

## MINUTES

### POSEY COUNTY BOARD OF ZONING APPEALS REGULAR MEETING

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

NOVEMBER 10, 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 Larry Droege. **Motion carried.**

**SPECIAL USE (TABLED FROM OCTOBER 13, 2022 MEETING):**

DOCKET NO: 22-11-SU-BZA  
APPLICANT: Derek Collins  
OWNER: Poseyville Improvements LLC  
PREMISES: Lot 3 in William's Third Addition, Section 19, Township 4 South, Range 12 West, lying in Robb Township, Town of Poseyville, Posey County, Indiana. More commonly known as 100 S. Sharp Street, Poseyville, Indiana. Containing 0.241 acres more or less. (Complete legal description is on file at the Posey County Area Plan Commission Office).

NATURE OF CASE: Applicant requests a Special Use for a yard barn for residential storage in an R-3 Zoning District Section 153.048 (B) (1) Use Unit 2 Area Wide Special Exception Uses, Section 153.147 (B) (14) Residential Storage Structure 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?

**ATTORNEY CRYSTAL WILDEMAN:** I am an attorney at Barber & Bauer in Evansville and my business address is 124 SE First Street, Evansville. I am here on behalf of the Collins. Before I begin I would like to acknowledge that there is probably an elephant in the room. There has been a lot of ink spilled and a lot of paper on the Collins' yard barn on a previous application. I just wanted to acknowledge that that issue has previously been litigated on that

previous application and that application was denied by this board, appealed to the trial court, reversed and then appealed to the Court of Appeals and the Court of Appeals affirmed this board's decision. We are aware of that. That record exists. However, tonight is a different night and it is a different application. I met the Collins family well after the Court of Appeals decision. It may surprise you, but I think the board got it right on the first go around. And why do I say that? Not to beat up on my clients, but under the law the applicant has the responsibility and the burden to prove to you that there is substantial evidence in support of the application. Truly, and no fault to Derek, there was not substantial evidence in support of the first application. He is not a lawyer. He didn't know he needed to provide certain things to this board. The last time the board took a vote on this, you didn't have the evidence you needed to make a decision to approve the Special Use. But we are here tonight to correct that. The Court of Appeals explained well, in their opinion, what evidence was missing on the first application. Not to spoiler alert, but in light of that opinion, we have reevaluated, we've gone out, we've done the homework to provide you the evidence tonight that will support a vote in favor of this Special Use application. I also want to note that in light of the Court of Appeals opinion, the Collins removed the structure from the lot. So as we sit here tonight on the new application, the lot is vacant. Mr. Collins filed his new application for a residential storage structure on this lot on September 6, 2022. Again, that is the application we are talking about tonight. And with that application we are asking for a Special Use Exception pursuant to 153.147 (14) to place a residential storage structure on the lot. I have prepared for your convenience, copies of some information I would like to go through and these are your copies to keep. These are copies for the record. We ask that they be included in the record. The packet is actually in a PowerPoint type format to the extent that anyone wants it electronically version after tonight's meeting, I can provide that. I know that after speaking with counsel, I wanted to make sure to have physical copies for you all as we go through this.

**MINDY BOURNE:** This is Exhibit "A" 47 pages.

**ATTORNEY CRYSTAL WILDEMAN:** Just to start on page 2. Again, we are seeking a Special Use Exception and this Special Use exists and is permissible under the law. Of course their right to place this storage structure is not as of right, they have to get approval by this board. Such approval can be granted by the BZA upon an application, presentation of evidence, a hearing like tonight, and determinations. Each application is considered on its own record. Meaning other information not within this record is not to be considered. My client has provided requisite notices as Ms. Bourne confirmed including all of the Notifications of Intent and they also posted the Notice of Public Hearing at the property as required. Again, as reflected on page 3, just a reminder we are aware of our applicant duties here and the Applicable Law is the law at the time that the application is filed. And that is significant because to the extent there is possible legislation pending or even being discussed, or even law that had been enacted since September 6 that is not relevant. Going on to page 4. What is the current law? The current law is that Special Use Exception may be granted upon a determination and there is four separate elements there, and I will take those in part to go through this packet with you. The first one is that the proposed structure will be in harmony with the spirit and intent of this ordinance. You can see starting on page 6 photos which were taken last year and is of the proposed structure itself and it is what it actually looks like on the lot. Again, this structure is not on the lot as we sit here tonight. These photos were taken at or near the Court of Appeals decision in the summer of 2022 before the structure was removed. You can see on page 6 a view from Sharp Street facing the structure. The structure faces west and this view is looking east. You can see it's a newer type structure, it's in good condition. As a side note, this lot is vacant because the

previous property owner tore down the house that was on it. I don't have photos in this presentation of exhibit 1, but I believe my clients submitted a number of photos to the board in advance of tonight that reflect the dilapidated condition of the home and the disrepair that was. It just wasn't salvageable. My client, Derek, lives right around the corner from this lot at 121 S. Cale Street. Which was why this lot and storage unit was attractive. Page 7 is a picture of an abandoned mill which I am sure you all are familiar. It lies behind Mr. Collins' lot to the east and towers over the property. Page 8 is a picture of a property near Mr. Collins' lot. As you can see it has an older rv and an old metal barn type structure. Not really kept property. Both are really old type structures. Page 8 is a picture of the subject lot. As you can see it is taken from a little further south and you can see the access door from the side. Page 10 is a picture of the back of the structure. Again it is a structure in good condition. And page 10 would be if you were standing at the mill looking to the west. We have some aerial photos here too at pages 11 and 12. My client's home is visible at the bottom right on page 12. It's a red brick, black roof. I'd also note that the, and you can tell by these aerials, if you take a walk down South Sharp Street, you'll see a number of residential storage structures throughout the neighborhood for the convenience of the homeowners. I will move on to that second element. We've confirmed that the proposed structure will not be injurious to the neighborhood or otherwise detrimental by canvassing the area. On page 14 you'll see a table listing out 18 individual persons who signed a petition in support of the structure. Page 14 summarizes those names and their respective addresses. Page 15 and 16 are their actual signatures. I would like to read those names into the record. Faith Droege, 151 S. Sharp St., Darlene Vogel, 144 S. Sharp St., D. Wagner, 88 S.C. Le, Jeff Droege, 167 N. St., Tina Paris, Mary Kight, John Schmitt, Ms. Lauren Hale is marked off of this list. I will come back to her. Candace Randall, James Brown, J.F at 415 S. St., Leanne Mobley, Terry Garrett, Ken Gorbett, Lori Motz, Connor Motz, Riley Goad, J. Motz at 106 Hwy. 68 and Steve Martin. Going back to Ms. Hale, you will notice she has a line through her name. Ms. Wolfe made my client aware yesterday of a letter Ms. Hale had sent in seeking her removal from the petition. So we have removed her and I did not count her in the total of 18 that I provided on the number of folks that have signed the petition. Since providing the statutory required notices, my clients also have not been made aware specifically of any persons who have objected to the application other than Ms. Hales' letter shared with us yesterday. It is actually our hope that she is here this evening to discuss any concerns she has with us. Additionally, on my way in here my client informed me that there were a number of emails that have been submitted to the board. I don't have copies of those and those are not within Exhibit 1. But it is my understanding there are a number of emails in support of it as well. Not only do we have support from the neighbors for this structure, we've also analyzed the property values to determine whether this proposed structure would adversely affect the property because that was a key concern of discussion on the original application. Uniquely in this situation we have objective evidence of the property values before the structure was placed as well as after it was placed. In all instances across the board, as you can see on page 17, the property values of the owners increased. In some cases substantially. Could there be other factors increasing property values? Of course. But it is objectively true that after the structure was on the property and the county assessed values, in not a single instance did any of the properties suffer a detrimental affect or reduction in value. Again this is important because on the previous application, there was no such evidence provided to this board. The property cards from which the summary on page 17 appears follow page 17 and are made as part of the presentation for this record all the way to page 36 to the extend any of the values are of any interest to the board. Looking at that summary page, for example, the Pearson property at 114 South Sharp Street had an increase from \$131,400 to \$173,000. Even Ms. Hale's property at 89 South Sharp Street, which is directly next to this lot, went from \$83,400 to \$93,300. Far from being injurious or otherwise

detrimental to the neighborhood, the proposed structure is an improvement based upon not just the opinion of my clients, but the opinions of the neighbors and the county in the assessed values.

Page 36 is the next element. The applicant needs to provide some information to you all on. That is the proposed use is necessary or desirable to provide a service or facility which is in the interest of the public convenience and will contribute to the general welfare. As a private property, I'm sure that many applications do not serve "public convenience". However, on this application Mr. Collins intended uses will enhance the lot and promote the general welfare of the community and neighborhood. For example as reflected on page 36, they intend to finish the landscaping around the building to beautify the lot. They are going to use the structure for personal family storage of household goods only. This is a non-business, non-commercial use. They are not going to be storing any noxious or hazardous materials or any other business materials. Their business is in close proximity of this storage structure, but it has no intended business use. Additionally, for Mr. Collins to have the storage facility in close proximity to his home, will contribute to the neighborhood by keeping the items stored tidily rather than out in the open. In addition, it should be noted that this proposed structure is actually movable. So if there becomes an opportunity for another use of the lot, approval of this Special Use permit does not automatically render that opportunity lost should a developer or an individual seek to buy the property in order to build a home, or for that matter should Mr. Collins at some point decided to build a home, this structure is not going to impede that intent. What it will also do for the general welfare is to prevent Mr. Collins to continue to keep his own home and garage tidy as he does now.

Previous similar Special Uses have been approved by this board and recently. On page 7 I have reflected the docket numbers for those that we were able to locate based on the information available on the BZA's website. For example, a Variance was issued to Mr. Richard Wilson under docket number 21-04-V-BZA for a 24 x 26 garage on March 11, 2021, approved 5-0. Additionally, and probably more directly related because it is the same statute, Special Use granted to Bonnie Jean McCarty under docket number 21-08-SU-BZA. That was on May 12, 2021 by a vote of 4-0. Ms. McCarty's Special Use to build a residential storage structure on a lot without a home was approved.

Page 38 through 43 are the minutes from those meetings relevant to those applications to the extent anyone is interested, but also to make those part of the record.

The final item for consideration is that the proposed use will comply with regulations and conditions specified in the Ordinance. Again, this is only for personal, non-business uses and to the extent the board wishes to memorialize any of those intents, or Mr. Collins' plans to finish out the property or landscape the property, we can certainly discuss. We are open to that as part of the approval. In short, Mr. Collins understands the nature of this Special Use permit and intends to comply with uses as outlined here.

On page 46 I've included a likely familiar list of items that you all probably don't need a sheet on. However, to direct my comments here, I've included it. It is the list of items on the Voting Sheet. I would like to go through those briefly just with an eye toward any concerns that may exist.

Number one is The Zoning Ordinance authorizes the Special Use. The Zoning Ordinance does indeed authorize this type of Special Use. It's the Section 14 of 153.147. For your reference, on the original application, this was not even disputed. It was a vote of 5-0 that it was authorized by the Zoning Ordinance.

The second item. The proposed Special Use is essential or desirable to the public convenience and welfare. The evidence presented showed the neighbors desire it and that the usage of it is desirable to Mr. Collins and the neighborhood for the reasons mentioned. It will enhance the area.

Number three. The proposed use at the particular location requested is necessary or desirable to provide a service or facility in the interest of public convenience. Again, similar to the second item, the evidence presented here shows that the property values increased after the structure was in place.

Number four. Granting the proposed Special Use is consistent with the public interest or welfare and the Comprehensive Plan. The evidence presented here included the photos which demonstrated that the structure is not out of line with the area, it is in good condition and it is not unlike the other structures in the area. For your reference, on the original application without the benefit of that evidence we've presented, the board voted unanimously no on this item and specifically expressed concern about the property being zoned for residential and not permitting storage. And on that note again, I would reiterate that is why Section 14 exists. That is why a Special Use application is pending. It's permissible under the law and any kind of personal preference should not drive that decision.

Number five. The proposed Special Use will constitute an environment of sustained desirability and stability. Again, our record we believe supports this item. Considering the amount of effort my clients, the Poseyville citizens have put into this to try to comply and satisfy the statute as well as their continued efforts to beautify that entire area I think are honorable and I think should be taken into consideration.

Number six. The proposed Special Use is in conformity and in harmony with the goals and objectives of the Comprehensive Plan. For your reference, the original application the board voted unanimously no. Simply stating this structure didn't meet the plan. I pulled Posey County's Comprehensive Plan. It was dated November 18, 2008. I'm not sure if that is the most recent one or not... Mrs. Bourne is nodding yes it is. It is 200 some pages. Nothing within that plan that I read identified encouragement to prefer housing over an existing Posey County homeowner's desire and need for a storage structure. With regard to housing in particular, the plan commented only to focus on dilapidated structures in Mt. Vernon and Posey County to do likewise. The Collins' lot exists now after a dilapidated, dated home was removed from it. So they have improved it simply by not having that home on it any longer. It isn't again legally relevant this factor just because they may be a personal preference for someone for a house on the lot.

Number seven. Under the circumstances of the case, the Special Use is detrimental to the health, safety, morals or general welfare. On the original application the board expressed a concern about neighboring property values in support of their unanimous no on this item. We've already discussed the evidence that the property values increased despite the structure.

Number eight is not applicable because this is not a home occupation structure.

Number nine and the final question. Whether the use will comply with the Zoning Ordinance. One of the comments was that it goes totally against it. Again, Section 14 exists for a reason and the proposed use is in compliance with the Zoning Ordinance for the uses proposed by Mr. Collins.

To close I want to say thank you for allowing us to present this information to you. Thank you in advance for your consideration. We have a lot of folks here that look like they have some information they would like to provide. Obviously this is something very important to my clients. They are trying to do the right thing improving the area and by meeting the boards requirements and by following the law. We hope that means something to take into consideration. Again, the BZA's decision on the application for Special Use is based upon the evidence on the record. We believe there is sufficient evidence on the record to approve this Special Use. Also, the last application we understand was a request for forgiveness because my clients unfortunately didn't know they needed to have a permit until there was a complaint. Many of you expressed grave concern that the structure was already on the lot at the time. This time is different and they are asking for permission the way you have asked them to. On behalf of the Collins family I would submit sufficient evidence and justification exists on this record today to approve this Special Use. It is just up to you the board members. Thank you.

**LARRY WILLIAMS:** At this time, we will open up the floor for public comment. Is there anybody here who wishes to speak for or against this Special Use?

**BRUCE BAKER:** Poseyville Town Council, 220 West Oak Street, Poseyville, Indiana. I am here to discuss the Town Council's concerns over this. Not only this, but anything else that could go on residential zoned lots. We have a huge need of homes of all types in Poseyville. Approving this could mean a no end to the request on residential property. We are concerned about the residential property being used for something other than residence. We have a huge need of residences in Poseyville of all types. By these residence we could increase the population which would be a great thing for local business. We are also concerned about the surrounding property owners and the residential zoning properties of the market value of homes could decrease and probably would if these things happen in our residential zoned areas. We ask the board to not approve this because it could be a no end to the other locations in our residential zoning. Thank you.

**JAKE FREDERICK:** I live directly behind where Mr. Collins building was. I am the one that owns the dilapidated mill you were talking about. I've offered to let the town take that for a dollar and tear it down because I cannot afford to tear that down. I think what I heard tonight from his counsel, I didn't hear anything that precluded the possibility of having a storage barn there. Maybe we interpret things differently. But I think what I heard would have allowed it and possibly if he had of applied ahead of time, it wouldn't be such a problem. I am in favor of the building.

**MITCH WAGNER:** 98 South Cale Street, Poseyville, Indiana. I've heard talk about cleaning up the town and I understand that. I had a friend that was asked to move an item that when his wife has an issue and the power goes out they use the rv to keep her having electricity and stuff. But once again, I feel the storage started off on the wrong foot. I have nothing against storage. I would love to have a two car garage myself, but I don't have room for it. My suggestion would

be to put the garage on your lot or tear down the garage you have and put and build a two car garage there and leave that lot open for someone to purchase. Once again, when somebody is looking for a house, water, gas and sewage is the biggest issue. It is the highest cost there is. It's a big lot. We have several lots in town that's big. I wish mine was one of them, but it is not. I would like to see it stay as a lot for a home.

**BECKY MOSES:** 145 South Cale Street. I rent from the Collins. I moved here three years ago into a home that I understand was one of those dilapidated houses that they purchased and renovated. I asked a question at the City Council meeting a couple of weeks ago that was never answered. That question was if I owned a vacant lot that had a storage building on it that contained items to maintain the lot, lawnmowers, weed eaters, to keep my lot cleaned up, and I currently own that lot, will I have to move that building because of this new ordinance. That question was never answered. Is the new ordinance grandfathered in all of the lots in Poseyville that currently have storage buildings on them or is this ordinance from a point forward not allowing any storage buildings to be placed on vacant lots that don't currently have a home? If this ordinance gets changed, all of the lots in Poseyville that currently have those storage buildings, shed, pole barn, whatever you want to call it, are they going to have to be removed? Or are we facing the problem now because of how Derek didn't get his permit in front of putting the shed on the lot. If I understood the conversation tonight to his concern was leave the lot as it is for a resident to be able to put up a house there. Didn't we hear that the building was portable and it would not affect the Collins' opportunity to sell that house or lot or build a house on it so that it was portable? It is also a Special Use. It is not a permanent building. Thank you for listening.

**LAUREN HALE:** 89 South Sharp Street. I would like to apologize ahead of time, I'm not good at speaking in front of people. This is my first time owning a home and it is my first time dealing with a situation like this. Ahead of time I didn't see a problem with the garage being there, but quite frankly you guys own many properties in town. I know that you raised your son right enough to know what he needs to do in this situation when you want to build something on a piece of property. He should have known ahead of time that he needed to have the proper paperwork and the proper actions to be able to have that garage there. With it being right across the street from me and the constant generators running and the constant revving engines from the cars that were inside of the garage... as it being across the street from my house, I would prefer for it to be a residence instead of having to I guess watch it become what some of the other lots in town that have been distributed as if they were fixing up Poseyville have become, if that makes any sense. So if you were to move the garage farther back on the decent size of property that it is and have a home there, it would be more beneficial for the town's or the neighborhood's property value instead of just a garage, if that makes any sense. I'm personally not for it and I live right across the street from it. Thanks.

**LARRY WILLIAMS:** Is there anyone else wishing to speak for or against the Special Use? Hearing none, we will close the public portion.

Mr. Williams asked Mindy Bourne if there were any phone calls, emails, or letters.

**MINDY BOURNE:** Yes, I have some. The first one is from Lauren Hale, received on October 2, 2022 Email: My name is Lauren Hale. I live at 89 S. Sharp Street, Poseyville, Indiana. My house faces Derek Collins property on Sharp Street. I'm writing this to express my concerns for

the following proceeding, as well as, express the experiences I have personally had with this family.

On the date of August 24, 2022, at approximately 5 P.M. My boyfriend and I had just backed out of our driveway when Mrs. Collins pulled up in her vehicle, stopped us and approached my truck. It was apparent from her demeanor that she was very irritated and frustrated. She asked if we lived at 89 S. Sharp St. and I acknowledged that we do, in which she asked if she could have a few moments of our time. Both myself, as well as, my boyfriend, stated to her that we didn't have time to talk at that moment since we were already running late to my mom's birthday party. She wouldn't take no for an answer and prevented us from leaving. She proceeded to say, "Well, it will only take a few minutes!" She handed me a clip board and pen asking me to sign my name to help fight against the legal issues her son was currently dealing with in regard to the garage that he had pulled onto the property across from me. I clearly stated a final time that I wasn't interested in any of the drama occurring and that I didn't have time. But she continued to talk and asked if I knew what exactly was going on with the legal troubles her son was dealing with. I responded that I honestly didn't know other than just small-town talk, which I don't pay much attention to. I felt very intimidated by her continual reluctance to let us leave until I signed their petition. When I realized that she was not going to accept my "no" and let us leave, I went ahead and signed the paper against my better judgment. This is my first time owning a home and dealing with anything like this.

To further show an example of Mr. Collins disregard towards others properties, I have attached a photo above that I took the morning of Saturday, October 1, 2022, at approximately 6:40 A.M., regarding my own property. My dog had woken me up to be let out and when I did, she started barking. When I looked out to see what she was barking at I see that Collins and another man were on my property attempting to pull the garage out. In the process of them doing so, they almost hit my yard lamp and left ruts in my front yard. No one ever knocked or asked for my permission to encroach on my property. They also never apologized or offered to repair the ruts they left in my yard...they just drove off. I am disgusted with the complete lack of care, concern or responsibility for their actions and their impact on others.

As a direct neighbor to the property that is in question, I want it to remain a residential property as it should be and fear that if rezoned to suit his (special use) purposes it will affect our property values. If he were to build an actual home or decide to leave it a vacant lot and maintain it, I would not have a problem with that.

I am requesting that my name be removed from the Collins petition to the court because I had zero desire to sign it in the first place. I also do not appreciate Mrs. Collins complete disregard and lack of our concern for our time and her only regard being her son's legal issues.

I appreciate your time and addressing my request to be removed from the petition, as well as, considering the events that I have relayed in this letter.

Jim Nash, November 7, 2022 Phone call: Believes it should pass and it is OK.

Sara Gibbs, November 7, 2022 Phone call: Thinks it is OK to put the building there and they do a lot of good for Poseyville.



Donna Nash, November 7, 2022 Phone call: Feels like they are being singled out and there are a few members of the town board who are against it. She thought it was a nice looking building. The Collins family has done a lot of good for the Town of Poseyville in cleaning their lots up. She thinks the building should be approved.

Carol Collins, November 7, 2022 Phone call: This is a waste of taxpayers' dollars and everyone's time. Hopefully it will be approved as written in the ordinance.

Galen & Madeline Overton, November 8, 2022 Email: I am writing this message in regards to the shed that is to be placed on the lot in Poseyville owned by Collins Body Shop. As a citizen of Posey County I am not able to understand that a business that has been a staple in Poseyville is being treated this way. To me they have followed all the requirements needed. I am sure this lot will be well kept as all their properties are. We should be supportive of our businesses. The way our businesses are treated may affect how many new people move into our area. I feel a lot of time has been spent on this subject and as Area Plan Commission you should settle this property. Citizens of Posey County, Galen and Madeline Overton

LeeAnne Mobley, November 8, 2022 Email: I am writing this letter in place of my attendance at the Posey County Area Plan meeting on Thursday, November 10, 2022 at 5 p.m. I, LeeAnn Mobley, am in agreement of placement for the shed that Derek Collins has applied for, that is owned by Poseyville Improvements.

As a direct neighbor, for the last four years, I appreciate how much the Collins' take care of their properties rather than letting them go unkempt. What keeps me in Poseyville area is the ability to walk safely outside my house, building neighborly relationships with those around me and being in a clean area? There have been multiple times when each of the Collins' have helped me in many areas. They are dependable people of their word, hardworking and truly want the best for the Town of Poseyville.

The shed has no effect on myself nor anyone else in the Town of Poseyville. There are multiple other properties in town that are an eyesore and should be more of a concern than if this shed is allowed on the property or not. It is certain that any property owned by the Collins' is going to be well taken care of. Thank you for your time. LeeAnne Mobley, 135 S. Sharp St., Poseyville, IN.

Mary Kight, November 9, 2022 Phone call: She has no problem with him having that building on the lot.

Josh Easterling, November 9, 2022 Email: To whom this may concern, I'd like to state I am for the approval of the yard barn placement on Sharp Street. The owners of the property have done nothing but continue to try and approve the Town of Poseyville and surrounding Posey County areas. I for one think it's absurd that we are even wasting tax payer money on this situation when there are plenty of other things in town we could be worrying about.

Jonathan Marvel, November 9, 2022 Email: I'm writing to you as a resident of Poseyville with concerns as to the unbelievably heavy handed approach taken over a portable building. The south side of Poseyville has long been the worst side of town. Through actions of the Collins family it has recently taken a significant turn for the better due to their heavy financial

investments. They have bought properties with dilapidated houses and trashy trailers, either cleaning them up or renovating them at great financial cost.

This family has been singularly targeted by ungrateful nosy neighbors, who clearly have a grudge against them. The idea that the Area Plan is pursuing this property owner out of any form of reasonable concern is ridiculous. This is clearly an outright petty witch hunt.

This is not in your purview, and if you think it is, that your job is to attack and limit the citizens of this county over absolutely nothing, then it is time for this board to be neutered and relegated to the trash can. You are supposed to have the citizens' of this county best interests at heart, not to be involved in vindictive school yard games. Stop wasting our time and tax dollars with this stupidity. God Bless.

Austin Ahrens, November 9, 2022 Email: Good evening. In recent light of the yard barn ordinance situation in Poseyville, I wanted to state my opinion in hopes that Area Plan will take mine and others into consideration. I live at 183 S. Cale St. in Poseyville and I have an empty side lot. Sometime in the future, I was considering to put some sort of barn on the lot to store my mowing and gardening equipment. It would be of great disappointment to have an ordinance outlawing it. I attended the special meeting in Poseyville over the ordinance the other week. After listening to the board members at the meeting, I strongly disagree with their concerns. There are many empty lots in Poseyville with yard barns and carports. Approving the ordinance won't benefit the Town of Poseyville. Nobody has been looking to build in town for years. Having an empty lot with no barns or carports will change that. Zoning and ordinances have their purposes, but amending this ordinance would be an overstep of control. Within reason, people should be able to do what they want with their properties.

Samantha Heathcotte, November 10, 2022 Email: My name is Samantha Heathcotte and I am reaching out in regards to the Sharp Street Special Use permit on behalf of Derek Collins. I believe that you are attempting to determine whether or not to approve and I simply wanted to provide support for the Special Use permit. I am a resident of Poseyville and, for the past two years, lived in the Town of Poseyville just a few houses down from Derek Collins and the whole Collins' family. Derek, Steve and Justin, along with their immediate families, are amazing contributors to the community and have done nothing in my time as a resident but improve the property values in the area, as well as long before I became a resident. My husband was born and raised in the town of Poseyville and has spent 27 good years of his life there. He feels the same way about the Collins' as I am conveying now. They have a passion for rehabbing and revitalizing the town, all on their own free time when they aren't working. There isn't ever a stick or blade of grass out of place when they have something to do with it. I highly recommend approving the Special Use permit because I believe it will only allow them to continue on their mission to improving the community and increasing property values for all who reside within the Town of Poseyville, which is ultimately good for an increase in tax receivable as well. I hope this message is taken into consideration when deliberating your decision. Best wishes.

Fred Beuligmann, November 10, 2022 Email: To the Area Plan Commission, My name is Fred Beuligmann. My wife Susan and I own Beuligmann Heating and Air Conditioning. Our business is located in Poseyville and we employ thirteen people. I am writing you this letter regarding Derek Collins locating a yard barn on his empty lot. Derek placed his yard barn on his lot without a permit because he was not aware that a permit was required. In Derek's defense, several other property owners in Poseyville have yard barns on their empty lots. No one has

approached them about the requirement of any permit. This leads me to believe most of the townspeople are OK with a yard barn being located on an empty lot. I support the Collins family in their pursuit of a Special Use permit to set the yard barn on their empty lot. The town board's reasoning against allowing a yard barn on an empty lot is that it deters from building a home on that lot. The lot is not adequate to build a house on due to restrictions of utilities and its small size. Furthermore, due to the ease of moving a yard barn, I see no reason to prohibit Mr. Collins from locating a yard barn on his property. The Collins family has operated in Poseyville for three generations, and they have always set a good example of hometown pride. They are doing a good job of improving the town's appearance. I hope you will approve this Special Use permit and not deter them from doing the good work they do to continually improve the Town of Poseyville.

Jeff Wright, November 10, 2022 Email: I'd like to take a moment to introduce myself. My name is Jeff Wright and I am the owner of Poseyville Auto. I have owned my business in Poseyville on Main Street since 2004 and employ 8 people. I take great pride in our store and my community.

I am writing this letter today in support of Derek Collins. He is wanting to locate a yard barn on his empty lot that requires a Special Use permit.

Derek located his yard barn on his lot without a permit, as he did not know one was required. There are several other property owners with yard barns on their empty lots. No one has ever approached him about the requirement of a permit, which leads me to believe that most people that live in the town are okay with a yard barn on an empty lot and do not know a permit is required.

The Poseyville Town Boards reasoning against allowing a yard barn on an empty lot is that it deters building a home on that lot. This lot is small in size and does not seem adequate to build a home on due to the restrictions of utilities and its small size.

I fully support Derek and the Collins family in their pursuit of a Special Use permit to set the yard barn on a lot that they own. The Collins family is a multi-generation Poseyville family that has operated a business in our community and have always been a great example of hometown pride and support. They do a good job of helping to improve our town's appearance. I hope you will approve this Special Use permit and not deter them from continuing to do all of the good they do for our community and the Town of Poseyville.

Zack George, November 10, 2022 Email: My name is Zack George. I own and operate George Machinery LLC and George Auction Group LLC in Poseyville, Indiana. I have done business with the Collins family for many years now. They have also done business with both of my companies. They support local companies like mine and many others. They donate to several nonprofits, county emergency response agencies, and churches. This is something that some people are not willing to do and is very much appreciated.

I do struggle to understand why we have used thousands of taxpayer money to remove this yard barn from a vacant lot that is not blighted and has proven to be well-kept. I hope that they can get the property permit they need from this board. Please read this email aloud at the meeting today.

**LARRY WILLIAMS:** Just for the record, there were several people that mentioned that they were asking the Area Plan Commission, this is not the Area Plan Commission. This is the Board of Zoning Appeals. At this time we will open to the board for discussion.

**ATTORNEY BETH MCFADIN HIGGINS:** I want to make one clarification on page 37 of the petitioner's submission where it says previous similar Special Uses. The very first one was a Variance rather than a Special Use.

**MARK SEIB:** Hearing all of this conversation that we have had today and listening to the testimony that was given, all of the facts and the 40 something pages of information that was handed to us as well, the comments that were given in the email. I don't think anyone here is saying that the Collins are not a good family. They are community-minded people. I believe that to be true as well. But the thing is that we are looking at this application. Whether you're a good citizen or not, it just depends upon how this application falls in the category. So I guess we have to take what is presented today as our guide as far as trying to go through the Special Use. I wanted to make it very clear that I don't think anyone on this committee feels that the Collins are not good community-minded neighbors or citizens. I don't think that is the case at all. If that was the case, we would be done. We have to address this Special Use and I think that is what we needed to do with all of the information that was gathered.

The one lady did ask concerning if this applied for this ordinance. We are not changing the ordinance. We are taking what is currently the ordinance that is already established. That is what we are looking at there. If the Town of Poseyville wishes to change or whatever later on, that is a whole different ballgame. We have to take what is in the ordinance currently, when it was filed... it becomes whatever the ordinance was at the time of the application being filed.

The one thing that I do question is the property value. The property values have gone up. I farm, I've got land, I've got some homes. Over the last two years the property values have gone up. They have gone up through an automatic increase system that is done by the State. I'm not for sure that the shed has contributed to the increase in the property values. I do believe that the Collins cleaning the lots up and making it more right has somewhat increased the property values. I do believe the majority of those property value increases have been from the assessment that has been done through the County Assessor's Office. Those are done with the County and the State as well. So I'm not sure that the property values truly are as was stated, being increased with the shed being there and the shed being the cause of the increase. And it's a movable shed. I understand that. I think that is a concern that I have is that it's movable. That area is residential and with anything that is movable is not sustainable. It's not there forever like if it was built. That's another one of my concerns.

I just wanted to make those comments before we got started.

**LARRY WILLIAMS:** I do have a couple of questions for Mr. Collins. Would you mind stepping to the podium?

**DEREK COLLINS:** 108 South Cale Street, Poseyville, Indiana.

**LARRY WILLIAMS:** If I understand right, you own the property, correct?

**DEREK COLLINS:** I do not own the property. It is not in my name. It is in my father's LLC, Poseyville Improvement.

**LARRY WILLIAMS:** It's in the family?

**DEREK COLLINS:** Yes.

**LARRY WILLIAMS:** Are you actively trying to market the property for residential housing?

**DEREK COLLINS:** No, I am not currently doing that.

**LARRY WILLIAMS:** Would you accept an offer if someone came up with one that was satisfactory?

**STEVE COLLINS:** 121 South Cale Street. This is my son, Derek Collins.

**LARRY WILLIAMS:** Are you trying to sell the property for residential or to build a house on it?

**STEVE COLLINS:** Not at this time. I bought the property because a gentleman had it and I told him if he ever got into a bind and needed to get rid of it to let me know. It was for sale for quite a while, a year or so, and nobody would buy it. So we ended up buying it. He is wanting to maybe put or build something on it eventually, but with covid and all of the other problems and the prices have gone up, we can't. He got ahold of this storage unit... it's not a storage unit, it's a structure, and he put it there. We don't build homes, we have a body shop. I've bought different homes in the area and have improved it. That's what we like to do.

**LARRY WILLIAMS:** What I am trying to get is if somebody was wanting to build a house there would you stand in their way if they were willing to buy it?

**STEVE COLLINS:** We want to eventually. It is not for sale at this time.

**LARRY WILLIAMS:** The other questions is if you were to decide, and I'm not saying that you would, but if you lose this case just as a matter of principle and we told you the storage building couldn't be there, you could in theory just say ok I'll leave it as it is, I'm not going to sell it, I'm not going to do anything, it's just going to stay an empty lot.

**STEVE COLLINS:** I would eventually like to build something on it. Maybe do an apartment or something like that. Maybe a duplex or something. We don't know exactly what to do just yet. But we can do only so much. We've done so many homes that we can't just keep going and going. We've wasted a lot of money on this. But that is what we would like to put in the community and build the community.

**LARRY WILLIAMS:** That answered my question. Anything else from the board?


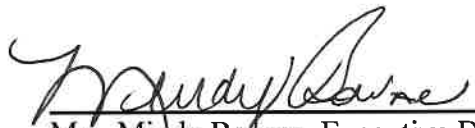
Ron Fallowfield made a motion in the affirmative to approve Docket # 22-12-SU-BZA. Motion seconded by Larry Droege. The Special Use Voting sheet was read. Board members held discussion. Board members asked audience members additional questions. **Roll Call Vote (1-4)**  
**No. Motion denied.**

**MINDY BOURNE:** This Special Use has been denied.

**ADDITIONAL BUSINESS:** None

**CITIZEN CONCERNS:** None

Keith Spurgeon made a motion to adjourn the meeting at 6:33 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: 22-11-SU-BIA Derek Collins  
Poseyville Improvements LLC

HAS THE APPLICANT PROVEN BY SUBSTANTIAL EVIDENCE THE FOLLOWING:

1. The Zoning Ordinance authorizes the Special Use.

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.

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	( <input checked="" type="checkbox"/> ) YES ( ) NO*	<u>1</u>	<u>4</u>
Mark Seib	( ) YES ( <input checked="" type="checkbox"/> ) 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.

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*				

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.

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*				

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

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 ( ) NO*	<u>0</u>	<u>5</u>
Mark Seib	( ) YES ( <input checked="" type="checkbox"/> ) NO*				

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

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*				



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.

Larry Droege	( ) YES* (✓) NO	Keith Spurgeon	( ) YES* (✓) NO	<u>YES</u>	<u>NO</u>
Ron Fallowfield	( ) YES* (✓) NO	Larry Williams	(✓) YES* ( ) NO	<u>1</u>	<u>4</u>
Mark Seib	( ) YES* (✓) NO				

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

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

Larry Droege	(✓) YES ( ) NO*	Keith Spurgeon	(✓) YES ( ) NO*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	(✓) YES ( ) NO*	Larry Williams	(✓) YES ( ) NO*	<u>5</u>	<u>0</u>
Mark Seib	(✓) YES ( ) NO*				

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

---

---

---

---

---

---

\*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 10<sup>th</sup> day of November 20 22.



Exhibit A (41 pages)

**AGENDA**  
**POSEY COUNTY**  
**BOARD OF ZONING APPEALS**  
**REGULAR MEETING**

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

**NOVEMBER 10, 2022**  
**5:00 P.M.**

**SPECIAL USE TABLED FROM OCTOBER 13, 2022 MEETING:**

**DOCKET NO:** 22-11-SU-BZA

**APPLICANT:**

Derek Collins

**OWNER:**

Poseyville Improvements LLC

**PREMISES:**

Lot 3 in William's Third Addition, Section 19, Township 4 South, Range 12 West, lying in Robb Township, Town of Poseyville, Posey County, Indiana. More commonly known as 100 S. Sharp Street, Poseyville, Indiana. Containing 0.241 acres more or less. (Complete legal description is on file at the Posey County Area Plan Commission Office).

**NATURE OF CASE:**

Applicant requests a Special Use for a yard barn for residential storage in an R-3 Zoning District Section 153.048 (B) (1) Use Unit 2 Area Wide Special Exception Uses, Section 153.147 (B) (14) Residential Storage Structure of the Zoning Ordinance of the City of Mt. Vernon, Town of Cynthiana, Town of Poseyville and Unincorporated Posey County.

## Permit for Special Use

- Z.O. §153.041 (A): Purpose and Intent
  - ...*(5) permit a variety of dwelling types to meet the varying needs of families*
- 153.147: Area-wide special exception uses
  - ... (B)(14) “residential storage structure”
- “Special use is not a matter of right, but may be granted by the BZA upon application, presentation of evidence by the applicant, public hearing, and determinations made by the BZA based upon evidence”
- Each application considered on its own record

# Applicant Duties

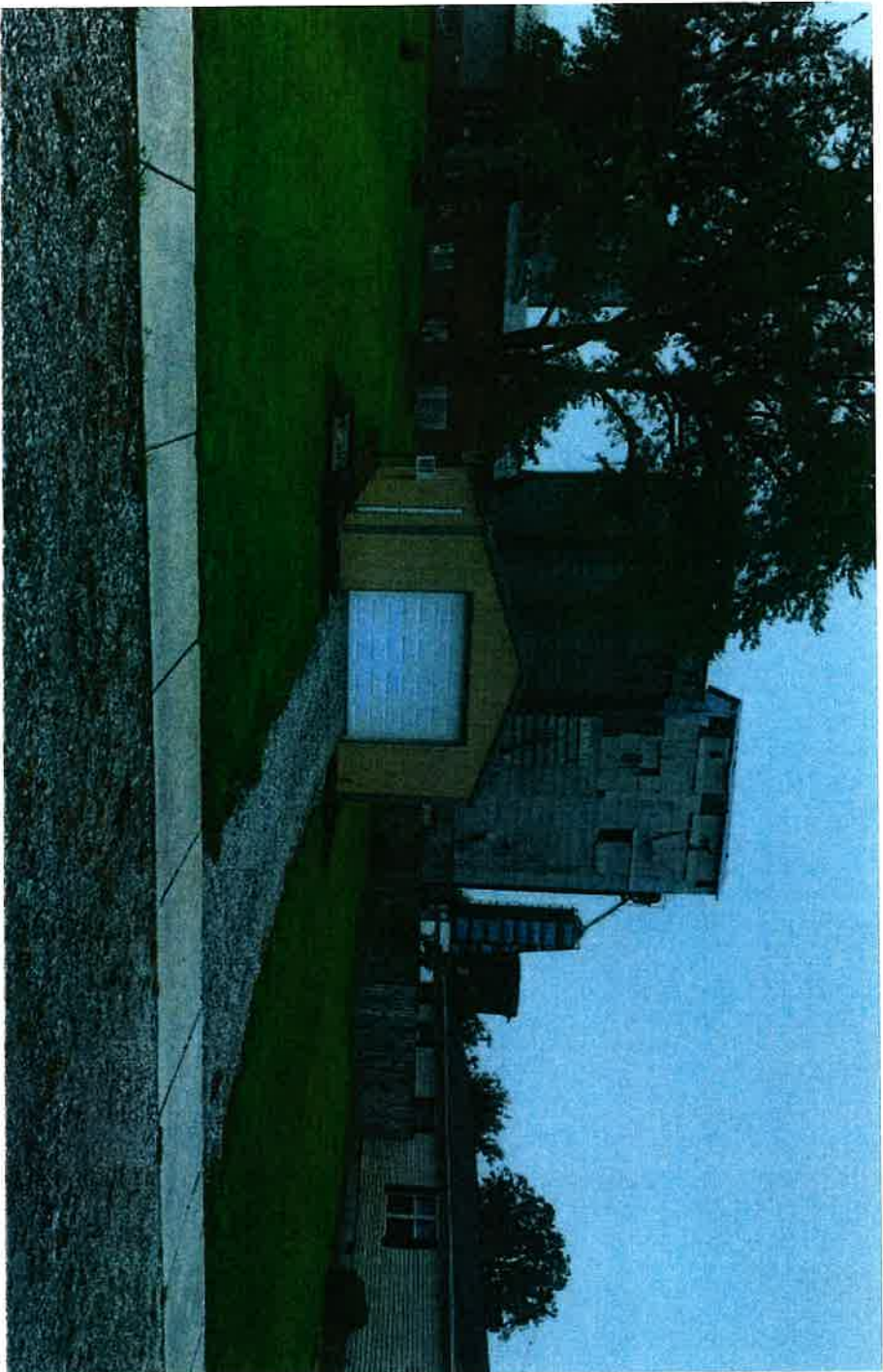
- Responsibility to provide substantial evidence in a zoning application lies with the applicant, here Collins
- The BZA must make its decision based only upon the record before it
- Applicable Law is the Law at the time the Application was filed

**The Special Exception may be granted upon a determination in writing that:**

- (a) Will be in harmony with the spirit and intent of this ordinance;**
- (b) Will not be injurious to the neighborhood or otherwise detrimental to the public welfare;**
- (c) The proposed use at that 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 or the neighborhood or community; and**
- (d) The proposed use will comply with the regulation and condition specified in this ordinance for such use and with the conditions and safeguards proscribed by the Board in authorization of the use.**

# PROPOSED STRUCTURE

Photos demonstrating the appearance and placement of the structure,  
as well as the surrounding area demonstrate *the structure is in harmony  
with spirit and intent*







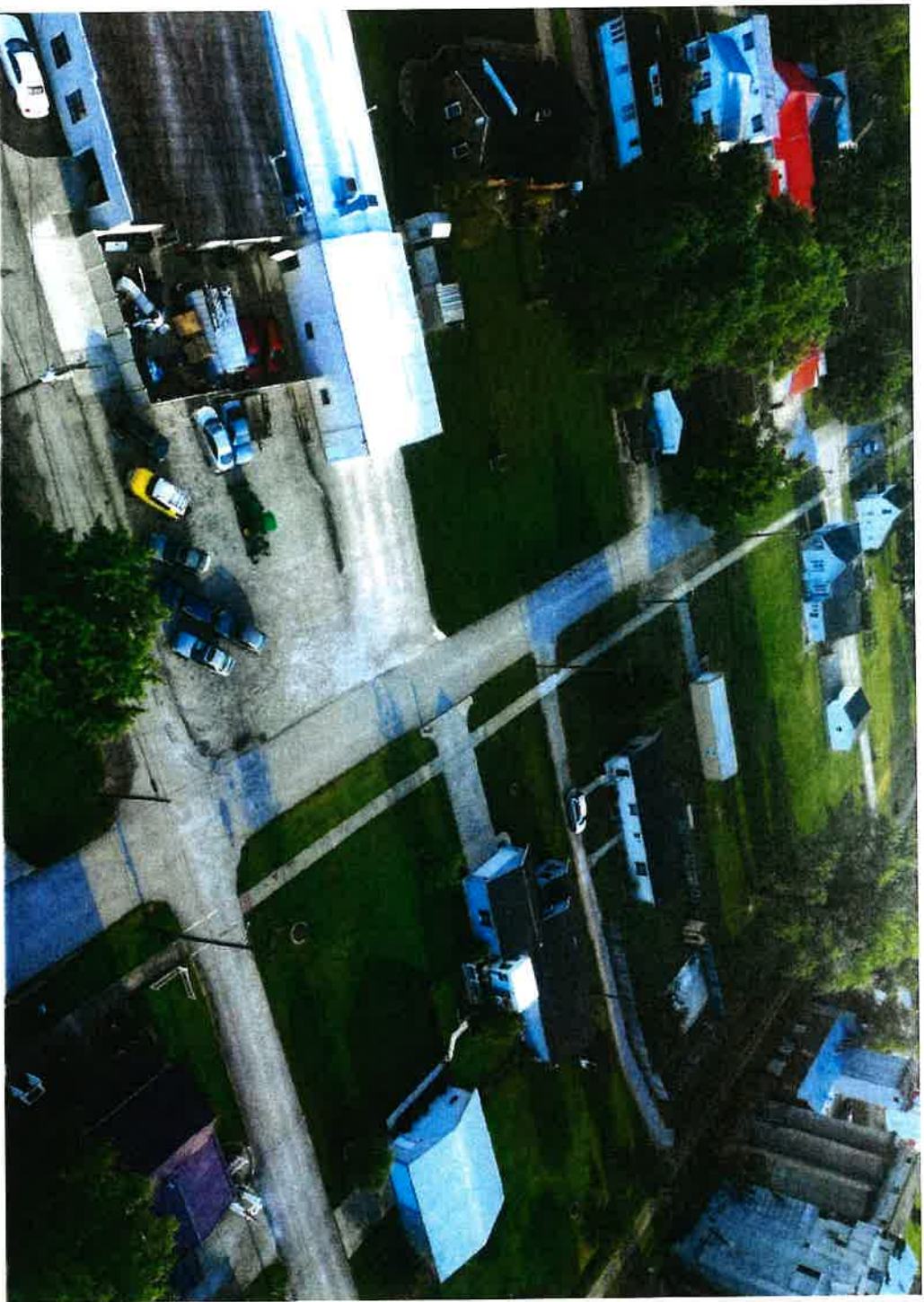


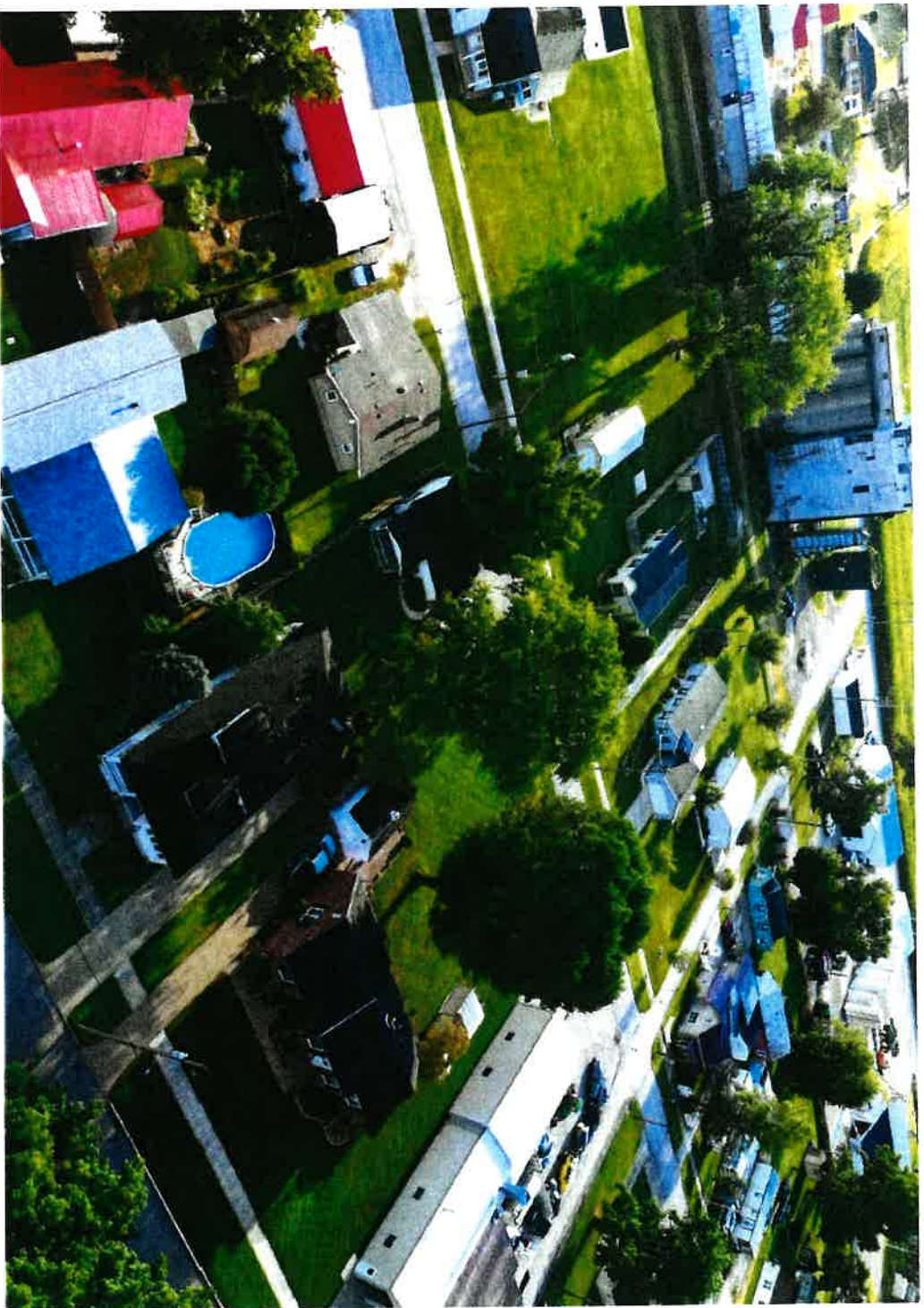












# PROPOSED STRUCTURE

Will not be injurious to the neighborhood or otherwise detrimental,  
according to neighbors and Posey County assessed property values



## Persons who support Collinse's' Petition for Special Use

Name	Address
Faith Droege	151 S. Sharp St.
Darlene Vogel	145 S. Sharp St.
D. Wagner	88 S.C. Le
Jeff Droege	167 N. St.
Tina Paris	80 S. Cale St.
Mary Kight	86 S. Sharp St.
John Schmitt	75 S. St. Francis St.
<del>Lauren Hale</del>	89 S. Sharp St.
Candace Randall	106 S. Sharp St.
James Brown	132 S. Sharp St.
J.F.	415 S. St.
Leanne Mobley	135B S. Sharp St.
Terry Garrett	106 S. Sharp St.
Ken Gorbett	146 S. Sharp. St.
Lori Motz	106 Hwy. 68
Connor Motz	106 Hwy. 68
Riley Goad	103 E. Fletcher St.
J. Motz	106 Hwy. 68
Steve Martin	152 S. Sharp St.

On 100 South Sharp St., Poseyville, Indiana

## Summary

### Address

**Qpress**

**Address**

1405 Sharp  
 possible in 1405  
 Diverse Veget  
 1405 Sharp Pl  
 5830-10

Gift Page

Jeff Doney  
167 W. Broadway, NY

8. *Andropogon*

[illegible]

Many thanks

PL 6.5000 50

Phone: 812-836-1325

**Address**

Policy County Area Plan Commission email: [313@plancommission@poseycounty.in.gov](mailto:313@plancommission@poseycounty.in.gov)  
Phone: 812-639-1223



## Summary of Neighborhood Property Values Near 100 South Sharp St., Poseyville, IN

All values are based on the Posey County Assessor's valuations taken on January 1 of each respective year.

<u>Name of Property Owner</u>	<u>Address of Property</u>	<u>Value before shed placement, 2020</u>	<u>Value after shed placement, 2022</u>
Poseyville Development LLC	111 South St. Poseyville, IN	35,200	40,200
Harold and Karlyss Pearson	114 S Sharp St. Poseyville, IN	131,400	173,000
Jeremiah and Candace Randall	106 S Sharp St. Poseyville, IN	54,300	59,200
Steven Collins	120 S Cale St. Poseyville, IN	56,800	64,200
Steven Collins Trustee	108 s Cale St. Poseyville, IN	110,200	121,100
William and Susan Weatherholt	104 S Cale St. Poseyville, IN	91,700	100,900
Lauren Hale	89 S Sharp St. Poseyville, IN	83,400	93,300
Deward and Carolyn Wagner	88 S Cale St. Poseyville, IN	63,400	70,500
William and Mary Jane Kight Revocable Trust	86 S Sharp St. Poseyville, IN	81,600	87,900

Property records of Posey County Assessor for each property follow

## Property Record Page (General)

Printed 11/7/2022 (page 1 of 6)

## Owner and General Parcel Information

	POSEYVILLE DEVELOPMENT LLC
	65-23-19-100-047.000-012
	65-23-19-100-047.000-012
	65-23-19-100-047.000-012
	038-047
	PT E1/2 19-4-12 .99
	0.9900
	111 SOUTH ST
	POSEYVILLE,IN 47633
	PO Box 159
	Poseyville,IN 47633-0159
	390

## Property Record Page (Assessment)

printed 11-7-2022 (page 2 of 6)

## Assessment History Information

Year	1998	1999	2000	2001
2022 PAY 2023	277000	180000	40700	
2022 PAY 2023	277000	180000	40700	
2022 PAY 2023	277000	180000	40700	
2021 PAY 2022	277000	180000	40700	
2020 PAY 2021	277000	180000	40700	
2019 PAY 2020	20400	14800	35200	
2018 PAY 2019	20400	15800	36200	
2017 PAY 2018	107900	14600	34300	
2016 PAY 2017	107900	14600	34300	
2015 PAY 2016	0	0	0	
2014 PAY 2015	0	0	0	
2013 PAY 2014	0	0	0	
2012 PAY 2013	0	0	0	
2011 PAY 2012	0	0	0	
2010 PAY 2011	0	0	0	
2009 PAY 2010	0	0	0	
2008 PAY 2009	0	0	0	
2007 PAY 2008	0	0	0	
2006 PAY 2007	0	0	0	
2005 PAY 2006	0	0	0	

## Property Record Page (General)

Printed 11/7/2022 (page 1 of 6)

## Owner and General Parcel Information

Owner	PEARLSON, HAROLD R & KARLYSS K
Parcel ID	65-23-19-115-005,000-012
Area	65-23-19-115-005,000-012
Area	65-23-19-115-005,000-012
Area	047-005
Area	WILLIAMS 3RD, LOT 5 & ADDN LOT 6
Area	0.0000
Area	114 S SHARP ST
Area	POSEYVILLE, IN 47633
Area	114 S Sharp St
Area	POSEYVILLE, IN 47633
Area	199

## Property Record Page (Assessment)

printed 11/7/2022 (page 2 of 6)

## Assessment History Information

2022 PAY 2023	10600	142,400	173,000
2022 PAY 2023	30600	142,400	173,000
2022 PAY 2023	30600	142,400	173,000
2021 PAY 2022	2,1000	135,300	156,300
2020 PAY 2021	10900	120,500	131,400
2019 PAY 2020	10200	118,700	128,900
2018 PAY 2019	10,100	117,100	122,300
2017 PAY 2018	10,100	116,500	118,700
2016 PAY 2017	10,200	109,600	119,800
2015 PAY 2016	0	0	0
2014 PAY 2015	0	0	0
2013 PAY 2014	0	0	0
2012 PAY 2013	0	0	0
2011 PAY 2012	0	0	0
2010 PAY 2011	0	0	0
2009 PAY 2010	0	0	0
2008 PAY 2009	0	0	0
2007 PAY 2008	0	0	0
2006 PAY 2007	0	0	0
2005 PAY 2006	0	0	0

## Property Record Page (General)

printed 11/7/2022 (page 1 of 6)

## Owner and General Parcel Information

	RANDALL, JEREMIAH L. & CANDACE D.
	65-23-19-115-003.000-012
	65-23-19-115-003.000-012
	65-23-19-115-003.000-012
	047-003
	WILLIAMS 3RD LOT 4
	0.0000
	106 SHARP ST
	POSEYVILLE, IN 47633
	Po Box 41
	POSEYVILLE, IN 47633
	599

## Property Record Page (Assessment)

Printed 11/7/2022 (page 2 of 6)

## Assessment History Information

Year	Assessed Value	Market Value	Assessed Value
2022 PAY 2023		59,200	
2022 PAY 2023		59,200	
2022 PAY 2023	65,400	57,700	59,200
2021 PAY 2022	4400	51,000	55,400
2020 PAY 2021	4400	49,900	54,300
2019 PAY 2020	4100	49,000	53,100
2018 PAY 2019	4100	46,400	50,500
2017 PAY 2018	3,600	45,100	48,100
2016 PAY 2017	3,600	44,000	47,000
2015 PAY 2016	0	0	0
2014 PAY 2015	0	0	0
2013 PAY 2014	0	0	0
2012 PAY 2013	0	0	0
2011 PAY 2012			0
2010 PAY 2011			0
2009 PAY 2010			0
2008 PAY 2009	0	0	0
2007 PAY 2008	0	0	0
2006 PAY 2007	0	0	0
2005 PAY 2006	0	0	0

Property Record Page (General)

Printed 11/7/2022 (page 1 of 6)

Owner and General Parcel Information

	COLLINS, STEVEN W
	65-23-19-100-039,000-012
	65-23-19-100-039,000-012
	65-23-19-100-039,000-012
	038-039
	OUTLOT 19-4-12
	0.2100
	120 CALE ST
	POSEYVILLE, IN 47633
	121 S Cale St
	Poseyville, IN 47633-8905
	455



## Property Record Page (Assessment)

Printed 11/7/2022 (page 2 of 6)

## Assessment History Information

Year	2022	2021	2020	2019
2022 PAY 2023	16100	48100	64200	
2022 PAY 2023	16100	48100	64200	
2022 PAY 2023	16100	48100	64200	
2021 PAY 2022	16100	48100	56800	
2020 PAY 2021	8100	48700	56000	
2019 PAY 2020	8100	48700	56800	
2018 PAY 2019	8100	48700	49000	
2017 PAY 2018	8700	40300	49000	
2016 PAY 2017	8700	40300	49000	
2015 PAY 2016				
2014 PAY 2015				
2013 PAY 2014				
2012 PAY 2013				
2011 PAY 2012				
2010 PAY 2011				
2009 PAY 2010				
2008 PAY 2009				
2007 PAY 2008				
2006 PAY 2007				
2005 PAY 2006				

### Owner and General Parcel Information

Owner and General Location	Tract Description	Acres
COLLINS, STEVEN W. TRUSTEE ETAL	65-23-19-100-036, 000-012	65-23-19-100-036, 000-012
	65-23-19-100-036, 000-012	65-23-19-100-036, 000-012
	65-23-19-100-036, 000-012	65-23-19-100-036, 000-012
	038-036	038-036
	OUTLOT 19-4-12 & PT E/2 NE SE	0.3520
	108 S CALE ST POSEYVILLE, IN 47633	121 S Gale St POSEYVILLE, IN 47633
	510	

## Property Record Page (Assessment)

printed 11/7/2022 (page 2 of 6)

## Assessment History Information

2022 PAY 2023	105500	110600	121100
2022 PAY 2023	105500	110600	121100
2022 PAY 2023	105500	110600	121100
2021 PAY 2022	7900	105700	113600
2020 PAY 2021	7700	102500	110200
2019 PAY 2020	7500	98700	106000
2018 PAY 2019	7400	97100	98200
2017 PAY 2018	7400	97100	88600
2016 PAY 2017	67500	80400	86900
2015 PAY 2016	0	0	0
2014 PAY 2015	0	0	0
2013 PAY 2014	0	0	0
2012 PAY 2013	0	0	0
2011 PAY 2012	0	0	0
2010 PAY 2011	0	0	0
2009 PAY 2010	0	0	0
2008 PAY 2009	0	0	0
2007 PAY 2008	0	0	0
2006 PAY 2007	0	0	0
2005 PAY 2006	0	0	0

**Property Record Page (General)**

Printed 11/7/2022 (page 1 of 6)

**Owner and General Parcel Information**

Owner	WEATHERHOLT, WILLIAM D & SUSAN
Parcel Number	65-23-19-100-034.000-012
Parcel Address	65-23-19-100-034.000-012
Parcel Description	65-23-19-100-034.000-012
Parcel Area	0.38-034
Parcel Shape	PT E1/2 19-4-12
Parcel Volume	0.2540
Parcel Elevation	104 S CALE ST
Parcel Zoning	POSEYVILLE, IN 47633
Parcel Tax Map	PO Box 160
Parcel Assessor's Map	Poseyville, IN 47633-0160
Parcel ID	599

Property Record Page (Assessment)

Printed 11/7/2022 (page 2 of 6)

Assessment History Information

Year	Land	Improvement	Total
2022 PAY 2023	8700	92200	100900
2022 PAY 2023	8700	92200	100900
2022 PAY 2023	8700	92200	100900
2021 PAY 2022	6500	87700	94200
2020 PAY 2021	6300	85400	91700
2019 PAY 2020	6000	83300	89300
2018 PAY 2019	6000	78900	84900
2017 PAY 2018	6100	74300	80400
2016 PAY 2017	6100	74300	80400
2015 PAY 2016	6100	74300	80400
2014 PAY 2015	6100	74300	80400
2013 PAY 2014	6100	74300	80400
2012 PAY 2013	6100	74300	80400
2011 PAY 2012	6100	74300	80400
2010 PAY 2011	6100	74300	80400
2009 PAY 2010	6100	74300	80400
2008 PAY 2009	6100	74300	80400
2007 PAY 2008	6100	74300	80400
2006 PAY 2007	6100	74300	80400
2005 PAY 2006	6100	74300	80400

**Property Record Page (General)**

Printed 11/7/2022 (page 1 of 6)

**Owner and General Parcel Information**

	HALE, LAUREN ELIZABETH
	65-23-19-100-033.001-012
	65-23-19-100-033.001-012
	65-23-19-100-033.001-012
	038-033-01
	WMS, AMENDED 2ND ADD 19-4-12 SHARP ST, POSEVILLE
	0.0000
	89 S SHARP ST
	POSEVILLE, IN 47633
	89 S SHARP STREET
	POSEVILLE, IN 47633
	510



## Property Record Page (Assessment)

Printed 11/7/2022 (page 2 of 6)

## Assessment History Information

Year	2022	2021	2020	2019	2018	2017	2016	2015	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005
2022 PAY 2023	13000	80300	93300															
2022 PAY 2023	13000	80300	93300															
2022 PAY 2023	13000	80300	93300															
2021 PAY 2022	13000	80300	93300															
2020 PAY 2021	8200	74600	83400															
2019 PAY 2020	8200	74600	83400															
2018 PAY 2019	8200	69300	77500															
2017 PAY 2018	8200	66000	74200															
2016 PAY 2017	8200	66000	74200															
2015 PAY 2016	8200	66000	74200															
2014 PAY 2015	8200	66000	74200															
2013 PAY 2014	8200	66000	74200															
2012 PAY 2013	8200	66000	74200															
2011 PAY 2012	8200	66000	74200															
2010 PAY 2011	8200	66000	74200															
2009 PAY 2010	8200	66000	74200															
2008 PAY 2009	8200	66000	74200															
2007 PAY 2008	8200	66000	74200															
2006 PAY 2007	8200	66000	74200															
2005 PAY 2006	8200	66000	74200															

## Property Record Page (General)

Printed 11/7/2022 (page 1 of 6)

## Owner and General Parcel Information

Parcel ID	Owner
65-23-19-100-032.000-012	WAGNER, DEWARD W. & CAROLYN S.
65-23-19-100-032.000-012	
65-23-19-100-032.000-012	
038-032	
WILLIAMS	
0.0000	
88 S CALE ST	
POSEYVILLE, IN 47633	
Po Box 284	
Poseyville, IN 47633	
510	

## Property Record Page (Assessment)

printed 11/7/2022 (page 2 of 6)

## Assessment History Information

2022 PAY 2023	8,100	62,400	70,500
2022 PAY 2023	8,100	62,400	70,500
2022 PAY 2023	8,100	62,400	70,500
2021 PAY 2022	6,000	58,800	64,800
2020 PAY 2021	5,900	57,500	63,400
2019 PAY 2020	5,600	56,400	62,000
2018 PAY 2019	5,500	55,300	59,100
2017 PAY 2018	5,400	54,200	55,200
2016 PAY 2017	5,300	53,100	55,200
2015 PAY 2016	5,200	52,000	55,200
2014 PAY 2015	5,100	50,900	55,200
2013 PAY 2014	5,000	49,800	55,200
2012 PAY 2013	4,900	48,700	55,200
2011 PAY 2012	4,800	47,600	55,200
2010 PAY 2011	4,700	46,500	55,200
2009 PAY 2010	4,600	45,400	55,200
2008 PAY 2009	4,500	44,300	55,200
2007 PAY 2008	4,400	43,200	55,200
2006 PAY 2007	4,300	42,100	55,200
2005 PAY 2006	4,200	41,000	55,200

## Property Record Page (General)

printed 11/7/2022 (page 1 of 6)

## Owner and General Parcel Information

Parcel Number	65-23-19-115-001.001-012
Owner Name	KIGHT WILLIAM D & MARY JANE REVOCABLE TRUST
Parcel Address	65-23-19-115-001.001-012
Parcel Description	65-23-19-115-001.001-012
Parcel Area	047-001-01
Parcel Use	WMS. 3RD LOT 1&2
Parcel Status	0.0000
Parcel Notes	86 S SHARP ST POSEYVILLE, IN 47633
Parcel ID	Po Box 274 POSEYVILLE, IN 47633
Parcel Type	510

## Property Record Page (Assessment)

printed 11/7/2022 (page 2 of 6)

## Assessment History Information

Year	Assessed Value	Market Value	Assessed Value	Market Value
2022 PAY 2023	7,660.00	7,660.00	8,790.00	
2022 PAY 2023	7,660.00	7,660.00	8,790.00	
2022 PAY 2023	7,660.00	7,660.00	8,790.00	
2021 PAY 2022	7,800.00	7,740.00	8,020.00	
2020 PAY 2021	7,600.00	7,400.00	8,160.00	
2019 PAY 2020	7,200.00	7,210.00	7,930.00	
2018 PAY 2019	7,200.00	6,790.00	7,510.00	
2017 PAY 2018	7,500.00	6,320.00	7,070.00	
2016 PAY 2017	7,600.00	6,320.00	7,070.00	
2015 PAY 2016	0.00	0.00	0.00	
2014 PAY 2015	0.00	0.00	0.00	
2013 PAY 2014	0.00	0.00	0.00	
2012 PAY 2013	0.00	0.00	0.00	
2011 PAY 2012	0.00	0.00	0.00	
2010 PAY 2011	0.00	0.00	0.00	
2009 PAY 2010	0.00	0.00	0.00	
2008 PAY 2009	0.00	0.00	0.00	
2007 PAY 2008	0.00	0.00	0.00	
2006 PAY 2007	0.00	0.00	0.00	
2005 PAY 2006	0.00	0.00	0.00	

# PROPOSED STRUCTURE

Proposed use is necessary or desirable to provide a service or facility which is in the interest of the public convenience and will contribute to the general welfare or neighborhood or community

Applicant's Intended Uses will enhance the lot:

- Intends to finish landscaping around the building to beautify the lot
- Personal, family storage of goods only (toys, household goods, holiday etc.)
- Non-business, non-commercial usage
- Will not be storing any noxious or hazardous materials or any business materials
- Having access to the storage facility in proximity to the home will contribute to the neighborhood by keeping items stored tidily rather than out in open



## Previous Similar Special Uses Approved

Variance to Richard Wilson under docket number 21-04-V-BZA for a 24 x 26 garage approved (5-0) in March 11, 2021.

Special Use granted to Bonnie Jean McCarty under docket number 21-08-SU-BZA on May 12, 2021 by a vote of 4-0 to build a residential storage structure on a lot without a home at the address of 625 W 2nd Street in Mt. Vernon, Indiana

[minutes from those meetings (in pertinent part) follow]

MINUTES  
POSEY COUNTY  
BOARD OF ZONING APPEALS  
REGULAR MEETING

THE POSEY COUNTY COMMUNITY CENTER  
111 HARMONY TOWNSHIP ROAD  
NEW HARMONY, IN 47631

MARCH 11, 2021  
5:00 P.M.

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

MEMBERS ABSENT: None

APPROVAL OF MINUTES FOR LAST REGULAR MEETING: Ron Fallowfield made a motion in the affirmative to approve the minutes of the last regular meeting as emailed. Motion seconded by Larry Droege. **Motion carried.**

VARIANCE:

DOCKET NO: 21-04-V-BZA

APPLICANT: Richard Wilson

OWNER: Norman Richard & Kathryn Jean Wilson

PREMISES: Part of the Southeast quarter of Section 18, Township 4 South, Range 12 West, lying in Robb Township, Posey County Indiana. More commonly known as 146 W. Main Street, Poseyville, Indiana. Containing 0.12 acres more or less. (Complete legal description is on file at the Posey County Area Plan Commission Office).

NATURE OF CASE: Applicant requests a Variance for relaxation of front yard setback from 25' to 5' and relaxation of lot coverage of 30% to 34% for a carport in an R-2 (Residential Two-Family) Zoning District under Section 153.047 (B) (1) (a) and 153.047 (D) of the Zoning Ordinance of the City of Mt. Vernon, Town of Cynthiana, Town of Poseyville and Unincorporated Posey County.

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

RICHARD WILSON: 146 W. Main Street. We are asking for a Variance to put up a 24' x 26' garage.

**LARRY WILLIAMS:** Any questions from the Board? Hearing none we will open it to the public. Is there anyone here who would like to speak for or against this application? Hearing none we will close the public portion and open it to the Board for discussion.

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

**RON FALLOWFIELD:** This is the same as a previous application. The way the lot is situated it will not affect anybody else. I personally do not see any issue with this.

**LARRY DROEGE:** Yeah, I agree. There is no issue with reducing that setback.

**ATTORNEY BETH MCFADIN HIGGINS:** On the one it looks like a lot line goes through it.

**MARK SEIB:** Yeah, that is one of the questions I had was if it went through a lot line?

**MINDY BOURNE:** No, that all has been combined.

**MARK SEIB:** So, it is a combined lot. Which way are they talking is the front?

**MINDY BOURNE:** The front would be the line that is parallel to Main Street.

**LARRY WILLIAMS:** Any more questions from the Board?

A motion was made in the affirmative by Ron Fallowfield to approve relaxation of front yard setback for Variance 21-04-V-BZA. Motion was seconded by Mark Seib. **Roll call vote (5-0) Yes.**

A motion was made in the affirmative by Ron Fallowfield to approve relaxation of lot coverage for Variance 21-04-V-BZA. Motion was seconded by Larry Droegge. **Roll call vote (5-0) Yes.**

**MINDY BOURNE:** This application has been approved. You will need to come into our office for your permit before you start construction.

**SPECIAL USE:**

DOCKET NO: 21-03-SU-BZA

APPLICANT: Ryan Embry

OWNER: Ryan E. & Lucinda D. Embry

PREMISES:

Part of the South Half of Section 1, Township 5 South, Range 14 West, Harmony Township, Posey County, Indiana, containing 3.174 acres, more or less. More commonly known as 5150 Old Plank Road North, New Harmony, Indiana. (Complete legal description is on file at the Posey County Area Plan Commission Office).

MINUTES

POSEY COUNTY  
BOARD OF ZONING APPEALS  
REGULAR MEETING

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

MAY 13, 2021  
5:00 P.M.

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

**MEMBERS ABSENT:** Dr. Keith Spurgeon

**APPROVAL OF MINUTES FOR LAST REGULAR MEETING:** Ron Fallowfield made a motion in the affirmative to approve the minutes of the last regular meeting as emailed. Motion seconded by Larry Droege. **Motion carried.**

**VARIANCE:**

**DOCKET NO:** 21-09-V-BZA

**APPLICANT:**

Bernie Gries

**OWNER:**

Bernard R. & Darla K. Gries

**PREMISES:**

Part of the East Half of the Southeast Quarter of Section 35, Township 4 South, Range 12 West, Lot 1 Gries St. Wendel Cynthiana Rd. Exempt II Division, lying in Smith Township, Posey County Indiana. More commonly known as 6200 St. Wendel Cynthiana Road, Poseyville, Indiana. Containing 7.60 acres more or less. (Complete legal description is on file at the Posey County Area Plan Commission Office).

**NATURE OF CASE:**

Applicant requests a Variance for relaxation of front yard setback from 25' to 5' to build an Ag use pole barn in an A (Agricultural) Zoning District under Section 153.033 (B) (1) (b) of the Zoning Ordinance of the City of Mt. Vernon, Town of Cynthiana, Town of Poseyville and Unincorporated Posey County.

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

**BERNIE GRIES:** 12930 Big Cynthiana Road, Evansville, Indiana. We had 38 acres and we sold the tillable ground that had a building on it. I need to build on the 7.6 acres. The

ground without trees is pretty limited. If I go with 25', it gives me 17' before the trees. I really don't care to take any more trees down. By moving that back 20', it would give me ample room to get in and out.

LARRY WILLIAMS: Are there any questions from the Board for Mr. Gries?

LARRY DROEGE: You sold 33 acres from that parcel?

BERNIE GRIES: No, 30 acres.

LARRY DROEGE: Is that the parcel that is south of the woods?

BERNIE GRIES: It is north of where the building was.

LARRY WILLIAMS: Where is your nearest neighbor to the building you are constructing?

BERNIE GRIES: It is Eugene Schmitt. From the road back is 400+ feet and then it goes over behind him. It would be up against his back field. I have discussed it with him and he is fine with it.

LARRY DROEGE: So that is not farmable ground? Mr. Schmitt doesn't farm the back part of his land?

BERNIE GRIES: No, he has grass on it now. Part of it is fenced in for farm animals.

MARK SEIB: Is this just a shed you want to build for storing things?

BERNIE GRIES: It will be a 32' by 40' for storage. There's no water or electric. It's just an out building.

LARRY DROEGE: Do you know how the water runs off that property at that point?

BERNIE GRIES: The center of the woods has a crown with drainage on both sides. At Gene Schmitt's it would kind of go to the east.

LARRY WILLIAMS: You may have a seat. We will now open this application up for public comment. Is there anyone here wishing to speak for or against this application? With no one coming forward, we will close the public portion.

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

MARK SEIB: I do have an issue with the 5' setback. That is not a great amount of distance. With the neighbors not objecting I don't really have much of an issue. I just want it noted that it

is a concern that we have. If the land sells, is that an issue and does it become a liability?

A motion was made in the affirmative by Ron Fallowfield to approve Variance 21-09-V-BZA. Motion was seconded by Larry Droege. The Variance Voting Sheet was read. **Roll call vote (4-0) Yes. Motion carried.**

**MINDY BOURNE:** This application has been approved. You will need to come into our office for your permit before you start construction.

**SPECIAL USE:**

**DOCKET NO:** 21-08-SU-BZA

**APPLICANT:** Bonnie Jean McCarty

**OWNER:** Bonnie Jean McCarty

**PREMISES:** NG Nettleton 46'E Side Lot 43 of Section 8, Township 7 South, Range 13 West, lying in Black Township, in the City of Mt. Vernon, Posey

County, Indiana. More commonly known as 621 W. Second Street, Mt. Vernon, Indiana. Containing .148 acres more or less. (Complete legal description is on file at the Posey County Area Plan Commission Office).

**NATURE OF CASE:**

Applicant requests a Special Use for a residential storage structure in a (R-M) Residential Multiple Family Zoning District Section 153.048 (B) (1) Use Unit 2 - Areawide Special Exception Uses and Section 153.147 (B) (14), of the Zoning Ordinance of the City of Mt. Vernon, Town of Cynthiana, Town of Poseyville and Unincorporated Posey County.

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

**BONNIE JEAN MCCARTY:** 625 W. 2<sup>nd</sup> Street, Mt. Vernon. I want to build a garage on the lot next to my residence.

**MARK SEIB:** What type of structure are you building? Is it a pole barn, block...

**BONNIE JEAN MCCARTY:** It is just a two-car garage.

**LARRY DROEGE:** Will the garage face the house?

**ALAN MOLL:** 625 W. 2<sup>nd</sup> Street, Mt. Vernon. It faces the alley.

**LARRY WILLIAMS:** Are you going to run electricity to the garage?

**ALAN MOLL:** Yes, I am running it from my house.



**LARRY DROEGE:** So, currently there isn't a driveway into that property, correct?

**ALAN MOLL:** That is correct. It will be a concrete driveway up to the garage and in to the garage.

**LARRY WILLIAMS:** What type of material will be on the outside of the garage?

**ALAN MOLL:** Siding and then an asphalt roof.

**MARK SEIB:** What is the water flow?

**ALAN MOLL:** There isn't any. I'm going to put a garden in front of the garage after it is built. I will put rain barrels out to catch the water and then use it in my garden.

**LARRY DROEGE:** It shows another property on the other side of the alley where they will be coming out of their garage. Is there adequate room and you will not be affecting their property?

**ALAN MOLL:** No, they have a garage on the backside of their house that they go in and out of.

**LARRY WILLIAMS:** You may have a seal. We will now open this application up for public comment. Is there anyone here wishing to speak for or against this application? With no one coming forward, we will close the public portion. Were there any phone calls, emails or letters?

**MINDY BOURNE:** There was one phone call from Mary Lou Wilkey on 4/26/21. She is not opposed as long as it is just for personal storage and not used for drugs.

**RON FALLOWFIELD:** Just for my information, will they need to adjoin this to the lot the house is on and make it one lot?

**MINDY BOURNE:** That is why she is requesting a Special Use, because there is not a residence on the property. That is the only way you can put a garage on the lot.

**ATTORNEY BETH MCFADIN HIGGINS:** A garage can only be used for personal use, personal storage. No business operations, can't rent it out.

A motion was made in the affirmative by Mark Seib to approve Special Use 21-08-SU-BZA. Motion was seconded by Ron Fallowfield. The Special Use Voting Sheet was read. **Roll call vote (4-0) Yes. Motion carried.**

**MINDY BOURNE:** This Special Use has been approved and you will receive a letter from our office. You will need to come into our office to obtain your Improvement Location Permit before starting construction.

# PROPOSED STRUCTURE

Proposed use will comply with regulation and condition specified in this ordinance for such use and with conditions and safeguards proscribed by the Board

# *Applicant will comply*

To the extent the BZA has parameters or suggestions with regard to the placement or uses of the residential storage structure, applicant will comply.

## Posey County Special Use Voting Sheet

1. The Zoning Ordinance authorizes the special use.
2. The proposed special use is essential or desirable to the public convenience and welfare.
3. The proposed use at the particular location requested is necessary or desirable to provide a service or facility which is in the interest of the public convenience and will contribute to the general welfare of the neighborhood or community.
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.
5. The proposed special use will constitute an environment of sustained desirability and stability.
6. The proposed special use is in conformity and in harmony with the goals and objectives of the Comprehensive Plan.
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.
8. n/a
9. The proposed special use will comply with regulations and 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.

# BZA's Decision

When Applicant provides substantial evidence on 153.246, Application should be approved.

In order to Deny, BZA determines:

1. The applicant failed to provide sufficient evidence satisfying the requirements of the ordinance; or
2. There was competing evidence provided to the BZA and after weighing the evidence and the credibility of the witnesses, the BZA's decision was based upon substantial evidence in the record

## APPROVED

Applicant provided substantial evidence

## DENIED

Disputed evidence presented and BZA determined it outweighed Applicant's evidence