

MINUTES

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

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

**MARCH 14, 2024
5:00 P.M.**

MEMBERS PRESENT: Mr. Joe Marvel-Chairperson, Mr. Jeff Hoehn- Vice-Chairperson, Dr. Keith Spurgeon, Mrs. Beth McFadin Higgins-Attorney, Mr. David Ripple-Interim Executive Director, Mrs. Taylor Elmendorf-Administrative Assistant, Mrs. Savannah Axley-Clerical Assistant

MEMBERS ABSENT: Mr. Ron Fallowfield and Mr. Randy Rankin

APPROVAL OF MINUTES FOR LAST REGULAR MEETING: Keith Spurgeon made a motion in the affirmative to approve the minutes of the last regular meeting as emailed. Motion seconded by Jeff Hoehn **Roll Call Vote (3-0). Yes. Motion carried.**

APPROVAL OF MINUTES FOR SPECIAL MEETING ON FEBRUARY 15, 2024: Keith Spurgeon made a motion in the affirmative to approve the minutes of the last regular meeting as emailed. Motion seconded by Jeff Hoehn **Roll Call Vote (3-0). Yes. Motion carried.**

VARIANCE:

DOCKET NO: 24-03-V-BZA
APPLICANT: Kirby Ann & Michael John Schmahlenberger
OWNER: Kirby Ann & Michael John Schmahlenberger
PREMISES: Part of the East Half of the Northeast Quarter of Section 35, Township 6 South, Range 12 West of the Second Principal Meridian, lying in Marrs Township, Posey County, Indiana. Containing 3.00 acres more or less. More commonly known as 10820 E. Grandview Dr., Evansville, Indiana (Complete legal description is on file at the Posey County Area Plan Commission Office).

NATURE OF CASE: Applicant requests a Variance for placement of an above ground pool in the side yard in an R-1 (Residential Single-Family) Zoning District under Section 153.024 (B) (7) of the Zoning Ordinance of the City of Mt. Vernon, Town of Cynthiana, Town of Poseyville and Unincorporated Posey County.

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

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

Michael Schmahlenberger, 10820 E. Grandview Dr., Evansville, here to speak on behalf of the application.

No comments from the public.

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

Mr. Marvel opened the floor to the board for discussion or action.

Keith Spurgeon made a motion to approve docket 24-03-V-BZA, motion was seconded by Jeff Hoehn.

The Variance Voting sheet was read by David Ripple. **Roll Call Vote (3-0). Motion carried.**

SPECIAL USE:

DOCKET NO: 24-05-SU-BZA

APPLICANT: Kathy Heck, Husk Signs

OWNER: Black's Chapel Methodist Church, Inc.

PREMISES: A part of the Northeast Quarter of the Southwest Quarter of Section 7, Township 7 South, Range 13 West, Black Township, Posey County, Indiana. Containing 5.49 acres more or less. More commonly known as 1800 W. 4th St., Mt. Vernon, IN (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 under 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. Marvel confirmed no board members had any conflict of interest.

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

Kip Husk, 530 Clear Crest Lane, Evansville, IN here to speak on behalf of the application.

Attorney Beth McFadin Higgins stated that the sign can be used only for onsite advertising.

No comments from the public.

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

Mr. Marvel opened the floor to the board for discussion or action.

Jeff Hoehn made a motion to approve docket 24-05-SU-BZA, motion was seconded by Keith Spurgeon.

The Special Use Voting sheet was read by David Ripple. **Roll Call Vote (3-0). Motion carried.**

ADDITIONAL BUSINESS


NONE

CITIZEN CONCERN

NONE

ADJOURNMENT

Keith Spurgeon motioned to adjourn. Motion seconded by Jeff Hoehn at 5:24pm.



Mr. Joe Marvel-BZA Chairperson



Mr. David Ripple, Interim Executive Director

**POSEY COUNTY
SPECIAL USE VOTING SHEET**

Posey County Board of Zoning Appeals
Report of Finding Fact

BZA NO: 24-05-SU-BZA



COPY

HAS THE APPLICANT PROVEN BY SUBSTANTIAL EVIDENCE THE FOLLOWING:

1. The Zoning Ordinance authorizes the Special Use.

153.166(N)

Ron Fallowfield	<input type="checkbox"/> YES	<input type="checkbox"/> NO*	Keith Spurgeon	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	<u>YES</u>	<u>NO*</u>
Jeff Hoehn	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	Joe Marvel	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	<u>3</u>	<u>0</u>
Randy Rankin	<input type="checkbox"/> YES	<input type="checkbox"/> NO*					

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

Ron Fallowfield	<input type="checkbox"/> YES	<input type="checkbox"/> NO*	Keith Spurgeon	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	<u>YES</u>	<u>NO*</u>
Jeff Hoehn	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	Joe Marvel	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	<u>3</u>	<u>0</u>
Randy Rankin	<input type="checkbox"/> YES	<input type="checkbox"/> 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.

going service

Ron Fallowfield	<input type="checkbox"/> YES	<input type="checkbox"/> NO*	Keith Spurgeon	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	<u>YES</u>	<u>NO*</u>
Jeff Hoehn	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	Joe Marvel	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	<u>3</u>	<u>0</u>
Randy Rankin	<input type="checkbox"/> YES	<input type="checkbox"/> 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 and of the operation and the site layout with relaxation to the existing or future traffic patterns.

replace existing sign

Ron Fallowfield	<input type="checkbox"/> YES	<input type="checkbox"/> NO*	Keith Spurgeon	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	<u>YES</u>	<u>NO*</u>
Jeff Hoehn	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	Joe Marvel	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	<u>3</u>	<u>0</u>
Randy Rankin	<input type="checkbox"/> YES	<input type="checkbox"/> NO*					

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

permanent sign

Ron Fallowfield	<input type="checkbox"/> YES	<input type="checkbox"/> NO*	Keith Spurgeon	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	<u>YES</u>	<u>NO*</u>
Jeff Hoehn	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	Joe Marvel	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	<u>3</u>	<u>0</u>
Randy Rankin	<input type="checkbox"/> YES	<input type="checkbox"/> NO*					

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

Ron Fallowfield	<input type="checkbox"/> YES	<input type="checkbox"/> NO*	Keith Spurgeon	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	<u>YES</u>	<u>NO*</u>
Jeff Hoehn	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	Joe Marvel	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	<u>3</u>	<u>0</u>
Randy Rankin	<input type="checkbox"/> YES	<input type="checkbox"/> NO*					

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.

people

Ron Fallowfield	<input type="checkbox"/> YES*	<input type="checkbox"/> NO	Keith Spurgeon	<input type="checkbox"/> YES*	<input checked="" type="checkbox"/> NO	<u>YES*</u>	<u>NO</u>
Jeff Hoehn	<input type="checkbox"/> YES*	<input checked="" type="checkbox"/> NO	Joe Marvel	<input type="checkbox"/> YES*	<input checked="" type="checkbox"/> NO	<u>0</u>	<u>3</u>
Randy Rankin	<input type="checkbox"/> YES*	<input type="checkbox"/> NO					

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

N/A

Ron Fallowfield	<input type="checkbox"/> YES	<input type="checkbox"/> NO*	Keith Spurgeon	<input type="checkbox"/> YES	<input type="checkbox"/> NO*	<u>YES</u>	<u>NO*</u>
Jeff Hoehn	<input type="checkbox"/> YES	<input type="checkbox"/> NO*	Joe Marvel	<input type="checkbox"/> YES	<input type="checkbox"/> NO*		
Randy Rankin	<input type="checkbox"/> YES	<input type="checkbox"/> 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.

on site info at 153, 166 (N)

Ron Fallowfield	<input type="checkbox"/> YES	<input type="checkbox"/> NO*	Keith Spurgeon	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	<u>YES</u>	<u>NO*</u>
Jeff Hoehn	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	Joe Marvel	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	<u>3</u>	<u>0</u>
Randy Rankin	<input type="checkbox"/> YES	<input type="checkbox"/> 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 ASTERISK, UNDER THE STATUE YOU SHOULD DENY THE APPLICATION.

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

is hereby granted Yes ()

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 14 day of March, 2024.

VARIANCE VOTING SHEET

POSEY COUNTY BOARD OF ZONING APPEALS

Report of Findings of Fact

BZA NO: 24-03-V-BZA



COPY

1. Will the granting of this variance be injurious to the public health, safety, morals and general welfare to the community?
pool can't be in back yard

Ron Fallowfield	<input type="checkbox"/> YES*	<input type="checkbox"/> NO	Keith Spurgeon	<input type="checkbox"/> YES*	<input checked="" type="checkbox"/> NO	<u>YES*</u>	<u>NO</u>
Jeff Hoehn	<input type="checkbox"/> YES*	<input checked="" type="checkbox"/> NO	Joe Marvel	<input type="checkbox"/> YES*	<input checked="" type="checkbox"/> NO	0	3
Randy Rankin	<input type="checkbox"/> YES*	<input type="checkbox"/> NO					

2. Will the use or value of the area adjacent to the property included in variance be affected in a substantially adverse manner?

Ron Fallowfield	<input type="checkbox"/> YES*	<input type="checkbox"/> NO	Keith Spurgeon	<input type="checkbox"/> YES*	<input checked="" type="checkbox"/> NO	<u>YES*</u>	<u>NO</u>
Jeff Hoehn	<input type="checkbox"/> YES*	<input checked="" type="checkbox"/> NO	Joe Marvel	<input type="checkbox"/> YES*	<input checked="" type="checkbox"/> NO	0	3
Randy Rankin	<input type="checkbox"/> YES*	<input type="checkbox"/> NO					

3. Does the need for this variance arise from conditions peculiar to the property included in the variance?
septic field in back

Ron Fallowfield	<input type="checkbox"/> YES	<input type="checkbox"/> NO*	Keith Spurgeon	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	<u>YES</u>	<u>NO*</u>
Jeff Hoehn	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	Joe Marvel	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	3	0
Randy Rankin	<input type="checkbox"/> YES	<input type="checkbox"/> NO*					

4. Are these conditions general in the same zone?
shape of septic field

Ron Fallowfield	<input type="checkbox"/> YES*	<input type="checkbox"/> NO	Keith Spurgeon	<input type="checkbox"/> YES*	<input checked="" type="checkbox"/> NO	<u>YES*</u>	<u>NO</u>
Jeff Hoehn	<input type="checkbox"/> YES*	<input checked="" type="checkbox"/> NO	Joe Marvel	<input type="checkbox"/> YES*	<input checked="" type="checkbox"/> NO	0	3
Randy Rankin	<input type="checkbox"/> YES*	<input type="checkbox"/> NO					

5. Will the strict application of the applicable Ordinance constitute unusual and unnecessary hardship if applied to the property in question?
septic field bed

Ron Fallowfield	<input type="checkbox"/> YES	<input type="checkbox"/> NO*	Keith Spurgeon	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	<u>YES</u>	<u>NO*</u>
Jeff Hoehn	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	Joe Marvel	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	3	0
Randy Rankin	<input type="checkbox"/> YES	<input type="checkbox"/> NO*					

6. Will the granting of this variance interfere substantially with the Comprehensive Plan or materially increase street congestion?
no increase

Ron Fallowfield	<input type="checkbox"/> YES*	<input type="checkbox"/> NO	Keith Spurgeon	<input type="checkbox"/> YES*	<input checked="" type="checkbox"/> NO	<u>YES*</u>	<u>NO</u>
Jeff Hoehn	<input type="checkbox"/> YES*	<input checked="" type="checkbox"/> NO	Joe Marvel	<input type="checkbox"/> YES*	<input checked="" type="checkbox"/> NO	0	3
Randy Rankin	<input type="checkbox"/> YES*	<input type="checkbox"/> NO					

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

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

is hereby granted Yes ()

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 14 day of March, 20 24.