

MINUTES

POSEY COUNTY BOARD OF ZONING APPEALS REGULAR MEETING

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

SEPTEMBER 14, 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. Taylor Elmendorf-Administrative Assistant

MEMBERS ABSENT: None

Mr. Williams welcomed the new Administrative Assistant, Taylor Elmendorf.

Mrs. Bourne explained the Minutes from the August meeting were complete but had not been forwarded to the board because she had not had the opportunity to review them.

VARIANCE:

DOCKET NO: 23-10-V-BZA
APPLICANT: Laura Frisby
OWNER: Laura L. & Marion Wayne Frisby
PREMISES: West 1/2 Northeast Quarter Section 24, Township 6 South, Range 13 West, lying in Black Township, Posey County Indiana. More commonly known as 5701 Blackford Road East, Mt. Vernon, Indiana. Containing 6.22 acres more or less. (Complete legal description is on file at the Posey County Area Plan Commission Office).

NATURE OF CASE: Applicant requests a Variance for placement of an above ground 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 behalf of the application? Please step to the podium and state your name and address.

LAURA FRISBY: 5701 Blackford Road East, Mt. Vernon, Indiana. The Variance is to install an above ground pool on our property. According to the ordinance, what we consider our back yard is declared to be our side yard. We had to file a variance to get permission to get it installed.

LARRY WILLIAMS: Any questions from the board?

MARK SEIB: No question, it is just one of those unfortunate sticklers that we have in an ordinance. I am sorry that you had to fall into that hole. But the setback that you have is a lot of area so I don't think that is any kind of an issue. Unfortunately, I live on a corner lot as well and I have the same stipulations that would apply to me as well. Thank you for following the guidelines and asking for a variance.

LAURA FRISBY: May I make a comment about this ordinance? It is my understanding that since it was adopted a few years ago it has been an ongoing problem and people in a situation like me, it is costing me double of what it would have for just a permit. It is pretty obvious that is our back yard, our home, driveway and mailbox are facing Blackford. There is a thirty foot difference that has caused all of this. No offense to anyone on this board but I have to have permission from all of our neighbors and three of those property owners are fields. Only one neighbor across the street to install a pool on my property, but at some point we are going to have solar panels on three sides of our property and I have nothing to say about that. So I would like for you guys to at least look at the ordinance so that people do not have to go through this for a pool. I don't know how you can change it, I was under the impression that it was going to be altered at some point and it has been a problem for a lot of people.

LARRY WILLIAMS: It is my understanding that it is on the Area Plan agenda to be looked at the ordinances late next year. They are the recommending body and then to the legislative body and it would be up to them. But yes we are aware of the problem and they are too.

LAURA FRISBY: I just want to make sure it is looked at for other people who come after me.

Mr. Williams opened up the floor for public comment. Hearing none, the public comment portion was closed.

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

Mr. Williams opened up the floor to the board for discussion and or action.

RON FALLOWFIELD: I know corner lots are an issue and I pray that they take a look at the issue next year, but it is obvious that this is her back yard and McKinnies Road is just right here.

LARRY DROEGE: There is plenty of acreage. 6.22 acres.

Ron Fallowfield made a motion in the affirmative to approve Docket No. 23-10-V-BZA. Motion seconded by Larry Droege.

The Variance Voting sheet was read by Mrs. Mindy Bourne. 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: 23-11-V-BZA

APPLICANT: Gary White

OWNER: Gary & Diana White

PREMISES: Lots four (4) and five (5) Mann's Addition of William Nettleton's Enlargement to Mt. Vernon, Indiana. Section 8, Township 7 South, Range 13 West, lying in Black Township, City of Mt. Vernon, Posey County Indiana. More commonly known as 1002 W. 3rd St., Mt. Vernon, Indiana. Containing .16 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 6' to place a carport in an RT (Residential Townhouse) Zoning District under Section 153.045 (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 behalf of the application? Please step to the podium and state your name and address.

GARY WHITE: 1002 W. 3rd St., Mount Vernon, Indiana. I am filing a variance to put a carport in the back yard because of the side street is supposed to be 25 foot set back and I am asking for a variance 6 foot to put a 16 X 24 foot carport. There is a 20 foot square concrete pad already there and I have a 6 foot chain link pad around the yard.

RON FALLOWFIELD: Is this a portable type of carport?

GARY WHITE: It is the kind you see in town. All four sides are open and it has a roof on it.

RON FALLOWFIELD: So it is going to be open?

GARY WHITE: Yes.

KEITH SPURGEON: You are using the concrete pad that is already there?

GARY WHITE: Yes, the concrete pad is already there. It is actually 6 foot off the property line.

MARK SEIB: Are you going to access it from Mann Street?

GARY WHITE: Yes, from Mann Street. I do have a double ten foot gate that opens up right there. So it is the actual driveway right there.

MARK SEIB: There is a cut in the curb and everything?

GARY WHITE: There is not sidewalk there.

MARK SEIB: No sidewalk, no curb, no nothing?

GARY WHITE: There was many years ago, but it has been all broken up and it is just gravel there now.

MINDY BOURNE: In 2013 you received a Variance.

GARY WHITE: I put in a 14 X 24 building in the back yard about ten years ago. I basically wanted to do the same thing because of the setbacks on it. It is 9 feet off the property line.

MINDY BOURNE: The 14 X 24 building which is south of where he is proposing the carport and was allowed by Variance in 2013, to be nine feet off of Mann Street.

MARK SEIB: Does the house sit 6 feet off of the property line and he is asking for the same thing for the carport?

GARY WHITE: Yes.

LARRY WILLIAMS: Is there anything on the concrete pad now?

GARY WHITE: There is just one of those little portable gazebo things with a tarp roof and I will take that off of there is what I am going to do. Just a sun shade is all that it is. Sitting on the pad right now.

MARK SEIB: How are they getting on lot coverage?

MINDY BOURNE: I had calculated that and he will essentially be at his limit. According to my calculations he can cover 2100 square feet and with the new structure it will be at 1906 square feet. I did discuss that with him.

KEITH SPURGEON: The other buildings on the property are they portable buildings? There is a 10 x 24.

GARY WHITE: Yes, there are. They are set on concrete blocks.

KEITH SPURGEON: So they are basically a yard barn or something similar.

GARY WHITE: The 10 X 24 is actually considered a portable garage.

KEITH SPURGEON: So all of the buildings besides your house are considered portable?

GARY WHITE: Yes.

LARRY WILLIAMS: Is there anything else? You may have a seat sir. At this time we will open up the public portion for public comments. Is there anyone here wishing to making any comments for or against this application? Hearing and seeing no one, we will move to close the public portion.

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

Mr. Williams opened up the floor to the board for discussion and or action.

MARK SEIB: My only concern is the city giving him approval to have access to come off of the street. I feel you would have to check with them on that to make sure that is a legitimate entrance coming off the street.

LARRY WILLIAMS: Would we need to make that contingent for approval?

MARK SEIB: I think we could. He would need to bring a letter or something or a phone call from the city saying it is approved or OK. I would not want the city to come back to us and inform us that it is not a legitimate entrance into it and we had approved it.

ATTORNEY BETH MCFADEN HIGGINS: I believe what they would look at is they have a street cut permit. So an answer to that would be just a call to the street department for the City of Mt. Vernon to show them or meet with them and a phone call from them saying that a street cut permit is not necessary or it is necessary. That is what would be necessary would be a street cut permit and just a verification of whether a street cut permit is necessary.

GARY WHITE: *Inaudible from the audience.*

KEITH SPURGEON: If you get that 6 feet from the concrete pad and the street....

GARY WHITE: That is 6 feet from the property line. From the property line to the street there is a probably another 10-12 feet of area that belongs to the city before you even get to the pavement.

KEITH SPURGEON: So between the carport and the street do you have any gravel there? It looks like you have some off street parking.

GARY WHITE: There is some gravel there, it needs to be redone but there is some gravel

there.

KEITH SPURGEON: Will you need to put more gravel then if you are going to use that as a carport?

GARY WHITE: It is pretty much level right there now.

LARRY WILLIAMS: Doesn't the city have requirements there about it being a hard surface going up to the street?

ATTORNEY BETH MCFADIN-HIGGINS: It is existing gravel.

GARY WHITE: It is existing gravel, yes.

LARRY WILLIAMS: I just wanted to make sure.

RON FALLOWFIELD: The concrete pad is already there, it is obviously used as a driveway before.

GARY WHITE: It has been used as a driveway in the 15 years I have been there.

KEITH SPURGEON: Did you say your property was outlined by a fence? Is there any breaks there are the carport?

GARY WHITE: Yes, my fence is 1 foot in around the property line.

LARRY WILLIAMS: So will you have a gate there?

GARY WHITE: There are two gates there which open up in the center. They are 10 foot gates it opens 20 foot wide. It is what you call a designated driveway.

Mark Seib made a motion in the affirmative to approve Docket No. 23-11-V-BZA with the stipulation they check with the city concerning a Street Cut Permit requirements. Motion seconded by Larry Droege.

The Variance Voting sheet was read by Mrs. Mindy Bourne. Roll Call Vote (5-0). **Motion carried.**

MINDY BOURNE: This Variance has been approved with the stipulation that you check with the street department and they give you a letter or call my office. You will need to come into the office to get your Improvement Location Permit before starting construction.

VARIANCE

DOCKET NO: 23-12-V-BZA
APPLICANT: Laird Davis, Larry Davis & Lonna Berridge
OWNER: James F. Davis Trust
PREMISES: NE portion of Lot 1, Blk 19 in Company's Enlargement to the City of Mt. Vernon & Southeast Quarter Section 5 Township 7 South, Range 13 West, lying in Black Township, Posey County, Indiana. More commonly known as 608 E. Grant St. Mt. Vernon, Indiana. Containing 2.56 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 20' to 17' (for existing residence/attached garage) and relaxation of rear yard setback from 5' to 3' (for existing detached garage) and relaxation of rear yard setback from 20' to 7.3' (for existing wood barn) for proposed Lot 1A and relaxation of front yard setback from 10' to 3' and relaxation of side yard setback from 10' to 9.6' (for existing office/residence) for proposed Lot 1B in an CG (Commercial General) Zoning District under Section 153.087 (B)(2)(c), 153.086 (E)(1)(c), 153.087(B)(3)(b), Section 153.087(B)(1)(b) and Section 153.087(B)(2)(a) under the Zoning Ordinance of the City of Mt. Vernon, Town of Cynthia, 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 behalf of the application? Please step to the podium and state your name and address.

MINDY BOURNE: I just wanted to add that the applicants will be appearing before the APC meeting this evening and I will let the Surveyor speak first before I add more information.

GREG KIESEL: Kiesel Surveying, 1263 E 900 South, Ft. Branch, Indiana. I am the surveyor working with them to get this divided. There is about 2.5 acres that is actually in Mt. Vernon. Kind of an unusual large piece of ground in town. It is currently in a trust and I believe they are wanting to move forward and put the 2.5 acres into 2 different parcels. One parcel being relatively half in size. There are multiple buildings on this piece of property and really multiple residences on this property or could be residences. They are wanting to divide the line in a practical manner and some of the buildings are close to each other. To put the line in a dividing location they want to it is not very far from some buildings for that reason we are here at this point in trying to get the property divided and to get it divided the line is close to buildings so we are asking for the variances.

MINDY BOURNE: This is going to APC to divide the property at the meeting after this at 6. However, like he said when you put the line in there they don't meet setbacks to that new line.

So that is what he is here for now. If you recall, this is very similar or almost the same thing that happened with Mr. Schelhorn in Blackford Lake Estates last year.

GREG KIESEL: I might add that the variance location is the line between the two parties involved with this. It is not a side piece of property. It is between each other, if that makes sense.

LARRY DROEGE: Has the property already been rezoned from residential to commercial?

MINDY BOURNE: They are not petitioning to have the property rezoned right now, because I don't even know what the property is going to be used for. We don't know what it is going to be used for, but it is currently zoned at CG.

LARRY WILLIAMS: How do these areas compare with other properties in the area of new proposed variances?

GREG KIESEL: Probably a unique situation. Because it almost looks like a farm in the city. It is an old wood shed or wood barn. There is probably not another circumstance like this around, to tell you the truth.

MARK SEIB: So this one for lot 1B, it shows a porch coming off of the office. Is that three foot from the end of the porch or is it three foot from the building side?

GREG KIESEL: It would be three feet from the porch. So the actual face of the building will be bigger than three feet.

MINDY BOURNE: This variance is for from that porch?

MARK SEIB: What I am getting at is if you have three feet, you can't do much with three feet and much of a construction, repair or maintenance on three foot. That is what I was looking at, three foot from the porch and a little bit more. It is all tight. If you move it over anymore, you running into that other garage.

GREG KIESEL: If I might add to that we do show an easement in front of that three foot. They are using the access actually Grant Street that they could use to get around you could say.

MARK SEIB: So where is Grant Street.

GREG KIESEL: North west or to the top left of your map.

MARK SEIB: So they are going to access it from that with an easement through lot 1A.

GREG KIESEL: That is correct.

MARK SEIB: And they are going to dump that into the northwest corner of lot 1B? The road would come in, but how wide is that from the house or the office to the west line that divides lot

1B and 1A? Is that three feet? I can't read that number.

GREG KIESEL: If you pinpoint where you are talking at, maybe I can help Mr. Seib.

MARK SEIB: Come here and I will show you. I am talking over here at this part on the office. How much space is in between it? Is this not correct?

GREG KIESEL: It is probably 9.6 feet from the building to the west lot line.

MARK SEIB: And you are bringing the access in for the road along here. What I am getting at is that you if it was less than that area you couldn't get a car down beside it and stay on the property?

KEITH SPURGEON: So that is one residence/office and is that the other residence, and that is the wood barn?

GREG KIESEL: Yes.

MINDY BOURNE: It was a big job to figure out all of these variances.

MARK SEIB: I believe we are all trying to just understand where everything is and where the access is for driving in and being on the property. I understand your saying it is all the same owners and being a family but we have to look at it as if sometime a lot is sold.

ATTORNEY BETH MCFADIN-HIGGINS: Returning to your question about all of these variances as to if you can take them as one or separately? Most of the time we vote on each one of them separately. But in this particular case because they are trying to subdivide, if you don't approve one of them it will cause a problem with the subdivision. So this is almost a package deal on the variances because you are going to make any motion subject to approval of the replat by the Area Plan Commission. If we take it doesn't really move anything forward but if you take each variance separately and you end up removing three but not one then he is going to have to go back and do a replat to somehow carve it out the variance you don't approve. So all of the variances are needed to get to part 2 which is the replat as it is on your drawing now.

GREG KIESEL: I might add one more thing when I hear your concerns about if I purchase parcel 1B and I am having trouble getting along the west side of the building to the back, the easement that we have created has allowed them to get around from the east side and circle around the building if there was a need. Same thing with that garage because it is 3.3 foot off of the line which is near the south line of lot 1A it does not restrict their access to the back if that makes sense.

MARK SEIB: Where is the opening on that garage?

GREG KIESEL: On the west side or on the left side of your building.

ATTORNEY BETH MCFADIN-HIGGINS: The only other option is if you had concerns with any of these is they would have to remove that building if it is not approved. To be

replatted as it is now. On the easement, is that a dedicated easement on your plat?

GREG KIESEL: Yes. It would be dedicated based on the face of the replat.

ATTORNEY BETH MCFADIN-HIGGINS: I was just looking to see if it was included in your legal description.

GREG KIESEL: It should be listed in the dedication certificate.

ATTORNEY BETH MCFADIN-HIGGINS: Like everyone else I am just trying to read these.

LARRY DROEGE: Greg, can you show me particularly where the request for relaxation of the front yard setback from ten feet to three feet.

GREG KIESEL: Mindy may have to help me out with this because I always thought the front to be three is where the garage is right there. I am not sure what constitutes the front, side and rear yards in this case.

KEITH SPURGEON: It looks like from the front porch there is a three foot setback there.

LARRY DROEGE: They don't have a setback requirement.

GREG KIESEL: I have another copy you can look at.

LARRY WILLIAMS: We will have to keep it as evidence if you do.

GREG KIESEL: That is fine.

MINDY BOURNE: It will be marked as Exhibit A.

KEITH SPURGEON: Greg, this maybe a silly question, but you obviously looked at a lot of different options to try to make this work with existing buildings.

GREG KIESEL: We did and other than having multiple notches and offsets and that sort of thing with us and the client we decided that this would be about as best as we can do.

RON FALLOWFIELD: This is a better option than starting to put notches in everything in my personal opinion.

MARK SEIB: So this is zoned as not residential is there any intent or do that have any thoughts of doing something commercial with the property?

GREG KIESEL: I probably need to let the Davis's speak on that, they are here if you would like to ask them.

MARK SEIB: I would like to have that answered.

LAIRD DAVIS: 530 E Grant, Mt. Vernon. I am an adjoining landowner to all of this property. Could you repeat your question?

MARK SEIB: Whether or not because it is zoned as other than residential and it has commercial possibility are you intending on using that division to something with commercial in mind?

LAIRD DAVIS: We really haven't figured out who is going to own that property. So that is kind of an unknown at this point. But it has been a business for probably 100 years. There is a chance that someone would want to have some sort of a business there.

MARK SEIB: Would it be anything different than what is currently there do you think?

LAIRD DAVIS: It is a real estate office now. I guess whatever the zoning would allow is what I would guess is whoever would look at it would look at the zoning and say this is what is allowed there and that would be there guiding on what would be put there.

LARRY WILLIAMS: So it is your intent to sell the property?

LAIRD DAVIS: That is a good question. The intent is for my wife and I to own the house, I guess that is the 1A. The 1B we are not sure about whether that will be sold or one of us in the family will own it. That is kind of up in the air.

MARK SEIB: So when you divide it, what name is going to be listed as the owner? Is the same name going to be attached to both? Or are you going to have different name on their?

LAIRD DAVIS: Do you mean as owners? We don't know who is going to own the 1B. We may well put that on the market for sale.

ATTORNEY BETH MCFADIN-HIGGINS: Currently it says the James F. Davis Trust, so everything they go through 1A and 1B will be owned by the James F. Davis Trust.

KEITH SPURGEON: So that is who the owner is going to be unless you decide to sell it to somebody else.

LAIRD DAVIS: Correct that is the current owner. I believe the intention is for my wife and I to own the 1A at some point. So that we can sort of remodel the house and kind of get it back up to shape. It has been empty for a while and things are kind of deteriorating.

LARRY DROEGE: Laird, on the proposed lot 1A, there is a small garage that is right in the middle and really doesn't sit square with anything on the southernmost edge of the proposed property line according to the drawing. Is that currently a fixed building with a footing and foundation?

LAIRD DAVIS: It is on a concrete pad and it is attached. I think it has a footing. That building was actually moved there many years ago from somewhere else and a pad was poured prior to it

getting there and it was attached to the concrete.

LARRY DROEGE: Just an observation, it would make life a lot easier with these property lines if that garage was not there. I wanted to ask if that was even an option. If that building wasn't there, that property line could moved away from one those existing houses. That is why I was asking what you are using it for and what kind of building it was.

LAIRD DAVIS: It has a car parked in it now. So it is in use it is not in terribly good shape either. We don't want to tear it down, unless it is a requirement.

KEITH SPURGEON: In the drawing that garage looks like it sets farther away from your house on 1A than it looks like in the picture it looks closer. At least to me. This looks like it is setting way off by itself.

LARRY WILLIAMS: Any more questions from the board? You may have a seat sir. Thank you. At this time we will open the hearing to public comments is there anyone here who wishes to speak for or against this application. Sir I believe you had indicated you wish to speak. Please step to the podium and state your name and address for the record.

RANDY KING: My name is Randy King and I live at 605 Evergreen Drive. My only question is that little section of the Davis property that is behind my fence and it is only about a 15 foot section that runs along the south side of the railroad track. I was just wondering if that was involved with your plans.

MINDY BOURNE: He said south of the railroad tracks and that is not involved with all of this.

RANDY KING: Thank you.

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

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

Mr. Williams opened up the floor to the board for discussion and or action.

Ron Fallowfield made a motion in the affirmative to approve Docket No. 23-12-V-BZA contingent on Area Plan approval. Motion seconded by Larry Droege.

The Variance Voting sheet was read by Mrs. Mindy Bourne. Roll Call Vote (5-0). **Motion carried contingent upon Area Plan approval.**

MINDY BOURNE: This Variance has been approved contingent on the Area Plan approval for the subdivision.

VARIANCE:

DOCKET NO: 23-13-V-BZA
APPLICANT: Matt Norrick
OWNER: Matthew W. Norrick
PREMISES: Hidden Valley Sub #2 Lot 3 & Hidden Valley #1 Pt Lot 3, Section 2, Township 7 South, Range 12 West, lying in Marrs Township, Posey County Indiana. More commonly known as 6610 Hidden Valley Ln., Mt. Vernon, Indiana. Containing .46 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 17.5' to place an attached garage in an R-1 (Residential Single Family) Zoning District under Section 153.043 (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.

LARRY WILLIAMS: Who is here to speak on behalf of the application? Please step to the podium and state your name and address for the record.

MATTHEW NORRICK: Matthew Norrick, I live at 6610 Hidden Valley Lane.

LARRY WILLIAMS: Can you please tell us a little bit of what it is you are proposing.

MATTHEW NORRICK: I am wanting to build an attached garage. I am an automotive enthusiast and I need a place to work on my stuff. I am trying to get the rear yard setback from 25 feet down to 17.5. As you can see in the pictures there is already a retaining wall that will be the back of the garage.

MARK SEIB: So that is already there?

MATTHEW NORRICK: Yes.

LARRY DROEGE: That property just to the east of where you will be building that garage what is that building and what is it used for? Is that apartments?

MATTHEW NORRICK: Yes, that is actually a parking lot for the apartments.

KEITH SPURGEON: So that retaining wall will become part of the rear wall of your garage?

MATTHEW NORRICK: Yes Sir.

LARRY WILLIAMS: How close is your nearest neighbor to the addition?

MATTHEW NORRICK: The neighbor to my north I think is about five foot off of the property line.

LARRY WILLIAMS: Will you have any outside lighting on this addition?

MATTHEW NORRICK: Yes there will

KEITH SPURGEON: So your retaining wall is there a slope there?

MATTHEW NORRICK: There was a very steep slope there and I was having issues with erosion so I had that retaining wall built to help with that and the plans of building an attached garage.

MARK SEIB: So the wall is built to meet the requirements as far as the building size?

MATTHEW NORRICK: Yes.

MINDY BOURNE: He actually had Barry Tanner work with him on that and you have also talked with Ed the Building Commissioner about the retaining wall too didn't you.

MATTHEW NORRICK: Yes I did. I wasn't sure if I needed a building permit to build the retaining wall and at that point I did not. It is built with the hopes of building a garage on it.

MARK SEIB: It appears to be woods behind that before the apartments so it wouldn't be seen.

KEITH SPURGEON: The retaining wall is already at the correct height that you needed and other than the roof your not going to be adding anything else.

MATTHEW NORRICK: It is actually going to be a two story garage.

MARK SEIB: Will it be any taller than the current house?

MATTHEW NORRICK: No.

KEITH SPURGEON: Will you have to add on to that retaining wall or is it already the right height for a two story garage?

MATTHEW NORRICK: It will need to be added onto.

LARRY WILLIAMS: Are there any further questions from the board? You may have a seat. At this time we will open the floor for any 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 Mrs. Bourne there were no emails, phone calls or letters.

Mr. Williams opened up the floor to the board for discussion and or action.

Larry Droege made a motion in the affirmative to approve Docket No. 23-13-V-BZA as submitted. Motion seconded by Ron Fallowfield.

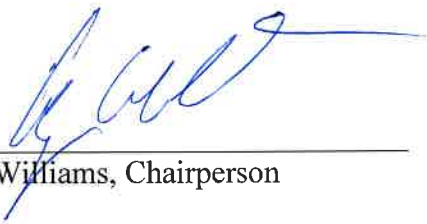
The Variance Voting sheet was read by Mrs. Mindy Bourne. Roll Call Vote (5-0). **Motion carried.**

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

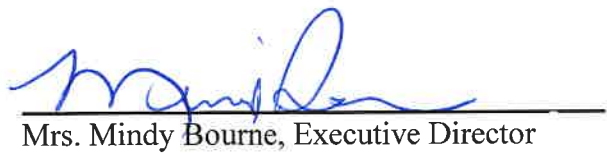
ADDITIONAL BUSINESS: None

CITIZEN CONCERNS: None

ADJOURNMENT: Ron Fallowfield made a motion to adjourn the meeting at 6:03 p.m. Larry Droege seconded the motion.

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

Mr. Larry Williams, Chairperson

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

Mrs. Mindy Bourne, Executive Director

COPY**VARIANCE VOTING SHEET**

POSEY COUNTY BOARD OF ZONING APPEALS

Report of Findings of Fact

BZA NO: 23-10-V-BZA/Laura L & Marion W Frisby

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					

COPY

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	(<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*	<u>0</u>	<u>5</u>
Mark Seib	(<input checked="" type="checkbox"/>) NO	(<input type="checkbox"/>) 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 14th day of September 22

(date)

COPY

VARIANCE VOTING SHEET

POSEY COUNTY BOARD OF ZONING APPEALS

Report of Findings of Fact

BZA NO: 23-11-V-BZA Gary & Diana White

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					

COPY

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

***If any one of your answers above is followed by an asterisk, under the statue 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 14th day of September 2023

(date)

COPY

VARIANCE VOTING SHEET

POSEY COUNTY BOARD OF ZONING APPEALS

Report of Findings of Fact

BZA NO: 23-12-V-BZA | James F. Davis Trust

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					

COPY

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 14th day of September 2023

(date)

OPY

VARIANCE VOTING SHEET

POSEY COUNTY BOARD OF ZONING APPEALS

Report of Findings of Fact

BZA NO: 23-13-V-BZA / Matthew W Norrick

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					

COPY

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 14th day of September 2023

(date)