

## MINUTES

### POSEY COUNTY AREA PLAN COMMISSION REGULAR MEETING

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

SEPTEMBER 8, 2022  
6:00 P.M.

**MEMBERS PRESENT:** Mr. Mark Seib – President, Dr. Keith Spurgeon – Vice President, Mr. Mike Baehl, Mr. Andy Hoehn, Mr. Randy Owens, Mr. Adam Farrar – Attorney, Mrs. Mindy Bourne – Executive Director, Mrs. Becky Wolfe – Administrative Assistant

**MEMBERS ABSENT:** Mr. Kevin Brown, Mr. Dave Pearce, Mr. Randy Thornburg,

**APPROVAL OF MINUTES:** Mike Baehl made a motion in the affirmative to approve the minutes as emailed. Motion seconded by Andy Hoehn. **Motion carried.**

#### **REZONING:**

DOCKET NO: 22-07-RE-APC

APPLICANT: Justin Collins

OWNER: Posey Storage LLC

PREMISES: Part of the West Half of the Southwest Quarter of Section 17, Township 4 South, Range 12 West lying in Robb Township, Town of Poseyville, Posey County, Indiana. More commonly known as 128 N. St. Francis Street, Poseyville, Indiana. Containing 3.22 acres more or less. (Complete legal description is on file at the Posey County Area Plan Commission Office).

NATURE OF CASE: Petition to rezone property from R-1 (Residential Single Family) and M-2 (Manufacturing Medium/Heavy) Zoning District to M-2 (Manufacturing Medium/Heavy) Zoning District under the Zoning Ordinance of the City of Mt. Vernon, Town of Cynthiana, Town of Poseyville and Unincorporated Posey County.

Mr. Seib then confirmed no board members had a conflict of interest.

Mr. Seib confirmed with Mrs. Bourne that the applicant has met all the requirements for notification per the statute.

**MARK SEIB:** Who is here wishing to speak? Take the podium, please. Please state your name and your home address.

**JUSTIN COLLINS:** 113 S. Cale Street, Poseyville, In. On the property at 128 N. St. Francis, it is one tax parcel but it is split into two zoning districts. The northern most portion is the R-1 and that is where we are wanting to build a mini or self-storage building. There is already one currently on the property and we are wishing to add a second. I don't know what all paperwork you have, but it is probably similar to the GIS that shows the color code difference. The reason for the M-2 is just because it is already... I'm going to guess that two acres are already M-2 with that remaining triangle piece somehow being an R-1. So we just wanted to make it all M-2 so it is uniform.

**MARK SEIB:** Ok. Let me just back up for a minute here before we ask any questions. This is in the Town of Poseyville. This is a jump from an R-1 to an M-2, which we don't usually grant that big of a jump, but because of the circumstances of the property being partially or almost half M-2 on it the town was asked how they felt about it. Mike if you want...

**MIKE BAEHL:** Since 2/3 of the property is already M-2, going from R-1 to M-2 to make it all... If you look at the zoning, the one mini storage that is there, about half of it is in the residential and the other half is in the M-2. Going to M-2 is not a problem for the town.

**MARK SEIB:** I just wanted you to be aware of that situation. Do we have any questions for Mr. Collins?

**ANDY HOEHN:** So the local property owners have all been notified?

**JUSTIN COLLINS:** Yes. Mr. Lee Jochim across the highway stopped in our business and said he had no objection to it. Nothing in writing.

Mr. Seib confirmed with Mrs. Bourne that there had not been any phone calls, letters, or emails concerning this application.

**MARK SEIB:** Thank you, have a seat. At this time, we'll open up for the public portion. Anyone here wishing to speak for or against the proposed Rezoning please come forward. Seeing and hearing none, we'll close the public portion.

**KEITH SPURGEON:** It is logical to make that all zoned the same. If for some reason that didn't pass, does it prohibit him from building that building then?

**MARK SEIB:** Right. He does have to upgrade to meet the requirements to build a storage facility on that. Residential does not allow for that.

Mike Baehl made a motion to recommend approval of Rezoning Docket #22-07-RE-APC. Motion was seconded by Keith Spurgeon. **Roll Call Vote (5-0). Yes. Motion carried.**

Mike Baehl made a motion to approve the Findings of Fact. Motion was seconded by Andy Hoehn. **Roll Call Vote (5-0). Yes. Motion carried.**

**MINDY BOURNE:** This is a recommendation to the Town of Poseyville. This is on their agenda for next Tuesday at 5:30. I will be there but you will need to be there as well in case they have any questions.

**REPLAT:**

**REPLAT LOT 18 AND A PART OF LOT 23 IN MANN & BARTER'S ADDITION TO THE COMPANY ENLARGEMENT TO THE CITY OF MT. VERNON, INDIANA**

DOCKET NO: 22-12-S-APC

APPLICANT: Greg Kissel, Kissel Land Surveying, LLC

OWNER: Kyle R. King

PREMISES: Lot 18 and A Part of Lot 23 in Mann & Barter's Addition to the Company Enlargement to the City of Mt. Vernon, Indiana of Section 5, Township 7 South, Range 13 West, lying in Black Township, Posey County, Indiana. Containing .426 acres more or less. More commonly known as 502 E. Sherman Street, Mt. Vernon, IN. (Complete legal description is on file at the Posey County Area Plan Commission Office).

**APPLICANT/OWNER OF THE ABOVE DESCRIBED PROPERTY HAS REQUESTED:**

Approval of Replat Major Subdivision in an RT Zoning District under The Subdivision Control Ordinance of the City of Mount Vernon, the Town of Cynthiana, the Town of Poseyville and Unincorporated Posey County.

Mr. Seib confirmed no board members had a conflict of interest.

Mr. Seib confirmed with Mrs. Bourne that the applicant has met all the requirements for notification per the statute.

**MARK SEIB:** Who is here that wishes to speak on behalf of this application? Please come forward. State your name and home address, please.

**GREG KISSEL:** Kissel Land Surveying, 1263 E. 900 S., Ft. Branch, Indiana. Mr. King has two existing parcels on two old town lots. He is wanting to combine them as one.

**KEITH SPURGEON:** What is he doing? Is he wanting to build back there?

**GREG KISSEL:** I believe he is thinking about doing some type of structure behind him, which would be on a separate lot as it stands now. He wouldn't be able to do that unless he combines these.

Mr. Seib confirmed with Mrs. Bourne that there had not been any phone calls, letters, or emails concerning this application.

**MARK SEIB:** Does anyone have any questions for him at this time? Have a seat, please. At this time, we'll open the public portion. Is there anyone here wishing to speak for or against the proposed application?

**RICHARD DRUE:** I am originally from Carrier Mills, Illinois, but I reside at 123 Brookview, Cibolo, Texas. I am representing the Frank and Isabella Buckner family that has property that is adjacent to this property. We received a letter from the survey company. We would like to understand more about the structure that is being built and the potential impact that would have to our property on Sherman and Harrison.

**MARK SEIB:** Where are you exactly at?

**RICHARD DRUE:** Our lot is on the corner of Sherman and Harrison.

**MARK SEIB:** He is asking to join the two parcels. We haven't had an application for the building yet, have we?

**MINDY BOURNE:** No. Where they are wanting to put this accessory structure was on a separate lot. It has to be on the same parcel as the home. That is what they are doing here tonight is getting them combined into one lot to meet that requirement of the Zoning Ordinance. If they get this approved, then they would have to bring in a plot plan showing where the structure is going to be placed, distances to property lines and it has to meet the ordinance requirements to get a permit. If it does not, it would have to go through a Variance procedure and come before the board for approval. At this point and time I don't have anything as far as what type of structure they are building and size and all that. I don't if Greg knows anything or not.

**MARK SEIB:** What we are saying is that it has to go through another step. Right now we, as far as the board, have no indication of what kind of building they are going to build at this point. The first step is replatting the property. If they can't get the Replat, then they can't go any further with the building.

**RICHARD DRUE:** I understand. The family would like to know the structure they are planning on building. If they put something potentially on there we want to know is being built and what impact it would have.

**MARK SEIB:** And we can't give you an answer because there is no application as of yet. You can object and argue your points if you are opposed to it when it gets to the building part of it.

**MINDY BOURNE:** But it may not come before the board if it meets the requirements.

**MARK SEIB:** If it meets the required setbacks, then there would not be a hearing on it.

**MINDY BOURNE:** It is zoned Residential, so it has to be a residential accessory structure. It can only be used for residential use. It would have to be like a garage. There again it will have to be certain distances off the property lines, which the Ordinance dictates what those setbacks are. It has to be far enough off of property lines, it can only cover so much of the lot. There are a lot of restrictions. It can only be a residential structure.

**RICHARD DRUE:** Ok. I am going to make an assumption that this is not a home.

**MINDY BOURNE:** It can't be a home. They wouldn't allow that.

**MARK SEIB:** They would have to keep it separate to do that. When they adjoin it, there is only one home per parcel.

**RICHARD DRUE:** We would like to know more about it. I would like to object until we understand more about what the structure is. We are very reasonable people. We would like to have assurance that what is being built wouldn't have an adverse impact on our lot. If you can get that and we can take care of it with a call or something, then that's fine. I am in the area all the time. We farm across the river so I can show up about anytime.

**MARK SEIB:** Is there anyone else wishing to speak for or against this Replat? We will close the public portion. Greg, do you have any information about the intentions of what they are wanting to do?

**GREG KISSEL:** Unfortunately I am not sure what he is planning to build. The last time I talked to him, he said he may not even build anything on it right now. He has gone this far in the process, he is going to stay with it. The way it stands now, we are eliminating quite a bit of use of this property. He could build a house on one of those lots and keep his house there. From a neighborly perspective, if there is more compacted area, it won't be like that because we are eliminating a potential house site. From a company, we are getting more calls on this now. You are probably seeing more of them in here. I don't know their situation, but maybe your family has two parcels right now, two different tax IDs, then maybe they would want to build an accessory structure on it someday. The enforcement is more now than it was probably about 20 years ago on these situations that you can't have... they won't allow an accessory structure if it isn't combined with main structure.

**MARK SEIB:** It has to have a residence on it to be able to do that.

**GREG KISSEL:** We are seeing more and more of these. I don't believe he has any intention to do anything crazy. That is about all I know. I'm sure if he would, he would have to get a permit, he is going to have to meet setback standards, height standards, and everything else that would go with a residential. He is not asking to rezone the property.

**MARK SEIB:** Thank you, Greg, for trying to answer that. We know that it has to be in conformity with the zoning. Until we get something officially, I don't know if we can say anything else about what the building is or what it can't be.

**KEITH SPURGEON:** So, putting these two lots together, it actually kind of puts more restrictions on that second lot. Now it becomes part of the larger lot where there is a house already on it. He could build a second house if we didn't put these together.

**MARK SEIB:** Correct.

**KEITH SPURGEON:** It puts more restrictions on there. If he meets the Ordinances, which are now a little more restrictive, then it wouldn't come to us. If he does need a Variance to do something crazy, then it comes to us and it would be another public hearing, neighboring property owners would be notified and they would get a chance to speak for or against whatever they were asking a Variance for.

**RANDY OWENS:** Right now he could build a house but he couldn't build a garage because that parcel doesn't have a house.

**MARK SEIB:** According to the City of Mt. Vernon, you would have to ask for an application to be able to put just a garage on it.

**RANDY OWENS:** But once he joins it together, he can build a garage but not a house.

**MARK SEIB:** Correct. This doesn't change with the wind. We don't like changing a Replat. If they make the change and then come back within another week and say now we changed our mind, it gets real sticky. By enlarging his lot, it is giving him more restrictions than with it being two singles.

Motion was made by Keith Spurgeon for preliminary approval and authorize Executive Director to give final approval after 30 days have elapsed for Replat 22-12-S-APC. Motion was seconded by Andy Hoehn. **Roll Call Vote (5-0). Yes. Motion carried.**

#### **VACATION OF SUBURBAN MOBILE HOME ESTATES, TOWN OF CYNTHIANA**

**MINDY BOURNE:** The first request is for vacating a mobile home park within the Town of Cynthiana. You have that within your folder. The owner is here. The owner is Lupfer Farms, Inc. We have four different things that are going to happen with this property. The first is the Vacation of Suburban Mobile Home Estates, which is a mobile home park within the Town of Cynthiana. In 1990 it was platted as a mobile home park. The mobile home park has never been developed. Joe, would you like to come forward and speak?

Mr. Seib then confirmed no board members had a conflict of interest.

Mr. Seib confirmed with Mrs. Bourne that the applicant has met all the requirements for notification per the statute.

**JOE LUPFER:** 9601 Cleveland Road, Cynthiana, Indiana, Lupfer Farms, Inc. I bought this mobile home park from a guy in Illinois that owned it. It had maybe 3-5 mobile homes on just one end of it. The rest of it was just grown up. It had been farmed originally. I didn't take long to get the mobile homes and the property cleaned up and then I started farming it. One end of it is kind of grown up and it has junk in it, but for the most part it is used for farming. To do this correctly, we need to vacate the mobile home park, vacate the minor subdivision the way it was platted out first so we can then go into the rezoning to get it back to Ag.

**MINDY BOURNE:** So, with the mobile home park, he owns all of the mobile home park and is the sole owner. What he is asking is that we vacate the mobile home park. We need to vacate the lots, the streets, the public right of ways and everything that is on the recorded plat for the mobile home park. It was also noticed through the surveyor that these are platted lots within the Town of Cynthiana too. So underneath that mobile home park you have platted lots within Cynthiana, which is your lot 6 through 19 in L. J. Wilkinson's Corrected Addition, Town of Cynthiana. He is also requesting that we vacate those. After that we go to a meets and bounds description and then we would rezone the part that he farms to Ag, from Mobile Home Park to Ag, and then we would rezone the small portion that he wants to leave as Residential. It's currently zoned Mobile Home Park too. We have several things going on here. The first item that you would have to act on is the Vacation of the Mobile Home Park.

**MARK SEIB:** Joe, you may have a seat. At this time, we'll open up for the public portion. Anyone here wishing to speak for or against the proposed application please come forward. Seeing and hearing none, we'll close the public portion.

Motion was made by Mike Baehl to approve the Vacation of Suburban Mobile Home Estates, Town of Cynthiana. Motion was seconded by Andy Hoehn. **Roll Call Vote (5-0). Yes.**  
**Motion carried.**

**VACATION OF LOT 6 THROUGH LOT 19 IN L. J. WILKINSON'S CORRECTED ADDITION, TOWN OF CYNTHIANA**

Mr. Seib then confirmed no board members had a conflict of interest.

Mr. Seib confirmed with Mrs. Bourne that the applicant has met all the requirements for notification per the statute.

**RANDY OWENS:** Is the Town of Cynthiana ok with this?

**JOE LUPFER:** 9601 Cleveland Road, Cynthiana. Oh yeah, they love it. I cleaned up a bunch of drug houses. It was pretty bad. They are very happy.

**MARK SEIB:** Joe, is there anything you would like to add as far as vacating the lots?

**JOE LUPFER:** When I talked to Mindy, when I get the taxes, it's like \$5.00, \$2.00. It's a joke. We would like to clean that mess up since I farm it all anyway. Make it more of a one tax or two, whatever.

**MARK SEIB:** You may have a seat. At this time, we'll open up for the public portion. Anyone here wishing to speak for or against the proposed vacating of lot 6 through 19 in the L. J. Wilkinson's Corrected Addition, Town of Cynthiana, please come forward. Seeing and hearing none, we'll close the public portion.

Motion was made by Andy Hoehn to approve the Vacation of Lot 6 through Lot 19 in L. J. Wilkinson's Corrected Addition, Town of Cynthiana. Motion was seconded by Randy Owens. **Roll Call Vote (5-0). Yes. Motion carried.**

**REZONING:**

**DOCKET NO:** 22-08-RE-APC  
**APPLICANT:** Joe Lupfer  
**OWNER:** Lupfer Farms Inc.  
**PREMISES:** A part of the Southwest Quarter of Section 12, Township 4 South, Range 12 West lying in Smith Township, Posey County, Indiana. More commonly known as Church Street/Owensville Road, Cynthiana, Indiana. Containing 9.225 acres more or less. (Complete legal description is on file at the Posey County Area Plan Commission Office).  
  
**NATURE OF CASE:** Petition to rezone property from RMH (Residential Mobile Home) Zoning District to A (Agricultural) Zoning District under the Zoning Ordinance of the City of Mt. Vernon, Town of Cynthiana, Town of Poseyville and Unincorporated Posey County.

Mr. Seib then confirmed no board members had a conflict of interest.

Mr. Seib confirmed with Mrs. Bourne that the applicant has met all the requirements for notification per the statute.

**MARK SEIB:** Joe, would you come back to the mic?

**JOE LUPFER:** Same thing. I cleaned it up and I'm farming it anyway. I probably should have done this a long time ago. I'm just trying to do the right thing and get it correct.

**MARK SEIB:** Does anyone have any questions for him? Have a seat, please. We will open the public portion. Is there anyone here wishing to speak for or against the proposed Rezoning? Seeing and hearing no one, we will close the public portion.

Mr. Seib confirmed with Mrs. Bourne that there had not been any phone calls, letters, or emails concerning this application.

Motion was made by Andy Hoehn for to recommend approval for docket# 22-08-RE-APC. Motion was seconded by Mike Baehl. **Roll Call Vote (5-0). Yes. Motion carried.**

**MINDY BOURNE:** This is a recommendation to the Town of Cynthiana. It will go before their board on Monday at 5:00 p.m. I will be there and it wouldn't hurt for you to be there as well.

Motion was made by Mike Baehl to approve the Findings of Fact. Motion was seconded by Andy Hoehn. **Roll Call Vote (5-0). Yes. Motion carried.**



**REZONING:**

DOCKET NO: 22-09-RE-APC

APPLICANT: Joe Lupfer

OWNER: Lupfer Farms Inc.

PREMISES: A part of the Southwest Quarter of Section 12, Township 4 South, Range 12 West lying in Smith Township, Posey County, Indiana. More commonly known as Church Street/Owensville Road, Cynthiana, Indiana. Containing 1.48 acres more or less. (Complete legal description is on file at the Posey County Area Plan Commission Office).

NATURE OF CASE: Petition to rezone property from RMH (Residential Mobile Home) Zoning District to RM (Residential Multiple Family) Zoning District under the Zoning Ordinance of the City of Mt. Vernon, Town of Cynthiana, Town of Poseyville and Unincorporated Posey County.

Mr. Seib then confirmed no board members had a conflict of interest.

Mr. Seib confirmed with Mrs. Bourne that the applicant has met all the requirements for notification per the statute.

**MARK SEIB:** Joe, would you come back to the mic?

**JOE LUPFER:** 9601 Cleveland Road, Cynthiana, Indiana. This is kind of where it all started. Habitat contacted the Town of Cynthiana looking for a place to build a house. Of course I'm the only one in the Town of Cynthiana that has any property for something like that. Cynthiana came to me and I said that I'm open minded about it. This particular section corners the road. I don't farm this little section here. It had a lot of junk in it from the mobile homes. When Habitat called me I thought well I can help them out a little bit. At this time I don't have anything in writing. The reason I want to get this zoned different is for possible future something.

**MARK SEIB:** To be able to put multiple families on it?

**JOE LUPFER:** Right.

**MINDY BOURNE:** We talked about splitting it into two lots and it is on town sewer so it can be smaller lots than one acre. So if we proceed with that, it will have to go through a Minor Sub which will come back before this board. I think that is the plans now to proceed with the Minor Sub.

**JOE LUPFER:** Yes, we are just taking it one step at a time. We're just trying to get it structured correctly. There is gas, water, sewer, electric. Everything is there.

**MIKE BAEHL:** So there were trailers there at one time and they had septic systems and stuff like that?

**JOE LUPFER:** Yes and I pulled all of that out. I talked to Kenny and since this is so small, he is ok with having... the line is right there in the road where I disconnected it. He is going to have like individual pumps to shove it to the line. He was ok with it.

**MARK SEIB:** Does anyone have any questions for him? Have a seat. We will open the public portion. Is there anyone here wishing to speak for or against the proposed Rezoning? Seeing and hearing no one, we will close the public portion.

Mr. Seib confirmed with Mrs. Bourne that there had not been any phone calls, letters, or emails concerning this application.

Motion was made by Andy Hoehn for to recommend approval for docket# 22-09-RE-APC. Motion was seconded by Mike Baehl. **Roll Call Vote (5-0). Yes. Motion carried.**

**MINDY BOURNE:** This is a recommendation to the Town of Cynthiana.

Motion was made by Andy Hoehn to approve the Findings of Fact. Motion was seconded by Mike Baehl. **Roll Call Vote (5-0). Yes. Motion carried.**

**COMPLAINTS** 607 E. 4<sup>th</sup> Street, Mt. Vernon, IN  
822 W. 3rd Street, Mt. Vernon, IN  
10926 Sunset Drive, Evansville, IN  
Luigs Road, Wadesville, IN  
714 W. 6<sup>th</sup> Street, Mt. Vernon, IN  
100 S. Sharp Street, Poseyville, IN

**MARK SEIB:** 607 E. 4<sup>th</sup> Street, Mt. Vernon, IN.

**MINDY BOURNE:** This is one that Trent filed an Ordinance Violation on. The case is being continued until January with an agreement that they do not operate on site.

**ANDY HOEHN:** They were today. There was a semi there today with pallets.

**ATTORNEY ADAM FARRAR:** I will let him know. If that is the case and they violated the agreement, then I will talk with Trent whether or not he needs to file anything or get them back in to court.

**MARK SEIB:** We will continue to give updates on this complaint.

**MINDY BOURNE:** This one we have left on the agenda every month.

**MARK SEIB:** 822 W. 3<sup>rd</sup> Street, Mt. Vernon, IN

**MINDY BOURNE:** We instructed Trent to file an Ordinance Violation on this one. He did, but I think he is having difficulty getting service on this individual, which he reported at last months' meeting too. I guess he still hasn't gotten service.

**MARK SEIB:** I would assume he has already gone to the sheriff's office and tried to have them serve that way?

**ATTORNEY ADAM FARRAR:** We start out with certified mail and if they don't respond then we would have the sheriff go out and do copy service. Sometimes that can be a problem.

**MARK SEIB:** Is there anyone here in the public that is associated with this 822 W. 3<sup>rd</sup> Street complaint? Seeing none, ok. I want to make sure that is on the record showing that they are not here. I guess our recommendation is for Trent to continue on with serving the papers?

**ANDY HOEHN:** Yes.

**MINDY BOURNE:** We will continue putting this one on the agenda as well.

**MARK SEIB:** 10926 Sunset Drive, Evansville, IN

**MINDY BOURNE:** We did open this one up last month and it was about having chickens on the property. I believe I reported to the board that they were filing a Variance. That came before the BZA this evening. The board approved that Variance with the condition that they can have a maximum of 20 chickens on the property. Currently I think they have 8, but they did put a max on it that they could have up to 20.

**MARK SEIB:** It is a fairly big lot and the chickens can't be seen. The owners are here just in case you have any questions. I want to tell you the BZA was satisfied and approved for the chickens to be allowed on the property. Does anyone wish to have the owners come forward?

**MINDY BOURNE:** This is out in the county too.

**RANDY OWENS:** If the Variance has been approved, is this complaint satisfied?

**MINDY BOURNE:** That is what this group has to decide.

**MARK SEIB:** Have they met the requirements? I feel they have. They had the BZA to approve their Variance.

Motion was made by Randy Owens that this complaint is resolved. Motion was seconded by Andy Hoehn. **Roll Call Vote (5-0). Yes. Motion carried.**

**MARK SEIB:** Luigs Road, Wadesville, Indiana.

**MINDY BOURNE:** We talked about this one last month. This is two campers on a property. Trent was instructed to file an Ordinance Violation. The court date is September 26.

**MARK SEIB:** Does anyone on the committee have any questions or any action?

**MIKE BAEHL:** Is the Health Department involved in this too?

**MINDY BOURNE:** They were. I have not heard anything further from Donnie.

**MARK SEIB:** They have been served and they have a court date. We will wait until we hear more information from our attorney. We are moving on to 714 W. 6<sup>th</sup> Street, Mt. Vernon, Indiana.

**MINDY BOURNE:** This is a new one about a camper parked in the alley with a man living in it, the complaint states. I did send a letter. The camper is partially sitting on the property and partially in the alley. I did talk to Sherri about this because I feel this is in violation with the City of Mt. Vernon too. I don't know if the city is acting on it, but I did send a letter regarding our part because it is partially sitting on the property. I cannot get them to respond. The first letter I sent came back, so I sent it by sheriff. It is dated August 29 and I gave them until yesterday at 4:00 p.m. to respond and I have not heard anything. But, I have not received service from the sheriff. So I don't know if they were able to serve them yet. I do have pictures that show the camper is still there as of September 4. So this has not been resolved.

**MARK SEIB:** What is the pleasure of the board? Do we want Trent to check into it and make sure they are being properly notified?

**RANDY OWENS:** If this is a violation of city ordinance as well being in the alley, what action does the city take?

**MINDY BOURNE:** I don't know and I don't know if it is a violation of the city. I just told Sherri we would send it from APC since it is sitting on property, but it also appears to be sitting on the alley.

**ANDY HOEHN:** I don't know if it is sitting on the alley or...

**MARK SEIB:** We will have to find out just where the property line is located.

**KEITH SPURGEON:** You've tried serving the property owner?

**MINDY BOURNE:** My letter came back. The first one I sent. The notification from the sheriff's office hasn't come back yet.

**KEITH SPURGEON:** I think we should let Trent... if the sheriff is unable to serve, then let Trent take over. If the sheriff can serve it, then bring it back through our normal process.

**MARK SEIB:** Can we just say let Trent handle it from this point forward?

Motion was made by Keith Spurgeon to let Attorney Trent Van Haaften handle this complaint. Motion was seconded by Andy Hoehn. **Roll Call Vote (5-0). Yes. Motion carried.**

**MARK SEIB:** 100 S. Sharp Street, Poseyville, Indiana. This complaint is regarding a garage on a vacant lot. The State Appeals Court ruled in our favor. They also threw out the motion for the dismissal of the case where they said the BZA violated the Open Door Policy, the motion to move it on to the State. They said everything was done legally. They did overturn Judge Clowers' decision that was against the BZA. Yesterday was the last day for the person that filed the lawsuit to appeal to the State Supreme Court. We don't know if they did or did not. I believe the proper way to handle this is to table this until next month. The reason why it was with the BZA and here is because the APC received the complaint on the violation. After that, they went and filed a Special Use to allow for it to be left on the property. So, Adam, I believe the best thing to do is to table this for next months' meeting.

**ATTORNEY ADAM FARRAR:** Yes, and once the Court of Appeals decision was made, they will have 30 days to file an appeal with the Indiana Supreme Court. Indiana Supreme Court probably won't let them up and it will probably be resolved. At least the court part of it will probably be resolved at that point. I would table it until next time so Trent can give a good update on where things are at with litigation.

Motion was made by Andy Hoehn to table 100 S. Sharp Street, Poseyville, Indiana complaint until next month's meeting. Motion was seconded by Randy Owens. **Roll Call Vote (5-0).**  
**Yes. Motion carried.**

**DIRECTOR'S REPORT:** Tanner Engineering – Posey Solar contract for field assistance.

**MINDY BOURNE:** You have a proposal from Barry Tanner for field assistance for the Posey Solar Project.

**MARK SEIB:** With the final decision that was made at our meeting that we had at the auditorium at the Mt. Vernon High School, the next step is for whenever they start construction we have an engineer that would be on-site that meets with Mindy weekly or whatever timeline they set to discuss any minor changes to what they have agreed to. Barry and Mindy would have to look at it. If they feel it is a major change, it would have to come back before the APC again and be discussed. With this contract, Barry has agreed to serve as our engineer to review and make sure they are building what they proposed at the final.

**KEITH SPURGEON:** The cost for him is what gets...

**MARK SEIB:** Paid for by the solar company because he is directly involved in the project. He works for us, the county will pay him, and the county will send a bill for reimbursement to the solar company. So far they have been very diligent on payment.

Motion was made by Andy Hoehn to approve. Motion seconded by Keith Spurgeon. **Roll Call Vote (5-0).** **Yes. Motion carried.**

**MINDY BOURNE:** I have a letter of resignation from the board from Kevin Brown effective today September 8<sup>th</sup>, 2022. It's on the council agenda for Tuesday to fill his position.

**APPROVAL OF PAYROLL AND BILLS:** Motion to approve payroll and bills by Mike Baehl. Motion seconded by Keith Spurgeon. **Motion carried.**

**REPORT OF COLLECTIONS:** Motion made by Keith Spurgeon to approve the report of collections for last month. Motion seconded by Mike Baehl. **Motion carried.**

**CITIZEN CONCERNS:** None.

**ADJOURNMENT:** Mike Baehl made a motion to adjourn the meeting at 7:14 p.m.

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

Mr. Mark Seib – President

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

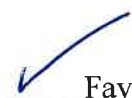
Mrs. Mindy Bourne – Executive Director

August 8, 2022

Staff Comments: The property being petitioned to be rezoned from R-1 (Residential single Family) and M-2 (Manufacturing Medium/Heavy) to M-2 (Manufacturing Medium/Heavy) is 3.22 acres more or less. The property is located at 128 N. St. Francis Street, Poseyville, IN. Property abutting this site is owned by the following:

1. Town of Poseyville, PO Box 194, Poseyville, IN 47633-0194
2. Robert J. & Stephen K. Wassmer, 7301 Wassmer Rd., Poseyville, IN 47633
3. Watzlavik Properties, LLC, 9083 Stonecreek Circle, Newburgh, IN 47630
4. Zachary T. Stoneberger & Hayden Walker, 113 St. Francis, Poseyville, IN 47633
5. David A. Gwaltney, 52 E. 2<sup>nd</sup> Ave., Poseyville, IN 47633-9007
6. Charles Lee, Larry Paul & Susan L. Jochim, 90 N. Sharp St., Poseyville, IN 47633
7. LEB Real Estate, LLC, 12314 Big Cynthiana, Evansville, IN 47720
8. Reibel Farms, Inc., 7400 Highway 68, Poseyville, IN 47633-9493

Abutting properties are zoned A (Agricultural), B-3 (Commercial High Intensity), R-2 (Residential Two-Family) and R-1 (Residential Single Family). This property is currently used for mini and commercial storage. The owners are proposing to rezone the property to M-2 (Manufacturing Medium/Heavy). The uses adjacent to the proposed rezoning are as follows: Agricultural, Residential and Commercial.



- ☒ Favorable recommendation by the APC
- ☐ Unfavorable recommendation by the APC
- ☐ No recommendation by the APC

PROPOSED FINDINGS OF FACT  
ON DOCKET NO: 22-07-RE-APC  
PETITION TO REZONE: Justin Collins  
OWNER: Posey Storage LLC

**1. Current conditions and the character of the current structures and uses in each district.**

The Commission finds that the proposal ~~WILL~~/WILL NOT have an adverse impact on the current conditions in the area.

---

---

**2. Responsible development and growth.**

The Commission finds that the proposal ~~WOULD~~/WOULD NOT be consistent with development and growth.

---

---

**3. Comprehensive Plan.**

The Commission finds that the proposal ~~WOULD~~/WOULD NOT address the goals of the Comprehensive Plan.

---

---

**4. The conservation of property values throughout the jurisdiction.**

The Commission finds that the proposal ~~WILL~~/WILL NOT have effect on property values in the jurisdiction.

---

---

**5. The most desirable use for which the land in each district is adapted.**

The Commission finds the proposal ~~DOES~~/DOES NOT represent the most desirable use for which land is adapted.

---

---

Motion made to adopt the foregoing findings of fact by:

Mike Baehl

Motion seconded by:

Andy Behn

Adopted by Posey County Area Plan Commission

President: Mike Baehl

Date: 9-8-22



August 11, 2022

Staff Comments: The property being petitioned to be rezoned from RMH (Residential Mobile Home) to A (Agricultural) is 9.225 acres more or less. The property is located at Church St./Owensville Rd., Cynthiana, IN. Property abutting this site is owned by the following:

1. Theodore R. Kraft Life Estate, 14930 Bender Rd., Evansville, IN 47720-7214
2. Robert D. Bender Etal, PO Box 430, Poseyville, IN 47633-0430
3. Michael R. & Karen M. Oursler, 6900 Big Cynthiana Rd., Evansville, IN 47720-7763
4. Kirby Reid, 11001 Church St., Cynthiana, IN 47612
5. Andrew G. & Crystal L. Porath, 11065 Church St., Cynthiana, IN 47612
6. Willie M. & Bobbie R. Wright, PO Box 302, Cynthiana, IN 47612-0302
7. Stephanie Pruitt, 10470 Owensville Rd., Cynthiana, IN 47612
8. Dorris E. Brandenstein, PO Box 92, Cynthiana, IN 47612
9. Jonathon B. Shappell, 11128 Church St., Cynthiana, IN 47612
10. Trustee of First Christian Church AKA/U, PO Box 116, Cynthiana, IN 47612-0116

Abutting properties are zoned A (Agricultural), RM (Residential Multiple Family) and RS (Residential Single-Family). This property is currently farmed. The owners are proposing to rezone the property to A (Agricultural). The uses adjacent to the proposed rezoning are as follows: Agricultural and Residential.

☒ Favorable recommendation by the APC  
☐ Unfavorable recommendation by the APC  
☐ No recommendation by the APC

PROPOSED FINDINGS OF FACT  
ON DOCKET NO: 22-08-RE-APC  
PETITION TO REZONE: Joe Lupfer  
OWNER: Lupfer Farms Inc.

**1. Current conditions and the character of the current structures and uses in each district.**

The Commission finds that the proposal WILL/WILL NOT have an adverse impact on the current conditions in the area.

---

---

**2. Responsible development and growth.**

The Commission finds that the proposal WOULD/WOULD NOT be consistent with development and growth.

---

---

**3. Comprehensive Plan.**

The Commission finds that the proposal WOULD/WOULD NOT address the goals of the Comprehensive Plan.

---

---

**4. The conservation of property values throughout the jurisdiction.**

The Commission finds that the proposal WILL/WILL NOT have effect on property values in the jurisdiction.

---

---

**5. The most desirable use for which the land in each district is adapted.**

The Commission finds the proposal DOES/DOES NOT represent the most desirable use for which land is adapted.

---

---

Motion made to adopt the foregoing findings of fact by:

Mike Bachl

Motion seconded by:

Andy Hahn

Adopted by Posey County Area Plan Commission

President: Paul Sab

Date: 9-8-22

August 11, 2022

Staff Comments: The property being petitioned to be rezoned from RMH (Residential Mobile Home) to RM (Residential Multiple Family) is 1.48 acres more or less. The property is located at Church St. /Owensville Rd., Cynthiana, IN. Property abutting this site is owned by the following:

1. Theodore R. Kraft Life Estate, 14930 Bender Rd., Evansville, IN 47720-7214
2. Robert D. Bender Etal, PO Box 430, Poseyville, IN 47633-0430
3. Michael R. & Karen M. Oursler, 6900 Big Cynthiana Rd., Evansville, IN 47720-7763
4. Kirby Reid, 11001 Church St., Cynthiana, IN 47612
5. Andrew G. & Crystal L. Porath, 11065 Church St., Cynthiana, IN 47612
6. Willie M. & Bobbie R. Wright, PO Box 302, Cynthiana, IN 47612-0302
7. Stephanie Pruitt, 10470 Owensville Rd., Cynthiana, IN 47612
8. Dorris E. Brandenstein, PO Box 92, Cynthiana, IN 47612
9. Jonathon B. Shappell, 11128 Church St., Cynthiana, IN 47612
10. Trustee of First Christian Church AKA/U, PO Box 116, Cynthiana, IN 47612-0116

Abutting properties are zoned A (Agricultural), RM (Residential Multiple Family) and RS (Residential Single-Family). This property is currently farmed. The owners are proposing to rezone the property to RM (Residential Multiple Family). The uses adjacent to the proposed rezoning are as follows: Agricultural and Residential.

☒ Favorable recommendation by the APC  
☐ Unfavorable recommendation by the APC  
☐ No recommendation by the APC

PROPOSED FINDINGS OF FACT  
ON DOCKET NO: 22-09-RE-APC  
PETITION TO REZONE: Joe Lupfer  
OWNER: Lupfer Farms Inc.

**1. Current conditions and the character of the current structures and uses in each district.**

The Commission finds that the proposal WILL/WILL NOT have an adverse impact on the current conditions in the area.

---

---

**2. Responsible development and growth.**

The Commission finds that the proposal WOULD/WOULD NOT be consistent with development and growth.

---

---

**3. Comprehensive Plan.**

The Commission finds that the proposal WOULD/WOULD NOT address the goals of the Comprehensive Plan.

---

---

**4. The conservation of property values throughout the jurisdiction.**

The Commission finds that the proposal WILL/WILL NOT have effect on property values in the jurisdiction.

---

---

**5. The most desirable use for which the land in each district is adapted.**

The Commission finds the proposal DOES/DOES NOT represent the most desirable use for which land is adapted.

---

---

Motion made to adopt the foregoing findings of fact by:

Andy Hoehn

Motion seconded by:

Michael Buehl

Adopted by Posey County Area Plan Commission

President:

Date: 9/8/22