

MINUTES

POSEY COUNTY BOARD OF ZONING APPEALS REGULAR MEETING

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

MAY 11, 2023
5:00 P.M.

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

MEMBERS ABSENT: None

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 Larry Droege. **Roll Call Vote (5-0). Motion carried.**

VARIANCE:

DOCKET NO: 23-04-V-BZA

APPLICANT: David B. & Tina M. Long

OWNER: David B. & Tina M. Long

PREMISES: Part of the Southeast Quarter of the Northeast Quarter of Section 35, Township 5 South, Range 12 West of the Second Principal Meridian, lying in Robinson Township, Posey County Indiana. More commonly known as 10719 Downen Road, Wadesville, Indiana. Containing 2.0 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 placement of an inground pool in the side yard in an A (Agricultural) Zoning District under Section 153.024 (B) (7) of the Zoning Ordinance of the City of Mt. Vernon, Town of Cynthiana, Town of Poseyville and Unincorporated Posey County.

Mr. Williams confirmed no board members had any conflict of interest.

Mr. Williams confirmed with Mindy Bourne that the applicant met all the requirements for notification per the statute.

LARRY WILLIAMS: Who is here to speak on the application? Please step to the podium.

DAVID LONG: 10719 Downen Rd. We live down a gravel lane off Downen Road, by the old schoolhouse. We always thought that was our backyard because our house faces a little pond that we have on the property. We didn't realize that was considered our front yard, now it is considered a side yard we found out when we tried to do the application. That was where we wanted to put the pool when we got the new pool. People told us we might want to come down here and talk to you guys and make sure it is okay. We have two acres and the people across the lake have four acres. There is a wide gap in there where we are going to put the pool. I think we gave a drawing to Becky in the office when we applied for it.

LARRY WILLIAMS: Are pools in the county required to have a fence?

ATTORNEY BETH MCFADIN-HIGGINS: All pools must have a fence or a locking pool cover.

DAVID LONG: Our other plan is to put a 6-foot fence around the back side of it and a 4-foot aluminum fence around the side that faces the house between the house and the pool. But on the far side from our neighbors, it would be a six-foot privacy fence around that side. It would probably go halfway on one side and all the way around the back side of it.

LARRY WILLIAMS: Does anyone on this board have any questions?

MARK SEIB: Have you applied for the fence yet?

DAVID LONG: No. The fence company said once the pool got laid out and the concrete poured, they would come out and give us an estimate. We have already talked to 'Mr. Fence' in town about what it would cost to get the fence up.

MARK SEIB: You need to get a permit for that as well to put a fence up.

DAVID LONG: I thought the one lady said I didn't need one to put up a fence if it wasn't over 6 foot.

MINDY BOURNE: I bet he is talking about the Building Commissioners office because they do not require a permit for a fence.

DAVID LONG: I can't get it all together as one permit with the pool and fence together.

MARK SEIB: No, it must be separate. So, when you get everything laid out with your pool, then you need to apply for that.

LARRY WILLIAMS: Are there any further questions? You may have a seat. We will now open the floor up to discussion from the public. Does anyone have anything to say for or against this variance? Hearing and seeing none we will close the public portion.

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

LARRY WILLIAMS: We will now open it to the board for discussion and/or action.

RON FALLOWFIELD: Where he is at I don't see any issues with his side yard. He has plenty of ground.

MARK SEIB: He is plenty of feet away, plenty of room. It is unfortunate that the way his home lays that his back yard becomes his side yard.

KEITH SPURGEON: Beth what did you say about the fence, that he either had to have a fence or a?

ATTORNEY BETH MCFADIN: Either a fence or an automatic locking pool cover.

KEITH SPURGEON: Does the fence need to have a lock on it?

ATTORNEY BETH MCFADIN: The pool cover has to have a lock on it or it has to be completely surrounded by a fence with a gate.

Mark Seib made a motion in the affirmative to approve Docket No: 23-04-V-BZA. Motion seconded by Larry Droege. The Variance Voting Sheet. **Roll Call Vote (5-0). Motion carried.**

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

VARIANCE:

DOCKET NO: 23-05-V-BZA

APPLICANT: Scott E. Lewis

OWNER: Scott E. Lewis

PREMISES: Part of the Northeast Quarter of the Southeast Quarter of Section 19, Township 7 South, Range 12 West, lying in Marrs Township, Posey County Indiana. More commonly known as 9501 Caborn Road South, Mt. Vernon, Indiana. Containing 1.170 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 street side yard setback from 25' to 7' to build a 32' x 48' garage in an A (Agricultural) Zoning District under Section 153.033 (B) (1) (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.

LARRY WILLIAMS: Who is here to speak on the application? Please step to the podium.

SCOTT LEWIS: 9501 Caborn Road S., Mount Vernon, IN. I am proposing to build a new garage, barn whatever you want to call it. It will be 32' X 48'. The proposed barn would sit 7' from the property line on my property, which is roughly 20' – 21' from the road. My existing garage that is already there is roughly 14' from the property line. So with my existing structure that is already sitting there, I am just trying to improve.

LARRY WILLIAMS: So, are you going to take the existing structure down?

SCOTT LEWIS: Yes, that is correct.

LARRY WILLIAMS: Does it have a concrete pad or a dirt pad?

SCOTT LEWIS: There is a concrete pad. I cannot move the barn any further to the south due to the existing underground utilities. The intersection of Darnell and Caborn Road, should not be obstructed by the proposed barn. There are no utility easements on the property according to CenterPoint. There is obviously a natural gas line to the house, but where the proposed barn is going there is none. According to the Highway Department, they have a 20' easement from the center of the road. The barn would sit 30' from the center of the road.

LARRY WILLIAMS: This barn is for your personal use, not for anything commercial?

SCOTT LEWIS: Yes, personal use.

LARRY WILLIAMS: Is the driveway going into the barn will be off of Caborn, is that your existing driveway now that goes by your house then into the barn?

SCOTT LEWIS: Yes

LARRY DROEGE: So, there is not going to be any other drives on Darnell School, or none planned?

SCOTT LEWIS: No.

KEITH SPURGEON: You're putting this in the current garage spot where the existing garage is at?

SCOTT LEWIS: Correct.

KEITH SPURGEON: Did you say you were moving it a little bit?

SCOTT LEWIS: The new structure is going to be larger. It will have to go further to the north. To the south is my utilities. I want to keep it somewhat centered up with the driveway. That is kind of the only way I can do it.

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

SCOTT LEWIS: I will probably put some kind of dusk to dawn light up.

MARK SEIB: With the 7', is that enough for them to be able to see the line of site with the road?

SCOTT LEWIS: The 7' from the property line is roughly 20' from the road.

MARK SEIB: But that is from the center of the road?

SCOTT LEWIS: No that is from the edge of the road. According to the Assessor's website my property is 12-13' off of Darnell School Road which I did not know that until I started all of this.

MARK SEIB: So, you are saying that from the edge of Darnell School Road, you are 21' feet from the edge of the road to the edge of the building?

SCOTT LEWIS: Yes, it would be roughly 30' from the center of the road.

LARRY WILLIAMS: Any further questions from the board?

LARRY DROEGE: Scott, the property to the west of your barn is that a farm field?

SCOTT LEWIS: No, someone else owns it. John Breiner owns that and Andy Winiger farms it. But there is roughly about 60'-80' of yard yet that I mow and upkeep there is a pole barn and some grain bins there to the west.

LARRY WILLIAMS: Thank you, you can have a seat. We will now open the public portion. 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, phone calls or letters.

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

Ron Fallowfield made a motion in the affirmative to approve Docket #23-05-V-BZA. Motion was seconded by Mark Seib. The Variance Voting Sheet was read. **Roll Call Vote (5-0). Motion carried.**

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

VARIANCE:

DOCKET NO: 23-06-V-BZA

APPLICANT: Matthew Tepool

OWNER: Matthew J. & Christina Tepool

PREMISES: Lots 8 and 9 in George C. Wiley Subdivision to the Town of Poseyville of Section 19, Township 4 South, Range 12 West, lying in Robb Township, Posey County Indiana. More commonly known as 27 Fitzgerald Street, Poseyville, Indiana. Containing 0.26 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 street side yard setback from 25' to 12' to build an 8' x 12' deck on each side of an existing porch in an R-3 (Residential Multiple-Family) Zoning District under Section 153.049 (B)(1)(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.

LARRY WILLIAMS: Who is here to speak on the application? Please step to the podium.

MATHEW TEPOOL: 27 Fitzgerald St., Poseyville. We wish to construct a deck on both sides of the existing pad that is there now. That would cover the whole front or side of the house.

KEITH SPURGEON: So, you have like a concrete porch?

MATHEW TEPOOL: Right now, we just have a pad that the wife and I can sit on, but we are wanting to extend it on both sides, so we have more room to walk around and maybe have more people sit on.

KEITH SPURGEON: So, you have a concrete pad now and you want to put wooden decks on both sides.

MATHEW TEPOOL: I wanted to cover the whole area with a wooden deck including over the top of the concrete pad.

LARRY DROEGE: So, it will be an elevated deck off of the ground?

MATHEW TEPOOL: It might be 30 inches up. We want it level when you walk out the front door.

MARK SEIB: Is any of this going to be covered? You're not going to have any roof on it, or will it be an open deck?

MATHEW TEPOOL: Just an open deck.

MARK SEIB: I assume you will have rail siding around it?

MATHEW TEPOOL: Yes, we will have railing around it for safety.

RON FALLOWFIELD: And this is plenty off the street.

KEITH SPURGEON: So you are putting this all the way across?

MATHEW TEPOOL: Yes, all the way across.

LARRY DROEGE: So, there will be a step down off the deck there to your existing sidewalk?

MATHEW TEPOOL: Yes.

LARRY WILLIAMS: Does anyone else have anything? You may have a seat. We will now open the public portion. Is there anyone 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, phone calls or letters.

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

RON FALLOWFIELD: I drove by this and there is plenty of room for what he is asking for.

LARRY DROEGE: Matt, I should have asked you this before. But there is a note that says no easements, so there is none? No utilities or poles you must work around.

MATHEW TEPOOL: Yes, that is correct.

CHRISTINA TEPOOL: I have a question, is it better to have a metal rail or a wood rail? It is going to come up the side.

RON FALLOWFIELD: That is your preference.

LARRY WILLIAMS: A metal one would last longer, I think.

MARK SEIB: We were just talking that in the application it said he was going to do two decks, but in reality, he is going to make it all one deck. I don't think that it makes a difference in the process. I know Keith brought it to my attention that it wasn't a two deck but actually one deck.

CHRISTINA TEPOOL: 27 S. Fitzgerald St. I have a question, there is a sidewalk that comes up the side there that meets up to that deck. If Matt wants to in the future, can he take that sidewalk up and just plant grass there? Can he do that?

MARK SEIB: Is it on city property?

CHRISTINA TEPOOL: It is our property.

MARK SEIB: If it is on your property, then I would think you can do what you want on there. But that might make it tough if you are trying to go out the front door.

CHRISTINA TEPOOL: It would be on the side; we wouldn't use that sidewalk.

LARRY WILLIAMS: If it is on your property, you can plant whatever you want too as long as it is legal.

RON FALLOWFIELD: As long as it is not a pedestrian sidewalk it is yours.

LARRY DROEGE: There are no curbs down there on that end of town Christina are there?

CHRISTINA TEPOOL: No, just a fire hydrant.

ATTORNEY BETH MCFADIN-HIGGINS: As you anticipate a motion, because the application is to build an 8' x 12' deck on each side, you can clarify that it is now in your motion that it is a continuous 30' X 8' wood deck.

Mark Seib made a motion in the affirmative to approve Docket #23-06-V-BZA and make a correction to the application that instead of two decks that are 8' X 12' it would be one continuous wooden deck 30' X 8'. Motion seconded by Keith Spurgeon. The Variance Voting Sheet was read. **Roll Call Vote (5-0). Motion carried.**

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

ADDITIONAL BUSINESS:

ATTORNEY BETH MCFADIN-HIGGINS: Next month, at the June meeting, you will have a matter that comes before you. Typically, you're used to hearing Variances and Special Uses and that type of thing, but your Zoning Ordinance in the State Statute also gives you, as the BZA, the authority to hear Administrative Appeals. Administrative appeals is something that if someone comes in and they ask staff, Mindy, the Director to issue a permit or make a decision and she makes that decision in her normal course of business which she does every day, and they don't think that is correct or they have an issue with it, then they have the ability within 10 days of receiving the notice of that decision or like no permit issued to file an appeal, an Administrative Appeal. And as the BZA you are the body that receives that appeal. So, in April there were some emails exchanged with Mindy's office and an applicant who wanted I think to apply for an Improvement Location Permit and Mindy made some decisions. Then there was an email that was received, and we are going to anticipate that that email was an appeal. They had a copy of the section of the ordinance which said appeal and they had highlighted it in yellow. So, we are going to consider that as a timely appeal. Moving forward, how that happens is the board, so tonight you would just require that Mindy prepare what we call a certified record. That is just a certified copy of anything that's in her file that deals with this. Then there has to be a notice put in the newspaper since that appeal was filed before today which is the cut off for the June meeting just like there is going to be a public hearing on that. Now under the Administrative Appeal you do not have to give notice to adjoining landowners, but it is notice of a public hearing. Under your rules, the applicant or the

owner of the property is responsible for the cost of that legal notice. Just like every other application that is made. So that will be noticed for the next hearing, as we always say, if you file it by today, it will be put on next months' agenda. So, I wanted to let you know that. In addition, just important, the State Statute does say a person may not communicate with any member of the BZA before the hearing to influence the member's action. So regardless if it is the owner, a third party, a neighbor, anybody, and this applies to all your cases. Not just this, but to all of them. Is that you should not have any communication with anyone because the decision that is made is from the information that is given during that hearing and you're questioning during that hearing. So, the certified records will be sent out. The statute does say five days before the hearing. Staff can give an opinion or a recommendation on that. Once you receive the certified record, it will be delivered to you and you request any other information, if you will let me know I will send out letters. So, after tonight's meeting when we set this, then I will be sending the owner and Mindy a letter saying that it is going to be set for hearing and you will hear the information as to that. We will review this at the time of the hearing. You may affirm, modify or rescind whatever decision was made by the staff. So, I just wanted to let you know that is on the agenda because it is going to be a little bit different. I think this is the first appeal that we have had from any kind of decision. Just wanted to let you know that it was coming up in June. At the June 8th meeting. We will be sending out a notice to the owner as well as getting the public notice in the newspaper.

LARRY DROEGE: Will be getting the correspondence before the notice comes out in the paper, as BZA members?

ATTORNEY BETH MCFADIN-HIGGINS: When do you normally send in the notices?

MINDY BOURNE: Tomorrow. We have 10 days prior to the meeting that is to be publicized.

ATTORNEY BETH MCFADIN-HIGGINS: The certified copies and that is anything on file at the APC office. So, I think it will probably be in the paper next Tuesday or the next Tuesday.

LARRY WILLIAMS: So, you said we shouldn't have any conversations with the person making the appeal, what about Mindy?

ATTORNEY BETH MCFADIN-HIGGINS: No, and that is not just the person making the appeal, it is with anyone. The statute says a person may not communicate, it doesn't matter if it is a neighbor, elected official it is anyone. No one should have any communication with you in regard to that appeal. If you happen to get a call, you can just say you can't talk to you about this.

LARRY DROEGE: We don't know what it is, so I don't know how to even answer that if someone even called me and it was going to be casual conversation.

LARRY WILLIAMS: Any time anyone wants to talk to you about something that is going to be heard, you just shouldn't talk to them.

LARRY DROEGE: That was why I wanted to know how long before we would receive the information and have some knowledge of what was going on.

ATTORNEY BETH MCFADIN-HIGGINS: Mindy, do you know the names?

MINDY BOURNE: Robert and Deena Stolz, the property address is 9023 Schroeder Court.

ATTORNEY BETH MCFADIN-HIGGINS: The general information is regarding a mobile home.

DEENA STOLZ: Will we be allowed to enter papers into the record that I want to share with them because we have not been allowed to share any information.

ATTORNEY BETH MCFADIN-HIGGINS: Are you the Stolz's?

ROBERT STOLZ: Yes, we are Robert and Deena Stolz, we are the property owners.

ATTORNEY BETH MCFADIN-HIGGINS: So, at that time you can present anything if you want anything to be presented to the BZA, to the five members then yes you would want to file that because everything needs to be in the record, and they would prefer to have that at least five days prior to the hearing.

DEENA STOLZ: I have copies here.

ATTORNEY BETH MCFADIN-HIGGINS: If you want to file that we can show it as being filed. 15 pages have been presented, some are front and back but there are 15 pages total and will be included in the certified record. Looks like an email, a property card record, a plat and photographs.

DEENA STOLZ: Will we get a copy?

ATTORNEY BETH MCFADIN-HIGGINS: You may request a copy. I am just making sure your full email address is not on here. But we will mail it. Is this your correct mailing address? What is your mailing address.

DEENA STOLZ: 5246 S. Bohleber Road, Evansville, IN 47712.

ATTORNEY BETH MCFADIN-HIGGINS: I just wanted you to know that and about not having conversations just in case anyone does reach out.

LARRY WILLIAMS: Is there any other additional business?

CITIZEN CONCERNS: Does anyone else want to address the board?

DEENA STOLZ: I have some concerns.

LARRY WILLIAMS: I am sorry?

DEENA STOLZ: I have some concerns.

LARRY WILLIAMS: If it is about this issue, we can't hear it. We will have to hear it at the next meeting after it has been published.

DEENA STOLZ: Are we going to get a (inaudible), we have not been told any of this.

LARRY WILLIAMS: I think she just explained the process.

ATTORNEY BETH MCFADIN-HIGGINS: So, the next, when we have the hearing, then you will make a statement. You can make a statement or anyone on your behalf may make a statement at that time. You certainly will have that opportunity. To do that, we must convene a hearing and receive all of the information during that hearing.

LARRY WILLIAMS: It is just like the people who did before. We will call you up to the stand and there will be questions.

DEENA STOLZ: I understand that. We tried to do that the (inaudible) I tried to do that, but we weren't allowed to. That is my concern.

LARRY WILLIAMS: We when it is on the agenda, we will let you speak your mind.

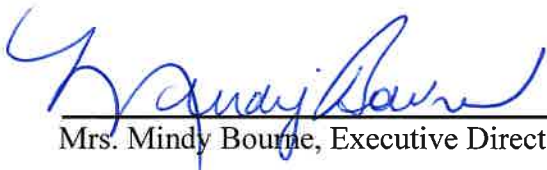
DEENA STOLZ: Both of us, myself, and her.

LARRY WILLIAMS: We will call the people involved in it, we will also open it up to the public comments on that issue. They will have time to speak as well. Any other citizens concern?

Ron Fallowfield made a motion to adjourn the meeting at 5:47 p.m. Larry Droege seconded the motion.



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: 23-04-V-BZA

David B. & Tina M. Long

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					

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

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*					

***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 11th day of May 2023

(date)

VARIANCE VOTING SHEET

POSEY COUNTY BOARD OF ZONING APPEALS Report of Findings of Fact

BZA NO: 23-05-V-BZA
Scott E. Lewis

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					

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

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

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

YES NO
0 5

***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 11th day of May 2023
(date)

VARIANCE VOTING SHEET

POSEY COUNTY BOARD OF ZONING APPEALS Report of Findings of Fact

BZA NO: 23-06-V-BZA

Matthew J. & Christina Tepool

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*	<u>0</u>	<u>5</u>
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*	<u>0</u>	<u>5</u>
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	<u>5</u>	<u>0</u>
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*	<u>0</u>	<u>5</u>
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	<u>5</u>	<u>0</u>
Mark Seib	() NO*	(<input checked="" type="checkbox"/>) YES					

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

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

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

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

is hereby granted _____ (☒)

is hereby denied _____ ()

subject to any conditions stated in the minutes of the Board, and incorporated herein and made a part of the decision. Adopted this 11th day of May 2023

(date)