

## MINUTES

### POSEY COUNTY BOARD OF ZONING APPEALS REGULAR MEETING

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

JULY 14, 2022  
5:00 P.M.

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

**MEMBERS ABSENT:** Mr. Larry Droege and Dr. Keith Spurgeon

**LARRY WILLIAMS:** Because we only have three members present, there are extenuating circumstances which I will let Beth explain that.

**ATTORNEY BETH MCFADIIN-HIGGINS:** This is a body of five individuals and under the state statute it takes a majority of the full body, so any action to approve something requires an affirmative vote by three people. We have three people present so we can conduct business; however on any agenda item tonight, all three will have to vote in the affirmative to approve something. Bottom line is if you are an applicant tonight, if you don't feel comfortable in having this heard by only three people you the board will entertain a request to table it until the next meeting. So if you decide to do that, it will be at the August meeting and the date of that meeting is August 11<sup>th</sup> at 5:00. It is up to you certainly, but we just wanted you to know that because it does take three people to approve anything on the docket. You can wait until they make a motion, before they make a motion, you can make a request. As you approach to discuss or answer questions you can make a request.

**APPROVAL OF MINUTES:** 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 (3-0). Motion carried.**

#### **VARIANCE – TABLED FROM JUNE 9, 2022 MEETING:**

DOCKET NO: 22-08-V-BZA

APPLICANT: Alan Schelhorn

OWNER: Alan L. & Laura A. Schelhorn

PREMISES: Outlot 6B and Part of the East Half of the Southeast Quarter of Section 22, Township 6 South, Range 13 West, lying in Black Township, Posey County, Indiana. More commonly known as 3912 Valley View Drive, Mt. Vernon, Indiana. Containing 2.68 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 front yard setback from 25' to 8.6' and relaxation of rear yard setback from 25' to 21.2' (for existing accessory structure) for proposed Lot 6B and relaxation of front yard setback from 21' to 19' and relaxation of rear yard setback from 25' to 11.5' (for

proposed home - existing structure) for proposed Lot 6C in an R-1 (Residential Single-Family) Zoning District under Section 153.043 (B)(1)(a) and 153.043 (B)(3)(a) under 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 was there to speak on behalf of the application?

**STEVE NOELLE:** 3001 Blackburn Road. At the last meeting, I believe the holdup was the access to lot 6C. We are proposing a 10' ingress/egress easement along the north line of lot 6B in order to access lot 6C.

**LARRY WILLIAMS:** Any questions from the board?

**RON FALLOWFIELD:** Has this 10' been approved by both parties?

**STEVE NOELLE:** By the applicant? Yes.

**LARRY WILLIAMS:** Does 10' meet the requirements?

**MINDY BOURNE:** There is no set number with ingress/egress

**ATTORNEY BETH MCFADIN-HIGGINS:** If you look at the plat which is dated July 8, 2022 it does look like that easement is now shown on the plat. Coming off Valley View Drive to the left and you will see it. It says 10' ingress/egress which goes along that north line which abuts the Criswell plot. The easement, 10' is fully on the lot 6B?

**STEVE NOELLE:** Yes.

**ATTORNEY BETH MCFADIN-HIGGINS:** If I remember correctly this was also supposed to go to the Area Plan Commission last month also for a potential replat.

**MINDY BOURNE:** They tabled it for the same reason.

**LARRY WILLIAMS:** You can have a seat sir. We will open to the public for comment. Anyone here wishing to speak for or against this project? Please state your name and address.

**PAULA CRISWELL:** 3910 Valley View Dr. Are the Schelhorns proposing a brand new drive? Because we own the driveway. It is not a shared drive legally.

**ATTORNEY BETH MCFADIN-HIGGINS:** If you would like to approach and look at the plat. I don't know if you have seen the plat, the easement is shown and it's only on their property. (Schelhorns) Maybe if you look on here it will answer your question.

Mr. Noelle and the Criswells' went over the plat. Their question is whether the 10' is a totally new drive.

**PAULA CRISWELL:** We are opposed to the... parking and vehicle issues, we are opposed to the relaxation of the setback because it reduces the value of our property. We want to know if they are putting in a new drive. It is not a legally shared drive. We have allowed Alan and Laura to use it out of our fondness for them but we never signed a real agreement.

**ATTORNEY BETH MCFADIN-HIGGINS:** Right here they show Valley View Drive, now they show a 10' easement that was not there before on their property.

**LARRY WILLIAMS:** Is there anyone else? Would you like to address her comments or at least address her question?

**STEVE NOELLE:** In speaking for Alan, it would be a new driveway on his lot made out of gravel. Entirely on his lot.

**LARRY WILLIAMS:** Is there anyone else? Would you like to step to the podium please?

**MARK W. SCHELHORN:** 3517 Lakewood Drive. I do want to speak for the applicant. I am here on behalf of my sister Christa Shore. We have known that the drive has been used as a shared drive. It wasn't until recently discovered that the Criswells had that property as part of their own. This has just recently been discovered. The shared drive has been in existence since it was first built. When Alan and Laura Schelhorn had built that property, there were two houses located back there and a shop, which was used as a cabinet shop for the existence of Schelhorn Builders. It was used at that time. There had been vehicles in and out of there for construction. They had been using the cabinet shop for many years. Even when Paul and Chemo was there. I have not seen a lot of traffic lately. Mike is no longer with us, so the traffic will be only one vehicle Christa's and her jeep. Then Alan and Laura with their vehicles. There will be a Ford Explorer which Laura drives and a Chevy Silverado which Alan drives. That would be the only traffic which would be setting back there. That is all I have to add to that.

**LAURA SCHELHORN:** 3912 Valley View Drive. There never was a question brought up about this little shop. Christa and Mike needed to come home, Christa had lost her son. So we gave them the small building. We helped remodel it on the inside. Then they will remodel the outside of it. They will not be causing any harm of your property. Chemo was just like Mike and didn't like driving back there before now. Mike passed away yesterday. They needed to be closer, to be able to bring their groceries in and everything else. They don't want them driving back there. That's the whole story. We own all of that property back there. We will be deeding it over to Christa.

**LARRY WILLIAMS:** Is there anyone else who wishes to speak for or against this variance?

**KENNETH CRISWELL:** 3910 Valley View Dr. Laura mentioned something about that I didn't like Mike, I didn't. I will tell you the reason why, this might not be the place to say it. But he has run over us ever since he moved out there. He told the cable company to come out there and put the cable wherever you want to put it because we are all family. They were going to put it through my dog lot. I don't know where he got that at. He told CenterPoint, according to our neighbor out there, Julie, we put electric out there. I put it in off of my pole barn. He told CenterPoint that he would help Julie clean the mess up. Now this is hear say from Julie. Julie said Mike did nothing to help her. She cleaned it all up. I got a \$700 bill from Vectren, Mike got nothing. So I had open heart surgery, I was in the hospital and Spectrum came out there and bored a cable under my driveway. I would have told them not to. The guy came out there and tried to run over everyone out there. And what he didn't run over he pushed his way around. I am not one to be pushed, I am not going to be pushed and that is the bottom line.

**LARRY WILLIAMS:** You may have a seat. Is there anyone else who wishes to speak for or against the proposal? At this point we will close the public portion and open up to the board for further discussion and or action.

**MARK SEIB:** I have another question, Mr. Noelle if you can come back up. This 10' right of way, was this something that was grandfathered?

**STEVE NOELLE:** No this is a proposed easement on Alan's lot in order to get back to lot 6C.

**MARK SEIB:** So that is a new easement that was granted, is that what you are saying?

**STEVE NOELLE:** It is not granted, I have just proposed that, Alan and Laura were willing to give a 10' easement in order to get to that lot.

**MARK SEIB:** And that property is owned by.

**STEVE NOELLE:** The Schelhorn's.

**MARK SEIB:** This is all cut up, trying to follow this and trying to understand who is on what and where. So this is on the Schelhorn property, that 10' easement is there and that will be put in as you know it a rock driveway for them to use to enter and exit that property through that.

**STEVE NOELLE:** Yes.

**MARK SEIB:** At no point does this cross into anyone else's property?

**STEVE NOELLE:** No, it will not.

**MARK SEIB:** This drops straight off into the Valley View Drive?

**STEVE NOELLE:** According to the platted subdivision, showing Valley View Drive, scaling from that drawing it would not get on, you have a 30' right of way from Valley View Dr., and the 10' easement would fall into that.

**RON FALLOWFIELD:** This is dividing and using a structure already there, correct?

**STEVE NOELLE:** Yes

**LARRY WILLIAMS:** Are there anymore questions?

**MARK SEIB:** I guess the lady asked if it was going to be rock, I do have a question about that if you can come back up?

**PAULA CRISWELL:** Yes

**MARK SEIB:** Earlier you asked if it was going to be rock, is there a problem with that?

**PAULA CRISWELL:** No, I was just asking if there was going to be a new driveway. At the time I asked that we didn't know it was going to be a new driveway.

**MARK SEIB:** I just wanted to make sure there wasn't an issue like a safety issue or a problem that you found that there will be an issue with.

**PAULA CRISWELL:** With 10' there, I think where the pin is at the top between ours and Schelhorn's line, it's slightly into their yard. I'm not sure there is 10' there for them to get through I'm sure they measured that so I am not doubting that.

**MARK SEIB:** That is what it looks like, that's the question I had, I didn't want you to have something else that you had a concern about.

**PAULA CRISWELL:** We don't want it to turn into a rental property.

**LARRY WILLIAMS:** Any further questions from the board? Is there any action?

**ATTORNEY BETH MCFADIN-HIGGINS:** I would just say as you consider this, depending on what... so you have heard that easement is a proposed easement. It is shown on here but I don't know if there is any written easement document or if it has been recorded yet.

**STEVE NOELLE:** Not recorded, just proposed.

**ATTORNEY BETH MCFADIN-HIGGINS:** So you would want to make that a condition, otherwise you will be back to wanting ingress and egress.

**RON FALLOWFIELD:** Also pending APC.

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

**LARRY WILLIAMS:** Would the Schelhorn family like for the board to proceed further?

**MARK SCHELHORN:** Yes

**LARRY WILLIAMS:** Do I hear a motion?

**MINDY BOURNE:** Now, also there are several variances here.

**LARRY WILLIAMS:** We have to do them all separately?

**ATTORNEY BETH MCFADIN-HIGGINS:** Well you can do them all separately, you could potentially as we have done it before depending on your findings on one you can adopt your findings on subsequent variance request if that is what you choose to do.

**MINDY BOURNE:** There are four of them.

**RON FALLOWFIELD:** So we have to do each one of these.

**LARRY WILLIAMS:** We have to make a motion for the first one and then Findings of Fact. Then we can adopt the Findings of Fact for the subsequent one.

**ATTORNEY BETH MCFADDIN-HIGGINS:** Correct.

Ron Fallowfield made a motion in the affirmative to approve front yard setback on proposed lot 6B docket 22-08-V-BZA contingent upon the approval of the Area Plan Commission and filing of the easement. Motion was seconded by Mark Seib. The Variance Voting Sheet was read.

**Roll Call Vote (3-0) Yes. Motion carried.**

**ATTORNEY BETH MCFADIN-HIGGINS:** You will need to bring in a copy of the recorded easement to the APC office before a permit can be issued.

**ATTORNEY BETH MCFADIN-HIGGINS:** These are all setbacks. If you believe the findings apply to others, you can adopt the findings made from the first one. If you read through and you think something is different, and you want to go through it, you can. Otherwise, they are all setback requests.

Ron Fallowfield made a motion in the affirmative to approve the rear yard setback on proposed lot 6B docket 22-08-V-BZA contingent upon the approval of the Area Plan Commission and filing of the easement. Motion was seconded by Mark Seib. The previous Findings of Fact were adopted. **Roll Call Vote (3-0) Yes. Motion carried.**

Ron Fallowfield made a motion in the affirmative to approve the front yard setback on proposed lot 6C docket 22-08-V-BZA contingent upon the approval of the Area Plan Commission and filing of the easement. Motion was seconded by Larry Williams. The previous Findings of Fact were adopted. **Roll Call Vote (3-0) Yes. Motion carried.**

Ron Fallowfield made a motion in the affirmative to approve the rear yard setback on proposed lot 6C docket 22-08-V-BZA contingent upon the approval of the Area Plan Commission and filing of the easement. Motion was seconded by Larry Williams. The previous Findings of Fact were adopted. **Roll Call Vote (3-0) Yes. Motion carried.**

**MARK SEIB:** The way it has been cut up and designed, that is fine. Obviously we don't have adjacent property owners that are in agreement with the way things are being done here. The

first Variance that was asked for on the front yard setback from 25' to 8.6, if somebody decides to put a fence up, 8.6 is not very much room. This is what the Schelhorns have asked for. If the adjacent property owner does put a fence up, I don't want to hear this coming back and having issues with this. I am just wanting to make that statement that this is going to have to be a give and take on both sides.

**MINDY BOURNE:** All four Variances have been approved with the contingency that you receive APC approval for the plat, which is the next meeting, and the 10' easement will have to be recorded and a copy of that will have to be given to the Area Plan office before any permits can be issued.

**VARIANCE:**

DOCKET NO: 22-09-V-BZA

APPLICANT: Chase Bailey

OWNER: Chase A. & Heather M. Bailey

PREMISES: Lot One (1) in West Franklin Ridge Subdivision in Section 12, Township 7 South, Range 12 West, lying in Marrs Township, Posey County Indiana. More commonly known as 11401 Grants Ridge Drive, Evansville, Indiana. Containing 1.130 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 placement of a 6' fence in the front yard and street side yard in an R-1 (Residential Single-Family) Zoning District under Section 153.024 (B) (3) and 153.026 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 was there to speak on behalf of the application?

**CHASE BAILEY:** 11401 Grants Ridge Drive, Evansville. I am asking for a 6' white vinyl fence. I am going to fence in the back yard, which two of the corners are on the West Franklin and Schuessler Road. I want to do the 6' fence due to the automotive and foot traffic that are provided mostly by the Twin Lakes Mobile Home Park. It is adjacent to Schuessler. This is simply for safety for my family. I have two small ones and the dog. With 3' they would be able to hop over. I want them to be able to play out in the yard without us being out there watching them. I don't want them running out in the road or something happening. I have also taken pictures trying to give you a visual of the fence. I plan on putting it 30' back from the property line where it meets the road. I'm hoping you can see that will not cause a visual...

**LARRY WILLIAMS:** If you want to present the pictures, you will have to leave them with us.

Mr. Bailey presented the pictures.

**MINDY BOURNE:** There are six photos, Exhibit A. We have one of the intersection of West Franklin Road and Schuessler Road at the stop sign. The second one is the same. The third is along West Franklin, possibly. The next one is at the corner of West Franklin and Schuessler Roads. Then we are back on West Franklin Road. The last one is West Franklin and Schuessler Road.

**CHASE BAILEY:** The picture with the speed limit sign is actually right there at the corner of West Franklin and Grants Ridge.

**LARRY WILLIAMS:** What is the significance of this barrier? Is that where you are wanting to put the fence?

**CHASE BAILEY:** Yes, just trying to show a visual that when vehicles come to a stop off Schuessler that there are no obstructions of the view for the drivers.

**LARRY WILLIAMS:** Any further questions from the board?

**MARK SEIB:** The fence is not going to be in front of the house, it is going to be about in the middle of the house?

**CHASE BAILEY:** Yes. The way it is plotted, it is going from the middle of the house towards West Franklin and then elbow and then follow that curve around to Schuessler and then come back to the middle of the house.

**MARK SEIB:** With a 30' setback on those two sides? And then adjacent to your neighbor it is 13 feet from the property line.

**CHASE BAILEY:** Correct.

**RON FALLOWFIELD:** And this becomes an issue because it is a corner lot?

**CHASE BAILEY:** That is what I was told.

**MINDY BOURNE:** Yes. Front yard or street side yard. When streets are involved, they can only be 3' tall.

**MARK SEIB:** It appears he has set it back 30' to make sure that the views for the traffic are not obstructed. Which I understand that and that is what we would have to have.

**MINDY BOURNE:** Based on the placement of his house, it would still be considered in the front yard or street side.

**MARK SEIB:** I understand that and with the 6' fences is a high fence for the front yard, but I also understand your concern for privacy and also security. You have tried to accommodate so that your fence doesn't create an issue.

**RON FALLOWFIELD:** The only ones I think it would affect would be those that want to slow down instead of stop at a stop sign.



**BETH MCFADIN-HIGGINS:** The other thing that we would always mention is it appears as though this is a subdivision and if there are restrictive covenants or any kind of regulations within the subdivision, what the BZA does cannot over ride and you would want to check those as well.

**CHASE BAILEY:** I have already. I have gotten the approval from the developers.

**LARRY WILLIAMS:** Any further questions from the board? You may have a seat. This time we will open up the floor to the public. Is there anyone here which would like to speak for or against this variance?

**JAMIE RAINEY:** I am the property owner of 11413 Grand Ridge Drive, I am actually direct neighbors to Chase and Heather. We are speaking out here, wanting approval for them to do the betterment of their property for the safety of their children and their pet. It is my understanding after speaking with them, they purchased the property with the intent of doing the project that they are proposing and had checked that with the developer and there were no issues with that and now that they are coming to you and trying to do that, they are being met with resistance. So we are here just to let them know we support them. I can't see how a permanent structure, 30' off of both sides of the property can interfere with traffic flow when Twin Lakes has 7 two story flags flapping all the way to the corner of West Franklin with their two drives coming out on the corner of West Franklin and then they have added signage down Schuessler right at the intersection. So all of that poses traffic hindrance and distraction to a driver. Not a permanent structure that is not going to be moving or waiver, it will always be there and known. My vote is that they get to this to their property.

**LARRY WILLIAMS:** Is there anyone else that wishes to speak for or against this variance.

**JERRY NORD:** I am the owner and president of Nord Enterprises, I was the developer and I bought the original property from Mr. Gerhardt and that was quite a few years ago. At that time it was just a small farm house, after I bought it I ended up remodeling it and then sold it. Then the acreage I ended up developing it through proper channels and got approval for a subdivision out there with one acre requirements. At the time, I didn't realize there I was going to have any issue with being able to build on a one acre site which met the other requirements. Most of the lots actually are larger than one acre, the lot in question is actually 1.3 acres, so there is plenty of extra ground there to go ahead and have. The other things is in my restrictions I have in there was that no roads would come off of Schuessler Road.

**LARRY WILLIAMS:** We can't do anything about your restrictions.

**JERRY NORD:** I understand that, I just wanted to show that what was going on and anticipated ahead of time, I didn't want someone to build a house or anything like this in the way of the stop area down there and also along that roadway which we have done. Everybody who has built out there has been in compliance with that. They have all sent me pictures of what they are proposing. Proposed site locations is. Those site locations where engineered professionally by an engineering company that laid it out to make sure that one acre requirement was met and that there was suitable area to put a house as well as a field bed system, based on a new house requirement. So I cannot understand why there is such a restriction, because if I would go closer to West Franklin Road, I could build, there is nothing there to say that I can't go up in the air higher, I could build a house a lot closer to West Franklin Road and block off a lot more of the

view of the roadway if someone chose to do that. But because of the location everything was shoved away from that road, that intersection of West Franklin Road in that area. Just to make sure there wasn't any problems. Visibility, I complied with putting up a stop sign there at our corner of the entrance. That met the requirements for what they wanted to do with the two roads coming out into our project in the street. So I just can't understand what the big problem is, I can understand being close to the road. I don't live out there but I do know that Schuessler Road you go down and there is all kind of hills and valleys, cuts in and all of that part of it. Some people go very fast through there. And I could be concerned too if I lived out there, if my children got out of the fence and went over there and somebody was coming up one of these hills or down in a valley and they were down there playing like kids do and they could get hurt. So I think that is a positive step, extra money that is being paid to make sure that there property is being protected. That it is also not detracting anything from the value of the subdivision in general. When that ground was bought like for \$2000 - \$2500 an acre if you look at the amount of revenue that West Franklin Ridge did and developed for the county then I think that speaks highly of what has happened. Changing vacant farm ground, piece of property with a small home to what we got out there now and these people are nice enough to come here too, we have had good communications, they have never had any issues with me as a developer and I think that everything that I was asked to do, I have done. To go ahead and restrict them to say that they can't protect their property as long as it is not interfering with you know traffic or whatever might be. Any questions you might have feel free to answer.

**MARK SEIB:** I don't think we are trying to restrict them in a way of doing it. We have the ordinance in place so no one can take that fence and go all the way to the road.

**JERRY NORD:** And they are not doing that.

**MARK SEIB:** That is right, but we have the ordinance in place. The ordinance says the front yard cannot be over 3' tall. So when he wants to put that fence off to the sides of either one of the house that is still considered the front yard. In the ordinance that we have in the county it requires that he come before this board to request for this variance. He has done, I believe in my opinion an excellent job in trying to keep that line of sight to make it not a traffic hazard. So that is why the ordinance is in place to make sure that that front yard fence doesn't become a traffic hazard. So I don't think that we have said anything here to indicate that he is or that we are opposed to it or anything. It is just that we have to go through a procedure to make it legal for him to be able to do this.

**JERRY NORD:** I appreciate that and I am sure they do too because as a home owner out there the values of those properties that people bought. I will be honest with you out there the biggest issue we had out there was the trailer park. The drug problem they had out there and all that, not saying that still don't have a lot of calls for law enforcement to go in down there because we can't control who lives, we can control who buys a property in that vicinity that is going to improve the values for all of the people. Thank you for your time.

**LARRY WILLIAMS:** Thank you sir. Is there anyone else who would like to speak for or against this variance at this time? Hearing none, we will close the public portion.

Mr. Williams confirmed with Mrs. Bourne that there were no letters, emails or phone calls. At this time we will open up the board for discussion and or action.

**MARK SEIB:** I think he has done his due diligence in trying to make sure that everything has been done correctly. I thank you for that. I have seen other applications that have come before here by far don't take in consideration traffic or anything else. I want to make sure that it is noted that we appreciate you taking that in consideration. If there is no other discussion, I make a motion that we adopt docket no. 22-09-V-BZA. Motion was seconded by Ron Fallowfield. The Findings of Fact were adopted. **Roll Call Vote (3-0) Yes. Motion carried.**

**MINDY BOURNE:** This variance has been approved, so when you are ready for construction, you will need to come in and get your Improvement Location Permit.

**SPECIAL USE:**

DOCKET NO: 22-05-SU-BZA

APPLICANT: Brent Hammell

OWNER: LSH Developments, LLC

PREMISES: Part of the Northwest Quarter of the Southwest Quarter of Section 4, Township 7 South, Range 13 West, lying in Black Township, Posey County, Indiana. Containing 1.886 acres more or less. More commonly known as 1201 E. Sherman Street, Mt. Vernon, Indiana. (Complete legal description is on file at the Posey County Area Plan Commission Office).

NATURE OF CASE: Applicant requests Special Use for a 150' x 25' mini storage building in an RM (Residential Multiple Family) Zoning District Section 153.048 (B) (5) Use Unit 11 Office & Studios and Section 153.156 (B) (25) 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 was there to speak on behalf of the application?

**BRENT HAMMELL:** 2146 County Road 1950 E., Crossville, IL. There are already several storage buildings on the property and we are looking to add another 150' X 25' building. I have drawings of the building if your gentlemen would like those.

**LARRY WILLIAMS:** Are you going to add it to the east?

**BRENT HAMMELL:** Yes sir.

**LARRY WILLIAMS:** Any questions from the board?

**MARK SEIB:** What are you going to do with these mini storage buildings? Are they rentals?

**BRENT HAMMELL:** Yes sir, there are two 150' buildings are already there.

**MARK SEIB:** So those are rental buildings as well?

**BRENT HAMMELL:** Yes.

**MARK SEIB:** And you don't need any additional or set back variances to take care of the Buildings. You're going to space them apart the same way?

**BRENT HAMMELL:** Yes sir.

**MARK SEIB:** There will be no new entrance or such as that?

**BRENT HAMMELL:** No sir. By the original building there is a gravel entrance, just slightly east of where this building will be there is an asphalt entrance off of Sherman Road. I don't know if we really plan to utilize that at this time.

**MARK SEIB:** So there will be no new entrance?

**BRENT HAMMELL:** Yes sir, no new entrance.

**LARRY WILLIAMS:** That is a good turn around when people get stopped by the trains. I am very familiar with this piece of property, I go by it several times a week.

**LARRY WILLIAMS:** You don't have lighting there do you?

**BRENT HAMMELL:** There is some lighting there, yes sir, on the original building.

**MARK SEIB:** Are you proposing new lighting for the new building as well?

**BRENT HAMMELL:** Yes sir, we just have normal lighting, LED Dusk to Dawn LIGHTS.

**RON FALLOWFIELD:** For security?

**BRENT HAMMELL:** Yes sir.

**MARK SEIB:** Will that be facing the building or will it be pointed towards the roads.

**BRENT HAMMELL:** We do a square block LED face lighting that is on the face of a building sitting there and then we shoot down the alleyways with an LED. It is just enough that if I have a camera it can see.

**MARK SEIB:** So you use the directional lighting.

**BRENT HAMMELL:** Yes sir.

**LARRY WILLIAMS:** It is far enough from the roadway it won't reach in there.

**MARK SEIB:** Don't want anyone getting blinded going down the road.

**LARRY WILLIAMS:** Especially me. Any further questions from the board? You can have a seat. We will open up this floor to the public. Anyone here wish to speak for or against this Special Use? I will ask one more time, anyone wish to speak for or against this special use?

Hearing none, we will close the public portion.

Mr. Williams confirmed with Mrs. Bourne that there were no letters, emails or phone calls. At this time we will open up the board for discussion.

**RON FALLOWFIELD:** I make a motion to approve docket no. 22-05-SU-BZA.

**MARK SEIB:** Second.

**LARRY WILLIAMS:** We have a motion and a second. Any further discussion. I will refer you to the special use voting sheet, which is orange I think.

The Findings of Fact were adopted. **Roll Call Vote (3-0) Yes. Motion carried.**

**MINDY BOURNE:** This Special Use has been approved, you need to get your Improvement Location Permit before you start construction.

**ADDITIONAL BUSINESS:** None

**CITIZEN CONCERNS:** None

**ADJOURNMENT:** Meeting was adjourned at 6:13 p.m. by Ron Fallowfield and seconded by Mark Seib.



Mr. Larry Williams, Chairman



Mrs. Mindy Bourne, Executive Director



# VARIANCE VOTING SHEET

## POSEY COUNTY BOARD OF ZONING APPEALS

### Report of Findings of Fact

BZA NO: 22-08-V-132A Alan Schelhorn

*Proposed Lot 4 B Front Yard Setback & rear yard setback  
& proposed Lot 4 C relocation of front yard setback & rear yard setback*

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

*I don't see how it is their property for their families - Ron Fallowfield*

Larry Droege	( ) NO	( ) YES*	Keith Spurgeon	( ) 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	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?

*I don't see how with how the drive is being proposed - Ron Fallowfield*

Larry Droege	( ) NO	( ) YES*	Keith Spurgeon	( ) 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	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?

*Very much so. Taking property and dividing it more - Mark Seib*

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

*Not generally in same zone - Mark Seib*

Larry Droege	( ) NO	( ) YES*	Keith Spurgeon	( ) 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	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 - couldn't divide property - Ron Fallowfield*

Larry Droege	( ) NO*	( ) YES	Keith Spurgeon	( ) NO*	( ) YES	<u>YES</u>	<u>NO</u>
Ron Fallowfield	( ) NO*	( <input checked="" type="checkbox"/> ) 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 effect on comprehensive plan - House, residents - no - Larry Williams*

Larry Droege	( ) NO	( ) YES*	Keith Spurgeon	( ) NO	( ) YES*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	( <input checked="" type="checkbox"/> ) NO	( ) YES*	Larry Williams	( <input checked="" type="checkbox"/> ) NO	( ) YES*	<u>0</u>	<u>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 14<sup>th</sup> day of July 2022

(date)



# VARIANCE VOTING SHEET

## POSEY COUNTY BOARD OF ZONING APPEALS

### Report of Findings of Fact

BZA NO: 22-09-U-BZA  
Chase Bailey

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

*Amuse - benefit - Larry Williams*

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

*Not at all - Ron Fallowfield - Adjoining property owner - New fence - Mark Seib*

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

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

4. Are these conditions general in the same zone?

*No - Ron Fallowfield*

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

*Could put his children in danger - Larry Williams*

Larry Droege	( ) NO*	( ) YES	Keith Spurgeon	( ) NO*	( ) YES	<u>YES</u>	<u>NO</u>
Ron Fallowfield	( ) NO*	( <input checked="" type="checkbox"/> ) YES	Larry Williams	( ) NO*	( <input checked="" type="checkbox"/> ) YES	<u>3</u>	<u>0</u>
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 do neither - Mark Seib*

Larry Droege	( ) NO	( ) YES*	Keith Spurgeon	( ) NO	( ) YES*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	( <input checked="" type="checkbox"/> ) NO	( ) YES*	Larry Williams	( <input checked="" type="checkbox"/> ) NO	( ) YES*		
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 14th day of July 2022

(date)



# POSEY COUNTY SPECIAL USE VOTING SHEET

Posey County Board of Zoning Appeals  
Report of Finding Fact

BZA NO: 22-05-54-B2A  
Brent Hammell

HAS THE APPLICANT PROVEN BY SUBSTANTIAL EVIDENCE THE FOLLOWING:

1. The Zoning Ordinance authorizes the Special Use.

*Section 153.048(9)(5) Section 153.156(0)(25) - Larry Williams*

Larry Droege	( ) YES ( ) NO*	Keith Spurgeon	( ) YES ( ) NO*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	( <u>X</u> ) YES ( ) NO*	Larry Williams	( <u>X</u> ) YES ( ) NO*	<u>3</u>	<u>0</u>
Mark Seib	( <u>X</u> ) YES ( ) NO*				

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

*existing facility - expanding - need for it - yes - Larry Williams*

Larry Droege	( ) YES ( ) NO*	Keith Spurgeon	( ) YES ( ) NO*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	( <u>X</u> ) YES ( ) NO*	Larry Williams	( <u>X</u> ) YES ( ) NO*	<u>3</u>	<u>0</u>
Mark Seib	( <u>X</u> ) 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 - expanding - existing - use needed in community - Ron Fallowfield*

Larry Droege	( ) YES ( ) NO*	Keith Spurgeon	( ) YES ( ) NO*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	( <u>X</u> ) YES ( ) NO*	Larry Williams	( <u>X</u> ) YES ( ) NO*	<u>3</u>	<u>0</u>
Mark Seib	( <u>X</u> ) YES ( ) NO*				

4. Granting the proposed Special Use is consistent with the public interest/welfare and the Comprehensive Plan in regard to the location, size, use, that nature of intensity of the operation and the site layout with relation to existing or future traffic patterns.

*yes - just added one building - Larry Williams*

Larry Droege	( ) YES ( ) NO*	Keith Spurgeon	( ) YES ( ) NO*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	( <u>X</u> ) YES ( ) NO*	Larry Williams	( <u>X</u> ) YES ( ) NO*	<u>3</u>	<u>0</u>
Mark Seib	( <u>X</u> ) YES ( ) NO*				

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

*it is with what is currently there - yes - Mark Seib*

Larry Droege	( ) YES ( ) NO*	Keith Spurgeon	( ) YES ( ) NO*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	( <u>X</u> ) YES ( ) NO*	Larry Williams	( <u>X</u> ) YES ( ) NO*	<u>3</u>	<u>0</u>
Mark Seib	( <u>X</u> ) YES ( ) NO*				

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

*yes - just making bigger - Larry Williams*

Larry Droege	( ) YES ( ) NO*	Keith Spurgeon	( ) YES ( ) NO*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	( <u>X</u> ) YES ( ) NO*	Larry Williams	( <u>X</u> ) YES ( ) NO*	<u>3</u>	<u>0</u>
Mark Seib	( <u>X</u> ) 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.

*Will probably make property more valuable - Larry Williams*

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

*It will - Mark Seib*

Larry Droege	( ) YES ( <input checked="" type="checkbox"/> NO*)	Keith Spurgeon	( ) YES ( ) NO*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	( <input checked="" type="checkbox"/> YES ( ) NO*)	Larry Williams	( <input checked="" type="checkbox"/> YES ( ) NO*)	<u>3</u>	<u>0</u>
Mark Seib	( <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 14<sup>th</sup> day of July, 2022.

Exhibit A (6 photos)







