

MINUTES

POSEY COUNTY BOARD OF ZONING APPEALS REGULAR MEETING

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

DECEMBER 8, 2022
5:00 P.M.

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

MEMBERS ABSENT: Mr. Larry Droege

APPROVAL OF THE MINUTES OF 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 Mark Seib. **Motion carried.**

SPECIAL USE:

DOCKET NO: 22-13-SU-BZA

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

OWNER: Heritage Federal Credit Union

PREMISES: Lot 91 in Williams' part of the City of Mt. Vernon, Posey County, Indiana, Lot 92 in Williams' part of the City of Mt. Vernon, and the north one-half of the alley vacated by Ordinance No. 2016-16 of the Common Council of Mt. Vernon, Indiana. Section 8, Township 7 South, Range 13 West, lying in Black Township. More commonly known as 321 Main St., Mt. Vernon, Indiana. (Complete legal description is on file at the Posey County Area Plan Commission Office).

NATURE OF CASE: Applicant requests Special Use to install a 12' x 20' and a 6' x 7' 2" sign in a CBD (Central Business District) Zoning District Section 153.090 (B) (8) Use Unit 21 Business Signs and Outdoor Advertising and Section 153.166 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?

CHRIS MOORE: 5344 Vann Road, Newburgh, Indiana. They have a new logo and look at their business and they are requesting a new sign to show that. Their logo is on the front of the building and their sign is the same size as what is there now and there is a message unit that is 4' x 8'.

MARK SEIB: So you are working on two signs? One is on the street and one replacing what is there now. Is it any wider?

CHRIS MOORE: No.

MARK SEIB: It's the same size and the same height as you said before. Is the signage on the front of the building to be lit?

CHRIS MOORE: Yes, it is illuminated.

LARRY WILLIAMS: Is the message board static or is it running messages across it?

CHRIS MOORE: The message comes on and stays for a certain amount of time. It's not running.

MARK SEIB: And that is staying the same in size?

CHRIS MOORE: Yes, exactly the same.

RON FALLOWFIELD: That is not what it shows here. It shows 20' x 10' and the new one is 20' x 12'. The message board is the same size but the actual sign is larger.

CHRIS MOORE: They said the square footage was the same. I'm not sure how they figured that.

RON FALLOWFIELD: It really doesn't matter as long as it isn't closer to the street, which it is not.

ATTORNEY BETH MCFADIN HIGGINS: I guess we just want to be clarified because the Special Use requested was for a 12' x 20' so that would be a bit larger than the one they currently have. You want to make sure you have approval for whatever size you actually have. Everything you've submitted says it's 12' x 20'.

CHRIS MOORE: Ok.

RON FALLOWFIELD: It is going to sit in the exact same spot?

CHRIS MOORE: Yes.

LARRY WILLIAMS: Are there any further questions from the board? Hearing none, you may have a seat. Is there anyone else wishing to speak for or against the Special Use? Hearing none, we will close the public portion.

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

Ron Fallowfield made a motion in the affirmative to approve Docket # 22-13-SU-BZA. Motion seconded by Keith Spurgeon. The Special Use Voting sheet was read. Board members held discussion. The board members placed the following conditions: no closer to street than it

currently is at its closest point, not any bigger than 12' x 20' and screen have a dimmer at sunset.
Roll Call Vote (4-0) Yes. Motion carried.

MINDY BOURNE: This Special Use has been approved with the conditions that were stated. You can get your permit at any time. You have to get it before you put up the signs.

SPECIAL USE:

DOCKET NO: 22-14-SU-BZA

APPLICANT: Lauran Hahn

OWNER: Derrick R. & Luran A. Hahn

PREMISES: Lot 1 of Jared & Linda Schenk Exempt II Division of Section 24, Township 5 South, Range 13 West, lying in Center Township, Posey County, Indiana. More commonly known as 5250 Haines Road, Wadesville, Indiana. Containing 3.73 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 14' x 56' singlewide mobile home in an A (Agricultural) Zoning District Section 153.032 (B) (5) Use Unit 9 Mobile Home Dwelling, and Section 153.154 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?

LAURAN HAHN: 5250 Haines Road. We are planning to put a temporary dwelling there, a two bedroom, two bathroom mobile home for us to live in while we build our other home on the property.

LARRY WILLIAMS: Do you have a timeframe on how long it's going to take to get it done?

LAURAN HAHN: We don't think it will be more than four years. Hopefully we will be starting on it in two.

MARK SEIB: You are willing to move the trailer at the end of the four years?

LAURAN HAHN: Yes. It will not be permanent.

LARRY WILLIAMS: Do you have existing water and sewer availability there now?

LAURAN HAHN: We are getting it installed.

MARK SEIB: Is this a new or used trailer?

LAURAN HAHN: It is new.

RON FALLOWFIELD: Will it be on a concrete block foundation?

LAURAN HAHN: Yes, it will cover all of the requirements that are set out.

LARRY WILLIAMS: Are there any further questions from the board? Hearing none, you may have a seat. Is there anyone else wishing to speak for or against the Special Use? Hearing none, we will close the public portion.

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

RON FALLOWFIELD: This isn't anything that we have to hold them to four years.

MINDY BOURNE: Once the house is complete, they will have a certain amount of time to remove the singlewide because the ordinance states you can only have one residence per parcel. Typically I give 90 days to remove the mobile home from the property after they have been given final inspection by the Building Commissioner. If they do not adhere to that time, they would have to go before the Area Plan Commission.

RON FALLOWFIELD: I have driven by this lot several times and it is a beautiful lot. They have done a lot of work preparing the lot.

Mark Seib made a motion in the affirmative to approve Docket # 22-14-SU-BZA. Motion seconded by Keith Spurgeon. The Special Use for a Mobile Home Voting sheet was read. Board members held discussion. **Roll Call Vote (4-0) Yes. Motion carried.**

MINDY BOURNE: This Special Use has been approved. You must get your Improvement Location Permit from the Area Plan Commission Office first and then your building permit before putting in the mobile home.

SPECIAL USE:

DOCKET NO: 22-16-SU-BZA

APPLICANT: Heather Duckworth

OWNER: Timothy & Heather Duckworth

PREMISES: Being a part of the Northwest Quarter of the Northwest Quarter of Section 7, Township 6 South, Range 13 West, lying in Lynn Township. More commonly known as 190 French Road, Mt. Vernon, Indiana. (Complete legal description is on file at the Posey County Area Plan Commission Office).

NATURE OF CASE: Applicant requests Special Use for a kennel in an (A) Agricultural Zoning District Section 153.032 (B) (6) Use Unit 15 – Other Trades and Services, and Section 153.160 (B) (2) (e) (vi), 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?

HEATHER DUCKWORTH: 190 French Road, Mt. Vernon, Indiana. We are requesting approval for a proposed business to board cats and dogs at our current home location. We are currently remodeling an existing 25' x 30' barn there. We hope to have the business running by the first of April. We are looking at having 14 large kennels and 4 small kennels and also adding cats into that as well. We will have 10-12 of those kennels.

RON FALLOWFIELD: How close are your neighbors?

HEATHER DUCKWORTH: A quarter of a mile roughly.

MARK SEIB: Will this be an enclosed building?

HEATHER DUCKWORTH: Yes, with fences on the outside of the property.

MARK SEIB: You're showing that you are putting in a new driveway. Is that correct?

HEATHER DUCKWORTH: Yes, there is currently an old driveway that is there. We just haven't been using it. So when we bought the property, it was a driveway, like a back entrance. We are going to gravel it and fix it back up.

MARK SEIB: The only question or concern I have is how close is it... it looks like road bends a little bit farther to the west. Are there any issues as far as being able to allow people entering and exiting with their line of sight?

HEATHER DUCKWORTH: It does bend. I would hope if we had a sign out there, it would help.

RON FALLOWFIELD: It isn't a radical bend.

HEATHER DUCKWORTH: No, it's gradual and there is a creek with a bridge right there.

MARK SEIB: I just don't know, according to what we have as far as a map, how far that is from that bend to allow for enough time for reaction.

HEATHER DUCKWORTH: I understand.

MARK SEIB: I would also ask if there is any way you could move it more towards the east if that looks to be an issue if there is not enough line of site for people pulling out.

HEATHER DUCKWORTH: Ok.

ATTORNEY BETH MCFADIN HIGGINS: Also, I'm not sure if French Road and that area is paved or chip and sealed.

HEATHER DUCKWORTH: It's paved.

ATTORNEY BETH MCFADIN HIGGINS: Just as a reminder, if you are going to gravel that newer entrance, the first 6' that meets up or abuts the paved road has to be of some type of solid surface. It can't be just gravel up to the road. That is just so it doesn't track gravel out onto the paved road.

HEATHER DUCKWORTH: Ok.

MARK SEIB: I guess this is for the staff and Beth, if I remember right on other kennels we have done, there was some kind of a limit or something that was in the ordinance that spoke of how many animals they could house.

MINDY BOURNE: I think that was in an older ordinance.

ATTORNEY BETH MCFADIN HIGGINS: I think what you have done before is ask how many they think they are going to have and put that...

MARK SEIB: She provided that there were 14 large and 4 small kennels and then 10-12 for cats.

ATTORNEY BETH MCFADIN HIGGINS: So this Special Use would be limited to that. There's no other ordinance. As far as approval, you may want to make the approval with that.

RON FALLOWFIELD: So you are comfortable with that amount?

HEATHER DUCKWORTH: Yes. We have measured everything several times and that is where we are at. Unless we were to build on to add more.

LARRY WILLIAMS: You say two employees, are they on site at all times?

HEATHER DUCKWORTH: Yes, just my husband and I. This is in our backyard.

KEITH SPURGEON: So your customers that will be coming and going... you said like 10-20 per day...

HEATHER DUCKWORTH: Estimated, yes.

KEITH SPURGEON: How does your business work? Will they all be coming in the morning at the same time or is there a timeframe?

HEATHER DUCKWORTH: We are looking at Monday through Friday 7:00 a.m. until 10:30 and then in the evening 3:00 until 5:30. I'm home so it is going to be flexible if somebody had something come up and they needed to drop off at a different time. I will be able to work around that. Those will be the standard hours. Weekends will be by appointment.

KEITH SPURGEON: So you are going to be increasing traffic along there right about the time the school buses are picking up and dropping off.

HEATHER DUCKWORTH: Yes.

LARRY WILLIAMS: Which makes it more important to be sure there is plenty of room from that bend for visibility.

HEATHER DUCKWORTH: Right.

LARRY WILLIAMS: You mentioned that you are unsure about a sign. Are you unsure that you are going to put one or are you unsure of the type?

HEATHER DUCKWORTH: We want to put one. When I spoke with Becky, she said there might be some restrictions on size, so we are unsure there. We would like to put one at that entrance.

LARRY WILLIAMS: Are you looking at a lighted sign or like a wooden sign?

HEATHER DUCKWORTH: Just a wooden sign.

ATTORNEY BETH MCFADIN HIGGINS: They can have a sign. It would just be under the Ag district. There's limits within the ordinance that govern that.

MINDY BOURNE: They can get that permit at a later date.

LARRY WILLIAMS: When do you plan on having this up and running?

HEATHER DUCKWORTH: We are hoping by the first of April.

LARRY WILLIAMS: Are there any further questions from the board? Hearing none, you may have a seat. Is there anyone else wishing to speak for or against the Special Use? Hearing none, we will close the public portion.

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

Ron Fallowfield made a motion in the affirmative to approve Docket # 22-16-SU-BZA. Motion seconded by Mark Seib. The Special Use Voting sheet was read. Board members held discussion. Board members placed the following conditions: limit this to 14 large kennels, 4 small for dogs and 12-14 kennels for cats. They make sure the road entrance is not a hazard for oncoming traffic. If it is, allowing it to be moved down farther to the east. **Roll Call Vote (4-0) Yes. Motion carried.**

MINDY BOURNE: This Special Use has been approved with the conditions that were just stated. You don't have to get any permits since you are using an existing building. You will get a letter from the office stating this Special Use has been approved. That is just for your record.

SPECIAL USE:

DOCKET NO: 22-17-SU-BZA

APPLICANT: Derrick Verble

OWNER: Derrick & Iva Verble

PREMISIS: Lot Number 21 of Country Manor, a Subdivision located in Section Twenty-four (24), Township Five (5) South, Range Fourteen (14) West, Lynn Township, Posey County, Indiana, containing .41 acres, more or less. More

commonly known as 2830 John Avenue, New Harmony, Indiana. (Complete legal description is on file at the Posey County Area Plan Commission Office).

NATURE OF CASE: Applicant requests a Special Use for the addition of a 12' x 25' lean to onto an existing pole barn for residential storage in an A (Agricultural) Zoning District Section 153.032 (B) (2) 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?

DERRICK VERBLE: 2840 John Avenue, New Harmony. I am wishing to put a lean to onto the side of a pole barn that I built a couple of years ago to store my lawn equipment and tractor accessories so that it cleans the yard up. I want to get it all under roof so the yard looks a lot nicer.

MARK SEIB: You have three lots there and it is the center lot you are wanting to build the lean to?

DERRICK VERBLE: Yes.

MARK SEIB: And which side of the building are you wanting to add the addition?

DERRICK VERBLE: It will be away from the road on the west side, the back side of the building.

LARRY WILLIAMS: Are you planning on putting up any lighting?

DERRICK VERBLE: No.

RON FALLOWFIELD: Will there be any sidewalls?

DERRICK VERBLE: It will have a back and one side. That way my back neighbor and my side neighbor will not see anything that I store under there.

LARRY WILLIAMS: Are there any further questions from the board? Hearing none, you may have a seat. Is there anyone else wishing to speak for or against the Special Use? Hearing none, we will close the public portion.

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


Mark Seib made a motion in the affirmative to approve Docket # 22-17-SU-BZA. Motion seconded by Ron Fallowfield. The Special Use Voting sheet was read. Board members held discussion. **Roll Call Vote (4-0) Yes. Motion carried.**


MINDY BOURNE: This Special Use has been approved. You will need to get your Improvement Location Permit before starting construction.

ADDITIONAL BUSINESS: None

CITIZEN CONCERNS: None

Keith Spurgeon made a motion to adjourn the meeting at 5:54 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: 22-13-511-BZA *William Elpers, Custom Signs*
Heritage Federal Credit Union

HAS THE APPLICANT PROVEN BY SUBSTANTIAL EVIDENCE THE FOLLOWING:

1. The Zoning Ordinance authorizes the Special Use.

Larry Droege	() 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>4</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 () 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>4</u>	<u>0</u>
Mark Seib	(<input checked="" type="checkbox"/>) YES () NO*				

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

Larry Droege	() 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>4</u>	<u>0</u>
Mark Seib	(<input checked="" type="checkbox"/>) YES () NO*				

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

Larry Droege	() 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>4</u>	<u>0</u>
Mark Seib	(<input checked="" type="checkbox"/>) YES () NO*				

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

Larry Droege	() 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>4</u>	<u>0</u>
Mark Seib	(<input checked="" type="checkbox"/>) YES () NO*				

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

Larry Droege	() 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>4</u>	<u>0</u>
Mark Seib	(<input checked="" type="checkbox"/>) YES () NO*				

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

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

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

YES NO
0 4

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

NA

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

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

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*
Ron Fallowfield (✓) YES () NO*
Mark Seib (✓) YES () NO*

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

YES NO
4 0

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

- no closer to street than it currently is at its closest point
- 12x20 not any bigger
- Screen have dinner at sunset

*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 8th day of December, 20 22.

FINDING OF FACTS VOTING SHEET FOR A SPECIAL USE FOR A MOBILE HOME

Posey County Board of Zoning Appeals

Applicant Lauran Hahn Docket Number 22-1454-BZA

1. HAS THE APPLICANT PROVEN BY CLEAR AND CONVINCING EVIDENCE
THAT THE PLACING OF THE MOBILE HOME

Would not be detrimental to the health, safety, morals or general welfare of persons
residing or working in the vicinity.

Larry Droege	() 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>4</u>	<u>0</u>
Mark Seib	(<input checked="" type="checkbox"/>) Yes () No				

2. HAS THE APPLICANT PROVEN BY CLEAR AND CONVINCING EVIDENCE
THAT THE PLACING OF THE MOBILE HOME

Would not be injurious to property values or improvements in the vicinity.

Larry Droege	() 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>4</u>	<u>0</u>
Mark Seib	(<input checked="" type="checkbox"/>) Yes () No				

3. HAS THE APPLICANT PROVEN BY CLEAR AND CONVINCING EVIDENCE
THAT THE PLACING OF THE MOBILE HOME

Would comply with the regulations and conditions in the applicable zoning ordinance
for this use.

Larry Droege	() 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>4</u>	<u>0</u>
Mark Seib	(<input checked="" type="checkbox"/>) Yes () No				

IF ONE OR ALL OF THE ABOVE IS NOT IN FAVOR OF THE APPLICATION, THE
APPLICATION SHOULD BE DENIED.

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 8th day of December, 2022.

**POSEY COUNTY
SPECIAL USE VOTING SHEET**

Posey County Board of Zoning Appeals
Report of Finding Fact

BZA NO: 22-116-SU-BZA
See the Decision

HAS THE APPLICANT PROVEN BY SUBSTANTIAL EVIDENCE THE FOLLOWING:

1. The Zoning Ordinance authorizes the Special Use.

Larry Droege	() 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*	4	0
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 () 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*	4	0
Mark Seib	(<input checked="" type="checkbox"/>) YES () NO*				

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

Larry Droege	() 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*	4	0
Mark Seib	(<input checked="" type="checkbox"/>) YES () NO*				

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

Larry Droege	() 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*	4	0
Mark Seib	(<input checked="" type="checkbox"/>) YES () NO*				

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

Larry Droege	() 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*	4	0
Mark Seib	(<input checked="" type="checkbox"/>) YES () NO*				

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

Larry Droege	() 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*	4	0
Mark Seib	(<input checked="" type="checkbox"/>) YES () NO*				

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

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

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

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

NA

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	(<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>4</u>	<u>0</u>
Mark Seib	(<input checked="" type="checkbox"/>) YES () NO*				

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

- limited to 14 large 4 small kennels dogs 12 maximum cats
 - make sure new access is not a safety hazard - if it is move to east
-
-
-

*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 8th day of December, 2022.

**POSEY COUNTY
SPECIAL USE VOTING SHEET**

Posey County Board of Zoning Appeals
Report of Finding Fact

BZA NO: 22-17-SU-BZA
Derrick Verble

HAS THE APPLICANT PROVEN BY SUBSTANTIAL EVIDENCE THE FOLLOWING:

1. The Zoning Ordinance authorizes the Special Use.

Larry Droege	() 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>4</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 () 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>4</u>	<u>0</u>
Mark Seib	(<input checked="" type="checkbox"/>) YES () NO*				

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

Larry Droege	() 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>4</u>	<u>0</u>
Mark Seib	(<input checked="" type="checkbox"/>) YES () NO*				

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

Larry Droege	() 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>4</u>	<u>0</u>
Mark Seib	(<input checked="" type="checkbox"/>) YES () NO*				

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

Larry Droege	() 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>4</u>	<u>0</u>
Mark Seib	(<input checked="" type="checkbox"/>) YES () NO*				

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

Larry Droege	() 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>4</u>	<u>0</u>
Mark Seib	(<input checked="" type="checkbox"/>) YES () NO*				

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

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

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

YES
0

NO
4

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

NA

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

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

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*
Ron Fallowfield () YES () NO*
Mark Seib () YES () NO*

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

YES
4

NO
0

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

None

*IF ANY ONE OF YOUR ANSWERS ABOVE IS FOLLOWED BY AN ASTERICK, UNDER THE STATUE YOU SHOULD DENY THE APPLICATION.

DECISION: It is therefore the decision of the Board that the Special Use:

is hereby granted ()

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 8th day of December, 2022.