

MINUTES

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

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

**MARCH 9, 2023
5:00 P.M.**

MEMBERS PRESENT: Mr. 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 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 (5-0). Yes. Motion carried.**

SPECIAL USE:

DOCKET NO: 23-02-SU-BZA

APPLICANT: Adam Hubbard

OWNER: Adam Hubbard

PREMISIS: A part of the Southwest Quarter of the Southeast Quarter of Section 21, Township 6 South, Range 13 West, of the Second Principal Meridian, in Black Township, Posey County, Indiana, containing 1.88 acres, more or less. More commonly known as 2620 Farmersville 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.

ADAM HUBBARD: 2620 Farmersville Road. I'm just trying to build an extra dog kennel to be able to board dogs.

LARRY WILLIAMS: Is this for your personal dogs.

ADAM HUBBARD: No, I am wanting to start a small business.

MARK SEIB: How many dogs will you be able to board with the size of the building you are looking at?

ADAM HUBBARD: Starting out it will only be eleven kennels.

MARK SEIB: Does that mean you are going to build more or will you be able to utilize the shed that you have?

ADAM HUBBARD: I will be able to utilize the shed that I have.

MARK SEIB: What will be the maximum?

ADAM HUBBARD: I think the maximum that I can handle is maybe 15 dogs with 15 kennels.

LARRY DROEGE: Boarding only or boarding and grooming?

ADAM HUBBARD: Just boarding.

LARRY DROEGE: So when people go on vacation they can bring their dog and you will keep them?

ADAM HUBBARD: Yes sir.

MARK SEIB: Are you taking down the existing shed?

ADAM HUBBARD: Yes.

MARK SEIB: Will there be any outside runs?

ADAM HUBBARD: There will be and they will be facing the field behind my house.

LARRY WILLIAMS: How close is your nearest neighbors to the proposed kennels?

ADAM HUBBARD: The ones in front of me is at least an acre away and the other one, Dave Oyler, and he is probably an acre away and then I have a 3-4 acre field behind my house. The rest are all across the street from me.

LARRY DROEGE: Will there be plans to board a specific dog full time or will this all be temporary stays and it will always change?

ADAM HUBBARD: Temporary stays and it will always change.

MARK SEIB: Will this be completely enclosed?

ADAM HUBBARD: No, the kennels will be with outside runs.

LARRY WILLIAMS: Will there be any outside lighting at night time?

ADAM HUBBARD: Yes there will.

MARK SEIB: Any signage?

ADAM HUBBARD: Not yet. I plan on putting some up but everything is kind of in the works right now.

MARK SEIB: If it's a certain type of sign it will have to be approved.

ADAM HUBBARD: Ok.

KEITH SPURGEON: What kind of outside lighting are you talking about?

ADAM HUBBARD: Just a dusk to dawn light. It is what I have now.

KEITH SPURGEON: Is that a neighbor on the north side?

ADAM HUBBARD: That's Dave, yes. He has a pole barn and then his house is built on the other side of the pole barn.

LARRY WILLIAMS: With no further questions from the board 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?

JUSTIN REINITZ: 2684 Farmersville Road. We basically share backyards. I don't know if you guys have ever dropped your dogs off at a dog kennel... It's a pretty quiet, peaceful area and that is going to be destroyed. I can't imagine what this is going to do with property values having that in there. It's going to be hard to see it going to being in the country to adjoining property to a dog kennel.

LARRY WILLIAMS: So I guess you are opposed to this?

JUSTIN REINITZ: Yes and I've got a few neighbors that we've talked to that are also against it.

LARRY WILLIAMS: You can only speak for yourself. You can't speak for others.

JUSTIN REINITZ: Ok. That's all I've got.

LARRY WILLIAMS: Is there anyone else that would like to speak for or against this application? Hearing none, we will close the public portion.

He conferred with Mindy Bourne if there were any phone calls, emails or letters.

MINDY BOURNE: I had one email from Justin Reinitz. To whom it may concern. Hello, my name is Justin Reinitz and I live at 2684 Farmersville Road with my wife Holly and our 2 sons

Ben (14) and Sam (11). Our property is directly connected to Mr. Hubbard's. We are wanting to voice our deep concern over the proposed kennel. I believe that areas are zoned for reasons and one of those is to protect the quality of life and property values of homeowners against potential issues like this very thing. We moved into the neighborhood about 9 years ago and one of the main reasons we purchased the property was because of the park like atmosphere. It was quiet and a beautiful location. We have stayed here for that very reason.

With the addition of a dog kennel, we can without a doubt expect that atmosphere to be ruined. Besides the impact on the quality of life we have, I cannot even imagine the negative impact this will have on all of our property values. I spoke with a couple of the neighbors and they voiced concerns. I just hope they have shared them with you all as well.

I am working tonight and am not certain I will be able to get away to voice my concerns in person, so please do not take my absence as a lack of caring. Thank you for listening, Justin Reinitz.

LARRY WILLIAMS: At this time we will close the public portion and open this application up to the board for discussion and/or action.

MARK SEIB: Mr. Chairman, could we have Mr. Hubbard come back up to the podium to see if there is anything that he has done to lessen the noise?

ADAM HUBBARD: The way I proposed to build the building, all of the dog kennels will be on the backside of it away from the Reinitz house where it is all facing the field behind it. It's going to be like an indoor/outdoor kennel. They will have runs outside and then they will have a place inside to get to. The noise should be kind of contained to inside the building.

MARK SEIB: When the dogs are brought in and they are in the driveway, they go right into an enclosed shed?

ADAM HUBBARD: Yes, they will go into the enclosed shed and then you will walk through the shed and there will be runs set up to put them in.

LARRY WILLIAMS: Will the dogs be able to go outside at their leisure?

ADAM HUBBARD: Yes. They will have about a 6' kennel run where they can go out and use the restroom and stuff like that and come back in.

LARRY DROEGE: Are there any other businesses that you may have looked at that you patterned this design off of?

ADAM HUBBARD: Yes, I spoke with Tonya and Mike Stillwagner. They own the dog kennel here in town. I was trying to take their advice. She's been running it for about ten years now.

LARRY WILLIAMS: Is there a way to limit the number of dogs outside at one time? Will there be somebody on site at all time or will the dogs be left there by themselves?

ADAM HUBBARD: I work and this is just a part time job for me. I'm going to say no, but I have family members that live 3-4 houses down, my dad said he would help me out with it and I

have two boys that said they would help out too.

LARRY DROEGE: About how far is it from the kennel to the Reinitz property?

ADAM HUBBARD: It's a little over an acre.

KEITH SPURGEON: He isn't the one right next door that has the barn?

ADAM HUBBARD: No. Where my house sits at, he is in front of my house. The side of his house goes down a little hill and then you have my whole front yard. Like I said, I'm trying to set my kennels up to where if there is much noise it's all shooting back towards the field.

MINDY BOURNE: You have a map in your folder that gives a better view.

LARRY DROEGE: Would you have room on your property if it ever came down to the noise being a little excessive you could put trees, evergreens or something between the properties?

ADAM HUBBARD: Yes. There's a pretty good group of trees between my house and his.

MARK SEIB: So I guess basically you are willing to work to make sure that you try to keep the current, or close to the current, conditions of the surrounding with the kennel being in place?

ADAM HUBBARD: Yes. It is right next to my house.

LARRY WILLIAMS: Any further questions? With none, you may have a seat.

ATTORNEY BETH MCFADIN HIGGINS: Just as a note to the board, as you discuss this and if there are any conditions or restrictions that need to be put on this it should be contingent upon like in the event in the future there are complaints about noise will you put trees in because we can't enforce that. Whatever restrictions, if any, that you discuss you need to be specific about those.

A motion was made in the affirmative by Ron Fallowfield to approve Special Use 23-03-SU-BZA. Motion was seconded by Keith Spurgeon. The Special Use Voting Sheet was read. Board members held discussion. The board members placed the following conditions: no more than 15 kennels maximum and the runs are to be on the field side of the property. **Roll Call Vote (5-0) Yes. Motion carried.**

MINDY BOURNE: This Special Use has been approved. You will get a letter from our office stating this was approved with these conditions. So you will have to meet these conditions.

VARIANCE:

DOCKET NO: 23-01-V-BZA

APPLICANT: Carly Carter

OWNER: Carly Gray

PREMISES: Lot 37 in Jones' Addition to the City of Mt. Vernon, Posey County, Indiana of Section 9, Township 7 South, Range 13 West, lying in Black Township, Posey County Indiana. More commonly known as 916 E. 5th Street, Mt. Vernon, Indiana. Containing 0.161 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 side yard setback from 5' to 4' and rear yard setback from 20' to 4' to build a 20' x 21' garage in an RT (Residential Townhouse) Zoning District under Section 153.044 (D) (1) (c) and 153.045 (B) (3) (a) 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.

CARLY CARTER: 916 E. 5th Street. Our garage was severely damaged due to arson and we are just asking to replace the current garage on the same concrete pad.

RON FALLOWFIELD: So it's the same layout as what was damaged?

CARLY CARTER: Yes.

LARRY WILLIAMS: Is there a concrete pad there now?

CARLY CARTER: Yes, it is.

MINDY BOURNE: The previous garage was considered a nonconforming structure. If it is destroyed by 50% or more it has to comply to current requirements.

RON FALLOWFIELD: This 4 foot on the alley side, is that of the rock of the alley or the edge of the alley easement?

MARK SEIB: It is more from the property line. It's 4' on the side and 4' on the alley. Which street does that face? That's the alley in between?

CARLY CARTER: Yes.

KEITH SPURGEON: Before the garage was damaged, were there any issues with getting in and out or with neighbors and parking?

CARLY CARTER: No.

LARRY WILLIAMS: You said it was damaged by arson?

CARLY CARTER: Yes, back in July. Someone came and put flammable liquid all over it and went into the garage and lit it on fire.

LARRY DROEGE: Maybe just clarify something for me, we are going from a 20' rear yard setback to 4', which I assume is between the alley and the garage. Is that correct?

MINDY BOURNE: Yes. It is currently 4'. The ordinance requires that it be 20' because that

is not an interior lot line. That is an alley, a public way.

KEITH SPURGEON: So it was 4' to begin with?

LARRY DROEGE: You are matching an existing footprint that was 4'.

MINDY BOURNE: 20' is what the Ordinance requires which would make them move it a great distance.

KEITH SPURGEON: I would guess there are other neighbors have garages placed similarly at the back of the lot.

CARLY CARTER: Yes, they all line up to the alley.

LARRY DROEGE: Is there concrete there down on the ground now that you want to put the new garage over?

CARLY CARTER: Yes.

LARRY WILLIAMS: Will there be outside lighting on the new garage that wasn't there before?

CARLY CARTER: No.

LARRY WILLIAMS: Are there any further questions from the board? Hearing none, 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? Hearing none we will close the public portion.

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

LARRY WILLIAMS: We will now open this application up to the board for discussion.

MARK SEIB: If it wouldn't be for the existing pad that was there and they lost it, I'm not sure I would say I would approve it. But with the existing pad and trying to build the exact same size structure over the top of it, makes it a little different.

LARRY WILLIAMS: It had been there for a long time.

LARRY DROEGE: That's my exact thoughts on it.

A motion was made in the affirmative by Mark Seib to approve Variance 23-01-V-BZA. Motion was seconded by Keith Spurgeon. The Variance Voting Sheet was read. Board members held discussion. **Roll Call Vote (5-0) Yes. Motion carried.**

MINDY BOURNE: This Variance has been approved. You will have to come back to the office to get an Improvement Location Permit before you start building the garage.

SPECIAL USE:
DOCKET NO: 23-03-SU-BZA

APPLICANT: Randy Spanner
OWNER: Randy Spanner
PREMISIS: Lots Numbered 9 and 10 of Country Manor, a Subdivision located in Section 24, Township 5 South, Range 14 West, Lynn Township, Posey County, Indiana, containing 1.04 acres, more or less. More commonly known as 2918 Rebecca Court, 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 a 30' x 40' 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.

RANDY SPANNER: 2912 Loren Drive, New Harmony. I want to build a building to put my cars in and if I'm doing any work like changing oil, brake jobs for myself...

LARRY WILLIAMS: Are you doing this for yourself or commercial?

RANDY SPANNER: No, it won't be commercial.

MARK SEIB: He owns both lots?

RANDY SPANNER: Yes sir.

MARK SEIB: Which lot are you going to put it on?

RANDY SPANNER: 2918 Rebecca Court which is next door to 2912 Loren Drive.

MARK SEIB: So you are wanting to put this on the lot with nothing on it?

RANDY SPANNER: Yes.

RON FALLOWFIELD: Are these joined lots?

RANDY SPANNER: No, they are separate.

KEITH SPURGEON: There is nothing on that spot now? The picture kind of shows a trailer there.

RANDY SPANNER: There was a mobile home there at one time.

MARK SEIB: Where are you going to place the structure?

RANDY SPANNER: 50' off of my property line and 25' off the road property line.

KEITH SPURGEON: It looks like you're putting it in the same spot that the trailer was?

RANDY SPANNER: Yes.

KEITH SPURGEON: Are you using the exact same pad?

RANDY SPANNER: No.

LARRY DROEGE: Will the drive be off of Rebecca Court or will you drive off your existing property?

RANDY SPANNER: It will be off Rebecca Court.

RON FALLOWFIELD: This is for personal use and not for a business?

RANDY SPANNER: Yes.

LARRY WILLIAMS: Will there be any outside lighting on the building?

RANDY SPANNER: Eventually, yes.

LARRY WILLIAMS: How close is your nearest neighbor?

RANDY SPANNER: There is an abandoned trailer next to me maybe 100-200 feet.

KEITH SPURGEON: Are you planning to build anything else on that lot?

RANDY SPANNER: Not at this time, no.

MARK SEIB: Did he need to come in for an application to meet the setbacks or are they all ok?

MINDY BOURNE: Yes, they are all ok.

LARRY WILLIAMS: And he is ok with the size of the pole barn?

MINDY BOURNE: Yes. The issue is the use of it because it is a vacant property.

LARRY WILLIAMS: Any further questions from the board? Hearing none, you may have a seat. We will open the application up for public comment. Is there anyone here wishing to speak for or against this application? Hearing none, we will close the public portion.

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

LARRY WILLIAMS: We will now open this application up to the board for discussion.

LARRY DROEGE: I don't have any real concerns with the building, but the location of the building is right on the front of the lot. If there ever was a home or wanted to build anything

else, it is going to have to be behind the pole barn. But that is not for me to judge.

A motion was made in the affirmative by Ron Fallowfield to approve Special Use 23-03-SU-BZA. Motion was seconded by Larry Droege. The Special Use Voting Sheet was read. Board members held discussion. **Roll Call Vote (5-0) Yes. Motion carried.**

MINDY BOURNE: This Special Use has been granted. You will need to come into the office to get your Improvement Location Permit before you start construction.

ADDITIONAL BUSINESS: Special Use Extension Docket #16-05-SU-BZA and 13-13-SU-BZA

MINDY BOURNE: This is a request for extensions of Special Use Permits for Midwest Fertilizer. They sent a letter saying: Midwest Fertilizer Company was granted two special use permits by the Posey County Board of Zoning Appeals, specifically #13-13-SU-BZA and #16-05-SU-BZA on October 10, 2013, and June 9, 2016, respectively. These permits have been extended multiple times by the Board since then. Most recently, on September 9, 2021, Midwest requested and was granted an 18-month extension of these Special Use Permits up to and through March 9, 2023. This letter is to serve as Midwest's request for an additional 18 month extension of both of the above noted Special Use Permits. If granted, this would extend each of the respective Special Use Permits up to about September 2024. Please contact me or Trent Van Haaften with any questions. Thank you for your consideration. Best Regards, Ausaf Qureshi.

RON FALLOWFIELD: It is highly unusual that we keep extending these this long.

MARK SEIB: I understand that concern, but this is a pretty big plant. There are a lot of circumstances that play into this. We've given them two extensions already and I think they are worthy of doing another one. If we do not grant this then they don't have the option.

LARRY WILLIAMS: I hate to be the one that stands in their way.

MARK SEIB: That is exactly right. I think that it is viable. I did talk with two of the three commissioners about this today. They both feel that it is still very viable.

LARRY WILLIAMS: Is there anyone here to speak on behalf of these extensions?

ATTORNEY TRENT VAN HAAFTEN: 204 Main Street. I have appeared before you on behalf of Midwest Fertilizer on this Special Use. I met with Les Wright who has probably been before some of you before in terms of the project. There's no question that there is a level of frustration across the board in terms of the time this is taking. But I think the key that I would pass on behalf of Midwest is they would not be asking for an extension if they didn't feel the extension was needed. I can also tell you that they are doing things terms of renewing various air permits and things of that nature. A project of this size every step is important and this Special Use is just one piece in a big picture. Things are moving forward. Not as fast as anybody would like, but I can tell you personally because I am doing some work on the real estate side for them, it is continuing to move forward.

RON FALLOWFIELD: We know State air permits are something else sometimes.

LARRY DROEGE: I wonder sometimes if part of the delays were caused by things they were waiting on and it was out of their control.

ATTORNEY TRENT VAN HAAFTEN: It's across the board in terms of what you encounter.

LARRY WILLIAMS: I don't think we can do harm to anybody except Midwest Fertilizer by not approving this.

RON FALLOWFIELD: I definitely feel we need to extend this.

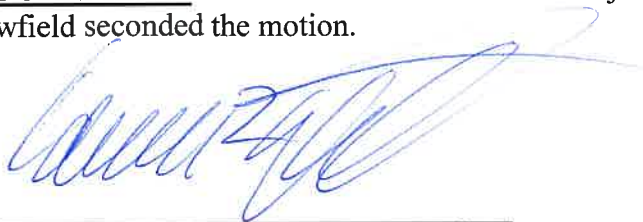
MARK SEIB: Agreed. I think there are a lot of circumstances like Mr. Van Haaften has pointed out. This is a very big project. Of course we all want a new company to come in and be here quickly.

KEITH SPURGEON: I appreciate having someone here to kind of explain what is going on. That helps a lot.

A motion was made in the affirmative by Mark Seib to approve an 18-month extension for Special Use 13-13-SU-BZA and 16-05-SU-BZA to expire September 2024. Motion was seconded by Ron Fallowfield. **Roll Call Vote (5-0) Yes. Motion carried.**

CITIZEN CONCERNS: None

ADJOURNMENT: Mark Seib made a motion to adjourn the meeting at 5:56 p.m. Ron Fallowfield seconded the motion.



Mr. Larry Williams, Chairperson



Mrs. Mindy Bourne, Executive Director

POSEY COUNTY SPECIAL USE VOTING SHEET

Posey County Board of Zoning Appeals
Report of Finding Fact

BZA NO: 23-02-54-BZA
Adam Neubauer

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

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

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

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

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

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

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

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

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

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

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

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

YES NO
0 5

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

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

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

NA
YES NO

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

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

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

YES NO
5 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 more than 15 max in kern 15
- runs be on feldside

*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 9th day of March, 20 23.

VARIANCE VOTING SHEET

POSEY COUNTY BOARD OF ZONING APPEALS

Report of Findings of Fact

BZA NO: 23-01-V-B2A

Carly Carter

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

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

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

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

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

4. Are these conditions general in the same zone?

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

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

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

YES NO

Adopted this 9th day of March 2023
(date)

POSEY COUNTY SPECIAL USE VOTING SHEET

Posey County Board of Zoning Appeals
Report of Finding Fact

BZA NO: 23-03-54-BZA

Randy Spence

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

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

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

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

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

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

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

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

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

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

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

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

YES NO

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

5 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:

*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 9th day of March, 2023.