

MINUTES

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

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

**APRIL 13, 2023
5:00 P.M.**

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

MEMBERS ABSENT: Mr. Mark Seib and Mr. Larry Droege.

ATTORNEY BETH MCFADIN-HIGGINS: We do have a quorum present and are able to conduct business under certain guidelines, which is a majority of the board taking action together and not the majority of the members present. This would mean that all three members present would have to vote in favor or opposed to carry an action. With this situation, we have offered our applicants the opportunity that if you do not feel comfortable presenting your request to a board and know that you have to have 100% consent of the members present then we will allow you to table it to the next meeting. You can tell us that when we call your case or if you know that now, you can state that now so you do not have to stay for the rest of the meeting.

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 Keith Spurgeon. Roll Call Vote (3-0). **Motion carried.**

VARIANCE:

DOCKET NO: 23-02-V-BZA

APPLICANT: Kelly Collins

OWNER: Kelly D. & Monica J. Collins

PREMISIS: 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, Mt. Vernon, Indiana. Containing .34 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 25' to 10' for a 30' x 40' pole barn for proposed replat in an RT (Residential Townhouse) Zoning District Section 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 the requirements for notification per the statute.

KELLY COLLINS: 536 E 10th St., Mt. Vernon, IN. We would like to have the setbacks moved from 25' to

10' to build a 30 X 40 pole barn.

MINDY BOURNE: I am going to step in here to add some information. Kelly currently owns lot 11 and part of lot 10 in Company Subdivision, Block 17 in the Company's Enlargement. His house sits on lot 11 and part of lot 10. Lot 10 is only like 35' wide and it is vacant, nothing is sitting there right now. He wants to build the pole barn over there on that piece back behind his house. He is going before the APC at the next meeting at 6:00 PM to have them replatted. He can't build that on a vacant lot without the house. He is asking to get those replatted, but he is also wanting to place them in the back of his property and there is an alley that runs back there and he is asking to reduce the 25' setback to 10' on the alleyway.

RON FALLOWFIELD: From your notes on the map, I see there is no easements that would interfere with the build.

KELLY COLLINS: No sir, there is not.

LARRY WILLIAMS: It looks like there is a lot of room back there. Is there a reason you want to put it back that far?

KELLY COLLINS: I was just trying to match it up with my other garage to keep it looking nice with the neighborhood.

LARRY WILLIAMS: Are there any neighbors close by?

KELLY COLLINS: No, they are actually happy that is going in.

LARRY WILLIAMS: Will there be any lighting on the pole barn?

KELLY COLLINS: There may be a light at the entrance door, but that would be it. We have a big light along the alley. It will be kept nice and neat just like my yard now.

KEITH SPURGEON: Entrance door is on which side of the building?

KELLY COLLINS: It will be on the west side of the building.

KEITH SPURGEON: The side that your other garage is on?

KELLY COLLINS: Yes. The garage door will be facing my garage.

KEITH SPURGEON: It won't be coming off the alley?

KELLY COLLINS: It will be coming off the alley, but it will be facing my original garage. You can drive down the alley and right into it.

RON FALLOWFIELD: There's no door on the alley?

KELLY COLLINS: No sir.

LARRY WILLIAMS: Is this going to be used for storage?

KELLY COLLINS: To park my vehicle in and I like to tinker with welding and stuff so it's just kind of like my little retirement place.

KEITH SPURGEON: So the other part of lot 10 is owned by somebody else?

KELLY COLLINS: Yes. They have a privacy fence up on their side.

LARRY WILLIAMS: Is there a driveway to get back to the pole barn?

KELLY COLLINS: Yes sir. It's an alley.

LARRY WILLIAMS: Are there any further questions? Hearing none, you may have a seat. At this time we will 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 for comments, discussion or action by the board.

Ron Fallowfield made a motion in the affirmative to approve Docket #23-02-V-BZA subject to Area Plan approval. Motion was seconded by Keith Spurgeon. The Variance Voting Sheet was read. **Roll Call Vote (3-0). Yes. Motion carried.**

VARIANCE

DOCKET NO: 23-03-V-BZA

APPLICANT: Greg Kissel, Kissel Land Surveying

OWNER: Richard E. & Karyn S. Fischer

PREMISES: Part of the Southwest Quarter of the Northwest Quarter of Section 1, Township 7 South, Range 13 West, lying in Black Township, Posey County Indiana. More commonly known as 6500 Indian Mound Road, Mt. Vernon, Indiana. Containing 3.0 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 15' to 5' for existing pole barn and relaxation of side yard setback from 10' to 2.6' for existing pole barn for proposed Exempt I, Type E Division in an A (Agricultural) Zoning District under Section 153.033 (B) (2) (b) and 153.033 (B) (2) (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 the requirements for notification per the statute.

GREG KISSEL: 1263 E. 900 South, Ft. Branch. There are two parties involved. The north party is Fritschle, and the owner of this property is Fischer. Fritschle wants to purchase a portion of Fischer's ground which includes a pole barn, but the new proposed line is kind of close to the barn. It's actually 5' off of the newer pole barn and then 2.6 off of the older woodshed. For that reason, we have to obtain a Variance to create a new property line that close to the barn.

RON FALLOWFIELD: Everything is already existing, it's just a new property line?

GREG KISSEL: That's right.

MINDY BOURNE: What we would call a lot line adjustment between the two property owners is an Exempt Division. It does not require any type of board approval to do that because it is classified as an Exempt I Type E. It's amongst adjoining property owners, they are not creating a new building site. Basically, I look at them and I say they are ok, they get recorded and no board approvals. On this one basically it's going to create a nonconformity. When there's existing structures, we also must make sure those structures meet the current setbacks per the Zoning Ordinance.

ATTORNEY BETH MCFADIN HIGGINS: In other words, we can't take action on something that creates a nonconformity.

MINDY BOURNE: There's not much room to work with there.

KEITH SPURGEON: That was my thought, 2.6' is close. You can't set up a ladder.

GREG KISSEL: It is close. This is an 80- or 100-year-old barn and it's wood sided. Reality is that it may not stay in that spot forever. He didn't say that, but I would have to assume that it may not last forever.

LARRY WILLIAMS: Both parties are in agreement to do this?

GREG KISSEL: Yes, they want to do this.

KEITH SPURGEON: Any thought about notching out a little bit to have 5' instead of 2.6'?

GREG KISSEL: It was brought up, but the parties didn't want to do that.

KEITH SPURGEON: That works well with the existing owners, but if someone new buys the property there may be problems down the road.

MINDY BOURNE: Also, a little history on this property, there's floodplain. The neighbor to the north has talked to me about building a structure. Some of that property is considered floodway, which means it needs DNR approval. I guess what I'm trying to say is there's some restrictions on that parcel since it is in floodplain to build a new building. That may be why they want this building too because it's existing.

LARRY WILLIAMS: You said that is an old barn. If this barn falls down and they want to rebuild, will they have to stay within the 5'?

ATTORNEY BETH MCFADIN HIGGINS: In considering this you can make it specific to this building because this is what you're trying to avoid, the nonconforming. It's just like with anything, if they didn't have a Variance and it was nonconforming and the barn was damaged by more than 50% or removed, then the new barn would have to be in conformance. Because you are granting a Variance, that is something you can consider to say we are granting the Variance for these particular buildings. But if these buildings are removed or damaged more than 50%, that the new building needs to meet the proper setbacks.

LARRY WILLIAMS: And it looks like they have plenty of room to do that. 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 for comments, discussion or action by the board.

MINDY BOURNE: I want to remind you that these will be two different Variances. One is for the 15' to 5' and one for the 10' to 2.6'.

RON FALLOWFIELD: I am always very concerned when you cannot even put a ladder up for roof inspection. But with this situation I personally would be OK with it as long as we include the restrictions like Beth mentioned. Such as if it is taken down then anything new would have to follow the guidelines.

KEITH SPURGEON: Wouldn't you want to have that same restriction for both of those pole barns? I am not as concerned about the 5' but how old is that barn?

GREG KISSEL: I would estimate about 20 years.

RON FALLOWFIELD: At least with 5' you can get a ladder, probably a scissor lift but still can get something to get up on a roof, but with that 2.6 you can't.

KEITH SPURGEON: I couldn't even walk back there with 2.6'.

LARRY WILLIAMS: There would be plenty of room to move them if they came down and then get them into compliance.

RON FALLOWFIELD: With the flood plain, they are going to have a hard time getting anything if they come down.

LARRY WILLIAMS: That is the risk you take with living in a flood plain.

KEITH SPURGEON: What if a new owner wants to build a fence? You're not replacing the building but now you have a fence that is 2.6' away.

ATTORNEY BETH MCFADIN-HIGGINS: You will want to take these issues one at a time, so you will need to decide which one to address first. In discussion with Mindy, I was trying to determine if both properties were zoned the same and why they had two different side yard setbacks and is there something that is going to occur once this is all done that makes them different. She informed me that once the 5.98 acre will become part of the northern parcel which has a home on it, thus making the pole barn an accessory use for a residential. I want to make sure you all understand why there were two different setbacks but zoned the same.

RON FALLOWFIELD: Is this one lot or two lots?

ATTORNEY BETH MCFADIN-HIGGINS: It is currently owned by the Fischers because they are the applicants.

MINDY BOURNE: If you look at your GIS map, Fischers own this right now. They have the Ag building here, the grain bins and there used to be a house on the property. It has been torn down, so these are currently

Ag buildings. One of the Ag buildings is going to go with the house to the north. So therefore, it becomes an accessory residential use structure, which can have the 15' setback. Then the remaining Ag building, which is considered a non-residential use, has the 10' setback.

KEITH SPURGEON: I don't have a problem with the pole barn going with the residence and it be a 5' Variance on the setback. I do have a problem with the 2.6' that has me concerned. I understand that the parties right now are all in agreement and they are friendly neighbors now. If the ownership changes hands and someone puts a fence up there.

LARRY WILLIAMS: If the 2.6 is granted, if they put a fence up, don't they have be made aware of that before the fact?

MINDY BOURNE: A fence can be right on the property line.

ATTORNEY BETH MCFADIN-HIGGINS: If someone takes it, this will all be eventually recorded. If I am a new buyer of the Ag parcel, because that is going to be the person who is going to be most affected because they are only going to have 2.6' to potentially walk. If I buy it, the survey is going to be of record, he has to record the survey which shows this.

LARRY WILLIAMS: So, they can't come back and say I didn't know.

ATTORNEY BETH MCFADIN-HIGGINS: Well, this is of record, we can't say what people are going to say. Or claim or not claim.

GREG KISSEL: The parties are trying to make this happen. I know it is close. May I put some language in the transaction that would suggest in the transfer deed that the maintenance on the north side of the dwelling not to be hindered. Maybe there is some verbiage we can include in the transfer deed that would help the matter if that is a concern of the Planning Commission. That would be my compromise to help remedy the situation.

ATTORNEY BETH MCFADIN-HIGGINS: We don't have the authority to require that in a deed. We can put restrictions of use and how it is used.

RON FALLOWFIELD: I think that is sufficient. Since both parties want this, I guess that is why I am more likely to go with this. We have gone 2' before. Don't like to but we have.

KEITH SPURGEON: I think that would be helpful and it sounds like they would be willing to do that to try to make this happen.

LARRY WILLIAMS: Is there any action by the board?

Ron Fallowfield made a motion in the affirmative to approve Docket #23-03-V-BZA for setback from 10' to 2.6' for existing structure only. Motion was seconded by Keith Spurgeon. The Variance Voting Sheet was read. **Roll Call Vote (3-0). Yes. Motion carried.**

Keith Spurgeon made a motion in the affirmative to approve Docket #23-03-V-BZA for setback from 15' to 5'. Motion was seconded by Ron Fallowfield. The Variance Voting Sheet was read. **Roll Call Vote (3-0). Yes. Motion carried.**

MINDY BOURNE: These Variances have been approved. You just need to get the plat recorded.

SPECIAL USE:

DOCKET NO: 23-04-SU-BZA
APPLICANT: Chuck Gray, Mt. Vernon Water Department
OWNER: City of Mt. Vernon, Indiana
PREMISIS: A Part of the Northwest Quarter of Section 2, Township 7 South, Range 13 West in Black Township, Posey County, Indiana, containing 4.195 acres, more or less. More commonly known as 6300 Lamont 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 to construct a 48' x 100' storage building in an (A) Agricultural Zoning District Section 153.032 (B)(3) Use Unit 3 Public Protection and Utility Facilities and 153.148 (B)(9) 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 the requirements for notification per the statute.

CHUCK GRAY: Mt. Vernon Wastewater Superintendent, 123 College Avenue, Mt. Vernon. We've had to increase our chemical storage at the water treatment facility of water treatment chemicals and that has substantially misplaced our parts storage. What I would like to do is put up a building at the base of the water tower for water main repair parts.

LARRY WILLIAMS: This is just a pole barn structure?

CHUCK GRAY: Yes sir.

LARRY WILLIAMS: It doesn't look like there are any neighbors anywhere nearby.

RON FALLOWFIELD: The gravel drive is already there, correct?

CHUCK GRAY: Yes sir.

LARRY WILLIAMS: Will this building have any outside lighting on it?

CHUCK GRAY: 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 for comments, discussion or action by the board.

RON FALLOWFIELD: There aren't any neighbors and nothing is really involved with this.

KEITH SPURGEON: It looks pretty straight forward.

Ron Fallowfield made a motion in the affirmative to approve Docket #23-04-SU-BZA. Motion was seconded by Keith Spurgeon. The Special Use Voting Sheet was read. **Roll Call Vote (3-0). Yes. Motion carried.**

MINDY BOURNE: This Special Use has been approved. You will need to come into the office to get your Improvement Location Permit before starting construction on the building.

SPECIAL USE:

DOCKET NO: 23-05-SU-BZA
APPLICANT: Susie Basham, Alvey Sign Company
OWNER: Mt. Pleasant Cemetery
PREMISIS: Section 22, Township 6 South, Range 13 West in Black Township, Posey County, Indiana, containing 5.0 acres, more or less. More commonly known as 3801 Blackford Road East, 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 an identification sign in an (A) Agricultural Zoning District Section 153.032 (E) (2) 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 the requirements for notification per the statute.

SUSIE BASHAM: Alvey Sign Company, 13100 Highway 57 North, Evansville. Mt. Pleasant General Baptist Church is upgrading their sign in the front to give them a little more visibility. This is under the height restriction.

LARRY WILLIAMS: Is this a lighted sign?

SUSIE BASHAM: Yes, it is LED.

RON FALLOWFIELD: How far off the road will it be?

SUSIE BASHAM: It will be in the exact location that the old one is. I can't right now tell you.

RON FALLOWFIELD: Will it be on all night long?

SUSIE BASHAM: No, in the evening hours.

KEITH SPURGEON: You say that it is going in the same spot as the old sign?

SUSIE BASHAM: The old sign is being removed and it is going in the same location.

LARRY WILLIAMS: Are they the same size?

SUSIE BASHAM: This one is a little bit bigger than the one that is there. This one will be 7' tall and will be

30 square feet.

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 for comments, discussion or action by the board.

ATTORNEY BETH MCFADIN HIGGINS: This is not an electronic message board. This is just a lighted sign.

Ron Fallowfield made a motion in the affirmative to approve Docket #23-05-SU-BZA. Motion was seconded by Keith Spurgeon. The Special Use Voting Sheet was read. **Roll Call Vote (3-0). Yes. Motion carried.**

MINDY BOURNE: This Special Use has been approved. You will need to come in to get your Improvement Location Permit before you place it.

ADDITIONAL BUSINESS: None

CITIZEN CONCERNS: None

ADJOURNMENT: Keith Spurgeon made a motion to adjourn the meeting at 5:57 p.m.



Mr. Larry Williams, Chairperson

Mrs. Mindy Bourne, Executive Director

VARIANCE VOTING SHEET

POSEY COUNTY BOARD OF ZONING APPEALS Report of Findings of Fact

BZA NO: 23-02-V-BZA

Kelley D. & Monica J. Collins

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

Larry Droege	(<input type="checkbox"/>) NO	(<input type="checkbox"/>) YES*	Keith Spurgeon	(<input checked="" type="checkbox"/>) NO	(<input type="checkbox"/>) YES*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	(<input checked="" type="checkbox"/>) NO	(<input type="checkbox"/>) YES*	Larry Williams	(<input checked="" type="checkbox"/>) NO	(<input type="checkbox"/>) YES*	0	3
Mark Seib	(<input type="checkbox"/>) NO	(<input type="checkbox"/>) 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	(<input type="checkbox"/>) YES*	Keith Spurgeon	(<input checked="" type="checkbox"/>) NO	(<input type="checkbox"/>) YES*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	(<input checked="" type="checkbox"/>) NO	(<input type="checkbox"/>) YES*	Larry Williams	(<input checked="" type="checkbox"/>) NO	(<input type="checkbox"/>) YES*	0	3
Mark Seib	(<input type="checkbox"/>) NO	(<input type="checkbox"/>) YES*					

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

Larry Droege	(<input type="checkbox"/>) NO*	(<input checked="" type="checkbox"/>) YES	Keith Spurgeon	(<input type="checkbox"/>) NO*	(<input checked="" type="checkbox"/>) YES	<u>YES</u>	<u>NO</u>
Ron Fallowfield	(<input type="checkbox"/>) NO*	(<input checked="" type="checkbox"/>) YES	Larry Williams	(<input type="checkbox"/>) NO*	(<input checked="" type="checkbox"/>) YES	3	0
Mark Seib	(<input type="checkbox"/>) NO*	(<input type="checkbox"/>) YES					

4. Are these conditions general in the same zone?

Larry Droege	(<input type="checkbox"/>) NO	(<input type="checkbox"/>) YES*	Keith Spurgeon	(<input checked="" type="checkbox"/>) NO	(<input type="checkbox"/>) YES*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	(<input checked="" type="checkbox"/>) NO	(<input type="checkbox"/>) YES*	Larry Williams	(<input checked="" type="checkbox"/>) NO	(<input type="checkbox"/>) YES*	0	3
Mark Seib	(<input type="checkbox"/>) NO	(<input type="checkbox"/>) YES*					

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

Larry Droege	(<input type="checkbox"/>) NO*	(<input checked="" type="checkbox"/>) YES	Keith Spurgeon	(<input type="checkbox"/>) NO*	(<input checked="" type="checkbox"/>) YES	<u>YES</u>	<u>NO</u>
Ron Fallowfield	(<input type="checkbox"/>) NO*	(<input checked="" type="checkbox"/>) YES	Larry Williams	(<input type="checkbox"/>) NO*	(<input checked="" type="checkbox"/>) YES	3	0
Mark Seib	(<input type="checkbox"/>) NO*	(<input 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*	<u>0</u>	<u>3</u>
Mark Seib	() 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 13th day of April 2023

(date)

VARIANCE VOTING SHEET

POSEY COUNTY BOARD OF ZONING APPEALS Report of Findings of Fact

BZA NO: 23-03-V-BZA Subj. and Outblack from 10' to 2.6'
Plus Resub - Kernal Land Subdividing
Richard S. & Karen S. Fischer

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*	<u>0</u>	<u>3</u>
Mark Seib	() 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*	<u>0</u>	<u>3</u>
Mark Seib	() NO	() YES*					

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

Larry Droege	() NO*	() YES	Keith Spurgeon	() NO*	(<input checked="" type="checkbox"/>) YES	<u>YES</u>	<u>NO</u>
Ron Fallowfield	(<input checked="" type="checkbox"/>) NO*	(<input checked="" type="checkbox"/>) YES	Larry Williams	() NO*	(<input checked="" type="checkbox"/>) YES	<u>3</u>	<u>0</u>
Mark Seib	() NO*	() 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*	<u>0</u>	<u>3</u>
Mark Seib	() 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	<u>3</u>	<u>0</u>
Mark Seib	() NO*	() 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*	<u>0</u>	<u>3</u>
Mark Seib	() 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 13th day of April 2022

(date)

VARIANCE VOTING SHEET

POSEY COUNTY BOARD OF ZONING APPEALS

Report of Findings of Fact

BZA NO: 23-03-U-B2A Side yard setback from 15' to 5'
Joe Kessel, Kessel David Schweising, Richard S. Kessel, Fischer

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*	<u>0</u>	<u>3</u>
Mark Seib	() 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*	<u>0</u>	<u>3</u>
Mark Seib	() NO	() YES*					

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

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	<u>3</u>	<u>0</u>
Mark Seib	() NO*	() 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*	<u>0</u>	<u>3</u>
Mark Seib	() 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	<u>3</u>	<u>0</u>
Mark Seib	() NO*	() 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	3
Mark Seib	() 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 13th day of April 2023

(date)

**POSEY COUNTY
SPECIAL USE VOTING SHEET**

Posey County Board of Zoning Appeals
Report of Finding Fact

BZA NO: 23-04-SU-BZA
*Chuck Kuey, Mt. Vernon Water Department
City of Mt. Vernon*

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>3</u>	<u>0</u>
Mark Seib	() 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>3</u>	<u>0</u>
Mark Seib	() 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>3</u>	<u>0</u>
Mark Seib	() 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>3</u>	<u>0</u>
Mark Seib	() 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>3</u>	<u>0</u>
Mark Seib	() 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>3</u>	<u>0</u>
Mark Seib	() 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 3

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
3 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 13th day of April, 20 23.

**POSEY COUNTY
SPECIAL USE VOTING SHEET**

Posey County Board of Zoning Appeals
Report of Finding Fact

BZA NO: 23-05-511-BZA
Since Barham, Alamy Sign Company
Mt Pleasant Cemetery

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>3</u>	<u>0</u>
Mark Seib	() 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>3</u>	<u>0</u>
Mark Seib	() 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>3</u>	<u>0</u>
Mark Seib	() 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>3</u>	<u>0</u>
Mark Seib	() 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>3</u>	<u>0</u>
Mark Seib	() 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>3</u>	<u>0</u>
Mark Seib	() 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	0	3
Mark Seib	() 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*	Keith Spurgeon	() YES () NO*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	() YES () NO*	Larry Williams	() YES () NO*		
Mark Seib	() YES () NO*				

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

Larry Droege	(<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*	3	@
Mark Seib	() YES () NO*				

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

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 13th day of April, 20 23.