

MINUTES

POSEY COUNTY BOARD OF ZONING APPEALS REGULAR MEETING

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

JANUARY 12, 2023
5:00 P.M.

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

Attorney Josh Orem administered the Oath of Office for the one-year reappointments of Mark Seib and Keith Spurgeon.

MEMBERS ABSENT: Larry Droege

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 Mark Seib. **Roll Call Vote (4-0). Yes. Motion carried.**

ELECTION OF OFFICERS 2023: Ron Fallowfield made a motion in the affirmative to nominate Larry Williams as Chairperson for 2023. Motion was seconded by Keith Spurgeon. Mark Seib made a motion to close nominations. Motion was seconded by Keith Spurgeon. **Roll Call Vote (4-0). Yes. Motion carried.**

Mark Seib made a motion in the affirmative to nominate Ron Fallowfield as Vice Chairperson for 2023. Motion was seconded by Larry Williams. Keith Spurgeon made a motion to close nominations. Motion was seconded by Larry Williams. **Roll Call Vote (4-0). Yes. Motion carried.**

ATTORNEY 2023: A motion was made in the affirmative by Mark Seib and seconded by Ron Fallowfield to retain McFadin Higgins & Folz as primary attorney for 2023. **Roll Call Vote (4-0). Yes. Motion carried.**

BACKUP ATTORNEY 2023: A motion was made in the affirmative by Ron Fallowfield and seconded by Mark Seib to retain the office of Van Haaften & Farrar as secondary attorney for 2023. **Roll Call Vote (4-0). Yes. Motion carried.**

MEETING DATES AND TIMES FOR 2023: Mark Seib made a motion to keep the date and time of meetings the same as in 2022, the second Thursday of the month at 5:00 p.m., provided the APC keep their dates the same also. Keith Spurgeon seconded the motion. **Roll Call Vote (4-0). Yes. Motion carried.**

RULES OF PROCEDURE: A motion was made in the affirmative by Mark Seib and seconded by Ron Fallowfield to accept the Rules of Procedure for 2023 as presented with the minor changes as emailed. **Roll Call Vote (4-0). Yes. Motion carried.**

DESIGNATED NEWSPAPER: Mark Seib made a motion to designate the Posey County News as media source for 2023. Ron Fallowfield seconded the motion. **Roll Call Vote (4-0). Yes. Motion carried.**

VARIANCE:

DOCKET NO: 22-16-V-BZA

APPLICANT: Justin Collins

OWNER: Posey Storage, LLC

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

NATURE OF CASE: Applicant requests a Variance for relaxation of rear yard setback from 20' to 15' to construct a 50' x 35' RV storage unit and 50' x 24' storage unit in an M-2 (Manufacturing Medium/Heavy) Zoning District under Section 153.106 (B) (3) 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. Mrs. Bourne made note that the applicant had provided a photocopy of the certified mailing receipts but had not supplied the original receipts, however the applicant was considered to have met the requirements.

LARRY WILLIAMS: Who is here to speak on this variance? Please come to the podium and state your name and address for the record.

BARRY TANNER: Tanner Engineering, 625 E. 8th Street, Mt. Vernon. I am here representing the engineering firm and the owner Justin is here as well if you have any questions. Basically he is wanting to add a new 50 X 35 and 50 X 24 storage building to increase his storage capacity there. In order to do that and give us enough room to make some turns for vehicles to get around the buildings we will be within the 20 foot setback. If you notice on the drawing it says 10 foot max variance request, but the application was actually for 5 foot variance. We didn't want to reapply so we can work with the 5 foot. We are not that far into it anyway. We wanted to give ourselves a little lead way. You can see the existing storage barn is a lot closer to the existing property line than what these buildings will be. The property to the east is actually all farm ground currently.

RON FALLOWFIELD: Barry, does that five feet include the driveway?

BARRY TANNER: The five feet is just for the building from the property line. There will be a driveway around which will go next to the property line. The variance request is for the structure.

KEITH SPURGEON: So the application says it is for fifteen feet but you really want ten feet?

BARRY TANNER: No, the set back is 20 feet currently and we are requesting the variance be relaxed to 15 feet. The intention was to ask for a 10 foot maximum variance but the application was for five foot. So we are going to maintain that it won't be a problem. If you look at the building it is just the corner that is sticking into the building setback.

LARRY WILLIAMS: Are there any further question from the board? Hearing and seeing none, you may have a seat. At this time we will open up the floor for any public comments. Is there anyone here who wishes to speak for or against this application? Hearing and seeing none we will close the public portion.

Mr. Williams conferred with Mrs. Bourne if there were any emails, phone calls or mail.

MINDY BOURNE: We received an email from Charles Jochim, Susan Lynn Jochim-Foster and Lorri Jochim-Smith on January 8, 2023 regarding the variance request by Justin Collins, owner of Posey Storage, LLC. We have no problem with a new storage facility behind our property.

LARRY WILLIAMS: We will now open up the floor for comments, discussion or action by the board.

MARK SEIB: I am curious Justin as to why you are putting it down in that corner when you have more acreage on the other end of the lot.

JUSTIN COLLINS: 113 S. Cale St., Poseyville. Just to keep the buildings close together and utilize the space.

MARK SEIB: So you are not planning on building on the other end?

JUSTIN COLLINS: Not at this time.

RON FALLOWFIELD: I feel for the location, this is not asking too much.

KEITH SPURGEON: It is still not as close as the existing is to the property line.

LARRY WILLIAMS: Any further questions?

MARK SEIB: No signage, no lighting, no anything on these?

JUSTIN COLLINS: I believe there is supposed to be a light on one of those, it might not show on there. It is supposed to be on the northeast corner of that existing building. It would be the southeast corner of the new construction to illuminate the east boundary.

MARK SEIB: Those will be directional away from the road.

JUSTIN COLLINS: Yes, they will be facing north. There will not be any electric in the building.

Justin Collins provided the original certified mail receipts.

Ron Fallowfield made a motion in the affirmative to approve Docket #22-16-V-BZA contingent upon Site Plan approval from the APC. Motion seconded by Keith Spurgeon. The Variance Voting Sheet was read. **Roll Call Vote (4-0). Yes. Motion carried.**

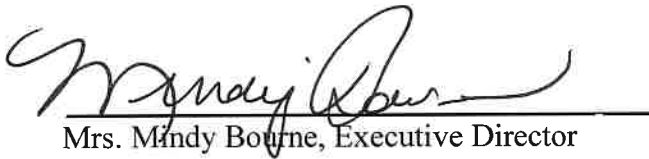
ADDITIONAL BUSINESS: None

CITIZEN CONCERNS: None

ADJOURNMENT: Mark Seib made a motion to adjourn the meeting at 5:23 p.m. Ron Fallowfield seconded the motion.



Mr. Larry Williams, Chairperson



Mrs. Mandy Bourne, Executive Director

VARIANCE VOTING SHEET

POSEY COUNTY BOARD OF ZONING APPEALS Report of Findings of Fact

BZA NO: 22-16-V-BZA - Jordan Collins
Posey Storage, LLC

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

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

2. Will the use or value of the area adjacent to the property included in the variance be affected in a substantially adverse manner?

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

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

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

4. Are these conditions general in the same zone?

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

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

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

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

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

***If any one of your answers above is followed by an asterisk, under the statute you must deny the application.**

DECISION: It is therefore the decision of the Board, that the variance:

is hereby granted _____ ()

is hereby denied _____ ()

subject to any conditions stated in the minutes of the Board, and incorporated herein and made a part of the decision. Adopted this 12th day of January 2023

(date)