

MINUTES

POSEY COUNTY BOARD OF ZONING APPEALS REGULAR MEETING

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

OCTOBER 12, 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, Mr. Josh Orem –Attorney, Mrs. Mindy Bourne-Executive Director, Mrs. Taylor Elmendorf-Administrative Assistant and Mrs. Savannah Axley Part-Time Clerical Assistant

MEMBERS ABSENT: None

APPROVAL OF MINUTES: Mr. Williams informed the board there were three sets of minutes to be approved. Dr. Keith Spurgeon made a motion to approve the Executive Session minutes from September 14, 2023. Motion was seconded by Ron Fallowfield. **Roll Call Vote (5-0).** **Motion carried.** Ron Fallowfield made a motion to approve the August 10, 2023 regular meeting. Motion was seconded by Larry Droege. **Roll Call Vote (5-0).** **Motion carried.** Ron Fallowfield made a motion to approve the last regular meeting. Motion was seconded by Larry Droege. **Roll Call Vote (5-0).** **Motion carried.**

SPECIAL USE-AMENDED:

DOCKET NO: 23-09-SU-BZA
APPLICANT: Jeffrey Zenthofer
OWNER: Jeffrey A. & Jolene S. Zenthofer
PREMISES: Part of the Northeast Quarter of Section 25, Township 5 South, Range 14 West, in Lynn Township, Posey County, Indiana, containing 6.98 acres, more or less. More commonly known as 1850 State Road 69 North, New Harmony, Indiana. (Complete legal description is on file at the Posey County Area Plan Commission Office).

NATURE OF CASE: Applicant requests Special Use for a kennel in an (A) Agricultural Zoning District Section 153.032 (B) (6) Use Unit 15 – Other Trades and Services, and Section 153.160 (B) (2) (e) (vi), of the Zoning Ordinance of the City of Mt. Vernon, Town of Cynthiana, Town of Poseyville and Unincorporated Posey County.

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

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

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

JEFF ZENTHOFER: 1850 State Road 69.

LARRY WILLIAMS: Please explain what you are requesting.

JEFF ZENTHOFER: We actually want to move the location of the kennel about a 100 feet. So we are actually looking to make an amendment. Saying we can move the kennel.

LARRY DROEGE: So there is actually one there now?

JEFF ZENTHOFER: No. Remember a couple of months ago we came in and got approved for the special use permit. When we got some blue prints back we found that there were some elevation issues. So it would be more feasible if we could move it about 100 feet over a little bit. It should be on the plot plan. That way it will allow for the same level parking to enter the building. It will really eliminate what the architect told me I would need a 48 foot handicap accessible ramp. I could probably spend twenty thousand dollars a different way and be a little more productive. So, I would like to move the building so we could have the parking and entry on the same level.

LARRY WILLIAMS: Are there any questions from the board? I believe we hashed it out Pretty well the last time.

LARRY DROEGE: So nothing has changed other than location?

JEFF ZENTHOFER: No. Just the location, yes.

LARRY WILLIAMS: Hearing no questions from the board 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 request? 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 discussion or action by the board.

MARK SEIB: If I remember right this one was way out by itself with very few people around if any. Moving it 100 foot, I am assuming that means he is still 110 feet from the property line with the building.

LARRY DROEGE: If he is moving the location we still need to go through the questions?

MARK SEIB: The thing was he showed where the distance was in the original and now since

he has moved it, he has got to redo the process. Right Mindy?

MINDY BOURNE: What we are doing here is amending the application. The application was approved. The size is not changing he is just basically moving it slightly to a new area. So we are just amending the original approval. Based on location only.

MARK SEIB: What he showed earlier the setbacks were even greater.

MINDY BOURNE: They were, but he still meets the setbacks now, he is just modifying what we originally had seen.

Mark Seib made a motion in the affirmative to approved Amended Docket 23-09-SU-BZA. Motion was seconded by Ron Fallowfield.

The Special Use voting Sheet was read by Mrs. Mindy Bourne. **Roll Call Vote (5-0). Motion carried.**

MINDY BOURNE: This Special Use has been approved. You may come into the APC office and get your Improvement Location Permit before construction.

DOCKET NO: 23-14-V-BZA

APPLICANT: Renee Gentry/Ohio Valley Electric

OWNER: William H. Bender

PREMISES: Part of the Southeast Quarter of the Northwest Quarter of Section 36, Township 4 South, Range 13 West, lying in Robb Township, Posey County Indiana. More commonly known as 6511 Hunter Rd, Poseyville, IN 47633 Containing 6.70 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 100' to 30' for SECS Tier 3 in an A (Agricultural) Zoning District under Section 153.126.03 (B) under 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 of the requirements for notification per the statute.

LARRY WILLIAMS: Who is here to speak on this Variance?

MINDY BOURNE: I do not believe anyone is here for this Variance or the next application and suggest that we call the office.

After a phone call was made to Ohio Valley Electric Mrs. Bourne reported that the office personnel of Ohio Valley Electric stated they were not aware they were required to be at the meeting. Mrs. Bourne also reported that the responsibilities of Applicant are read to the applicant and it states they are required to return the certified mail receipts to the APC office prior to the meeting to verify the notification requirements have been met and that a representative of the applicant must attend the BZA meeting to discuss the application and answer any questions or it will be tabled.

VARIANCE:

DOCKET NO: 23-15-V-BZA
APPLICANT: Renee Gentry/Ohio Valley Electric
OWNER: Dennis G. & Pamela A. Cox
PREMISES: Part of the South Half of the Northwest Quarter of Section 19, Township 7 South, Range 12 West, lying in Marrs Township, Posey County Indiana. More commonly known as 9310 Gun Club Rd. S., Mt. Vernon, IN 47620. Containing 1.0 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 100' to 20' and rear yard setback from 100' to 56' for SECS Tier 3 in an A (Agricultural) Zoning District under Section 153.126.03 (B) under of the Zoning Ordinance of the City of Mt. Vernon, Town of Cynthiana, Town of Poseyville and Unincorporated Posey County.

Mark Seib made a motion in the affirmative to table until the next meeting Docket No. 23-14-V-BZA and 23-15-V-BZA. Motion was seconded by Ron Fallowfield. **Roll Call Vote (5-0)**
Motion carried.

SPECIAL USE:

DOCKET NO: 23-13-SU-BZA
APPLICANT: Chris Moore, Custom Sign & Engineering, Inc.
OWNER: NY Petroleum Inc.
PREMISES: Lots One (1) and Four (4) in Block (3) of Lowry & Larkin's Enlargement to the City of Mt. Vernon, Posey County, Indiana. Section 8, Township 7 South, Range 13 West in Black Township. More commonly known as 602 W. 4th St., 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 electronic message board in a CG (Commercial General) Zoning District Section 153.166 (N) 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 of the requirements for

notification per the statute.

LARRY WILLIAMS: Who is here to speak on this Special Use application? Step to the podium please and state your name and address please for the record.

SHAWN HARRIS: 640 n. 4th St., Elberfeld, IN. We are asking for a Special Use to install an electric message unit so the customer can let the public know what kind of deals are on sale and what they offer inside the store. So basically to get more advertising for what they sell inside the store to the public.

DR. KEITH SPURGEON: So you are going to add this to the sign that is already there?

SHAWN HARRIS: The sign that is there will go directly below the price signs.

DR. KEITH SPURGEON: I am looking at the dimension page, so nothing is going to change about the overall height?

SHAWN HARRIS: Overall height stays the same, yes. It will come down 40 inches lower. The overall height I think 21 foot it will stay the same. The diamond will not be touched.

LARRY DROEGE: So the blue shaded area is the new kind of area if we are looking at the picture.

MARK SEIB: With it being 6'5" clearance I don't believe it is going to interfere with anyone seeing underneath it or anything.

SHAWN HARRIS: I did drive by there before coming here tonight and that sign sits 13 feet back from the edge of the road. That was a concern, so I went by there to check on it.

MARK SEIB: I understand the 13 feet back, but you always want to look as far as you can up the road too.

LARRY WILLIAMS: Is this a 24 hour operating light? I don't recall.

SHAWN HARRIS: They can have it on a circuit so they can shut it off at a certain time or they can run it 24 hours.

MARK SEIB: So it does have dimmer capabilities dusk to dawn?

SHAWN HARRIS: Yes it does.

MARK SEIB: Good, because that is a requirement of the county ordinance.

LARRY WILLIAMS: So this is just a message board and it does not flash or anything like that?

SHAWN HARRIS: No it will be just like any other video board you see around here. It changes but it is not flashing or anything like that.

MARK SEIB: But it is all advertising for in the store.

SHAWN HARRIS: Yes, for in the Sunoco station.

MARK SEIB: It is not for other businesses or such.

LARRY WILLIAMS: Any further questions from the board? You may have a seat sir. At this time we will open the floor to the public. Is there anyone here wishing to speak for or against this application? 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: At this time, we will open up to the board for discussion or direction.

RON FALLOWFIELD: It is looks pretty straight forward to me.

Larry Droege: I actually drove by there this evening before the meeting and noticed there are some high power lines above it. But since the physical height is not changing that is not going to have effect on the electric lines

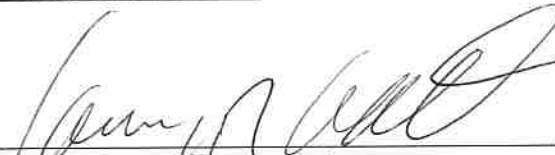
Ron Fallowfield made a motion in the affirmative to approve Docket No.: 23-13-SU-BZA. Motion seconded by Larry Droege. The Special Use Voting Sheet was read by Mrs. Mindy Bourne. **Roll Call Vote (5-0). Motion carried.**

MINDY BOURNE: The Special Use has been approved. You will need to come into the office to get your Improvement Location Permit.

ADDITIONAL BUSINESS:

CITIZEN CONCERNS: None

ADJOURNMENT: Mr. Williams called the meeting adjourned.



Mr. Larry Williams, Chairperson



David A. Ripple, Ph.D., P.E. (retired), AICP, Interim Executive Director

POSEY COUNTY SPECIAL USE VOTING SHEET

COPY

Posey County Board of Zoning Appeals
Report of Finding Fact

BZA NO: 23-09-SU-BZA-Jeffrey Zenthofer
Amended

HAS THE APPLICANT PROVEN BY SUBSTANTIAL EVIDENCE THE FOLLOWING:

1. The Zoning Ordinance authorizes the Special Use.

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

2. The proposed Special Use is essential or desirable to the public convenience and welfare.

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

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

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

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

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

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

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

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

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

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

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

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

YES NO

0 5

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

NA

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

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

YES NO

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

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

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

YES NO

5 0

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

*IF ANY ONE OF YOUR ANSWERS ABOVE IS FOLLOWED BY AN ASTERICK, UNDER THE STATUE YOU SHOULD DENY THE APPLICATION.

DECISION: It is therefore the decision of the Board that the Special Use:

is hereby granted _____ (☒)

is hereby denied _____ ()

subject to any conditions stated in the minutes of the Board, and incorporated herein and made a part of the decision. Adopted this 12th day of October, 20 23.

COPY

VARIANCE VOTING SHEET

POSEY COUNTY BOARD OF ZONING APPEALS

Report of Findings of Fact

BZA NO: 23-14-V-BZA Pence Gentry Ohio Valley
Electric - owner: William H. Bender

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	() NO	() YES*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	() NO	() YES*	Larry Williams	() NO	() YES*		
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	() NO	() YES*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	() NO	() YES*	Larry Williams	() NO	() YES*		
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*	() YES	<u>YES</u>	<u>NO</u>
Ron Fallowfield	() NO*	() YES	Larry Williams	() NO*	() YES		
Mark Seib	() NO*	() YES					

4. Are these conditions general in the same zone?

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

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

Larry Droege	() NO	() YES*	Keith Spurgeon	() NO	() YES*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	() NO	() YES*	Larry Williams	() NO	() YES*		
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 _____ day of _____

(date)

VARIANCE VOTING SHEET

COPY

POSEY COUNTY BOARD OF ZONING APPEALS

Report of Findings of Fact

BZA NO: 2315-V-BZA Rence Gentry / Ohio Valley Electric
Dennis G. i. Parale A. Co*

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	() NO	() YES*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	() NO	() YES*	Larry Williams	() NO	() YES*		
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	() NO	() YES*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	() NO	() YES*	Larry Williams	() NO	() YES*		
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*	() YES	<u>YES</u>	<u>NO</u>
Ron Fallowfield	() NO*	() YES	Larry Williams	() NO*	() YES		
Mark Seib	() NO*	() YES					

4. Are these conditions general in the same zone?

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

COPY

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

Larry Droege	() NO	() YES*	Keith Spurgeon	() NO	() YES*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	() NO	() YES*	Larry Williams	() NO	() YES*		
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 _____ day of _____

(date)

POSEY COUNTY
SPECIAL USE VOTING SHEET

COPY

Posey County Board of Zoning Appeals
Report of Finding Fact

BZA NO: 23-13-SU-BZA Chris Moore, Custom Sign
Engineering, Inc. Owner: NY Petroleum Inc.

HAS THE APPLICANT PROVEN BY SUBSTANTIAL EVIDENCE THE FOLLOWING:

1. The Zoning Ordinance authorizes the Special Use.

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

2. The proposed Special Use is essential or desirable to the public convenience and welfare.

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

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

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

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

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

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

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

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

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

COPY

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

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

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

YES NO
0 5

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

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

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

YES NO

NA

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

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

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

YES NO
5 0

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

*IF ANY ONE OF YOUR ANSWERS ABOVE IS FOLLOWED BY AN ASTERICK, UNDER THE STATUE YOU SHOULD DENY THE APPLICATION.

DECISION: It is therefore the decision of the Board that the Special Use:

is hereby granted _____ (☒)

is hereby denied _____ ()

subject to any conditions stated in the minutes of the Board, and incorporated herein and made a part of the decision. Adopted this 12th day of October, 20 23.