up to the board for discussion.

MARK SEIB: Are you in the same situation as the other gentleman with the June deadline?

JOHN CHASE: I am not.

LARRY WILLIAMS: I think we are going to be seeing a lot more of these applications. We need to be careful here not to set a precedence for the future. In this case here, I don't see a big issue.

LARRY DROEGE: Both properties have the advantage of having a lot of acreage.

Mark Seib made a motion in the affirmative to approve Variance 22-06-V-BZA subject to the approval of the APC. The motion was seconded by Larry Droege. The Variance Voting Sheet was read. **Roll Call Vote (3-0) Yes. Motion carried.**

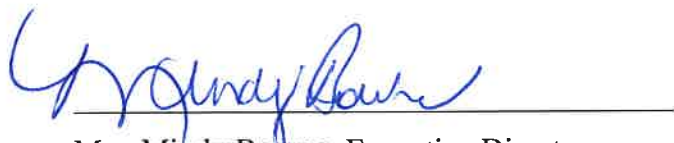
ADDITIONAL BUSINESS: None

CITIZEN CONCERNS: None

ADJOURNMENT: Larry Droege made a motion to adjourn the meeting at 5:56 pm. Mark Seib seconded the motion.

A handwritten signature in black ink, appearing to read "Larry Williams", written over a horizontal line.

Larry Williams – Chairman

A handwritten signature in blue ink, appearing to read "Mindy Bourne", written over a horizontal line.

Mrs. Mindy Bourne, Executive Director

VARIANCE VOTING SHEET

POSEY COUNTY BOARD OF ZONING APPEALS

Report of Findings of Fact

BZA NO: 22-04-V-BZA

Carmen T. Ham Signs Inc.

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

No different than any others - 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?

Larry Williams

EXISTING SIGN There Now - This one will just be taller -

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?

I assume cause of the location of the trees - 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					

4. Are these conditions general in the same zone?

No - Mark Seib - No trees around other signs - 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*					

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

Business on 4th St. relies on customers seeing sign - 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? *Will not affect traffic*

Will not interfere w/ Comprehensive Plan - Looking for New Business
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*					

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

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

is hereby granted (☒)

is hereby denied ()

subject to any conditions stated in the minutes of the Board, and incorporated herein and made a part of the decision. Adopted this 12th day of May 2022

(date)

VARIANCE VOTING SHEET

POSEY COUNTY BOARD OF ZONING APPEALS

Report of Findings of Fact

BZA NO: 22-05-V-BZA

Brad Unfried, - Sideyard Setback From 100' to 96'

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

Has Permission from adjoiners - no issue - 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?

Good location - can not see - 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?

100' creates an issue - 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?

Unique to location of building & location of panels - 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*					

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

100' Setback would place them in bad location - mark Seib

Spot he has to place them makes it easier to mow, less obstacles

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 not much traffic in backyard - 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*	<u>0</u>	<u>3</u>
Mark Seib	(<input checked="" type="checkbox"/>) NO	() YES*					

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

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

is hereby granted _____ (☒)

is hereby denied _____ ()

subject to any conditions stated in the minutes of the Board, and incorporated herein and made a part of the decision. Adopted this 12th day of May, 2022

(date)

SAME FINDINGS AS
SIDE YARD SETBACK
FINDINGS

VARIANCE VOTING SHEET

Motion - Mark Seib
2ND - Larry Williams
3-0 yes

POSEY COUNTY BOARD OF ZONING APPEALS

Report of Findings of Fact

BZA NO: 22-05-V-BZA

BRAD UNFRIED - REAR YARD SETBACK FROM 100' to 10'

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

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

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

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

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

4. Are these conditions general in the same zone?

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

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

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

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

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)

VARIANCE VOTING SHEET

POSEY COUNTY BOARD OF ZONING APPEALS

Report of Findings of Fact

BZA NO: 22-06-V-BZA

Catherine C. Elbert - Burkemper

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

FAR ENOUGH FROM RESIDENCES - No Issue - 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*					

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

Should not create any issues to adjacent properties - 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*					

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

Yes - 100' Setback and pond in middle of property - 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 - Setback requirement - 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?

Yes - or they wouldn't need approval - 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					

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

Does not apply - 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*	<u>0</u>	<u>3</u>
Mark Seib	(<input checked="" type="checkbox"/>) NO	() YES*					

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

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

is hereby granted _____ (☒)

is hereby denied _____ ()

subject to any conditions stated in the minutes of the Board, and incorporated herein and made a part of the decision. Adopted this 12th day of May, 2022

(date)