

## MINUTES

### POSEY COUNTY BOARD OF ZONING APPEALS REGULAR MEETING

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

AUGUST 11, 2022  
5:00 P.M.

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

**MEMBERS ABSENT:** None

**APPROVAL OF 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 Ron Fallowfield. **Roll Call Vote (5-0). Motion carried.**

**SPECIAL USE:**

DOCKET NO: 22-06-SU-BZA

APPLICANT: Kathy Heck, Husk Signs

OWNER: Alles Brothers Furniture of Mt. Vernon

PREMISES: 85' off the West side of Lot 20 in Williams part of the City of Mount Vernon, Posey County, Indiana. Also, Lots Numbered 4, 5, 6 and 7 in Mann's subdivision of Lot #20 in Williams Part of the City of Mount Vernon, Posey County, Indiana. Also, 4' off the West Side of Lot #3 in Mann's Subdivision of Lot #20 in Williams Part of the City of Mount Vernon, Posey County, Indiana of Section 8, Township 7 South, Range 13 West, lying in Black Township, Posey County, Indiana. Containing 0.1400 acres more or less. More commonly known as 127 W. 2nd 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 to install a 6' by 10' sign in a CBD (Central Business Zoning District) Section 153.166 (I) Use Unit 21 Business Signs and Outdoor Advertising 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 wishing to speak about this application? Step to the podium, please. State your name and address for the record and tell us what you are asking for.

**KATHY HECK:** Kathy Heck, Husk Signs. 1115 Indy Court, Evansville.

**LARRY WILLIAMS:** What is on your mind? What do you got?

**KATHY HECK:** We are just putting a new sign up. Kind of updating the building as Mr. Alles is trying to update it a little bit. He's here for any questions in regard to the building.

**LARRY WILLIAMS:** Is this going to be a lighted sign?

**KATHY HECK:** Yes, it is.

**LARRY WILLIAMS:** Does it light at all during the dark or does it go off at a certain time?

**KATHY HECK:** It can be. As far as the LED in it, it can be put with the electrical on a timer. I am sure that the customer can do that for you if it is needed.

**LARRY WILLIAMS:** Is this a static light or a flashing light?

**KATHY HECK:** No, it's just a standard LED - low voltage.

**MARK SEIB:** Whenever we put a sign up, we always worry about the brightness of the sign impeding traffic and anything like that. So, I guess, is this light not going to be a problem? What do you compare the wattage to on this light?

**KATHY HECK:** My boss and owner, Kip Husk is here. He can answer that part.

**KIP HUSK:** 1115 Indy Court, representing Husk Signs. This is a standard indirect lighting. It's a backlit sign. So there is no exposed lighting. It would be like most standard signs you would see around town. So there are no dimensional letters on it. It's virtually like all the other signs you see around town now.

**MARK SEIB:** So, it's not going to be bright enough to be an issue on traffic?

**KIP HUSK:** No, sir.

**MARK SEIB:** Then the next question I have is that you got a furniture sign that is sticking out that is 5'5" or something like that. I don't know what the true length of it is.

**KIP HUSK:** 5'5".

**MARK SEIB:** OK, so but the way the picture shows, you're almost out to the curb. Tell me that that's not true.

**KIP HUSK:** It's not to the curb.

**MARK SEIB:** Ok. How far away from the curb are you?

**KATHY HECK:** Quite a bit. It's where the old sign is.

**MARK SEIB:** The old sign on the picture when you look up at the top it says, "current sign". It

looks like it's just barely half of the sidewalk. So, I guess I'm asking, you don't have a dimension here of what that old sign was, and I don't have...

**KATHY HECK:** The old sign was 8' wide.

**KIP HUSK:** This is actually shorter.

**MARK SEIB:** So, you're telling me that you're going to be almost 3' shorter?

**KATHY HECK:** Correct.

**KIP HUSK:** No, there's actually a little bit that sticks out from the brackets, the installation brackets, the torsion tubes. It's going to be less than, but it won't be 3' less.

**MARK SEIB:** If the sign was 8', how far is the new one going to be in comparison?

**KIP HUSK:** The total is going to be about 6 ½'.

**MARK SEIB:** So, it's going to be definitely shorter than what the current sign is now?

**KIP HUSK:** Yes.

**MARK SEIB:** That's what I needed to hear.

**RON FALLOWFIELD:** It's a fairly wide sign.

**MARK SEIB:** OK. And that's fine.

**KATHY HECK:** We're going more, basically, for vertical versus horizontal.

**MARK SEIB:** Oh, I understand that. Just the way the picture is taken makes it deceiving. I don't want to see some semi come by there and take the sign out.

**KIP HUSK:** Yeah, the angle of view on the picture is a little deceiving to the distance from the building.

**MARK SEIB:** And I appreciate you giving me the information. I have no more questions.

**LARRY WILLIAMS:** Other questions from the board? OK. Have a seat. At this time, we'll open up the floor for public comment. Is there anybody here who wishes to speak for or against this sign? Again, it's a Special Use. I ask one more time, anybody here want to speak for or against it? Hearing none, we'll close the public portion and confirm with Mindy.

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

Mr. Williams opened the application up to the board for further discussion and or action.

**RON FALLOWFIELD:** I definitely don't see any issues because there's not a major business across from it or anything.

**MARK SEIB:** And it's not sticking out in the street so we're good.

Mark Seib made a motion in the affirmative to approve Docket # 22-06-SU-BZA. Motion seconded by Larry Droege. The Special Use Voting sheet was read. **Roll Call Vote (5-0) Yes. Motion carried.**

**MINDY BOURNE:** The Special Use has been approved so before you install the sign you need to come to the office to get the Improvement Location Permit.

**SPECIAL USE:**

DOCKET NO: 22-07-SU-BZA

APPLICANT: Cindy Lewis, Signarama

OWNER: Popp Brothers Inc.

PREMISES: Part of Lot #83 in Williams Part of the City of Mount Vernon, Indiana, of Section 8, Township 7 South, Range 13 West, lying in Black Township, Posey County, Indiana. Containing 0.1800 acres more or less. More commonly known as 125 W. 4<sup>th</sup> 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 to install a 77" by 36" wall sign and 60" by 36" ground sign in a CBD (Central Business Zoning District) Section 153.166 (I) Use Unit 21 Business Signs and Outdoor Advertising of the Zoning Ordinance of Posey County. 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's here wishing to speak? Step to the podium, please. State your name and address for the record.

**DAWN SUTTON:** Signarama Evansville. 1300 North Royal Avenue, Evansville. We're proposing to install a new sign on the building. That's the 77" by 36" high. It's going to be a non-illuminated sign and it's going to replace the existing sign that's there now. And then we're also proposing a double sided, illuminated cabinet sign that's 12" deep that will replace the horse and cowboy and sit on top of the existing foundation, which is a double pole.

**KEITH SPURGEON:** The illuminated sign – Is it going to be illuminated with lights shining on it or is it internal?

**DAWN SUTTON:** Internally illuminated LED.

**KEITH SPURGEON:** But it's not like a message board type sign with like a message scrolling across it?

**DAWN SUTTON:** No, it's not a message board.

**MARK SEIB:** No flash or anything like that? It's just a constant light?

**DAWN SUTTON:** No, it will not flash. Very similar to fluorescent, but it'll be LED.

**KEITH SPURGEON:** No horse?

**DAWN SUTTON:** No horse.

**MARK SEIB:** Will that other sign, it's a 77 by 36, that won't have any lights directed to it or anything?

**DAWN SUTTON:** No.

**LARRY DROEGE:** Do you know about how much that sign, the one Mark just mentioned, how much that'll weigh or the material it's made of?

**DAWN SUTTON:** Which one?

**LARRY DROEGE:** The 77 by 36.

**DAWN SUTTON:** It's an aluminum composite material. It's very lightweight. It's about 1/8" thick.

**LARRY DROEGE:** I guess my question - I guess you have looked into this facade on the front of this building - it'll support that there's wood or something inside that?

**DAWN SUTTON:** Yes. There's a wooden structure up there currently that's holding a wood sign that we'll be replacing.

**KEITH SPURGEON:** The two signs are going to be basically exactly alike, is that what I understand?

**DAWN SUTTON:** Yes.

**MARK SEIB:** The one that's going to be lit, is it taking up a lot more space than what is currently there now?

**DAWN SUTTON:** It's actually going to take up less space. Currently, the base measures 66  $\frac{3}{4}$ " wide from outside column to outside column. And our sign is going to be 60" so it'll inset 3 and  $\frac{3}{8}$  on each side.

**MARK SEIB:** And it's not going to be sitting out into street or anything such as that?

**DAWN SUTTON:** No.

**MARK SEIB:** How far off the ground will this sign be?

**DAWN SUTTON:** I don't have that measurement. I believe it's about 7'.

**MARK SEIB:** OK. So, it's going to be sticking up high enough that it shouldn't interfere with anybody walking or traffic or anything like that?

**DAWN SUTTON:** Correct.

**LARRY WILLIAMS:** OK. Have a seat. At this time, I'll open up the floor for public comment. Is there anybody here who wishes to speak for or against this Special Use? Hearing none, we will close the public portion.

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

Mr. Williams opened up the board for further discussion and or action.

**KEITH SPURGEON:** I do have another question, sorry. So, the street sign that's there now, I can't remember, what's supporting it and are you changing those supports?

**DAWN SUTTON:** They're concrete columns with stone around the bottom and we are not changing them.

**LARRY DROEGE:** We talked a little bit; you said the sign was going to be 7' to the bottom of the sign or 7' to the top?

**DAWN SUTTON:** To the bottom. I believe it's to the bottom. Those columns are pretty tall.

**LARRY DROEGE:** Mark brought up a good point that could be an issue if there's an intersection and someone has to look down. It's a pretty good-sized sign but I guess as long as we feel comfortable that 7' is enough that they can look underneath it to look at oncoming or passing traffic.

**KEITH SPURGEON:** If I'm understanding correctly, the bottom of this sign is going to be at the same height as the bottom of the sign that's currently there?

**DAWN SUTTON:** Of the horse. That's correct.

**KEITH SPURGEON:** It may be more than 7. That's pretty tall.

**DAWN SUTTON:** It is pretty tall.

Keith Spurgeon made a motion in the affirmative to approve Docket # 22-07-SU-BZA. Motion seconded by Larry Droeg. The Special Use Voting sheet was read. **Roll Call Vote (5-0) Yes. Motion carried.**

**MINDY BOURNE:** The Special Use has been approved so before you install the sign, you'll need to come into the office to get the Improvement Location Permit. OK. Thank you.

**VARIANCE:**

DOCKET NO: 22-10-V-BZA

APPLICANT: Megan Sulawske

**OWNER:** Andrew A. Sulawske & Megan D. Sulawske  
**PREMISES:** Lot Nine (9) in Emmick Addition to the City of Mount Vernon, in Section 5, Township 7 South, Range 13 West, lying in Black Township, Posey County, Indiana. More commonly known as 1325 Jefferson Drive, Mount Vernon, Indiana. Containing .123 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 in an RS (Residential Single-Family) Zoning District under Section 153.024 (B) (3) and 153.026 (A) (3) (b) of the Zoning Ordinance of the City of Mt. Vernon, Town of Cynthiana, Town of Poseyville, and Unincorporated Posey County.

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

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

**LARRY WILLIAMS:** Who's here wishing to speak about this application? Step to the podium, please. State your name and address for the record.

**MEGAN SULAWSKE:** 1325 Jefferson Drive, Mt. Vernon, Indiana. We are wanting to build a 6' privacy fence in our side and back yard for my child and our two dogs.

**MARK SEIB:** Mindy, that's because they're on a corner lot?

**MINDY BOURNE:** They're on a corner lot, yeah. So by definition in the zoning ordinance, she's calling it her side yard based on the direction her house faces but, per zoning, it's actually a front yard.

**MARK SEIB:** OK. I don't have any directions on which side that is, but it's the opposite side of the driveway on the opposite end of the house. The question I have is - how far is that wooden fence going to go out towards the street?

**MEGAN SULAWSKE:** It is roughly 4' off of the side of the street on Emmick, and it is 16' from the stop sign line. So, where the stop sign begins for the street on Emmick.

**MARK SEIB:** OK. So, you're going to be 4' off of the street on the side of Emmick?

**MEGAN SULAWSKE:** Yes.

**MARK SEIB:** And then you're going to be how far back off of the front street?

**MEGAN SULAWSKE:** 16'.

**MARK SEIB:** 16'. OK. Thank you.

**RON FALLOWFIELD:** Have you checked - are you off the town right of way? Is that 4' from what the city owns or your property line?

**MEGAN SULAWSKE:** We are 4' off of Emmick and 16' off of Jefferson. And I have pictures if that would help.

**MARK SEIB:** We understand that, but I guess what Ron's trying to say here is that is that 4' back onto your property or is it still within the city jurisdiction on that ground? I'm assuming that you're saying that the city only owns to the street where it's being paved and that's as far as it goes.

**MEGAN SULAWSKE:** We just purchased the house, so I'm not sure what the city owns.

**MARK SEIB:** Have you had it surveyed?

**MEGAN SULAWSKE:** No, we have not.

**RON FALLOWFIELD:** What I would suggest is, I don't see any reason not to work with this, but I would get with Mount Vernon and make sure you're off of any, to where there's no utility easement through there.

**MEGAN SULAWSKE:** We did have 811 come out and mark the yard for utility line, gas and water.

**RON FALLOWFIELD:** OK. So, you're behind that?

**MEGAN SULAWSKE:** Yes. Sorry, I do apologize.

**MARK SEIB:** No, it's fine.

**LARRY WILLIAMS:** Just trying to avoid any problems in the future.

**MEGAN SULAWSKE:** Of course.

**MARK SEIB:** (To Mindy) Do we have anything, showing anything as far as the-

**MINDY BOURNE:** I don't know what the city right of way is through there.

**MARK SEIB:** OK. I think Ron brings up a very good question that you need to make sure that the city doesn't own any of that section that you're going to try to cover with a fence. It is what I would suggest because we don't want to end up with having a problem with the city.

**RON FALLOWFIELD:** It's a 30' street through there but it's usually a 45' or 60' right of way.

**MARK SEIB:** And that's for in case they want to put a ditch in or something like that. In the county, it's 18' from the center of the road that they have the jurisdiction on both ways. So that's why I'm saying we need you to verify that you do own that property and it's not imposing on the city property.



**LARRY DROEGE:** I'd be a little worried if they would put a sidewalk along Emmick. That's not going to work with a fence 4' from the street. So, yeah, to be on the safe side, probably you'd want to move that a little bit off there maybe.

**MARK SEIB:** Yeah. You need to have discussions with the city.

**KEITH SPURGEON:** And then is there any issue about the property lines? Like along the back?

**MEGAN SULAWSKE:** We have not, our neighbor behind us has a fence. We did not cross in front of her fence. We are on the inside of our yard.

**RON FALLOWFIELD:** You're using that as your back fence?

**MEGAN SULAWSKE:** Yes. Part of it.

**LARRY WILLIAMS:** Who should she contact, Beth?

**ATTORNEY BETH MCFADIN-HIGGINS:** Well, they'll have to look on the street. So this is a platted subdivision. So, you'd have to go to the plat, look at how much of the street is platted, like the width of the platted street. That should give you an idea, but the plat itself a lot of times will call out the length or the width of the street that's platted. So, whatever's platted there—

**MARK SEIB:** Yeah, it does give the dimensions. But I guess what Larry's bringing up, is the back line exactly where the back line is? And where the fence is? And that would be brought into question because if you haven't had it surveyed or you don't have the neighbor saying, "Yes, that's the line" and willing to sign off on it, then you need to make sure your boundaries are your boundaries.

**KEITH SPURGEON:** That neighbor could've put his fence 2'<sup>3</sup>/<sub>4</sub>' back on his property. So, you would actually be building on his property if you don't check that out.

**MARK SEIB:** And that's what we try to keep from having happen, because that ends up with issues in court and everything else. And it may not happen with the neighbor you have now, but homes change ownership and that may create a problem for you and that's something that we do not want to see happen.

**KEITH SPURGEON:** And it's the same thing on the other side, right? The driveway side, that's next to the neighbors, right? So, you'll want to check that side too.

**MEGAN SULAWSKE:** We're within our property line, we're behind our garage.

**KEITH SPURGEON:** Oh, so you're fine there. It's mainly the back line.

**MARK SEIB:** But your back line and your side street line is what you need to find out where you're at.

**LARRY DROEGE:** Yeah. I see no problem with the fence other than that. But you could be looking at having to tear that fence back out at some point in the future if you don't take the extra time now.

**RON FALLOWFIELD:** Now should we table this until next month until they have it?

**MARK SEIB:** I'm willing to go ahead and proceed with the contingency that they bring sufficient documentation to Mindy saying that they've verified the property lines.

**LARRY WILLIAMS:** Is that OK with you?

**MEGAN SULAWSKE:** That's fine.

**LARRY WILLIAMS:** OK. Any further questions from the board? At this time, we will open up the floor for public comments. Is there anybody here that wishes to speak for or against this Variance? Hearing none, we'll close the public portion.

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

**MINDY BOURNE:** We had one phone call. Brenda Wagner 7/28/2022. She does not have any issues with this application, and she is an adjoining property owner.

**MARK SEIB:** Where is she at? To the side or the back?

**MINDY BOURNE:** 301 Emmick. (The back.)

Mr. Williams opened up the board for further discussion and or action.

Larry Droege made a motion in the affirmative to approve Docket # 22-10-V-BZA contingent upon the applicants provide verification of their property lines before they get their building permit. Motion seconded by Mark Seib. The Variance Voting Sheet was read. **Roll Call Vote (5-0) Yes. Motion carried.**

**MINDY BOURNE:** This Variance has been approved with the condition that you need to provide documentation of where your property lines are. You'll need to bring that into me and then you can also get your permit at that time.

**SPECIAL USE:**

DOCKET NO: 22-08-SU-BZA

APPLICANT: Kathy Heck, Husk Signs

OWNER: Mt. Zion General Baptist Church

PREMISES: A part of Section 26, Township 5 South, Range 13 West, lying in Center Township, Posey County, Indiana. Containing 2.447 acres more or less. More commonly known as 1425 Oliver Road N., Wadesville, Indiana. (Complete legal description is on file at the Posey County Area Plan Commission Office.)

NATURE OF CASE: Applicant requests Special Use to install an electronic message board in an A (Agricultural) Zoning District Section 153.166 (N) 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 wishing to speak? State your name and address for the record please.

**KIP HUSK:** Husk Signs. 1115 Indy Court, Evansville, Indiana. With me, I have Bryan Pierce, a deacon for the church. The old sign has been run over by one of the other deacons I believe, the trustee. And they are in need of replacing their sign. They are updating their sign and wanted to put the digital sign in there to be able to promote their mission and serve the community in a better way.

**MARK SEIB:** OK. So, this is a sign, of course, what you're saying it's lit. It doesn't appear to be much bigger, or is it any bigger than what was there before?

**KIP HUSK:** Same height. It's just conforming to the width of the slab that's there currently.

**KEITH SPURGEON:** You're using the same brick?

**KIP HUSK:** We're using the same footing, yes.

**MARK SEIB:** OK. So, this is a lit sign. It's a message center so it can change and all that?

**KIP HUSK:** It can.

**MARK SEIB:** We have a big concern about, especially nighttime driving, that it doesn't create an issue. You know, the light that's needed during the daytime is twice as bright as what it is needed at night.

**KIP HUSK:** It's actually about five times brighter.

**MARK SEIB:** Thank you for correcting me on that. OK. So, in other words, they realize that they need to tone that down at sunset?

**KIP HUSK:** Absolutely and we've had that discussion about even turning it off after 9:00 at night or something like that. And when I say, "turn it off" it's programmed to be at zero brightness at that point where it would appear off.

**MARK SEIB:** OK. Well, that'd be great. We just need to adhere to the ordinance that we have after sunset, that it's not as bright and going from there and whatever wattage we have. And is it dual sided?

**KIP HUSK:** Yes.

**LARRY DROEGE:** All I want, and maybe it is really not even relevant to the permit, but you said the other one got run over. Is there any concern that this is going to get run over? Have we done anything to keep this from getting knocked over?

**KIP HUSK:** They're actually, I think, talking about putting a bollard out there by it so that traffic can't get it.

**LARRY WILLIAMS:** Probably a good idea.

**RON FALLOWFIELD:** And the existing sign is far enough off the road. It's not right on the edge of the road, is it?

**MARK SEIB:** No, it's not. No, you're right.

**KIP HUSK:** He actually backed into it from the parking lot.

**LARRY WILLIAMS:** You can have a seat, sir. At this point, we'll open up the floor to public comment. Is there anybody here that wishes to speak for or against this Special Use? Hearing none, we will close the public portion.

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

Mr. Williams opened up the board for further discussion and or action.

Ron Fallowfield made a motion in the affirmative to approve Docket # 22-08-SU-BZA. Motion seconded by Larry Droege. The Special Use Voting Sheet was read. **Roll Call Vote (5-0) Yes. Motion carried.**

**MINDY BOURNE:** The Special Use has been approved so before you place the sign, you'll need to get the Improvement Location Permit.

**SPECIAL USE:**

DOCKET NO: 22-09-SU-BZA

APPLICANT: Allison Elpers, Custom Sign & Engineering, Inc.

OWNER: Evansville Teachers Federal Credit Union

PREMISES: Lots Two Hundred Three (203) and Two Hundred Four (204) in the School Enlargement of the City of Mount Vernon, Indiana of Section 8, Township 7 South, Range 13 West, lying in Black Township, Posey County, Indiana. Containing 0.43 acres more or less. More commonly known as 405 E. 4<sup>th</sup> 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 to install an electronic message board in a CG (Commercial General) Zoning District Section 153.166 (N) 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:** And who is here wishing to speak on behalf of this application? Step to the podium, please. State your name and address for the record.

**SCOTT ELPERS:** My name is Scott Elpers and I'm with Custom Sign and Engineering. 5344 Vann Road, Newburgh, Indiana. This is part of a larger scale project where Teachers Credit Union is actually changing their name to Liberty Federal Credit Union. They've operated as two separate entities. (It's not a buyout or a merger it's just they're going to go to a common identity.) And their current sign now actually overhangs the sidewalk in the right of way. So, we're wanting to bring that back behind the sidewalk. The side street there we are, I think 18' or 21' back and then on the main highway we're 18'6" back. So, we're bringing that back into compliance. By doing so, the building kind of comes out just a little bit in the front. So, the building is going to kind of hide our sign, so we elevated it just a little bit, so we have good visibility. In doing so, we felt like we needed a little bit larger sign. This sign is common for their brand. We have these signs in Princeton, Washington, Vincennes, a couple in Evansville, Darmstadt so it's a very, very recognizable sign. It works well in their communities. The electronic message unit that we're wanting does dim. So, it does meet your requirement. If you look at to a lot of the message centers that you have down the main corridor here, they are actually 3 diodes that make up a pixel - this is a surface mount. Those LEDs run at 10,000 nits, which is "nits" is a unit of measurement for light. At nighttime this is going to go all the way down to 700 nits, so this is actually going to be dimmer than the other ones, but it has a whole lot clearer image so that you'll see it even better being dimmer. Of course, we're going to put in a new engineered foundation. It's going to be all aluminum construction. The sign itself is not going to have direct lighting in it like you would see in most signs. This has halo lit channel letters. It's a real elegant feel to where the letter doesn't light, but it shines light back onto the body of the sign to illuminate the background. So very, very nice-looking sign.

**LARRY WILLIAMS:** How much taller is it going to be than the existing sign?

**SCOTT ELPERS:** The existing sign is about 12' shorter. The existing sign is about 16' tall currently. But by moving back to meet the compliance, we needed to raise it up to be visible from the east going west.

**LARRY DROEGE:** You mentioned that you're replacing the pylon also. Do you know what the width of the existing pylon is now?

**SCOTT ELPERS:** 14'.

**LARRY DROEGE:** OK. How about the base? I think you're going to a 36" base?

**SCOTT ELPERS:** That is correct. Yeah, there's just a pole on there now.

**LARRY DROEGE:** It's a pole, so it's going to be a little bit wider?

**SCOTT ELPERS:** That is correct. OK. Yes, I'm sorry. I thought you meant the width of the sign. The existing pole is on a 10" square tube is what it is currently.

**LARRY DROEGE:** OK. So, we're going from 10 to 36.

**MARK SEIB:** So, with that being said, and what Larry brought forth, how far away from the sidewalk is that post going to be?

**SCOTT ELPERS:** I believe it's 7', if I remember correctly. And the reason why I say that is that we have to be behind the sidewalk to be off the right of way.

**MARK SEIB:** Well, I'm looking at you've got a crosswalk there. For cars behind that, is that going to interfere with the line of sight with cars coming from the other direction? With cars trying to pull out into the main street.

**SCOTT ELPERS:** We believe it does not interfere.

**MARK SEIB:** Because you're 36" wide. So, you're 3' wide. That's a pretty big spread. With the crosswalk there the sidewalk is a lot less width compared to what the crosswalk is. And the cars are supposed to pull behind and stay behind the crosswalk so that is-

**RON FALLOWFIELD:** This an accurate description of exactly how it's supposed to be, right?

**SCOTT ELPERS:** Very close, yes. Any time you take a picture, and you scale the picture you could be off some but it's very, very close. We can downsize that pole cover to 2'.

**LARRY DROEGE:** Could we minimize that a bit?

**SCOTT ELPERS:** Yeah, we like the clean look, you know, because it's an aluminum finish. We like that look. We could put the embellishment on that pole cover, but we could downsize that to 2' if that would help.

**LARRY DROEGE:** What Mark mentioned was exactly where I was heading. For example, someone could be standing and be blinded by the 36 by 36 if they were standing behind it. Maybe you wouldn't see a pedestrian whereas on a 10" you'd probably see a pedestrian.

**SCOTT ELPERS:** Of course, we're moving that back too, so you know, the old pole probably was you know, it's right there real close. I have the existing picture. It's right there at the sidewalk. So, we're increasing visibility. I know it's a little wider, but we're giving them a lot more room there. Would you like to see it?

**LARRY DROEGE:** Yeah, please.

**MINDY BOURNE:** We'll mark it as Exhibit A - 1 page.

**MARK SEIB:** Well, if you're if you're willing to cut it back to 2' that's going to be a help. And with it being set back away from the sidewalk, that's a help as well and I think that that will be a good thing.

**SCOTT ELPERS:** I believe that we are 18' off of the back of the curb.

**MARK SEIB:** Well, the back of the curb, that's fine. But there's a grass frontage and then there's a sidewalk and then the sidewalk crossing. The pedestrian crossing is even further back yet so that's where I'm getting at is the sign when a car pulls up and, you said it was 7' from that, it might create some issues as far as being able to see down the street and oncoming emergency traffic or anything such as that.

**SCOTT ELPERS:** Yeah, we're more than willing to reduce that to 2'. That's not a problem whatsoever.

**LARRY DROEGE:** So, we're going to reduce the 36" to 24"?

**SCOTT ELPERS:** Yes.

**RON FALLOWFIELD:** Thank you for your time.

**LARRY WILLIAMS:** You can have a seat, sir. At this time will open the floor for public comment. Is there anybody here who wishes to speech for or against this Special Use? Hearing none, we will close the public portion.

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

Mr. Williams opened up the board for further discussion and or action.

Mark Seib made a motion in the affirmative to approve Docket # 22-09-SU-BZA with the condition that the base post is reduced from 3' to 2' wide, that they maintain ordinance requirements for dimming the light at night, and meet state requirements. Motion seconded by Larry Droege. The Special Use Voting Sheet was read. **Roll Call Vote (5-0) Yes. Motion carried.**

**MINDY BOURNE:** The Special Use has been approved with the conditions of the base post going from 3' to 2' wide, maintain ordinance requirements for dimming, and meet state requirements. When you're ready to put up the sign and you can meet those conditions, you can come in to get your Improvement Location Permit.

**ADDITIONAL BUSINESS:** Beth McFadin-Higgins reported - The Indiana Court of Appeals did render a decision in the BZA vs Derek Collins matter this week. They did reverse the trial court which means that your (the board's) decision denying that would be in effect. That decision was rendered Monday (08/08/2022).

**CITIZEN CONCERNS:** None

Larry Williams adjourned the meeting at 6:16 p.m.



Mr. Larry Williams, Chairman



Mrs. Mindy Bourne, Executive Director



# POSEY COUNTY SPECIAL USE VOTING SHEET

Posey County Board of Zoning Appeals  
Report of Finding Fact

BZA NO: 22-06-SU-BZA

*Kathy Heek, Husk Signs / Alles Brothers Furniture of McVernon*

HAS THE APPLICANT PROVEN BY SUBSTANTIAL EVIDENCE THE FOLLOWING:

1. The Zoning Ordinance authorizes the Special Use.

*Ordinance  
Requires Special Use to be installed - allows 152,166 (I) - Mark Seib*

Larry Droege	( <input checked="" type="checkbox"/> YES ( ) NO*	Keith Spurgeon	( <input checked="" type="checkbox"/> YES ( ) NO*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	( <input checked="" type="checkbox"/> YES ( ) NO*	Larry Williams	( <input checked="" type="checkbox"/> YES ( ) NO*	<u>5</u>	<u>0</u>
Mark Seib	( <input checked="" type="checkbox"/> YES ( ) NO*				

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

*Replacing an old sign - making improvements - Larry Williams*

Larry Droege	( <input checked="" type="checkbox"/> YES ( ) NO*	Keith Spurgeon	( <input checked="" type="checkbox"/> YES ( ) NO*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	( <input checked="" type="checkbox"/> YES ( ) NO*	Larry Williams	( <input checked="" type="checkbox"/> YES ( ) NO*	<u>5</u>	<u>0</u>
Mark Seib	( <input checked="" type="checkbox"/> YES ( ) NO*				

3. The proposed use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.

*attract customers - Larry Williams*

Larry Droege	( <input checked="" type="checkbox"/> YES ( ) NO*	Keith Spurgeon	( <input checked="" type="checkbox"/> YES ( ) NO*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	( <input checked="" type="checkbox"/> YES ( ) NO*	Larry Williams	( <input checked="" type="checkbox"/> YES ( ) NO*	<u>5</u>	<u>0</u>
Mark Seib	( <input checked="" type="checkbox"/> YES ( ) NO*				

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.

*The zoning ordinance allows for business within CBD zoning district - Mark Seib*

Larry Droege	( <input checked="" type="checkbox"/> YES ( ) NO*	Keith Spurgeon	( <input checked="" type="checkbox"/> YES ( ) NO*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	( <input checked="" type="checkbox"/> YES ( ) NO*	Larry Williams	( <input checked="" type="checkbox"/> YES ( ) NO*	<u>5</u>	<u>0</u>
Mark Seib	( <input checked="" type="checkbox"/> YES ( ) NO*				

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

*Compliments all the improvements they have made - Larry Williams*

Larry Droege	( <input checked="" type="checkbox"/> YES ( ) NO*	Keith Spurgeon	( <input checked="" type="checkbox"/> YES ( ) NO*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	( <input checked="" type="checkbox"/> YES ( ) NO*	Larry Williams	( <input checked="" type="checkbox"/> YES ( ) NO*	<u>5</u>	<u>0</u>
Mark Seib	( <input checked="" type="checkbox"/> YES ( ) NO*				

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

*Yes - CBD District - Keith Spurgeon*

Larry Droege	( <input checked="" type="checkbox"/> YES ( ) NO*	Keith Spurgeon	( <input checked="" type="checkbox"/> YES ( ) NO*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	( <input checked="" type="checkbox"/> YES ( ) NO*	Larry Williams	( <input checked="" type="checkbox"/> YES ( ) NO*	<u>5</u>	<u>0</u>
Mark Seib	( <input checked="" type="checkbox"/> YES ( ) NO*				



7. Under the circumstances of the particular case, the proposed Special Use is detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity, or injurious to property values or improvements in the vicinity.

*No issues - well put together sign - Mark Seib Other sign in area - Larry Droege*

Larry Droege	( ) YES* ( <input checked="" type="checkbox"/> ) NO	Keith Spurgeon	( ) YES* ( <input checked="" type="checkbox"/> ) 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>5</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.

*MA*  
YES NO

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

*yes - Ron Fallowfield*

Larry Droege	( <input checked="" type="checkbox"/> ) YES ( ) NO*	Keith Spurgeon	( <input checked="" type="checkbox"/> ) YES ( ) NO*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	( <input checked="" type="checkbox"/> ) YES ( ) NO*	Larry Williams	( <input checked="" type="checkbox"/> ) YES ( ) NO*	<u>5</u>	<u>0</u>
Mark Seib	( <input checked="" type="checkbox"/> ) YES ( ) NO*				

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 11<sup>th</sup> day of August, 20 22.



# POSEY COUNTY SPECIAL USE VOTING SHEET

Posey County Board of Zoning Appeals  
Report of Finding Fact

BZA NO: 22-08-54-BZA

*Kathey Heck, Huck Signs / Mt. Zion General Baptist Church*

HAS THE APPLICANT PROVEN BY SUBSTANTIAL EVIDENCE THE FOLLOWING:

1. The Zoning Ordinance authorizes the Special Use.

*Section 153.166 (N) Larry Williams*

Larry Droege	( <input checked="" type="checkbox"/> YES ( ) NO*	Keith Spurgeon	( <input checked="" type="checkbox"/> YES ( ) NO*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	( <input checked="" type="checkbox"/> YES ( ) NO*	Larry Williams	( <input checked="" type="checkbox"/> YES ( ) NO*	<u>5</u>	<u>0</u>
Mark Seib	( <input checked="" type="checkbox"/> YES ( ) NO*				

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

*Yes - helps relay their mission - Ron Fallowfield*

Larry Droege	( <input checked="" type="checkbox"/> YES ( ) NO*	Keith Spurgeon	( <input checked="" type="checkbox"/> YES ( ) NO*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	( <input checked="" type="checkbox"/> YES ( ) NO*	Larry Williams	( <input checked="" type="checkbox"/> YES ( ) NO*	<u>5</u>	<u>0</u>
Mark Seib	( <input checked="" type="checkbox"/> YES ( ) NO*				

3. The proposed use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.

*Convenient to identity church - Mark Seib*

Larry Droege	( <input checked="" type="checkbox"/> YES ( ) NO*	Keith Spurgeon	( <input checked="" type="checkbox"/> YES ( ) NO*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	( <input checked="" type="checkbox"/> YES ( ) NO*	Larry Williams	( <input checked="" type="checkbox"/> YES ( ) NO*	<u>5</u>	<u>0</u>
Mark Seib	( <input checked="" type="checkbox"/> YES ( ) NO*				

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

*Yes adjustable lighting - Ron Fallowfield*

Larry Droege	( <input checked="" type="checkbox"/> YES ( ) NO*	Keith Spurgeon	( <input checked="" type="checkbox"/> YES ( ) NO*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	( <input checked="" type="checkbox"/> YES ( ) NO*	Larry Williams	( <input checked="" type="checkbox"/> YES ( ) NO*	<u>5</u>	<u>0</u>
Mark Seib	( <input checked="" type="checkbox"/> YES ( ) NO*				

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

*Yes - good sign company - Larry Droege*

Larry Droege	( <input checked="" type="checkbox"/> YES ( ) NO*	Keith Spurgeon	( <input checked="" type="checkbox"/> YES ( ) NO*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	( <input checked="" type="checkbox"/> YES ( ) NO*	Larry Williams	( <input checked="" type="checkbox"/> YES ( ) NO*	<u>5</u>	<u>0</u>
Mark Seib	( <input checked="" type="checkbox"/> YES ( ) NO*				

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

*Yes Church*

Larry Droege	( <input checked="" type="checkbox"/> YES ( ) NO*	Keith Spurgeon	( <input checked="" type="checkbox"/> YES ( ) NO*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	( <input checked="" type="checkbox"/> YES ( ) NO*	Larry Williams	( <input checked="" type="checkbox"/> YES ( ) NO*	<u>5</u>	<u>0</u>
Mark Seib	( <input checked="" type="checkbox"/> YES ( ) NO*				



7. Under the circumstances of the particular case, the proposed Special Use is detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity, or injurious to property values or improvements in the vicinity.

*Not at all - Ron Fallowfield*

Larry Droege ( ) YES\* (☒) NO  
Ron Fallowfield ( ) YES\* (☒) NO  
Mark Seib ( ) YES\* (☒) NO

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

YES 0 NO 5

8. If the request is for a "Home Occupation" it meets the definitional requirements found in the applicable Zoning Ordinance.

Larry Droege ( ) YES ( ) NO\*  
Ron Fallowfield ( ) YES ( ) NO\*  
Mark Seib ( ) YES ( ) NO\*

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

*NA*  
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.

*Up Keith Spurgeon*

Larry Droege (☒) YES ( ) NO\*  
Ron Fallowfield (☒) YES ( ) NO\*  
Mark Seib (☒) YES ( ) NO\*

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

YES 5 NO 0

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 (input checked)

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 11<sup>th</sup> day of August, 20 22.



**POSEY COUNTY  
SPECIAL USE VOTING SHEET**

Posey County Board of Zoning Appeals  
Report of Finding Fact

BZA NO: 22-07-SU-BZA

*Cindy Lewis, Signarama / Popp Brothers Inc.*

HAS THE APPLICANT PROVEN BY SUBSTANTIAL EVIDENCE THE FOLLOWING:

1. The Zoning Ordinance authorizes the Special Use.

*yes - Section 153.166(F) Ron Fallowfield*

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

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

*make sure you know what business is - yes - Mark Seib*

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

*Changing name - need to make sure they know what restaurant it is Larry Williams*

Larry Droege	( <input checked="" type="checkbox"/> YES ( ) NO*	Keith Spurgeon	( <input checked="" type="checkbox"/> YES ( ) NO*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	( <input checked="" type="checkbox"/> YES ( ) NO*	Larry Williams	( <input checked="" type="checkbox"/> YES ( ) NO*	5	0
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.

*CBD - allow for food use - Mark Seib*

Larry Droege	( <input checked="" type="checkbox"/> YES ( ) NO*	Keith Spurgeon	( <input checked="" type="checkbox"/> YES ( ) NO*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	( <input checked="" type="checkbox"/> YES ( ) NO*	Larry Williams	( <input checked="" type="checkbox"/> YES ( ) NO*	5	0
Mark Seib	( <input checked="" type="checkbox"/> YES ( ) NO*				

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

*Should add value - Mark Seib*

Larry Droege	( <input checked="" type="checkbox"/> YES ( ) NO*	Keith Spurgeon	( <input checked="" type="checkbox"/> YES ( ) NO*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	( <input checked="" type="checkbox"/> YES ( ) NO*	Larry Williams	( <input checked="" type="checkbox"/> YES ( ) NO*	5	0
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.

*business district - promote business - Mark Seib*

Larry Droege	( <input checked="" type="checkbox"/> YES ( ) NO*	Keith Spurgeon	( <input checked="" type="checkbox"/> YES ( ) NO*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	( <input checked="" type="checkbox"/> YES ( ) NO*	Larry Williams	( <input checked="" type="checkbox"/> YES ( ) NO*	5	0
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.

*Replacing one sign with another one - Larry Williams*

Larry Droege	( ) YES* ( <input checked="" type="checkbox"/> ) NO	Keith Spurgeon	( ) YES* ( <input checked="" type="checkbox"/> ) 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>5</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>NA</u>	
Ron Fallowfield	( ) YES ( ) NO*	Larry Williams	( ) YES ( ) NO*	<u>YES</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.

*Up - Larry Williams*

Larry Droege	( <input checked="" type="checkbox"/> ) YES ( ) NO*	Keith Spurgeon	( <input checked="" type="checkbox"/> ) YES ( ) NO*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	( <input checked="" type="checkbox"/> ) YES ( ) NO*	Larry Williams	( <input checked="" type="checkbox"/> ) YES ( ) NO*	<u>5</u>	<u>0</u>
Mark Seib	( <input checked="" type="checkbox"/> ) YES ( ) NO*				

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 11th day of August, 20 22.



# POSEY COUNTY SPECIAL USE VOTING SHEET

Posey County Board of Zoning Appeals  
Report of Finding Fact

BZA NO: 22-09-54-BZA

*Allison Elpers, Custom Sign & Eng. Inc. / Evansville Teachers Federal Credit Union*

HAS THE APPLICANT PROVEN BY SUBSTANTIAL EVIDENCE THE FOLLOWING:

1. The Zoning Ordinance authorizes the Special Use.

*Section 153.166(N) Ron Fallowfield*

Larry Droege	( <input checked="" type="checkbox"/> YES ( ) NO*)	Keith Spurgeon	( <input checked="" type="checkbox"/> YES ( ) NO*)	<u>YES</u>	<u>NO</u>
Ron Fallowfield	( <input checked="" type="checkbox"/> YES ( ) NO*)	Larry Williams	( <input checked="" type="checkbox"/> YES ( ) NO*)	<u>5</u>	<u>0</u>
Mark Seib	( <input checked="" type="checkbox"/> YES ( ) NO*)				

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

*yes - identify business - Ron Fallowfield*

Larry Droege	( <input checked="" type="checkbox"/> YES ( ) NO*)	Keith Spurgeon	( <input checked="" type="checkbox"/> YES ( ) NO*)	<u>YES</u>	<u>NO</u>
Ron Fallowfield	( <input checked="" type="checkbox"/> YES ( ) NO*)	Larry Williams	( <input checked="" type="checkbox"/> YES ( ) NO*)	<u>5</u>	<u>0</u>
Mark Seib	( <input checked="" type="checkbox"/> YES ( ) NO*)				

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.

*Signage essential for business - Larry Droege*

Larry Droege	( <input checked="" type="checkbox"/> YES ( ) NO*)	Keith Spurgeon	( <input checked="" type="checkbox"/> YES ( ) NO*)	<u>YES</u>	<u>NO</u>
Ron Fallowfield	( <input checked="" type="checkbox"/> YES ( ) NO*)	Larry Williams	( <input checked="" type="checkbox"/> YES ( ) NO*)	<u>5</u>	<u>0</u>
Mark Seib	( <input checked="" type="checkbox"/> YES ( ) NO*)				

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.

*Zoned for business - will be in public interest mark Seib*

Larry Droege	( <input checked="" type="checkbox"/> YES ( ) NO*)	Keith Spurgeon	( <input checked="" type="checkbox"/> YES ( ) NO*)	<u>YES</u>	<u>NO</u>
Ron Fallowfield	( <input checked="" type="checkbox"/> YES ( ) NO*)	Larry Williams	( <input checked="" type="checkbox"/> YES ( ) NO*)	<u>5</u>	<u>0</u>
Mark Seib	( <input checked="" type="checkbox"/> YES ( ) NO*)				

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

*make it more attractive - take pole back from sidewalk - mark Seib*

Larry Droege	( <input checked="" type="checkbox"/> YES ( ) NO*)	Keith Spurgeon	( <input checked="" type="checkbox"/> YES ( ) NO*)	<u>YES</u>	<u>NO</u>
Ron Fallowfield	( <input checked="" type="checkbox"/> YES ( ) NO*)	Larry Williams	( <input checked="" type="checkbox"/> YES ( ) NO*)	<u>5</u>	<u>0</u>
Mark Seib	( <input checked="" type="checkbox"/> YES ( ) NO*)				

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

*yes - replace existing sign - Larry Williams*

Larry Droege	( <input checked="" type="checkbox"/> YES ( ) NO*)	Keith Spurgeon	( <input checked="" type="checkbox"/> YES ( ) NO*)	<u>YES</u>	<u>NO</u>
Ron Fallowfield	( <input checked="" type="checkbox"/> YES ( ) NO*)	Larry Williams	( <input checked="" type="checkbox"/> YES ( ) NO*)	<u>5</u>	<u>0</u>
Mark Seib	( <input checked="" type="checkbox"/> YES ( ) NO*)				



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.

*Bringing sign back will be better - Larry Williams*

Larry Droege	( ) YES* ( <input checked="" type="checkbox"/> ) NO	Keith Spurgeon	( ) YES* ( <input checked="" type="checkbox"/> ) NO	<u>YES</u>	<u>NO</u>
Ron Fallowfield	( ) YES* ( <input checked="" type="checkbox"/> ) NO	Larry Williams	( ) YES* ( <input checked="" type="checkbox"/> ) NO	0	5
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*	NA	
Mark Seib	( ) YES ( ) NO*				

9. The proposed Special Use will comply with regulations and the conditions specified in The Zoning Ordinance of the City of Mt. Vernon, Town of Cynthiana, Town of Poseyville and Unincorporated Posey County for such use and with stipulations and conditions made a part of the authorization granted by the Board.

*Yes - under CG zoning Ron Fallowfield*

Larry Droege	( <input checked="" type="checkbox"/> ) YES ( ) NO*	Keith Spurgeon	( <input checked="" type="checkbox"/> ) YES ( ) NO*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	( <input checked="" type="checkbox"/> ) YES ( ) NO*	Larry Williams	( <input checked="" type="checkbox"/> ) YES ( ) NO*	5	0
Mark Seib	( <input checked="" type="checkbox"/> ) YES ( ) NO*				

10. Conditions, limitations or temporary uses deemed necessary for the protection of the surrounding area in order to carry out the intent and purpose of the Zoning Ordinance of Posey County:

*base post go from 3' to 2' wide*  
*maintain ordinance requirements for dimming*  
*meet state requirements*

\*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 11th day of August, 20 22.



## VARIANCE VOTING SHEET

### POSEY COUNTY BOARD OF ZONING APPEALS Report of Findings of Fact

BZA NO: 22-10-V-BZA  
Andrew A. & Megan D. Sulawske

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

*NO - Streetside has plenty of parking - Ron Fallowfield*

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

*Neighborhood does not have problem with it - Larry Droege*  
*fence will not affect property values - Larry Williams*

Larry Droege	( <input checked="" type="checkbox"/> ) NO	( ) YES*	Keith Spurgeon	( <input checked="" type="checkbox"/> ) NO	( ) YES*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	( <input checked="" type="checkbox"/> ) NO	( ) YES*	Larry Williams	( <input checked="" type="checkbox"/> ) NO	( ) YES*	0	5
Mark Seib	( <input checked="" type="checkbox"/> ) NO	( ) YES*					

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

*Yes - corner lot - description front yard - Ron Fallowfield*

Larry Droege	( ) NO*	( <input checked="" type="checkbox"/> ) YES	Keith Spurgeon	( ) NO*	( <input checked="" type="checkbox"/> ) YES	<u>YES</u>	<u>NO</u>
Ron Fallowfield	( ) NO*	( <input checked="" type="checkbox"/> ) YES	Larry Williams	( ) NO*	( <input checked="" type="checkbox"/> ) YES	5	0
Mark Seib	( ) NO*	( <input checked="" type="checkbox"/> ) YES					

4. Are these conditions general in the same zone?

*NO - not everyone has a corner lot - Mark Seib*

Larry Droege	( <input checked="" type="checkbox"/> ) NO	( ) YES*	Keith Spurgeon	( <input checked="" type="checkbox"/> ) NO	( ) YES*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	( <input checked="" type="checkbox"/> ) NO	( ) YES*	Larry Williams	( <input checked="" type="checkbox"/> ) NO	( ) YES*	0	5
Mark Seib	( <input checked="" type="checkbox"/> ) NO	( ) YES*					

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

*Will for safety of family - Mark Seib*

Larry Droege	( ) NO*	( <input checked="" type="checkbox"/> ) YES	Keith Spurgeon	( ) NO*	( <input checked="" type="checkbox"/> ) YES	<u>YES</u>	<u>NO</u>
Ron Fallowfield	( ) NO*	( <input checked="" type="checkbox"/> ) YES	Larry Williams	( ) NO*	( <input checked="" type="checkbox"/> ) YES	5	0
Mark Seib	( ) NO*	( <input checked="" type="checkbox"/> ) YES					



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

*No effect on street congestion - Larry Williams*

Larry Droege	( <input checked="" type="checkbox"/> ) NO	( ) YES*	Keith Spurgeon	( <input checked="" type="checkbox"/> ) NO	( ) YES*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	( <input checked="" type="checkbox"/> ) NO	( ) YES*	Larry Williams	( <input checked="" type="checkbox"/> ) NO	( ) YES*	0	5
Mark Seib	( <input checked="" type="checkbox"/> ) NO	( ) YES*					

**\*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 11<sup>th</sup> day of August 2022

(date)