

MINUTES

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

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

**NOVEMBER 9, 2023
5:00 P.M.**

MEMBERS PRESENT: Mr. Larry Williams-Chairperson, Mrs. Beth McFadin Higgins-Attorney, Mr. David Ripple-Interim Executive Director, Mr. Larry Droege, Mr. Mark Seib, Mr. Keith Spurgeon, Mrs. Taylor Elmendorf-Administrative Assistant, Mrs. Savannah Axley-Clerical Assistant

MEMBER ABSENT: Mr. Ron Fallowfield-Vice Chairperson

APPROVAL OF MINUTES LAST REGULAR MEETING: Larry Droege made a motion to approve minutes from October 12, 2023 regular meeting. Motion seconded by Mark Seib. Roll Call Vote (4-0). **Motion carried.**

VARIANCE: TABLED FROM OCTOBER 12, 2023 MEETING.

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 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 Mr. Ripple that the applicant met all the requirements for the 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.

JAMES LINSDAY: 502 W. Monroe Street, Princeton, IN 47670, with Ohio Valley Solar.

LARRY WILLIAMS: Tell us about your application.

JAMES LINSDAY: Submitted everything we needed for the Variance originally 100'. We did get letters from the landowners from the South of where the solar rays are going. They have signed their permission to allow the location of the ray is going.

LARRY WILLIAMS: Are there any questions from the board?

MARK SEIB: Why are you wanting to have the Variance of the 30' from 100'?

JAMES LINSDAY: Basically, due to that way the property is laid out. Mr. Bender has removed several trees to help set it back away from neighboring properties to give it a better aesthetic appeal. It just can't go back 100'. I have a picture if you want to see it.

MARK SEIB: Is this what you have. We all have this.

JAMES LINSDAY: Yes, as you can see it really can't be moved further North. You see the access road to the left the Embrey's don't have a problem with it. Also, the landowners to the south of that are fine. There are no drainage issues, the power company has already approved no issues tying to the grid.

LARRY WILLIAMS: What is on the other side of the property line?

JAMES LINSDAY: Which direction, sir?

LARRY WILLIAMS: South?

JAMES LINSDAY: What is on the other side to the South of Mr. Bender's property?

LARRY WILLIAMS: Yes, the adjoining neighbor.

JAMES LINSDAY: There is an access road that goes back to the farmland to the east of Mr. Bender's property and just to the south of the access road there is some farmland.

LARRY WILLIAMS: That's what I was asking.

LARRY WILLIAMS: Any other questions from the board?

LARRY DROEGE: The design would be to get sunlight from the South?

JAMES LINSDAY: Yes sir, South facing is the most efficient.

KEITH SPURGEON: This maybe more of a Bill question, but he shouldn't have to take out to

many more trees the way it looks?

JAMES LINSDAY: Yes, we have redesigned it originally it was going to be all along the access road. It will now be two rows or rays front to back instead of one long array.

MARK SEIB: They are fixed?

JAMES LINSDAY: Yes, Sir these are ground arrays.

MARK SEIB: OK

JAMES LINSDAY: We have the agency letters, you probably see them where they have approved it.

LARRY DROEGE: Do you have another history of installation in Posey County?

JAMES LINSDAY: Yes sir, we have been in front of you guys for at least one for sure. We have around 30 installations. We have been around a long time.

MARK SEIB: We have on record the letters from the adjacent property owners. Do you have that?

DAVID RIPPLE: Yes, we have the certificate.

MARK SEIB: No, he mentioned he had letters have those been submitted to the Area Plan?

JAMES LINSDAY: Yes, that was something we had to do to be on the agenda.

MARK SEIB: I just wanted to make sure that the document was there from the adjacent property owners.

LARRY WILLIAMS: Any further questions? You can have a seat sir. 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 none, we will close the public portion.

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

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

Mr. Larry Droege made a motion to accept docket 23-14-V-BZA. Seconded by Keith Spurgeon.

The Variance Voting sheet was read by David Ripple. Roll Call Vote (4-0). **Motion carried.**

BETH MCFADIN HIGGINS: Come into the office and pick up your improvement location permit at the Area Plan Commission office.

DAVID RIPPLE: Provide a Site Plan showing Variances necessary.

VARIANCE: TABLED FROM OCTOBER 12, 2023 MEETING.

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.

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

Mr. Williams confirmed with Mr. Ripple that the applicant met all the requirements for the 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.

BETH MCFADIN HIGGINS: Just for the record this was filed under one Variance requesting both of the setbacks as one. Since there is one case number then you want them both approved so it's all or nothing is that how you want to take them under concertation?

JUSTIN CONNAUGHTON: I'm not sure what your protocol is. I didn't know they were all under one.

BETH MCFADIN HIGGINS: I have one docket.

DAVID RIPPLE: Two Variance request for two different dimensions.

BETH MCFADIN HIGGINS: But one Variance docket number, normally we would take a vote that would include both. I just want to make sure that is fine with the applicate as well.

JUSTIN CONNAUGHTON: That's fine. 4966 W. State Route 62 Boonville, IN 47601.

LARRY WILLIAMS: And you are asking for?

JUSTIN CONNAUGHTON: We are also putting another solar array on the Southside of this

home.

LARRY WILLIAMS: Questions from the board.

MARK SEIB: If that is the Southside of the home, I'm assuming that the driveway that comes in is on the backside of the house.

JUSTIN CONNAUGHTON: Correct

MARK SEIB: And you are wanting to reduce the rear yard setback from 100' to 56', so you are going to keep it 56' from the property line.

JUSTIN CONNAUGHTON: Correct.

KEITH SPURGEON: That's from the side, East.

JUSTON CONNAUGHTON: 20' South of the property line. Sorry 56' from the East.

KEITH SPURGEON: Then they meet the setback from the West at 105'. You have letters from the adjacent property owners and have them submitted and they are ok with it?

JUSTIN CONNAUGHTON: Correct and directly to the South is farm.

LARRY DROEGE: What is the reason for this request? Location of the house?

JUSTIN CONNAUGHTON: Yes.

LARRY WILLIAMS: This looks like it is totally surrounded by farmland, other than this house?

JUSTIN CONNAUGHTON: Correct

LARRY WILLIAMS: Any further questions? You can have a seat sir. 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 none, we will close the public portion.

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

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

Mr. Keith Spurgeon made a motion to approve docket number 23-15-V-BZA. Larry Droege seconded motion.

The Variance Voting sheet was read by David Ripple. Roll Call Vote (4-0). **Motion carried.**

BETH MCFADIN HIGGINS: Come into the Area Plan office with your site plan and pick up

your improvement location permit at the Area Plan Commission office.

VARIANCE:

DOCKET NO: 23-16-V-BZA
APPLICANT: Mackenzie Dowdy/Salas O'Brien
OWNER: Astrazeneca Pharmaceuticals, LP
PREMISES: Parts of the Northeast Quarter of the Southwest Quarter and Southeast Quarter of the Southwest Quarter of Section 2, Township 7 South, Range 13 West and part of the Northeast Quarter of the Northwest Quarter of Section 11, Township 7 South, Range 13 West. Lying in Black Township, Posey County Indiana. Containing 7.58 acres and 26.70 more or less.
More commonly known as 4601 Hwy 62 E, Mt. Vernon, IN 47620.
(Complete legal description is on file at the Posey County Area Plan Commission Office).

NATURE OF CASE: Applicant requests a Variance for non-domestic animals in an M-2 Zoning District under Section 153.021 (B) 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 Mr. Ripple that the applicant met all the requirements for the 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.

JESSICA ZIRKLEBACH: 4601 Hwy 62 E.

LARRY WILLIAMS: What are you applying for?

JESSICA ZIRKLEBACH: We have installed 3-megawatt solar field on the property and have been mowing that. It is difficult to maintain and risky for injuries. Have looked at different options for how to maintain. Saw a video on solar grazing. Have partner with a local farmer Green Pastures. Hopefully install a fence a trial about 40 sheep to graze that 25 acres during mowing season. Works for us from a cost standpoint and also supports the economy.

LARRY WILLIAMS: Sounds Cool.

LARRY DROEGE: Is there any other application like this within the Tri State area? Did you find anything else?

JESSICA ZIRKLEBACH: I don't think anyone else is doing it locally. If you start looking up solar grazing there are a lot of applications mainly in the larger areas out West. I don't think so. We are actually looking into different types of sheep. St. Croix sheep, this type of sheep their

hair has less tendency for bugs, less smell.

LARRY DROEGE: It will be the farmer's responsibility once the sheep are grown to recycle the sheep and bring in new sheep or subcontracted?

JESSICA ZIRKLEBACK: That's right. The farmer will be out routinely to check on the sheep. Making sure there is food and water in the right places. They are only going to be there during mowing season and the sheep will go back to the farmer. Then the next season the new sheep will come out.

LARRY DROEGE: Is there an issue with the waste of the animals?

JESSICA ZIRKLEBACK: We looked at the environmental side of this because we have operating permits and there is no concern.

MARK SEIB: How many acres are you going to fence?

JESSICA ZIRKLEBACH: About 25 acres.

MARK SEIB: And you are going to have 40 sheep?

JESSICA ZIRKLEBACH: That was the farmer's estimate. This is the first time we are trying this and we might adjust a little as we learn.

MARK SEIB: Is the fence going to be where you can graze in sections or one large area?

JESSICA ZIRKLEBACH: One large area to start but we did talk about where we are going to stage food.

MARK SEIB: The reason why I am saying this is because when this came to me two months ago I went and spoke with people that have sheep that are grazing. There are four of them in Indiana. Are there going to be ways to handle the livestock for medical treatment to isolate or are you going to have to try and catch them in the 25 acres.

JESSICA ZIRKLEBACH: We do know the farmer is going to come out if we have any concerns make sure they get the right care. Not sure how he would capture them. I'm sure we can make a small fenced in area if that is needed.

MARK SEIB: That is very important. How are they going to move the livestock if needed? Is there going to be a loading facility if needed in an emergency?

JESSICA ZIRLEBACH: That is a great question.

WALTER SMITH: 4601 Hwy 62 E with Salas O'Brien, there will be a corral 12' gate to enter the area that will be off that gate for loading and unloading.

MARK SEIB: The question is making sure the health of the livestock and that they are well taken care of and have that facility to corral and keeping them away from the panels there is an emergency. If you have 25 acres and only have 40 sheep on it not sure that is going to be enough sheep. There are some other standards some are having 20 sheep per acre. That's why some are starting to segregate the areas to keep the sheep in a certain area and graze that down and then move them over. That allows them to be more confined. What kind of fence are you going to use? Are you going to have another fence inside the perimeter?

WALTER SMITH: The West and South fence is 6' chain-link with barbwire on top. North and East side we are adding fence that is 6' but without barbwire.

MARK SEIB: With livestock you have to worry about dogs climbing under. You need to have something to keep that chain-link fence nailed to the ground to keep them from getting under. That is a major concern that outside danger cannot get into the fence area. How are you going to get the sheep their daily water?

WALTER SMITH: We are going to have multiple sources of fresh water.

MARK SEIB: Are you having a hydrant out there or hauling it in?

WALTER SMITH: We are going to have some water lines ran to a trough close to the corral area and then throughout the fence area will have 50-gallon troughs for additional water.

MARK SEIB: But the water will not be hauled in, it will be piped to the tanks?

WALTER SMITH: We had planned on running water to the corral area the other areas we would be hauling water.

MARK SEIB: The person that is going to be caring for the sheep, will they be there daily or weekly?

WALTER SMITH: The farmer is planning on being there monthly to do well checks with checking weight which is the best way to check their wellbeing. Daily AstraZeneca management group will be monitoring them actively.

MARK SEIB: Are these people experienced about sheep from AstraZeneca? Will they be able identify health issues?

WALTER SMITH: They do not have any past experience we have been relying on the farmer. We have been in communication with him and have other sessions planned.

MARK SEIB: Is there going to be a shelter or are they planned to be moved if there is extreme weather conditions?

WALTER SMITH: The farmer stated the solar panels themselves provide the shelter that is needed.

MARK SEIB: As you can see there are a bunch of questions, there is an association that specializes in having grazing sheep that you can be a part of can provide classes for. I would strongly encourage the people that are going to be keeping eyes on them daily. When speaking to others about sheep solar grazing they need to be seen every day and to maintain, having smaller fences to graze and to manage the grazing area. If you give them the 25 acres they are going to have their favorite spots. You also will have issues with weeds that they will not eat or can make them sick so that will have to be maintained. I think you are still on the start of this because we are not hearing a lot of good solid answers, so I'm somewhat concerned that it hasn't been given a complete thought.

JESSICA ZIRKLEBACH: We have spent a lot of time on this. If you would like us to bring the farmer in to answer more details to the questions. He put the plan together on all of this to make sure we were doing this right because AstraZeneca we aren't sheep farmers.

MARK SEIB: I understand this isn't our specialty.

JESSICA ZIRKLEBACH: I'm happy to bring him back if that is what is needed or if you want to provide a list of questions to make sure we have the right plan.

MARK SEIB: Unless you tell us you're going to do these things. Then it becomes an issue because I don't really want to mandate those things from us saying you have to. We need to have some understanding from the farmer exactly how he is going to handle the issues we just went over and talked about. That would at least make me more comfortable with the livestock being on that property and being able to address it. Not saying that the person that owns those animals doesn't know what he is doing but when I hear you are going to just put up a fence around 25 acres and just let 40 sheep loose there are some issues with that. I want to see you have success because I think it is a great idea and beneficial. We need more explanation on. One question, you are wanting to do this seasonal and with the season about over you aren't going to do it this year it's going to be next year? You do have a little bit of time to work that out.

JESSICA ZIRKLEBACH: Yes, that's right. The team has worked with different farmers. One wanted to bring in 150 sheep for 2 weeks and then pick them up. There are many different ways to go about this.

MARK SEIB: Yes, absolutely and like I said grazing pens and another way of handling it. Again, if the drawing is correct you have a lot of area that doesn't have an array on, if that is correct? We will have to have a discussion about how you are going to do the fence and doing those types of things. Like I said and keeping the animals of prey away from the sheep. The reason why, is my grandfather raised sheep so I know there are issues with dogs and everything else and I don't want to see this happen. You know where I am coming from, so you don't make mistakes along the way. I want you to be used as a model for other places. You don't have a problem with us delaying this to have discussions for next month?

JESSICA ZIRLEBACH: No, that's not a problem.

WALTER SMITH: We have had the same discussions internally, so we want this to succeed as

well.

MARK SEIB: If it's ok with the committee we have some discussion with the farmer, I would make a motion to table this until next month.

KEITH SPURGEON: The employees that would be checking in on them daily would be checking on the water.

JESSICA ZIRLEBACH: Yes.

KEITH SPURGEON: The farmer you are working with is not new to raising sheep?

WALTER SMITH: He is located in Salam, Indiana. He is the president of the National St. Croix Association, he has been president for the last 8 years, so he is very knowledgeable about this breed.

KEITH SPURGEON: What is his name?

WALTER SMITH: Jason Webster from Green Pastures farms.

Mark Seib makes a motion to table until next month. Larry Droege seconded motion. Roll Call (4-0). **Motion to table.**

BETH MCFADIN HIGGINS: That meeting is December 14th at 5 P.M in this room.

SPECIAL USE:

DOCKET NO: 23-14-SU-BZA
APPLICANT: Damian Smith
OWNER: Damian M. & Jada R. Smith
PREMISES: Koester Blake Rd. Exempt II Division Lot 1, Posey County, Indiana. Section 11, Township 5 South, Range 12 West in Robinson Township. Containing 2 acres more or less. More commonly known as 10422 Blake Rd., Wadesville, Indiana. (Complete legal description is on file at the Posey County Area Plan Commission Office).

NATURE OF CASE: Applicant requests Special Use to place a residential storage shed in a A (Agricultural) Zoning District Section 153.032 (B)(2) Use Unit 2 Areawide Special Exception Uses, Section 153.147 (B) (14) Residential Storage Structure 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 Mr. Ripple that the applicant met all the requirements for the 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.

DAMIAN SMITH: 1010 Red Brick Ct., Evansville, IN 47720.

LARRY WILLIAMS: Tell us about your request.

DAMIAN SMITH: Just need a storage shed. We just moved and need to get stuff to store in there.

MARK SEIB: Is your house on that property?

DAMIAN SMITH: No, there is no home on this property currently. We moved from a home to an apartment so I'm going to be building. Just needing a place to store items from the house that will not fit in the apartment.

KEITH SPURGEON: There is a garage on the site currently?

DAMIAN SMITH: No.

MARK SEIB: There's another building on the property? Is there another building on this property that you are wanting to build on? Currently?

DAMIAN SMITH: No.

MARK SEIB: It's all Ag land?

DAMIAN SMITH: Yes, trees and a gravel lane.

MARK SEIB: Understood but there are no other buildings on the property?

DAMIAN SMITH: No.

KEITH SPURGEON: I thought you said you were putting a shed next to a garage.

MARK SEIB: I need a clarification from Dave or Beth. This is an Ag zone area and he is just putting a storage shed for personal storage this is not agricultural stuff.

DAVID RIPPLE: That's why it needs the Special Use permit to do that.

MARK SEIB: Does that allow that in an agricultural district for special use in Ag.

DAVID RIPPLE: Yes.

BETH MCFADIN HIGGINS: If there was home there then there would be a different situation because it could be an accessory.

DAVID RIPPLE: He would not have had to apply for the Special Use if there would have been.

LARRY WILLIAMS: Any further questions? You can have a seat sir. 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 none, we will close the public portion.

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

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

LARRY DROEGE: This is going to be portable storage shed?

DAMIAN SMITH: Yes, and it will be delivered.

LARRY DROEGE: This will not be a permanent structure?

DAMIAN SMITH: Correct.

MARK SEIB: Is that all grass area or farm ground?

DAMIAN SMITH: Its mainly grass and a gravel lane.

MARK SEIB: But it's not being farmed?

DAMIAN SMITH: Correct.

LARRY DROEGE: You have plans to build a home of this property?

DAMIAN SMITH: Correct.

LARRY DROEGE: You already have plans approved.

DAMIAN SMITH: No, not yet.

MARK SEIB: Do you have a timeline to when you are going to start?

DAMIAN SMITH: 2025.

LARRY DROEGE: If you weren't going to build a home on this property you wouldn't be putting a building on the property?

DAMIAN SMITH: Correct.

LARRY DROEGE: Are you placing the storage shed with the location of future house in mind.

DAMIAN SMITH: I have it placed with the house in mind.

Mr. Keith Spurgeon made a motion to approve docket number 23-14-SU-BZA. Larry Droege seconded motion.

The Special Use Voting sheet was read by David Ripple. Roll Call Vote (4-0). **Motion carried.**

BETH MCFADIN HIGGINS: You will need to come into the Area Plan office.

DAVID RIPPLE: You have already submitted the site plan needed to complete the application.

BETH MCFADIN HIGGINS: Just come in and they will work through the final paperwork and give you your improvement location permit.

LARRY WILLIAMS: Is there any additional business that needs to be heard tonight?

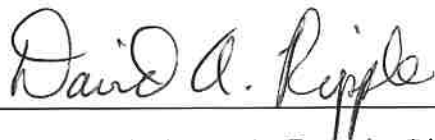
MARK SEIB: This is Dave Ripple's first meeting as Executive Director and giving it his best shot.

LARRY WILLIAMS: Are there any Citizen's Concerns? Hearing none.

Mr. Larry Williams made a motion to adjourn the meeting at 6:03pm. All present members agreed at once.

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

Mr. Larry Williams, Chairperson

A handwritten signature in black ink, appearing to read "David A. Ripple", written over a horizontal line.

Mr. David Ripple, Interim Executive Director



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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	(<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*	<input checked="" type="radio"/>	<input checked="" type="radio"/>
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*	<input checked="" type="radio"/>	<input checked="" type="radio"/>
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	4	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*	<input checked="" type="radio"/>	4
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	4	0
Mark Seib	() NO*	(<input checked="" type="checkbox"/>) 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	(<input checked="" type="checkbox"/>) NO	() YES*	Keith Spurgeon	(<input checked="" type="checkbox"/>) NO	() YES*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	() NO	() YES*	Larry Williams	(<input checked="" type="checkbox"/>) NO	() YES*	0	4
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 _____ day of _____

(date)

VARIANCE VOTING SHEET

POSEY COUNTY BOARD OF ZONING APPEALS

Report of Findings of Fact

BZA NO: 23-15-V-BZA Rence Gentry / Ohio Valley Electric
Dennis G. & Pamela 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	(<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	4
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	4
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*	() YES	Larry Williams	() NO*	(<input checked="" type="checkbox"/>) YES	4	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	4
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	4	0
Mark Seib	() NO*	(<input checked="" type="checkbox"/>) 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	(<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>YES</u>	<u>NO</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 _____ day of _____

(date)

POSEY COUNTY
SPECIAL USE VOTING SHEET



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Posey County Board of Zoning Appeals
Report of Finding Fact

BZA NO: 23-14-SU-BZA-Damian Smith
Owner: Damian M. & Jada R. Smith

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	() YES () NO*	Larry Williams	(<input checked="" type="checkbox"/>) YES () NO*	4	0
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	() YES () NO*	Larry Williams	(<input checked="" type="checkbox"/>) YES () NO*	4	0
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	() YES () NO*	Larry Williams	(<input checked="" type="checkbox"/>) YES () NO*	4	0
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	() YES () NO*	Larry Williams	(<input checked="" type="checkbox"/>) YES () NO*	4	0
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	() YES () NO*	Larry Williams	(<input checked="" type="checkbox"/>) YES () NO*	4	0
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	() YES () NO*	Larry Williams	(<input checked="" type="checkbox"/>) YES () NO*	4	0
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	Keith Spurgeon	() YES* (✓) NO	<u>YES</u>	<u>NO</u>
Ron Fallowfield	() YES* () NO	Larry Williams	() YES* (✓) NO	0	4
Mark Seib	() YES* (✓) NO				

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

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

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

Larry Droege	(✓) YES () NO*	Keith Spurgeon	(✓) YES () NO*	<u>YES</u>	<u>NO</u>
Ron Fallowfield	() YES () NO*	Larry Williams	(✓) YES () NO*	4	0
Mark Seib	(✓) YES () NO*				

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

*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 _____ day of _____, 20_____.