

**MINUTES**

**POSEY COUNTY  
AREA PLAN COMMISSION  
REGULAR MEETING**

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

**APRIL 13, 2023  
6:00 P.M.**

**MEMBERS PRESENT:** Dr. Keith Spurgeon – Vice-President, Mr. Dave Dausman, Mr. Andy Hoehn, Mrs. Stefani Miller, Mr. Aaron B. Neufelder, Mr. Greg Newman, Mr. Mike Baehl, Mr. Trent Van Haaften – Attorney, Mrs. Mindy Bourne – Executive Director, Mrs. Becky Wolfe – Administrative Assistant.

**MEMBERS ABSENT:** Mr. Mark Seib-President, Mr. Joe Marvel and Mr. Randy Owens

**APPROVAL OF MINUTES:** Andy Hoehn made a motion in the affirmative to approve the minutes of the March 9, 2023, meeting as emailed. Motion seconded by Mike Baehl. **Motion carried.**

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**MINOR SUBDIVISION:**

DOCKET NO: 23-02-S-APC

APPLICANT: Addison Schmitt/Fred J. Kuester, Surveyor

OWNER: F & L Schmitt Farm, LLC

PREMISES: Part of the Southwest Quarter of Section 34, Township 4 South, Range 13 West, lying in Harmony Township, Posey County, Indiana. More commonly known as Goodman Road/SR 66, New Harmony, Indiana. Containing 1.64 acres more or less. (Complete legal description is on file at the Posey County Area Plan Commission Office).

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

Approval of Minor Subdivision Plat in an M-2 Zoning District under The Subdivision Control Ordinance of the City of Mount Vernon, the Town of Cynthiana, the Town of Poseyville and Unincorporated Posey County.

Dr. Spurgeon confirmed that no one on the board had a conflict of interest.

Dr. Spurgeon confirmed with Mindy Bourne that the applicant has met all the requirements for notification per the statute.

**ADDISON SCHMITT:** 9121 Damm Rd, Wadesville, IN 47638 and I am requesting permission for a Minor Subdivision. We want to place business on it, more specifically a welding and fabrication shop.

**MINDY BOURNE:** Addison was before you guys a month ago to rezone the property. This body recommended approval, then it went to County Commissioners. County Commissioners approved it. So now the next step for him is to split the parcel which requires the Minor Subdivision. If you approve this, then the last step for him is a Site Development Plan application which will have to come before the APC. Then he should be done. So this is the second step in the process.

**KEITH SPURGEON:** The parcel being split out is the parcel to the east, correct?

**MINDY BOURNE:** The 1.64-acre parcel. It must be done as a Minor because it is under two acres. It doesn't qualify as an Exempt Division.

**KEITH SPURGEON:** You may have a seat. We will open this application up for public comment. Is there anyone here wishing to speak for or against this application? Hearing and seeing none, we will close the public portion.

Dr. Spurgeon confirmed with Mindy Bourne that there had not been any phone calls, letters or emails concerning this application.

**KEITH SPURGEON:** We will then open it up to the board to discuss.

Andy Hoehn made a motion in the affirmative to give preliminary approval and to give Mindy Bourne the ability to give final approval after 30 days have elapsed. Motion was seconded by Mike Baehl. **Roll Call Vote (6-0). Yes. Motion passed.**

**MINDY BOURNE:** The Minor Subdivision has been preliminarily approved and 30 days must elapse before final approval. I have been authorized to sign off on it so you do not have to come back to this body. You will have to wait 30 days before it is officially approved, and it can be signed, and you can get it recorded.

**ADDISON SCHMITT:** Do I have to wait for the final approval before I can sign up for the Site Development Plan?

**MINDY BOURNE:** Actually, today was the deadline to file for the May meeting but you can get on the June meeting. May 11<sup>th</sup> is the filing deadline for the June 8<sup>th</sup> meeting. So, we will need to get you filed before then.

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**REPLAT:**

DOCKET NO: 23-03-S-APC

APPLICANT: Kelly Collins

OWNER: Kelly D. & Monica J. Collins

PREMISES: Lot 11 and part of Lot 10 in Company's Subdivision of Block 17 in the Company's Enlargement to the City of Mt. Vernon, Indiana of Section 5, Township 7 South, Range 13 West, lying in Black Township, Posey County, Indiana. More commonly known as 536 E. 10th Street & 540 E. 10<sup>th</sup> Street, Mt.

Vernon, Indiana. Containing .34 acres more or less. (Complete legal description is on file at the Posey County Area Plan Commission Office).

**APPLICANT/OWNER OF THE ABOVE-DESCRIBED PROPERTY HAS REQUESTED:**  
Approval of Replat of a Major Subdivision in a RT Zoning District under The Subdivision Control Ordinance of the City of Mount Vernon, the Town of Cynthiana, the Town of Poseyville and Unincorporated Posey County.

Dr. Spurgeon confirmed that no one on the board had a conflict of interest.

Dr. Spurgeon confirmed with Mindy Bourne that the applicant has met all the requirements for notification per the statute.

**KELLY COLLINS:** 536 E 10th St., Mt. Vernon, IN 47620. I am wanting to combine my two lots into one parcel to put up a pole barn.

**MINDY BOURNE:** His house is on lot 11 and part of lot 10 is vacant. That is where he wants to place the pole barn. He was before the BZA prior to this meeting because he also had to ask for a Variance for the placement of that building along the alleyway in the back. He wanted to keep it in line with his existing garage. The BZA approved contingent upon this approval from APC. In order to have an accessory structure he has to get these two lots combined because he can't place that structure on the separate lot without a residence.

**KEITH SPURGEON:** You may have a seat and we will open discussion to the public. Is there anyone here from the public who wishes to speak on this application? Hearing and seeing none, we will close the public portion.

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

**KEITH SPURGEON:** We will then open it up to the board to discuss.

**MINDY BOURNE:** This will require two approvals as well, a preliminary and a final.

Andy Hoehn made a motion in the affirmative to give preliminary approval and to give Mindy Bourne the ability to give final approval after 30 days have elapsed. Motion was seconded by Stefani Miller. **Roll Call Vote (6-0). Yes. Motion passed.**

**MINDY BOURNE:** This is preliminary approval and 30 days must elapse before final approval can be granted. They have authorized me to grant final approval at that time and then it can be signed and you may record it.

**KELLY COLLINS:** Do I have to wait 30 days before I can start on the barn?

**MINDY BOURNE:** Yes, it will need to be signed and recorded before you can file your Improvement Location Permit.

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**AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF MOUNT VERNON, THE TOWN OF CYNTHIANA, THE TOWN OF POSEYVILLE AND UNINCORPORATED POSEY COUNTY (TABLED FROM 2/9/23 MEETING):**

The Town of Poseyville proposes to amend the Ordinance by deleting “Residential Storage Structure” as a Special Exception Use within the Town of Poseyville under Section-153.147(B) (14) Use Unit 2 Area-Wide Special Exception Uses, Section 153.270-Definitions, and Appendix A, footnote “w” of the Ordinance.

**MINDY BOURNE:** They are wanting to basically take it back to how it was before the Amendment in 2014. In 2014 the residential storage structure was an amendment to the original Zoning Ordinance and all the jurisdictions agreed to it. So, this is taking back to the way it was originally written at the beginning and they didn’t allow any, you couldn’t do anything, you couldn’t file any Variances or Special Uses.

**KEITH SPURGEON:** You could still put one if you have a residence there?

**MINDY BOURNE:** Yes, if you have a residence there it is ok, you can’t take a vacant lot and put a residential storage structure on it.

**KEITH SPURGEON:** So, the process for tonight is if we approve this, then what happens?

**ATTORNEY TRENT VAN HAAFTEN:** What you have to do is either give a favorable recommendation or an unfavorable recommendation or no recommendation. It then goes back to the Poseyville Town Board, and they have the final say. If there is an approval, then it becomes a part of the Ordinance.

**KEITH SPURGEON:** Mike aren’t you on the Poseyville Council?

**MIKE BAEHL:** Yes, and it was a unanimous vote. Our lots are 66 feet wide by 135 feet long. We just finished a Habitat Home build, and the people should move in soon and it was built on 2000 square feet. They had to get Variances to put it closer. But they came to the Board of Zoning Appeals and got those. That’s the big reason our lots are wider by 66 feet which is wider than some lots typically are. I would say about 90% of Poseyville are like that. It would be advantageous for us if they would build houses on them and that is what we would like to see. That is the root of the whole thing, we want people to build houses.

**KEITH SPURGEON:** That is understandable. Are there any questions? And Cynthiana they have talked about this, and they did not want to change anything? Mount Vernon is the same way?

**MINDY BOURNE:** That is correct.

**KEITH SPURGEON:** So, we will entertain a motion.

**KEITH SPURGEON:** Are there any comments by the public? Hearing and seeing none, we will close the public portion.

Mike Baehl made a motion in the affirmative to make a favorable recommendation to the Town of Poseyville. Andy Hoehn seconded the motion. **Roll Call Vote (6-0). Yes. Motion passed.**

### **POSEY COUNTY COMPREHENSIVE PLAN**

**MINDY BOURNE:** The funding was approved by the County Council this past Tuesday. The Steering Committee is working on setting a date to get started. The sub-committee that we had has been dissolved and the Steering Committee will be carrying out the process from here. The sub-committee was the committee that was helping to decide which group we were going to use. I did receive an email today from Matthew O'Rourke that he is wanting to set up a meeting next week, like a kickoff, possibly Tuesday or Thursday with the Steering Committee. It would take about an hour, but he would like some of the APC members and APC staff. I know Mark is aware of this and I believe he stated he was going to send out an email to everyone to see which date works best for everyone.

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### **COMPLAINTS – TABLED:**

Luigs Road, Wadesville, IN (Hearten)  
600 Mill Street, Mt. Vernon, IN (Allen)  
418 W. 8<sup>th</sup> Street, Mt. Vernon, IN (Stewart)  
300 Washington Ave., Mt. Vernon, IN (Workin)

**KEITH SPURGEON:** Luigs Road, Wadesville.

**MINDY BOURNE:** This is the one that went to court. On March 9 we wanted Trent to send him a letter because there was one camper remaining. There were two in January. As of April 6, that second camper is now gone.

**ATTORNEY TRENT VAN HAAFTEN:** The complaint was there were people living there in a camper. When we went to court, he said no one was living there.

**KEITH SPURGEON:** So, at this point has the complaint been...

**ATTORNEY TRENT VAN HAAFTEN:** It has been adjudicated. We had a judgement so we've been waiting to see if we can come up with the judgement as well as I followed up about the other camper. It's now gone.

**KEITH SPURGEON:** So, the original complaint was about two separate campers, both of which have been removed?

**ATTORNEY TRENT VAN HAAFTEN:** Yes, and people living in the camper.

**KEITH SPURGEON:** So, can we say as far as the original complaint, that it has been resolved?

**ATTORNEY TRENT VAN HAAFTEN:** Yes.

**KEITH SPURGEON:** 600 Mill Street, Mt. Vernon

**ATTORNEY TRENT VAN HAAFTEN:** This is the one that you've been putting off. I will tell the board that we received a letter today from the City of Mt. Vernon that it has asked the APC to initiate... put together a proposal to amend the Ordinance to essentially remove the requirements of having an all-weather surface for parking which I think would directly address this complaint. It clearly violates the Ordinance as it exists now.

**DAVID DAUSMAN:** So, what you are saying is there is a discussion to change the city ordinance to where if I wanted to put a driveway next to my house in the city, it doesn't have to be a hard surface?

**ATTORNEY TRENT VAN HAAFTEN:** Correct. We received this afternoon a request from the city... the way the amendment process works with the Zoning Ordinance, an amendment can originate in the APC or it can originate from a legislative body. Just like we did with the one from Poseyville. They asked that we amend the Ordinance as it applies to the Town of Poseyville in regard to structures. So, when the local legislative body requests that, it then falls upon us to put together that amendment, the language of it that syncs up with the Ordinance. You then have a public hearing on it, the town votes on it to recommend it and then the APC votes on it much like the one from Poseyville tonight. If it originated with the local legislative body and once you've approved it, it goes back to the legislative body for final approval. Once they do it, it's done. What the APC has been asked to do as the Ordinance applies to the City of Mt. Vernon in this area is to remove that part of the all-weather surface.

**DAVID DAUSMAN:** If I'm going to build a house in a subdivision like Lawrence Subdivision, I can have a gravel driveway if we make this change?

**ATTORNEY TRENT VAN HAAFTEN:** David, I'm going to say at this point, is we just got the letter this afternoon. I have not had time to sit down and look to see how... I'm going to put together the language, I'm going to share it with the City's attorney so that we are on the same page and then proceed from there.

**MINDY BOURNE:** I'm the same way, I didn't read it word for word yet. I need to look at it. I know when this initially came about, we had discussions several years ago and we were looking at Zoning Districts. There were some Zoning Districts we thought were ok in and some that were not. We even had to go out to the county and allow it. If you allow it the Residential in Mt. Vernon, do you want it in the Residential in the county too. So, I don't know if what you're proposing is all the residential or not.

**KEITH SPURGEON:** Well, regarding this specific complaint, there's two issues involved here, there's the complaint and then there is a request that we have now officially received to change the Ordinance that would affect this complaint. It might be appropriate to table this to see what may eventually happen with the Ordinance.

Mike Baehl made a motion in the affirmative to table this complaint to the next meeting date. Motion was seconded by Andy Hoehn. **Roll Call Vote (6-0) Yes. Motion passed.**

**KEITH SPURGEON:** The next one up is 418 W. 8<sup>th</sup> St., Mt. Vernon.

**ATTORNEY TRENT VAN HAAFTEN:** This is a camper in the back yard. It is set for a court hearing on April 24, 2023. We have been having trouble getting service on the property owner. Looking at the recent pictures I am a little concerned that there is anyone there. In previous pictures there had been signs of life.

**ANDY HOEHN:** There had been a warrant out for the person who was living there, and he has been picked up.

**KEITH SPURGEON:** So, it is scheduled for court?

**ATTORNEY TRENT VAN HAAFTEN:** Yes, we are just trying to get him into court for the initial hearing.

**KEITH SPURGEON:** So, we want to table this then?

**ATTORNEY TRENT VAN HAAFTEN:** Yes, because there is nothing else that can be done.

**KEITH SPURGEON:** The next one is a new complaint at 300 Washington Ave., Mt. Vernon.

**MINDY BOURNE:** This was a new complaint about a red truck which was parked in the yard initially and I have a picture which was taken yesterday April 12<sup>th</sup> and it is now parked on the street. The property owner called the office on April 11<sup>th</sup>, Ed Workin said the truck would be moved from the yard today. This means the complaint has been resolved.

Dave Dausman made a motion in the affirmative to consider this complaint as resolved. Motion was seconded by Greg Newman. **Roll Call Vote (6-0) Yes. Motion passed.**

**DIRECTOR'S REPORT:** None.

**APPROVAL OF PAYROLL AND BILLS:** A motion was made in the affirmative by Andy Hoehn and seconded by Mike Baehl to approve payroll and bills for last month. **Motion carried.**

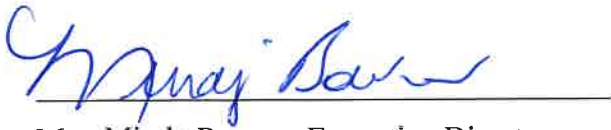
**REPORT OF COLLECTIONS:** A motion was made in the affirmative by Greg Newman and seconded by Andy Hoehn to approve collections. **Motion carried.**

**CITIZEN CONCERNS:** None

Mike Baehl made a motion to adjourn the meeting at 6:41 p.m. Motion was seconded by Andy Hoehn **Motion carried.**

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

Mr. Mark Seib – President

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

Mrs. Mindy Bourne, Executive Director