

## MINUTES

### POSEY COUNTY AREA PLAN COMMISSION REGULAR MEETING

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

NOVEMBER 9, 2023  
6:00 P.M.

**MEMBERS PRESENT:** Mr. Mark Seib – President, Dr. Keith Spurgeon – Vice President, Mr. Mike Baehl, Mr. David Dausman, Mr. Greg Newman, Mr. Randy Owens, Mr. Andy Hoehn, Mr. Joe Marvel, Mrs. Stefani Miller, Mr. Trent Van Haaften- Attorney, Mr. David Ripple, Interim Executive Director, Mrs. Taylor Elmendorf- Administrative Assistant, Mrs. Savannah Axley- Clerical Assistant

**MEMBERS ABSENT:** None

**APPROVAL OF MINUTES:** Mr. Seib explained that the minutes from the last regular meeting had not been completed in time for this meeting but should be available for review at the next regular meeting.

Mark Seib welcomed David Ripple as the Interim Executive Director.

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#### **DEVELOPMENT PLAN APPLICATION SECS TIER 3: TABLED FROM OCTOBER 2023 MEETING.**

DOCKET NO: 2023-03-SECS-3-APC

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: The applicant requests Development Plan Approval to develop a Solar Energy Conversion System (SECS) – Tier 3

Mr. Seib confirmed with Mr. Ripple that the applicant met all the requirements for the notification per the statute.

**MARK SEIB:** Who is here to speak on behalf of the application? Please step to the podium and state your name and address. Also give a brief on what you are wanting to do.

**JAMES LINSDAY:** 502 W. Monroe Street, Princeton, IN 47670, with Ohio Valley Solar. Needing a Variance for Mr. Bender's solar array to be set at 30' instead of 100'. There is no other location on the property that will work, it's the best place to put. We have permission from both landowners to the South.

**MARK SEIB:** This is a Development Plan Application for a solar array. It has been presented to BZA and BZA gave approval for the setbacks as submitted. We are working on the Development Plan Application. What other comments do you have?

**JAMES LINSDAY:** I have no further comments.

**MARK SEIB:** Are there any questions from the committee?

**ANDY HOEHN:** Total number of arrays, how many panels?

**JAMES LINSDAY:** There will be 2 systems.

**MIKE BAEHL:** The 108 on the paper is not correct?

**JAMES LINSDAY:** That is correct that is the system for the house. He just has a separate meter for his garage, it's all one system but part of it feeding the garage and then another part feeding the house.

**MARK SEIB:** Part of it will be on the garage?

**JAMES LINSDAY:** It will just be supplying the garage.

**MARK SEIB:** No panels on the roof?

**JAMES LINSDAY:** No sir.

**MARK SEIB:** Any other questions or concerns? We discussed this at the BZA meeting but this is fixed facing the South. He has cleared a spot in a heavily wooded area for the panels. Any other questions from the committee?

Mr. Seib confirmed no board members had any conflicts of interest.

**MARK SEIB:** At this time, we will open up the public portion for comments. Is there anyone here that would like to make comments for or against this application? Hearing and seeing none, we will close the public portion.

Mr. Seib confirmed with Mr. Ripple there were no emails, phone calls, or letters.

Mr. Seib opened up the floor to the committee for discussion or action.

Greg Newman made a motion to accept docket 2023-03-SECS-3-APC. Seconded by Mike Baehl. **Roll Call Vote (9-0). Yes. Motion passed.**

**MARK SEIB:** The application has been approved you will need to come into the office and get your permit and go from there.

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**DEVELOPMENT PLAN APPLICATION SECS TIER 3: TABLED FROM OCTOBER 2023 MEETING.**

DOCKET NO: 2023-04-SECS-3-APC  
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: The applicant requests Development Plan Approval to develop a Solar Energy Conversion System (SECS) – Tier 3

Mr. Seib confirmed with Mr. Ripple that the applicant met all the requirements for the notification per the statute.

Mr. Seib confirmed no board members had any conflicts of interest.

**MARK SEIB:** Who is here to speak on behalf of the application? Please step to the podium and state your name and address. Also give a brief on what you are wanting to do.

**JUSTIN CONNAUGHTON:** 4966 W. State Route 62 Boonville, IN 47601. This a 28 panel solar array South of the house. 24' from the south property line.

**MARK SEIB:** Once again this has been presented to the BZA and BZA gave approval for the setbacks to be adjusted. These panels are fixed as well. How the lot and house are located the best placement was right behind the house. I think all requirements have been met regarding the Tier 3. Any further questions?

**JOE MARVEL:** Any issues with the flood plan being right there?

**MARK SEIB:** That's a good question, Joe. Is the elevation out of the flood plan at that site?

**JUSTIN CONNAUGHTON:** We have an engineer checking that before and after.

**MARK SEIB:** If it that is in a flood plan that will have to go through DNR. That could take a couple of months. I think the motion, if there is one from this group that the DNR give its approval as well before it can be granted and go from there.

**DAVID RIPPLE:** If such is required.

**MARK SEIB:** Yes, is such is required. Any other questions?

**MIKE BAEHL:** Is the array right next to the road?

**JUSTIN CONNAUGHTON:** Just South of that property is farmland.

**MARK SEIB:** The array is facing south toward the field right behind the house. Any other questions. At this time, we will open up the public portion for comments. Is there anyone here that would like to make comments for or against this application? Hearing and seeing none, we will close the public portion.

Mr. Seib confirmed with Mr. Ripple there were no emails, phone calls, or letters.

Mr. Seib opened up the floor to the committee for discussion or action.

**ANDY HOEHN:** On this flood zone don't we have a picture of that here. I can't tell where the array is going to go in relation to the flood zone.

**JOE MARVEL:** It's going to be right on the line of it but that doesn't tell you how high things are.

**MARK SEIB:** I can't tell if the flood zone on it is blue.

**JOE MARVEL:** It's the very last map. It's 20' from the line.

**MARK SEIB:** Yes, it's on the edge. I think that should be required that the engineer makes sure with DNR that it is taken care of.

Stefani Miller made a motion to approve docket 2023-04-SECS-3-APC contingent of DNR approval if necessary. Seconded by Keith Spurgeon. **Roll Call Vote (9-0). Yes. Motion passed.**

**MARK SEIB:** That is approved with the finding of DNR approval. I'm sure you will need a site elevation level and you have already started with an engineer. Once you get that letter of approval or that it is not necessary you can go into the office and go forward with your permit.

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**REZONING:**

**DOCKET NO:** 23-11-RE-APC

**APPLICANT:** Kevin Short

**OWNER:** Kevin Short

**PREMISES:** Part of the Northwest Quarter of the Northwest Quarter of Section 3, Township 7 South, Range 12 West lying in Marrs Township, Posey County, Indiana. More commonly known as 6238 N. Ford Rd., Mt. Vernon, IN 47620. Containing 4.64 acres more or less and 2.025 acres more or less (Complete legal description is on file at the Posey County Area Plan Commission Office).

**NATURE OF CASE:** Petition to rezone property from M-2 (Manufacturing Medium) Zoning District to R-1 (Residential Single Family) Zoning District under the Zoning Ordinance of the City of Mt. Vernon, Town of Cynthiana, Town of Poseyville and Unincorporated Posey County.

Mr. Seib confirmed with Mr. Ripple that the applicant met all the requirements for the notification per the statute.

Mr. Seib confirmed no board members had any conflicts of interest.

**MARK SEIB:** Who is here to speak on behalf of the application? Please step to the podium and state your name and address. Also give a brief on what you are wanting to do.

**KEVIN SHORT:** 9100 Hickory Ridge Ln, Mt. Vernon, IN 47620. The property was once used for a dump site for milling. I've had contractors there breaking up the concrete so we can build on it.

**MARK SEIB:** In a M2 you can't build a home on unless it is rezoned, which you are trying to do?

**KEVIN SHORT:** Correct.

**MARK SEIB:** Any questions for the committee about this? It's very rare we get an M2 going back down to R1 so we are pleased you are doing it.

**ANDY HOEHN:** Is this at the end Schroeder Lane?

**KEVIN SHORT:** I don't know. Do you know where the Marrs recycling center is at the end of that lane? Posey County calls it Ford Road, Google Maps calls it Schroeder Lane.

**ANDY HOEHN:** Are there mobile homes in the general area?

**KEVIN SHORT:** No, there is one at the front of Marrs recycling.

**JOE MARVEL:** Looks like you have a small access way off Ford Road back to the property.

**KEVIN SHORT:** Yes.

**MARK SEIB:** Any other questions? At this time, we will open up the public portion for comments. Is there anyone here that would like to make comments for or against this application? Hearing and seeing none, we will close the public portion.

Mr. Seib confirmed with Mr. Ripple there was one phone call to support from John Rudolph stated "Sounds great."

Mr. Seib opened up the floor to the committee for discussion or action.

Mike Baehl made motion to approve the Re-Zoning from M2 to R1 for docket 23-11-RE-APC. Joe Marvel seconded the motion. **Roll Call Vote (9-0). Yes. Motion passed.**

Andy Hoehn made a motion in the affirmative to approve the Findings of Facts. Motion was seconded by Greg Newman. **Roll Call Vote (9-0). Yes. Motion passed.**

**MARK SEIB:** That will be going before the County Commissioners on November 21, 2023 at 9am, at this location. You should be present and Mr. Ripple will be presenting it to the Commissioners but they may have questions that you need to answer.

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**REZONING:**

**DOCKET NO:** 23-12-RE-APC  
**APPLICANT:** Desiree Eichenberger  
**OWNER:** St. Peter's On The Hill Inc.  
**PREMISES:** Part of the Southwest Quarter of Section 13, Township 6 South, Range 12 West lying in Marrs Township, Posey County, Indiana. More commonly known as 2800 S. St. Philip Rd., Evansville, IN 47712 Containing 6.00 acres more or less and 3.20 acres more or less and .78 acres more or less (Complete legal description is on file at the Posey County Area Plan Commission Office).  
  
**NATURE OF CASE:** Petition to rezone property from R-1 (Residential Single Family) Zoning District to B-2 (Commercial General) Zoning District under the Zoning Ordinance of the City of Mt. Vernon, Town of Cynthiana, Town of Poseyville and Unincorporated Posey County.

Mr. Seib confirmed with Mr. Ripple that the applicant met all the requirements for the notification per the statute.

Mr. Seib confirmed no board members had any conflicts of interest.

**MARK SEIB:** Who is here to speak on behalf of the application? Please step to the podium and state your name and address. Also give a brief on what you are wanting to do.

**MARK SEIB:** Let me give the board a little bit of a history on this. This is one that was brought to us to get an electronic sign for the church. Whenever we saw the application in our ordinances it states you can't have an electronic sign in an R1 district. Unfortunately, there were other ones approved before we caught this, so we are now going through the process of contacting them to see if we can get them to do a B2 as well to straighten this out because in a B2 it is allowed. There are some other benefits of being a B2 instead of a R1 but being a church again our Ordinance doesn't allow a sign to be a R1 and that is why they are here for the B2.

**DESIREE EICHENBERGER:** 1120 Kramers Dr., Evansville, IN 47712.

**MARK SEIB:** Sorry if I overstepped, I apologize for adding more to it.

**DESIREE EICHENBERGER:** I could add a lot more but I won't. We would just like this to be Deferred, we are going to seek council on this matter.

**MARK SEIB:** You are allowed one deferral on it going from there, so if you would like to go ahead and seek council that is your choice.

**DESIREE EICHENBERGER:** Ok, Thank you very much.

**MARK SEIB:** With that being said that means we need to table this for a month and go from there.

Joe Marvel made motion to table docket 23-12-RE-APC. Mike Baehl seconded the motion. **Roll Call Vote (9-0). Yes. Motion passed.**

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**REZONING:**

**DOCKET NO:** 23-13-RE-APC

**APPLICANT:** Laura Kuhn & Allison Williams, Mudpuppy Palace

**OWNER:** Turbo Tech, LLC

**PREMISES:** Part of the Southeast Quarter of the Northwest Quarter and part of the Northeast Quarter of the Southwest Quarter of Section 3, Township 7 South, Range 13 West lying in Black Township, City of Mt. Vernon, Posey County, Indiana. More commonly known as 3350 Old Hwy 62, Mt. Vernon, IN 47620. Containing 1.92 acres more or less. (Complete legal description is on file at the Posey County Area Plan Commission Office).

**NATURE OF CASE:** Petition to rezone property from M-2 (Manufacturing Medium) Zoning District to CG (Commercial General) Zoning District under the Zoning Ordinance of the City of Mt. Vernon, Town of Cynthiana, Town of Poseyville and Unincorporated Posey County.

Mr. Seib confirmed no board members had any conflicts of interest.

**DAVID RIPPLE:** There is question of notification of one property owner, my statement on that is it's across the railroad tracks and how I read the ordinance don't believe they need to be notified.

**MARK SEIB:** You are saying the person listed on that is across the railroad tracks. Was the railroad notified?

**DAVID RIPPLE:** No.

**MARK SEIB:** Trent, do you have any comment on that?

**TRENT VAN HAAFTEN:** You do not need to notify railroad or the property on the other side.

Mr. Seib confirmed no board members had any conflicts of interest.

**MARK SEIB:** With that being cleared up we will say they have been properly notified. Who is here to speak on behalf of the application? Please step to the podium and state your name and address. Also give a brief on what you are wanting to do.

**TERRY GOTTMAN:** 9899 Warrick Trail, Apt 216 Newburgh, IN 47630. We put our shop up for sale and have a couple of nice ladies wanting to buy it. The thing holding up the sale is the zoning, it's an M-2 right now and they are wanting to change it to a CG.

**LAURA KUHN:** 5701 Tile Factory, Mt. Vernon, IN 47620

**ALLISON WILLIAMS:** 213 W. Sherman, Mt. Vernon, IN 47620

**ALLISON WILLIAMS:** We are co-directors of the non-profit Mudpuppy Palace as a natural learning center and play scape. We are a mix of a children's museum and nature center. We will be open year-round and offer educational activities, classes, camps for kids to explore nature in all weather. Plan to also have adult classes with art and music side. We are both Posey County natives and want to keep this in Posey County to allow to people to come to us from out of the county but to have Mt. Vernon history and natural resources we thought that was important to highlight.

**MARK SEIB:** Questions from the committee? This is going to be a learning center, is this all going to be inside the building or also outside?

**ALLISON WILLIAMS:** We plan to use all the property, it will be a mix. It will be like a zoo, you will come and pay admission and you spend as long as you want. It will have an indoor facility, natural play yard with a fence and a walking trail.

**MARK SEIB:** Do you have the area fenced so they can't get to the road?

**ALLISON WILLIAMS:** Yes, it's in our plans. We have an engineer looking at the best safety and traffic.

**MARK SEIB:** What kind of crowds are you going to have on the property? There is not a lot of land that.

**LAURA KUHN:** Daily there wouldn't be 100s of people. That site would not work for that. We don't see being there all at the same time because there will be extended hours.

**MARK SEIB:** Ok, I wasn't sure if you would have a school field trip.

**LAURA KUHN:** Potential yes and could handle that.

**MARK SEIB:** Are you going to have rock or asphalt? This is in the City of Mt. Vernon, have you thought about it yet?



**LAURA KUHN:** We have and we haven't made a decision on that yet.

**ALLISON WILLIAMS:** Again, we have an engineer looking at building plans with parking to match.

**MARK SEIB:** Are you going to add another building?

**ALLISON WILLIAMS:** We plan to add onto the building that is already there. We will have a working green house and a fenced in area for the play yard and an outdoor classroom.

**MARK SEIB:** With that being said, you will have to have a site review to and make sure safety is addressed.

**ALLISON WILLIAMS:** Yes, we couldn't do that until we made sure we could buy the property and we couldn't buy the property until the zoning is changed.

**MARK SEIB:** Any other questions? At this time, we will open up the public portion for comments. Is there anyone here that would like to make comments for or against this application? Hearing and seeing none, we will close the public portion.

Mr. Seib confirmed with Mr. Ripple there were no emails, phone calls, or letters.

Mr. Seib opened up the floor to the committee for discussion or action.

**ANDY HOEHN:** Looks like an upgrade to the area.

Andy Hoehn made a motion in the affirmative to approve the Findings of Facts. Motion was seconded by Dave Dauseman. **Roll Call Vote (9-0). Yes. Motion passed.**

Andy Hoehn made motion to approve docket 23-13-RE-APC. Stefani Miller seconded the motion. **Roll Call Vote (9-0). Yes. Motion passed.**

Mr. Andy Hoehn requested that Area Plan to send approval notice to the Mt. Vernon City Council to be on the agenda November 15, 2023 at 6:30 at Hovey House.

**MINOR SUBDIVISION:**

**DOCKET NO:** 23-08-S-APC

**APPLICANT:** Donald Gries, Andy Easley Engineering, Inc.

**OWNER:** First Christian Church of Wadesville & Albert & Dorothy Miller

**PREMISES:** Part of the Southwest Quarter of Section 8, Township 5 South, Range 12 West, lying in Center Township, Posey County, Indiana. More commonly known as 7202 & 7226 SR 66, Wadesville, IN, Posey County, Indiana. Containing 2.067 acres more or less. (Complete legal description is on file at the Posey County Area Plan Commission Office).

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

Approval of Minor Subdivision Plat in a R-1 Zoning District under The Subdivision Control Ordinance of the City of Mount Vernon, the Town of Cynthiana, the Town of Poseyville and Unincorporated Posey County.

Mr. Seib confirmed with Mr. Ripple that the applicant met all the requirements for the notification per the statute.

Mr. Seib confirmed no board members had any conflicts of interest.

**MARK SEIB:** Who is here to speak on behalf of the application? Please step to the podium and state your name and address. Also give a brief on what you are wanting to do.

**DON GRIES:** 1133 West Will Road Evansville, IN. They are exchanging some land from two property owners so First Christian Church can expand for activities.

**MARK SEIB:** So, this is just preparing the land to hand it over to the church?

**DON GRIES:** You got it.

**MARK SEIB:** Any other questions. At this time, we will open up the public portion for comments. Is there anyone here that would like to make comments for or against this application?

**DALE LAVANCHY:** 7199 Main Street, Wadesville, IN 47638. My property joins this property, I have heard they are going to build a building and my concern is with the water shed and storm water that goes through. When I moved in in 1976 there was a drainage ditch, before I moved in Mr. Miller had a drainage pipe put in and had the county and the state dump dirt there. In the mid 1980s the county laid a storm drainage pipe and drains all the properties in that area. When we have a lot of rain a lot of water goes down that ditch. The two pipes can't take that flow of water, so in my back property when we have heavy rain I have a lake and it take several hours to go down. That first pipe that Mr. Miller put in there is a sink hole that is getting bigger which tells me that the pipe is in bad condition. Mrs. Miller agreed to cut across the levee to take the overflow to keep it out of my house. If something is built there and changes the elevation of the ground, that would flood my house.

**MARK SEIB:** That would be phase two of this. Providing them the ability to do a Minor Subdivision only allows them to do that to the land. If they would want to build a building, they would have to go through Area Plan for a Site Review which would go over the water shed. They might even be in with rule five with the state on the dirt being taken up. I think it is a concern but right now we are going allowing a Minor Subdivision which allows the land to be divided.

**DALE LAVANCHY:** Where can I go now with my concerns about the older pipe? Do I call the County Commissioners to ask about taking up the pipe and getting a new one?

**MARK SEIB:** You need to get ahold of the County Highway department. Also talking to the commissioners about your concerns.

**MARK SEIB:** Is there anyone else present that would like to speak for or against this rezoning? Hearing and seeing none we will close the public portion?

Mr. Seib confirmed with Mr. Ripple there were no emails, phone calls, or letters

Mr. Seib opened up the floor to the committee for discussion or action.

The Subdivision committee reviewed and found this acceptable.

Joe Marvel made a motion to approve docket 23-08-S-APC. Mike Baehl seconded the motion. **Roll Call Vote (9-0). Yes. Motion passed.**

Joe Marvel made a motion for the Executive Director final approval to sign off on once all the documents been filed and finalized after 30 days. Stefani Miller seconded. **Roll Call Vote (9-0). Motion passed.**

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**MINOR SUBDIVISION:**

DOCKET NO: 23-09-S-APC

APPLICANT: Fred J. Kuester, Engineer and Land Surveyor

OWNER: Robert J. & Juana Sue Wassmer

PREMISES: Part of Fractional Section 5, Township 4 South, Range 12 West, lying in Robb Township, Posey County, Indiana. More commonly known as Wassmer Rd., Poseyville, Indiana. Containing 2.01 acres more or less. (Complete legal description is on file at the Posey County Area Plan Commission Office).

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

Approval of Minor Subdivision Plat in a R-1 Zoning District under The Subdivision Control Ordinance of the City of Mount Vernon, the Town of Cynthiana, the Town of Poseyville and Unincorporated Posey County.

Mr. Seib confirmed with Mr. Ripple that the applicant met all the requirements for the notification per the statute.

Mr. Seib confirmed no board members had any conflicts of interest.

**MARK SEIB:** Who is here to speak on behalf of the application? Please step to the podium and state your name and address. Also give a brief on what you are wanting to do.

**DAVID WASSMER:** 7405 Wassmer Rd. Poseyville, IN. We were asked to add R-1 to the drawing and that has been done and I have notarized copies to be signed.

**DAVID RIPPLE:** I can't sign it unless I am authorized.

**MARK SEIB:** David, you said you wanted to make this a Minor Subdivision because it is family land and a family member wants a parcel of land?

**DAVID WASSMER:** Yes, when we did this it put dad's home on a separate acre not attached to the farm so that it makes it 2 acres.

**MARK SEIB:** Anyone have any questions at this time? He has been in front of this board once before and we have been through this part before. We have done the rezoning and now we are doing the minor subdivision.

**MARK SEIB:** Any other questions. At this time, we will open up the public portion for comments. Is there anyone here that would like to make comments for or against this application? Hearing and seeing none, we will close the public portion.

Mr. Seib confirmed with Mr. Ripple there were no emails, phone calls, or letters.

Mr. Seib opened up the floor to the committee for discussion or action.

The Subdivision committee reviewed and found this acceptable.

Andy Hoehn made motion to approve docket 23-09-S-APC and to allow the Executive Director final approval to sign off once all the documents have been filed and finalized after 30 days.

Mike Baehl seconded the motion. Stefani Miller abstained due to being out of the room during discussion. **Roll Call Vote (8-0). Yes. Motion passed.**

**COMPLAINTS – TABLED:**

236 S. Maple Street, Mt. Vernon (Spray)  
319 W. 8th Street, Mt. Vernon (Stillwagoner)

**MARK SEIB:** Next up are the complaints which were tabled last meeting, we have two of them here. Our first 236 S. Maple Street, Mt. Vernon (Spray).

**TRENT VAN HAAFTEN:** At the last meeting we had gotten no contact or comment with Mr. Spray and asked me to file an ordinance violation and I did that the hearing on that is November 27<sup>th</sup> at 11am. I will deal with that how I have done it in the past. If they don't respond to me I will ask them to come to the next meeting to address it and then set the hearing off until after that. I will say that Mr. Spray has called my office. I have not spoken to him, but he has attempted to make contact. We have updated photographs from November 3<sup>rd</sup>.

**MARK SEIB:** It the one with the trailer and camper.

**TRENT VAN HAAFTEN:** The second one that was tabled was 319 W. 8<sup>th</sup> Street, Mt. Vernon (Stillwagoner) last meeting you asked me to send a letter to Ms. Stillwagoner asking her to be present that this evening's meeting. Kathleen Stillwagoner, Kathleen Stillwagoner.

**MARK SEIB:** Is she here?

**TRENT VAN HAAFTEN:** No.

**JOE MARVEL:** Is this one going to the hearing on November 27<sup>th</sup>?

**TRENT VAN HAAFTEN:** No, I guess they didn't respond to initial contact from the APC office. The standard is that you then ask me to send a letter under the offices letterhead asking them to attend the meeting.

**JOE MARVEL:** The first one has just been tabled because you are having a hearing?

**MARK SEIB:** It's in process.

**JOE MARVEL:** Just wanted to make sure we didn't need to do anything.

**JOE MARVEL:** It looks like there are still vehicles that haven't been moved.

Joe Marvel made a motion in the affirmative to move ahead to file an ordinance violation against Ms. Stillwagoner. The motion was seconded by Greg Newman. **Roll Call Vote (9-0) Yes.**  
**Motion carried.**

**COMPLAINTS – NEW:**

324 W. 7<sup>th</sup> Street, Mt. Vernon (Schneider)  
1002 E. Sycamore Street, Mt. Vernon (Berry-Ridley)  
428 S. Stierley Road, Wadesville (English)

**MARK SEIB:** Our next items are new complaints. 324 W. 7<sup>th</sup> Street, Mt. Vernon (Schneider).

**TRENT VAN HAAFTEN:** It appears the complaint is the property owners put a fence up between the two houses and crossed over the property and there is no permit.

**MARK SEIB:** Is there anyone here wishing to speak about 324 W. 7<sup>th</sup> Street?

**TRENT VAN HAAFTEN:** Leah Hendrix or Micheal J Schneider?

**MARK SEIB:** Hearing and seeing none. What are the feelings of the board?

**ANDY HOEHN:** I think we need to send a letter to them asking them to move the fence to their property.

**DAVID RIPPLE:** On October 24th. Cynthia Schneider called and asked what the proper steps are to obtain permits and put the fence up. She is willing to do a survey and then will come into the office to get the permit and stated that they would remove the existing fence piece. We have

no knowledge of such actions taken. We have not received any information for a permit or that the portion that is on the other property has been removed.

**TRENT VAN HAAFTEN:** A photo here from November 3<sup>rd</sup> that the fence is still there.

**MARK SEIB:** So, that portion of the fence is not permanently in the ground. What is the committee's feelings?

**ANDY HOEHN:** I would do a follow up phone call requesting a timeline and if the timeline is acceptable and think they will work in the right direction.

**MARK SEIB:** You can't get a surveyor that quickly.

Andy Hoehn made motion to allow the director to make a phone call to follow up and get a timeline. Joe Marvel seconded the motion. **Roll Call Vote (9-0). Motion carried.**

**MARK SEIB:** The next item is 1002 E. Sycamore Street. A vehicle parked in front yard and has been sitting in the same place for three years.

**DAVID RIPPLE:** Tamra Cox the renter at that property who owns the vehicle stopped by our office October 26<sup>th</sup> stated that she has been in bad health and hasn't been able to get the money to fix the car. She is asking for another month to have a chance to get the vehicle fixed and moved.

**MARK SEIB:** Is anyone here to speak on 1002 Sycamore Street. Hearing none and seeing none up to the committee to decide what they want to do.

**JOE MARVEL:** Trent, have you sent a letter on this one yet?

**TRENT VAN HAAFTEN:** No this is a new one. There has only been a letter from the office. It also appears the letter was sent to the owner of the property but the tenant came into the office on October 26<sup>th</sup> asking for another month.

Joe Marvel made motion to table it and give them 30 days. Seconded by Mike Baehl. **Roll Call Vote (9-0). Motion carried.**

**MARK SEIB:** The next item is 428 S. Stierley Road, Wadesville building a wall out of telephone poles. Is there anyone concerning 428 Stierley Road present? Please state your name and address.

**KYLER ENGLISH:** 428 S. Stierley Road.

**MARK SEIB:** Can you give us some understanding of what you are doing with the telephone polls?

**KYLER ENGLISH:** It's basically a fence.

**MARK SEIB:** I'm assuming that you didn't get a permit for the fence.

**KYLER ENGLISH:** No sir, I didn't know we needed one because we are zoned as Ag.

**MARK SEIB:** I see a few things. When you put up a fence you aren't supposed to be able to see the post on the outside they are supposed to be on the inside. I can honestly say I have never seen a telephone pole fence on a property before.

**DAVID RIPPLE:** It's inappropriate material for a fence.

**MARK SEIB:** Can you give us some background on why you built it using telephone poles?

**KYLER ENGLISH:** We have an attorney involved with this.

**TRENT VAN HAAFTEN:** This is a neighbor dispute over a couple of things, there is a pending lawsuit in relation to a pond that sits on both properties.

**KYLER ENGLISH:** It was the material that I had on hand. I don't really see what is wrong with that because there are telephone poles all across the U.S.

**MARK SEIB:** But they aren't used as a fence.

**DAVID RIPPLE:** The structure would have required a building permit and then the question is the location next to the property line then if you were to even apply to the building commission for the fence it is too high, inappropriate materials and may potentially be placed inappropriately to the property line. I have been in discussions with the building commissioner, you would probably need a demo permit to remove the fence. To build a new fence you would have to remove the old one and then get an improvement location permit from the building commission for the fence not to exceed six feet and be made out of appropriate material and on your property.

**KYLER ENGLISH:** They also have a fence on our property line too. I don't really see the difference there.

**MARK SEIB:** With this being said, you said you are in legal action?

**KYLER ENGLISH:** Yes, we had it all surveyed by Cash Waggner. We are not encroaching on their property.

**MARK SEIB:** You are still under legal?

**KYLER ENGLISH:** Yes.

**MARK SEIB:** Trent, what is your opinion on this.

**TRENT VAN HAAFTEN:** The lawsuit is not on the fence, correct? It's on the pond?

**KYLER ENGLISH:** Yeah.

**TRENT VAN HAAFTEN:** In the materials there is something from a Mark Chamness. Is that a surveyor that you employed?

**SHELBY ENGLISH:** No. Mark Chamness when we bought the house last July he was the one did the originally survey. We had Cash Waggner come back out May 3<sup>rd</sup> and remark the property lines.

**TRENT VAN HAAFTEN:** The pending lawsuit is separate from the fence. Our issue and what they have to address is the fence and the requirements the ordinance has for a fence. The other stuff is just provided to you for background. There are issues between neighbors that you don't address just the fence.

**JOE MARVEL:** Are the animals yours or your neighbors? There is a pin with some goats and a turkey.

**KYLER ENGLISH:** Can we see the pictures?

**JOE MARVEL:** You are using this log wall for privacy?

**KYLER ENGLISH:** There is more to it.

**LARRY HOLLERBACH:** We need to make it taller because they keep adding cameras.

**ANDY HOEHN:** This is zoned Ag?

**SHELBY ENGLISH:** Ours is zoned Ag.

**ANDY HOEHN:** I don't necessarily see anything wrong with the fence then.

**DAVID RIPPLE:** It's the nature of the height and the materials.

**KYLER ENGLISH:** Can I ask what is wrong with the material? Its wood and all we did was cable it together with 5/16 cable.

**DAVID RIPPLE:** The magnitude of the fence a more of a structure than a fence.

**KYLER ENGLISH:** So, it's not a material issue? You are just stating it's too high.

**DAVID RIPPLE:** It's also the material that you used to build the fence.

**MARK SEIB:** Like I said in the beginning the post are supposed to be on the inside on your property not facing their property.



**KYLER ENGLISH:** It's on our property.

**MARK SEIB:** It's the view. Being able to see a board on the opposite property you should see a flat board. All the framing, all of the posts are supposed to be on the inside facing your property. That is one of the issues because have post on both sides.

**KYLER ENGLISH:** This guy has a camera facing our direction and is watching my wife and kids all the time is the reason I put it up. It goes along with the neighbor stuff. What was I supposed to do?

**LARRY HOLLERBACH:** 6000 Heidt Lane Evansville, IN 47720. Is there any way we can put a board across the back to make it flat? We can make that out of 2x4s and plywood.

**KYLER ENGLISH:** Did any of you guys do measurements and how tall it is?

**MARK SEIB:** No, but we are basing it off the height of the poles and the number of poles going up and going from there.

**JOE MARVEL:** Is it fair to say it is taller than six feet?

**KYLER ENGLISH:** Yeah.

**MARK SEIB:** That's the problem.

**JOE MARVEL:** You are supposed to get a permit to build a fence not sure if that pertains to Ag.

**DAVID RIPPLE:** No, they would not need building permit, but they would need a location improvement permit from the Plan Commission on relative location and the height of the fence and I'm just reading from the ordinance here it shall be constructed with customary fencing material compatible with the surrounding area and I wouldn't consider telephone poles an appropriate material.

**ANDY HOEHN:** Under the circumstances I'm having less and less issues with the fence.

**KYLER ENGLISH:** It's a privacy thing and it's an everyday occurrence of harassment and everything else. It's worse when I'm not home, I have to look out for my family too.

**ANDY HOEHN:** This is in an Ag district. If we start doing this then we have a lot of Ag districts that we need to go through and oversee.

**JOE MARVEL:** I don't have a problem with the fence.

**STEFANI MILLER:** I don't either.

**MARK SEIB:** I don't know. I would like to see more investigation, look at the ordinance a little better and discuss this. Can we table this one, gather more information and make sure we have everything before we have a final discuss on this?

**DAVID RIPPLE:** What information would we want?

**MARK SEIB:** How tall is the tallest part of the fence.

**DAVID RIPPLE:** Measurements if you have the property line, how close it is.

**JOE MARVEL:** Does he have to file for a permit?

**KYLER ENGLISH:** If I have to file for a permit and pay for it that's fine.

**DAVID RIPPLE:** I cannot grant a permit if the fence is over six feet and then it gets into the variance and the materials that is used.

**KYLER ENGLISH:** The corner is six feet. The other part is eight feet.

**ANDY HOEHN:** Put dirt up to it until it is six feet.

**SHELBY ENGLISH:** That is what we are working on.

**ANDY HOEHN:** You are in the process of getting it to six feet?

**KYLER ENGLISH:** Yes.

**DAVID RIPPLE:** Both sides of the fence would be six feet or you just filling it in?

**TRENT VAN HAAFTEN:** You have a couple of questions about Ag district with a fence and ask the English's to provide the information you have asked for and table this for a month. I will give you a written letter of my opinions, address any questions about any fence is applicable in an Ag district. Right now I don't think any of us can give that with a definite answer.

**MARK SEIB:** Is there anyone else here wishing to speak on 428 Stierley Road? Hearing none it is up to the committee to discuss and take action how they see fit.

**TRENT VAN HAAFTEN:** I'm assuming the English's have seen my name. The property they own now was a part of an estate which I was the attorney when the property was sold to the English's. The personal rep is their neighbor who they are disputing with, I do not represent her in any current lawsuit. I want you all to know that I have a little understanding in the property. I will let you know my interpretation of the fence.

Joe Marvel made a motion to table for a month and request the English's provide us with the height of the fence and the distance from the other property line in writing and any pictures. If

you are going to add dirt to one or both sides. The height of the fence periodical. With Mr. Van Haaften giving written guidance. Andy Hoehn seconded. **Roll Call (9-0). Motion passed.**

### **DIRECTOR'S REPORT**

None.

### **APPROVAL OF PAYROLL AND BILLS**

Joe Marvel made a motion to approve payroll and bills, seconded by Andy Hoehn.

### **REPORT OF COLLECTIONS**

Greg Newman made a motion to approve collections, seconded by Stefani Miller.

### **CITIZEN CONCERNS**

None.

**GREG NEWMAN:** I would like an update on the Comprehensive Plan.

**MARK SEIB:** The Comprehensive Plan meeting on Monday is the start of the final process. We are going to be reviewing Structure Point on somewhat of a map. The homework on each committee member will be did Structure Point get it right with what we wanted to convey to them. Then we also look at the maps and follow through with discussions with them. The plan is to wrap this up in December and bring it before the governing bodies in January.

**GREG NEWMAN:** Is the meeting on Monday here?

**MARK SEIB:** No, the meeting is in Cynthiana at the Community Center. We have been taking the committee to different areas in the community. They are moving along nicely and on schedule. November the 15<sup>th</sup> is board training. It is for everyone on the APC, BZA and I have also invited the County Council, County Commissioners, The City of Mt. Vernon, Town of Posey, and the Town of Cynthiana. A lady from Indianapolis is coming down to give the dos and don'ts and to give a better understanding of what the Area Plan and BZA do. It's going to be at the CountryMark Pavilion at 4:30 and be over at 6. She is well respected and active in the state.

**DAVID RIPPLE:** This isn't mandatory, however if you were in another state it would be.

**MARK SEIB:** I strongly encourage you to attend.

The paper that I passed around is what we have put together through a group, with Trent, Terry Hall, Dave has been involved in it. I put together a simple structure and they made it even better. These are what we are going to have to hand out to the applicants for the Executive Director. You can look those over and go through the different things. I was before the County Council last week asked for \$55,000 even with this we are still is the bottom 25% on pay but that's better than \$49,000. I also convinced the council that if we find someone with more than the minimal qualifications that the County Council will take it under advisement and take it into consideration if they would offer them more for someone with better experience. This will be posted on the Indiana Chapter of Executive Planners and also at the National level and of course within Posey

County but we are reaching way out to fill it. It takes on average three months to fill. The personnel committee will be the ones to review the applications and had a submit deadline and hopefully have some applications to choice from. After December 15<sup>th</sup> this group with review the applications and interview and then bring the most qualified person to this board to review and discuss from that point if they qualify, we will send them to the County Council.

**ADJOURNMENT**

Mike Baehl made a motion to adjourn at 8:03 PM, seconded by Joe Marvel.



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Mr. Mark Seib – President



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Mr. David Ripple, Interim Executive Director



COPY

October 16, 2023

Staff Comments: The property being petitioned to be rezoned from M-2 (Manufacturing Medium) Zoning District to R-1 (Residential Single Family) Containing 4.64 acres more or less and 2.025 acres more or less. The property is located at 6238 N. Ford Rd., Mt. Vernon, IN 47620. Property abutting this site is owned by the following:

1. Dennis G. Deig Trustee-9301 Wolfinger Rd., Mt. Vernon, IN 47620
2. Joshua L. & Alex G. Deig-6815 Uebelhack Rd., Mt. Vernon, IN 47620
3. Harold W. & Bridget A. Wallis-9151 Wolfinger Rd., Mt. Vernon, IN 47620
4. Robert & Bridget Seifert-9101 Wolfinger Rd., Mt. Vernon, IN 47620
5. David T. & Jennifer L. Kay-9019 Wolfinger Rd., Mt. Vernon, IN 47620
6. Mark K. & Jacklyn L. Hulsey-6220 Ford Rd. N., MT. Vernon, IN 47620
7. Rudolph Properties LLC-422 4H Camp Drive, Dawson Springs, KY 42408
8. Melinda J. McCormick-6226 Ford Rd. N., Mt. Vernon, IN 47620-7303
9. David F. & Brenda S. Craig-8920 Barter Rd., Mt. Vernon, IN 47620
10. Richard & Shayna Ray-9010 Schroeder Ct., Mt. Vernon, IN 47620
11. Travis R. & Amber L. Wolfe-9100 Schroeder Ct., Mt. Vernon, IN 47620
12. Kevin W. Roehr-6301 Midway Manor Dr., Mt. Vernon, IN 47620

Abutting properties are zoned R-1(Residential Single Family). This property is currently vacant and outbuilding on one lot. The owners are proposing to rezone the property to R-1(Residential Single Family) for residential use-single family home. The uses adjacent to the proposed rezoning are as follows: Residential.

- ☐ Favorable recommendation by the APC
- ☐ Unfavorable recommendation by the APC
- ☐ No recommendation by the APC

 **COPY**

PROPOSED FINDINGS OF FACT  
ON DOCKET NO: 23-11-RE-APC  
PETITION TO REZONE: Kevin Short  
OWNER: Kevin Short

**1. Current conditions and the character of the current structures and uses in each district.**

The Commission finds that the proposal ~~WILL~~ WILL NOT have an adverse impact on the current conditions in the area.

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**2. Responsible development and growth**

The Commission finds that the proposal ~~WOULD~~ WOULD NOT be consistent with development and growth.

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**3. Comprehensive Plan.**

The Commission finds that the proposal ~~WOULD~~ WOULD NOT address the goals of the Comprehensive Plan.

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**4. The conservation of property values throughout the jurisdiction.**

The Commission finds that the proposal ~~WILL~~ WILL NOT have effect on property values in the jurisdiction. *a negative*

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**5. The most desirable use for which the land in each district is adapted.**

The Commission finds the proposal ~~DOES~~ DOES NOT represent the most desirable use for which land is adapted.

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Motion made to adopt the foregoing findings of fact by:

Davisman

Motion seconded by:

Newman

Adopted by Posey County Area Plan Commission

President: \_\_\_\_\_

COPY

PROPOSED FINDINGS OF FACT  
ON DOCKET NO: 23-13-RE-APC  
PETITION TO REZONE: Laura Kuhn & Allison Williams, Mudpuppy Palace  
OWNER: Turbo Tech, LLC

**1. Current conditions and the character of the current structures and uses in each district.**  
The Commission finds that the proposal WILL/WILL NOT have an adverse impact on the current conditions in the area.

**2. Responsible development and growth.**  
The Commission finds that the proposal WOULD/ WOULD NOT be consistent with development and growth.

**3. Comprehensive Plan.**  
The Commission finds that the proposal WOULD/ WOULD NOT address the goals of the Comprehensive Plan.

**4. The conservation of property values throughout the jurisdiction.**  
The Commission finds that the proposal WILL/ WILL NOT have effect on property values in the jurisdiction. *a negative*

**5. The most desirable use for which the land in each district is adapted.**  
The Commission finds the proposal DOES/ DOES NOT represent the most desirable use for which land is adapted.

Motion made to adopt the foregoing findings of fact by:

Hoehn

Motion seconded by:

Dausman

Adopted by Posey County Area Plan Commission

President: \_\_\_\_\_

Date: \_\_\_\_\_



October 16, 2023

Staff Comments: The property being petitioned to be rezoned from M-2 (Manufacturing Medium) Zoning District to CG (Commercial General) Zoning District. Containing 1.92 acres more or less. The property is located at 3350 Old Hwy 62, Mt. Vernon, IN. Property abutting this site is owned by the following:

1. **Quality Magnetite LLC-2620 US Highway 52 South, Kenova, WV 25530**
2. **Don W. Beste-PO Box 207, Evansville, IN 47702**
3. **Countrymark Cooperative Inc.-225 S. East St, Suite 144, Indianapolis, IN 46202**
4. **Warehouse Services No. 5 LLC-2101 Hwy 69 S., Mt. Vernon, IN 47620**
5. **Irish Acreage LLC-10650 E. Copperline Rd., Evansville, IN 47712**
6. **Edward T. Starnes-5114 Hartmann Rd., Mt. Vernon, IN 47620**
7. **Dee Ann Goldman Jones-4172 Nation Rd., Mt. Vernon, IN 47620**

Abutting properties are zoned M-2(Manufacturing Medium) & CH (Commercial High Intensity)  
This property is currently vacant. The owners are proposing to rezone the property to CG (Commercial General) for youth interactive center/nature based learning center. The uses adjacent to the proposed rezoning are as follows: Manufacturing and Commercial.

- ☐ Favorable recommendation by the APC  
☐ Unfavorable recommendation by the APC  
☐ No recommendation by the APC





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FILED

OCT 05 2023

1. Briefly answer the following questions related to your proposed request for changing of zoning:

Type of Business: Nature-based learning center

POSEY COUNTY AREA  
PLANNING COMMISSION

Hours of Operation: Mon-Fri: 9am-6pm; Sat: 10am-3pm; Sun: Closed

Number of Employees (including yourself): 2

Nature and Proposed Size and Type of Sign: 4x6 Pylon sign and 4x6 Digital screen

Square Footage of Business: 5000 sq ft + size of current buildings

Other Business Details:

2. Do you find your proposal will disturb any neighbors because of noise, traffic, parking, or any other factors? Please explain why or why not? How many trips per day would your clients generate? How many, what timing and type of trips will delivery vehicles make to your proposed business? Our business will not disturb any neighbors as there are only other businesses in that area. Our business will not be generating extra noise and parking will be in a designated parking area on the property. The number of trips per day generated from clients should be in the 50-100 range. Once the business is established there should not be deliveries made to this address other than UPS, Amazon, USPS and the like.