

MINUTES

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

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

**APRIL 11, 2024
5:00 P.M.**

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

MEMBERS ABSENT: None

APPROVAL OF MINUTES FOR LAST REGULAR MEETING: Randy Rankin made a motion in the affirmative to approve the minutes of the last regular meeting as emailed. Motion seconded by Keith Spurgeon. **Roll Call Vote (5-0). Yes. Motion Carried.**

VARIANCE:

DOCKET NO: 24-04-V-BZA
APPLICANT: George R. McCool
OWNER: George R. McCool & Kimberly D. Clark-McCool
PREMISES: Part of the Northeast Quarter of the Northeast Quarter and part of the Northwest Quarter of the Northeast Quarter of Section 24, Township 5 South, Range 14 West, Lynn Township, Posey County, Indiana. Containing 4.8400 acres more or less. More commonly known as 2990 State Road 69 North, New Harmony, IN (Complete legal description is on file at the Posey County Area Plan Commission Office).

NATURE OF CASE: Applicant requests a Variance for a proposed construction of a 100' x 30' pole barn in the front yard per Section 153.032 (E)(1)(b) in an A (Agricultural) Zoning District 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.

George McCool, 2927 Mesker Park Dr., Evansville, here to speak on behalf of the application.

No comments from the public.

Mr. Marvel read the email and phone call in opposition of this application.

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

Randy Rankin made a motion to approve docket 24-04-V-BZA with the condition that the house is to be built first or at the same time as the barn, motion was seconded by Jeff Hoehn.

The Variance Voting sheet was read by Mr. Ripple. **Roll Call Vote (5-0). Yes. Motion Carried.**

VARIANCE:

DOCKET NO: 24-05-V-BZA
APPLICANT: George R. McCool
OWNER: George R. McCool & Kimberly D. Clark-McCool
PREMISES: Part of the Northeast Quarter of the Northeast Quarter and part of the Northwest Quarter of the Northeast Quarter of Section 24, Township 5 South, Range 14 West, Lynn Township, Posey County, Indiana. Containing 4.8400 acres more or less. More commonly known as 2990 State Road 69 North, New Harmony, IN (Complete legal description is on file at the Posey County Area Plan Commission Office).

NATURE OF CASE: Applicant requests a Variance for the relaxation of fence height from 6' to 8' to erect a privacy fence in the front yard per Section 153.024 (B)(3) in an A (Agricultural) Zoning District 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.

George McCool, 2927 Mesker Park Dr., Evansville, here to speak on behalf of the application.

No comments from the public.

Mr. Marvel read the email and phone call in opposition of this application.

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

Ron Fallowfield made a motion to approve docket 24-05-V-BZA with the condition that the house is to be built first or at the same time as the barn, motion was seconded by Randy Rankin.

Ron Fallowfield motioned to adopt the Variance Finding of Facts of 24-04-V-BZA for this application. Motion seconded by Keith Spurgeon. **Roll Call Vote (5-0). Yes. Motion Carried.**

SPECIAL USE:

DOCKET NO: 24-06-SU-BZA
APPLICANT: Jenny Devine
OWNER: Brandon & Jenny Devine
PREMISES: Part of the East Half of the Northwest Quarter of Section 12, Township 6 South, Range 12 West in Robinson Township, Posey County, Indiana. Containing 1 acre more or less. More commonly known as E. Denzer Rd. Evansville, IN (Complete legal description is on file at the Posey County Area Plan Commission Office).

NATURE OF CASE: Applicant requests Special Use to place a pole barn for personal use in an A (Agricultural) Zoning District per 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. 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.

Brandon Devine, 11428 Denzer Rd., Evansville, IN 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.

Randy Rankin made a motion to approve docket 24-06-SU-BZA, motion was seconded by Jeff Hoehn.

The Special Use Voting sheet was read by Mr. Ripple. **Roll Call Vote (5-0). Yes. Motion Carried.**

ADDITIONAL BUSINESS

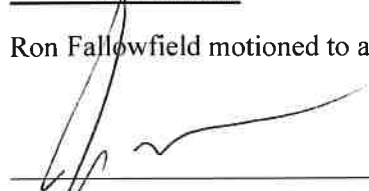
None.

CITIZEN CONCERN


None.

ADJOURNMENT

Ron Fallowfield motioned to adjourn. Motion seconded by Randy Rankin at 5:42pm



Mr. Joe Marvel-BZA Chairperson



Mr. Jerry Cotner, Executive Director

VARIANCE VOTING SHEET

POSEY COUNTY BOARD OF ZONING APPEALS

Report of Findings of Fact

BZA NO: 24-04-V-BZA

George R. McCool & Kimberly D. Clark-McCool

COPY

1. Will the granting of this variance be injurious to the public health, safety, morals and general welfare to the community?

Ron Fallowfield	<input type="checkbox"/>	YES*	<input checked="" type="checkbox"/>	NO	Keith Spurgeon	<input type="checkbox"/>	YES*	<input checked="" type="checkbox"/>	NO		
Jeff Hoehn	<input type="checkbox"/>	YES*	<input checked="" type="checkbox"/>	NO	Joe Marvel	<input type="checkbox"/>	YES*	<input checked="" type="checkbox"/>	NO	<u>YES*</u>	<u>NO</u>
Randy Rankin	<input type="checkbox"/>	YES*	<input checked="" type="checkbox"/>	NO						0	5

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 checked="" type="checkbox"/>	NO	Keith Spurgeon	<input type="checkbox"/>	YES*	<input checked="" type="checkbox"/>	NO		
Jeff Hoehn	<input type="checkbox"/>	YES*	<input checked="" type="checkbox"/>	NO	Joe Marvel	<input type="checkbox"/>	YES*	<input checked="" type="checkbox"/>	NO	<u>YES*</u>	<u>NO</u>
Randy Rankin	<input type="checkbox"/>	YES*	<input checked="" type="checkbox"/>	NO						0	5

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

Ron Fallowfield	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO*	Keith Spurgeon	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO*		
Jeff Hoehn	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO*	Joe Marvel	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO*	<u>YES</u>	<u>NO*</u>
Randy Rankin	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO*						5	0

4. Are these conditions general in the same zone?

Ron Fallowfield	<input type="checkbox"/>	YES*	<input checked="" type="checkbox"/>	NO	Keith Spurgeon	<input type="checkbox"/>	YES*	<input checked="" type="checkbox"/>	NO		
Jeff Hoehn	<input type="checkbox"/>	YES*	<input checked="" type="checkbox"/>	NO	Joe Marvel	<input type="checkbox"/>	YES*	<input checked="" type="checkbox"/>	NO	<u>YES*</u>	<u>NO</u>
Randy Rankin	<input type="checkbox"/>	YES*	<input checked="" type="checkbox"/>	NO						0	5

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

Ron Fallowfield	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO*	Keith Spurgeon	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO*		
Jeff Hoehn	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO*	Joe Marvel	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO*	<u>YES</u>	<u>NO*</u>
Randy Rankin	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO*						5	0

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

Ron Fallowfield	<input type="checkbox"/>	YES*	<input checked="" type="checkbox"/>	NO	Keith Spurgeon	<input type="checkbox"/>	YES*	<input checked="" type="checkbox"/>	NO		
Jeff Hoehn	<input type="checkbox"/>	YES*	<input checked="" type="checkbox"/>	NO	Joe Marvel	<input type="checkbox"/>	YES*	<input checked="" type="checkbox"/>	NO	<u>YES*</u>	<u>NO</u>
Randy Rankin	<input type="checkbox"/>	YES*	<input checked="" type="checkbox"/>	NO						0	5

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

 COPY

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 _____, 20_____.

Condition: house to be built first or at the same time as the barn

VARIANCE VOTING SHEET

COPY

POSEY COUNTY BOARD OF ZONING APPEALS

Report of Findings of Fact

BZA NO: 24-05-V-BZA

George R. McCool & Kimberly D. Clark-McCool

*adoption of findings
of 24-04-V-BZA
Ron
Keith*

*for this
5-0
yes*

1. Will the granting of this variance be injurious to the public health, safety, morals and general welfare to the community?

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					

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 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					

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

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*					

4. Are these conditions general in the same zone?

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					

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

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*					

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

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					

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

 COPY

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 _____, 20_____.

**POSEY COUNTY
SPECIAL USE VOTING SHEET**

Posey County Board of Zoning Appeals
Report of Finding Fact

BZA NO: 24-06-SU-BZA
Brandon & Jenny Devine

 **COPY**

HAS THE APPLICANT PROVEN BY SUBSTANTIAL EVIDENCE THE FOLLOWING:

1. The Zoning Ordinance authorizes the Special Use. 153.032(B)(2) & 153.147(B)(14)

Ron Fallowfield	<input checked="" 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>5</u>	<u>0</u>
Randy Rankin	<input checked="" 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 checked="" 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>5</u>	<u>0</u>
Randy Rankin	<input checked="" 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.

Ron Fallowfield	<input checked="" 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>5</u>	<u>0</u>
Randy Rankin	<input checked="" 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 relation to the existing or future traffic patterns.

Ron Fallowfield	<input checked="" 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>5</u>	<u>0</u>
Randy Rankin	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*					

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

Ron Fallowfield	<input checked="" 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>5</u>	<u>0</u>
Randy Rankin	<input checked="" 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 checked="" 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>5</u>	<u>0</u>
Randy Rankin	<input checked="" 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.

COPY

Ron Fallowfield	<input type="checkbox"/> YES*	<input checked="" 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>5</u>
Randy Rankin	<input type="checkbox"/> YES*	<input checked="" type="checkbox"/> NO					

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

Does not apply

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.

Ron Fallowfield	<input checked="" 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>5</u>	<u>0</u>
Randy Rankin	<input checked="" 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:

None

*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 _____ ()

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_____.