

MINUTES

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

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

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

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

MEMBERS ABSENT: Dr. Keith Spurgeon

APPROVAL OF MINUTES FOR LAST REGULAR MEETING: Ron Fallowfield made a motion in the affirmative to approve the minutes of the last regular meeting as emailed. Motion seconded by Randy Rankin. **Roll Call Vote (4-0). Yes. Motion Carried.**

Jeff Hoehn made a motion to move Special Use and Variance Extension Docket 23-07-SU-BZA and 23-07-V-BZA to be heard first. Motion seconded by Ron Fallowfield. **Motion carried (4-0). Yes.**

EXTENSION OF SPECIAL USE AND VARIANCE

DOCKET NO: 23-07-SU-BZA & 23-07-V-BZA
APPLICANT: SMJ International/Mark Knapek
OWNER: Linda L. Fieber
PREMISES: The Southeast Quarter of the Northeast Quarter of Section 6, Township 6 South, Range 13 West, lying in Lynn Township, Posey County, Indiana, containing a 10,000 square foot leased area more or less. More commonly known as Highway 69 South, Mt. Vernon, Indiana. (Complete legal description is on file at the Posey County Area Plan Commission Office).

NATURE OF CASE: Applicant requests a Special Use and a Variance to erect a cell tower in an (A) Agricultural Zoning District Section 153.032 (B) (3) Use Unit 3 – Public Protection and Utility Facilities Section 153.148 (B) (9) and 153.033 (C) (2) 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.

Mark Knapek - 1826 Bainbridge Row Dr., Louisville, KY here to speak on behalf of the application via Zoom.

No comments from the public.

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

Ron Fallowfield motioned to approve a one-year extension for dockets 23-07-SU-BZA & 23-07-V-BZA. Seconded by Randy Rankin. **Roll Call Vote (4-0). Yes. Motion Carried.**

VARIANCE:

DOCKET NO: 24-07-V-BZA
APPLICANT: Ryan Howell
OWNER: Ryan H. & Valerie A. Howell
PREMISES: Lot Twenty-two (22) in Section "A" of Green Acres, a subdivision located in the West Half of the Northeast Quarter of Section Twenty-eight (28), Township Six (6) South, Range Thirteen (13) West, lying in Black Township, Posey County Indiana, Containing 0.4590 acres more or less. More commonly known as 4425 Blackford Road, Mt. Vernon, IN. (Complete legal description is on file at the Posey County Area Plan Commission Office).

NATURE OF CASE: Applicant requests a Variance for relaxation of rear yard setback from 5' to 2' in an A (Agricultural) Zoning District under Section 153.032 (E)(1)(c) 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. Cotner that the applicant met all the requirements for notification per the statute.

Ryan Howell - 4425 Blackford Road, Mt. Vernon, IN, here to speak on behalf of the application.

No comments from the public.

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

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

Ron Fallowfield made a motion to approve docket 24-07-V-BZA, motion was seconded by Randy Rankin.

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

VARIANCE:

DOCKET NO: 24-08-V-BZA
APPLICANT: Michael Allyn
OWNER: Michael L. & Donna F. Allyn
PREMISES: Part of the Northwest Quarter of the Northwest Quarter of Section 35, Township 6 South, Range 13 West, lying in Black Township, Posey County Indiana. More commonly known as 5191 Lamont Rd., Mt. Vernon, Indiana. Containing 2.00 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 75' and rear yard setback from 100' to 25' in an A (Agricultural) Zoning District under Section 153.126.03 (B) for a SECS Tier 3 under 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. Cotner that the applicant met all the requirements for notification per the statute.

Michael Allyn - 5191 Lamont Rd., Mt. Vernon, IN, here to speak on behalf of the application.

No comments from the public.

Mr. Marvel confirmed with Mr. Cotner 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 24-08-V-BZA, motion was seconded by Jeff Hoehn.

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

VARIANCE:

DOCKET NO: 24-09-V-BZA

APPLICANT: Matthew Allyn

OWNER: Matthew D. & Heather K. Allyn

PREMISES: Part of the West Half of the Northwest Quarter of the Northwest Quarter of Section 36, Township 6 South, Range 13 West, lying in Black Township, Posey County, Indiana. More commonly known as 5110 Indian Mounds Rd., Mt. Vernon, Indiana. Containing 2.83 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 50' in an A (Agricultural) Zoning District under Section 153.126.03 (B) for a SECS Tier 3 under 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. Cotner that the applicant met all the requirements for notification per the statute.

Matthew Allyn - 5110 Indian Mounds Rd., Mt. Vernon, Indiana, here to speak on behalf of the application.

No comments from the public.

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

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

Ron Fallowfield made a motion to approve docket 24-09-V-BZA, motion was seconded by Randy Rankin.

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

VARIANCE:

DOCKET NO: 24-10-V-BZA
APPLICANT: Waylon & Jessica Schenk
OWNER: Waylon & Jessica Schenk
PREMISES: Lot One (1) in Replat Weyer Exempt II Division, which is part of the Northwest Quarter of the Southwest Quarter of Section 26, Township 4 South, Range 12 West of the second principal meridian, lying in Smith Township, Posey County, Indiana. More commonly known as 10520 Emge Rd., Poseyville, Indiana. Containing 4.00 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 front yard setback from 25' to 5' 8" and for a storage building in the front yard (existing building) for proposed Lot 2 in JW Schenk Minor Sub in an R-1 (Residential Single Family) Zoning District under Section 153.043 (B)(1)(a) and Section 153.042 (D)(1)(b) under the Zoning Ordinance of the City of Mt. Vernon, Town of Cynthiana, Town of Poseyville and Unincorporated Posey County.

Mr. Marvel stated that the applicant withdrew the application.

SPECIAL USE:

DOCKET NO: 24-10-SU-BZA
APPLICANT: Franklin J. Roeder
OWNER: F. Joe Roeder
PREMISES: A part of the Southeast Quarter of Section 14, Township 6 South, Range 13 West, Black Township, Posey County, Indiana, containing 2.1500 acres more or less. More commonly known as 2851 Blackburn Rd., Mt. Vernon, Indiana. (Complete legal description is on file at the Posey County Area Plan Commission Office).

NATURE OF CASE: Applicant requests Special Use for a 30' x 40' residential storage structure in a an A (Agricultural) Zoning District Section 153.032 (B) (2) Use Unit 2 – Area wide 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. Cotner that the applicant met all the requirements for notification per the statute.

Franklin J. Roeder - 107 E. Walnut, Owensville, here to speak on behalf of the application.

Public Comment:

Andrew Huntsman - 2711 Blackburn Rd. voiced concerns over existing structure.

Mr. Marvel confirmed with Mr. Cotner 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 24-10-SU-BZA, motion was seconded by Randy Rankin.

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

SPECIAL USE:

DOCKET NO: 24-11-SU-BZA
APPLICANT: Posey County Resources, LLC
OWNER: Donald K. Parker Trustee & Donald Kenneth Parker Rev Trust
PREMISES: Part of the Southeast Quarter of Section 35, Township 4 South, Range 13 West, lying in Harmony Township, Posey County, Indiana. More commonly known as 5222 Hwy 66 and Old Evansville Rd, Poseyville, Indiana.
Parcels: 65-07-01-200-001.000-005, 65-04-35-400-009.000-006, 65-04-35-400-007.000-006, 65-04-35-400-006.001-006, and 65-04-35-400-006.004-006
Containing 14.3 acres more or less. (Complete legal description is on file at the Posey County Area Plan Commission Office).

NATURE OF CASE: Applicant requests Special Use to place a transfer station for municipal solid waste/construction debris in an M-2 Zoning District per Section 153.105(B)(10) Use Unit 27 - Heavy Manufacturing and Industry, Section 153.172(B) under 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. Cotner that the applicant met all the requirements for notification per the statute.

Andy Nestruck 1 Main Street, Suite 201, Evansville, IN, Brian Moench - 4000 Clarks Creek Rd., Plainfield, IN, Larry Marshall - 6519 Meadowdale Ct., Evansville, IN are all here to speak on behalf of the application.

Public Comment:

Twana Karns - 7207 Main St. Wadesville, voiced concerns about property values, about how trash will be stored, and employees.

Deonna Hoffman - 4900 High School Rd., Poseyville, IN, voiced concerns about property values, increase in animals/noises/smells/traffic.

Kendra Mercer - 11333 North Ridge Drive, Evansville, IN, voiced concerns about increase in noise/trash/traffic.

David Mercer - 11333 North Ridge Drive, Evansville, IN, voiced concerns about possible contamination and increased traffic.

Dennis Floden - 5000 Hwy 66, Poseyville, IN, questioned if the entire area was going to be concrete and work hours, voiced concern about road breakdown and increase dirt and trash.

Ashli Oglesby - 1950 Old Evansville Rd. New Harmony, concerned about increased traffic around the high school and if roads in area are able to withstand trucks.

Troy Lewis - 5481 Lang Rd., Poseyville, IN voiced concerns about increased traffic and decrease property values and water contamination.

Chris Pfister - 5314 Pfister Rd, New Harmony, IN, voiced his support for the site due to the economic impact on the community and the tax basic increase, employment opportunities in our community.

Jeff O'Risky - 10630 Copperline Rd., Evansville, IN, voiced his support to help keep a business in Posey County.

Terry Gibbs - 6010 Hunter Rd., Poseyville, IN, voiced concerns about the retention pond becoming contaminated, increased smell/noise.

Issac Damm - 7245 Stillwell Rd., New Harmony, IN, voiced concerns regarding location, increase in trash/traffic/animals/noise, against increased industrial growth in this area, stated not enough of a berm.

Laura Bohler - 4711 Hwy 66, New Harmony, voiced concerns about water contamination, increased noise/traffic and possible safety issues.

Curtis Mort - 1785 Stone Rd., New Harmony, voiced a neutral comment on rezoning, however, spoke highly of Mr. Marshall and Mr. Goebel as business owners.

Tim Hoffmann - 4900 High School Rd., Poseyville, IN, voiced concerns of increased rodents/noise/traffic/smell, water contamination.

Luke Conyers - 1000 Harmony Township Rd., New Harmony, IN, voiced concerns regarding location, increased traffic, safety issues, road breakdown.

Phil Williams - 5255 Valeah Dr., Wadesville, IN, voiced his support and that Mr. Marshall would get it done right.

Jeremy Harris - 2842 Old Evansville Rd., New Harmony, IN voiced concern over location, safety issues, and the increase in animals.

Jamie Floden - 5000 Hwy 66, New Harmony, IN, voiced concern about location.

Jane Gibbs - 6010 Hunter Rd., Poseyville, IN, questioned the additional purchasing of adjoining properties.

Deonna Hoffman - 4900 High School Rd., Poseyville, IN, stated she received an automated phone call today reminding them about this meeting and all the possible effects.

Issac Damm - 7245 Stillwell Rd., New Harmony, IN, had additional concerns regarding ownership.

David Mercer - 11333 North Ridge Drive, Evansville, IN, additional concerns regarding property values, increase in smell/rodents/litter.

Kendra Mercer - 11333 North Ridge Drive, Evansville, IN, additional concern regarding location.

Tim Hoffmann - 4900 High School Rd., Poseyville, IN, additional concern regarding increased traffic.

Mr. Marshall, Mr. Moench, and Mr. Nestruck addressed the public and board members' comments and questions.

Mr. Marvel read all emails received regarding this rezoning.

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

Ron Fallowfield made a motion to approve docket 24-11-SU-BZA, motion was seconded by Jeff Hoehn.

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

ADDITIONAL BUSINESS

Special Use and Variance Extension Docket 23-07-SU-BZA and 23-07-V-BZA
Moved to the beginning of the agenda

CITIZEN CONCERNS

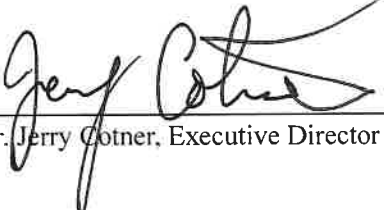
None.

ADJOURNMENT

Ron Fallowfield motioned to adjourn at 7:56pm. Motion seconded by Randy Rankin.



Mr. Joe Marvel - BZA Chairperson



Mr. Jerry Cotner, Executive Director

- Phase 1 Construction - 4.25 Acres
- Phase 2 Construction - 1.43 Acres
- Phase 3 Construction - 1.82 Acres
- Earthen Mound (3'-5" Tall) - 1.08 Acres
- Detention Pond - 1.04 Acres

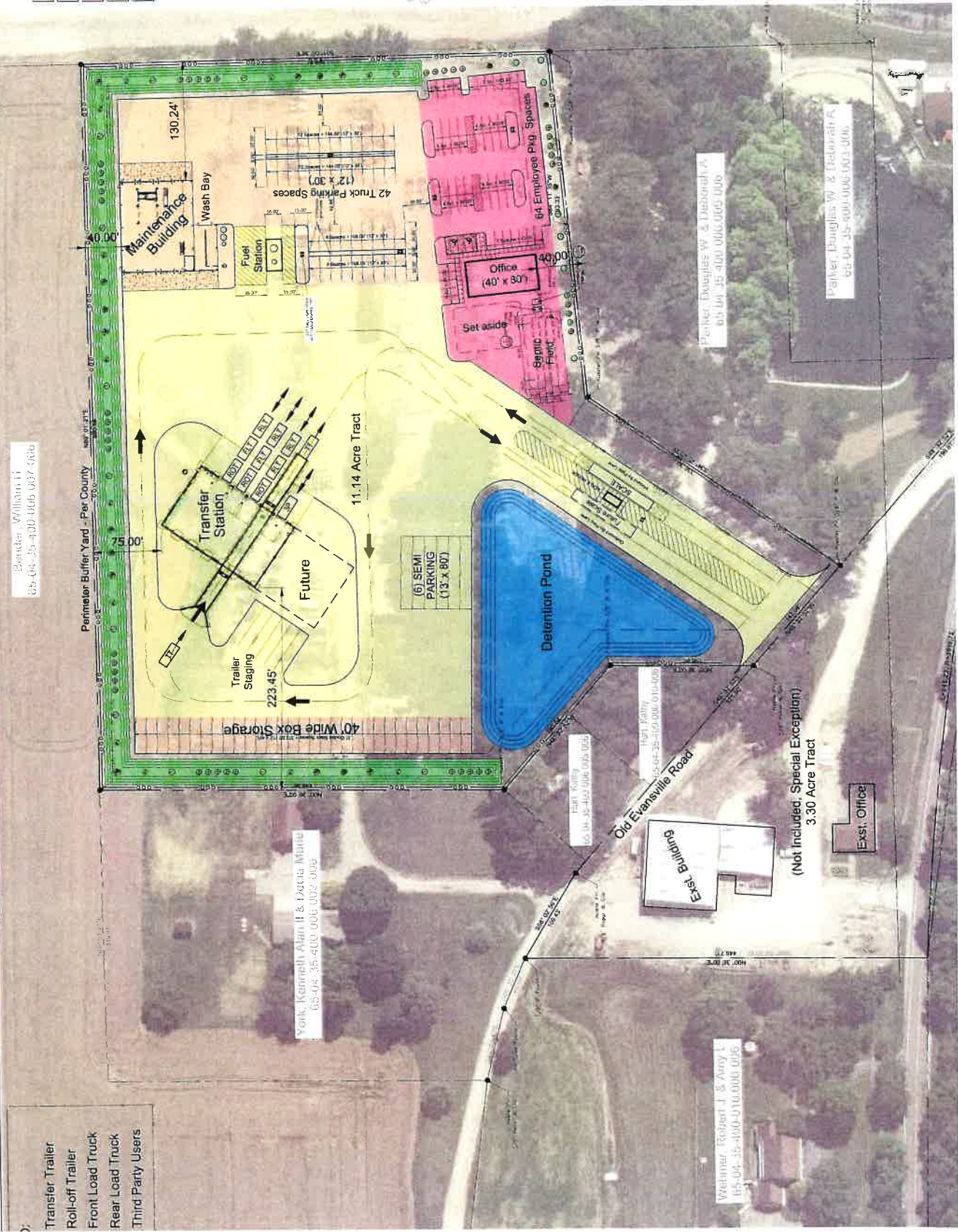
BUILDING SQUARE FOOTAGE:
 Transfer Station: 9,920 sf
 Future: 6,400 sf
 Maintenance Building: 9,326 sf
 Office Building: 3,200 sf

TREE COUNT:
 Deciduous: 34
 Evergreen: 59

Williams, Richard Tracee
 65-04-35-400-005-000-0010



Larry D. Marshall Disposal, Inc.
CONCEPTUAL SITE PLAN
 5222 Highway 66
 Poseyville, Indiana 47633



- Transfer Trailer
- Roll-off Trailer
- Front Load Truck
- Rear Load Truck
- Third Party Users

TOTAL SITE - 11.14 Acres

- Phase 1 Construction - 4.25 Acres
- Phase 2 Construction - 1.43 Acres
- Phase 3 Construction - 1.82 Acres
- Earthen Mound (3'-5' Tall) - 1.08 Acres
- Detention Pond - 1.04 Acres

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TREE COUNT:

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Williams, Robert L Trustee
65-04-35-400-012-000-011



Larry D. Marshall Disposal, Inc.
CONCEPTUAL SITE PLAN
5222 Highway 66
Poseyville, Indiana 47633

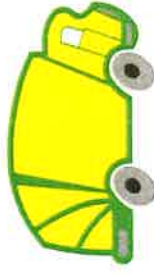
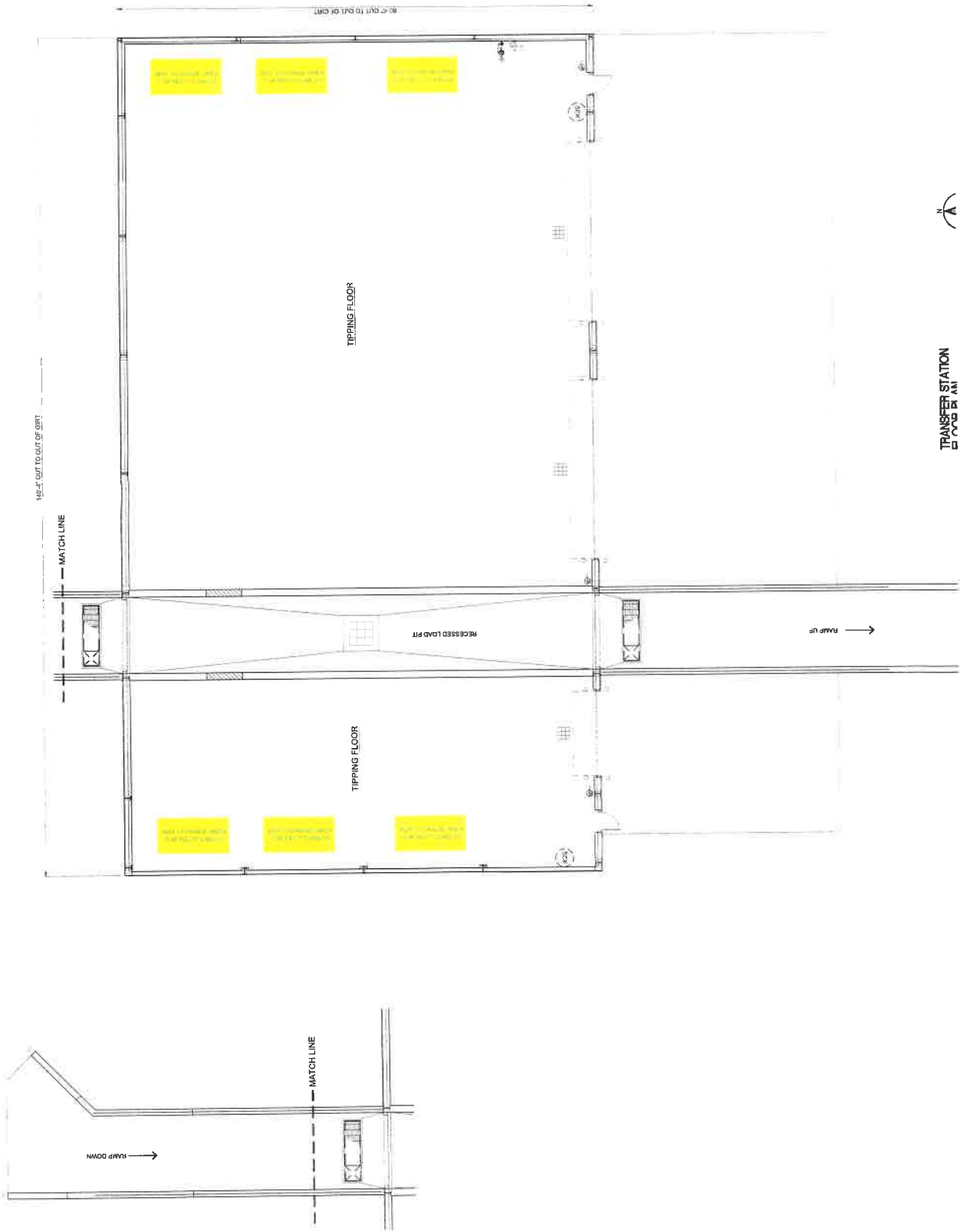


- Transfer Trailer
- Roll-off Trailer
- Front Load Truck
- Rear Load Truck
- Third Party Users

(Not Included, Special Exception)
3.30 Acre Tract

Exst. Office

L-54622, R-38 18 77



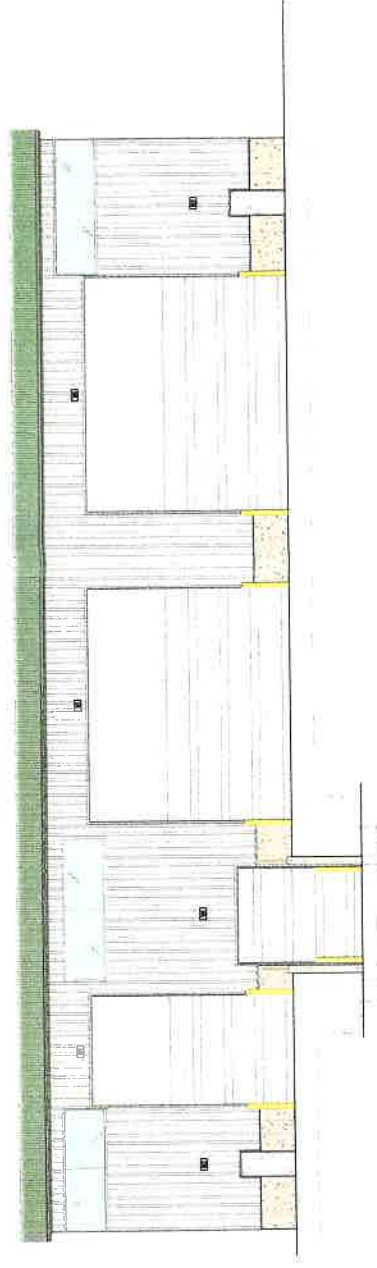
Larry D. Marshall Disposal, Inc.
 TRANSFER STATION
 FLOOR PLAN
 5222 Highway 66
 Poseyville, Indiana 47633



TRANSFER STATION
 E.P.S.B. AMI

FEATURE LEGEND

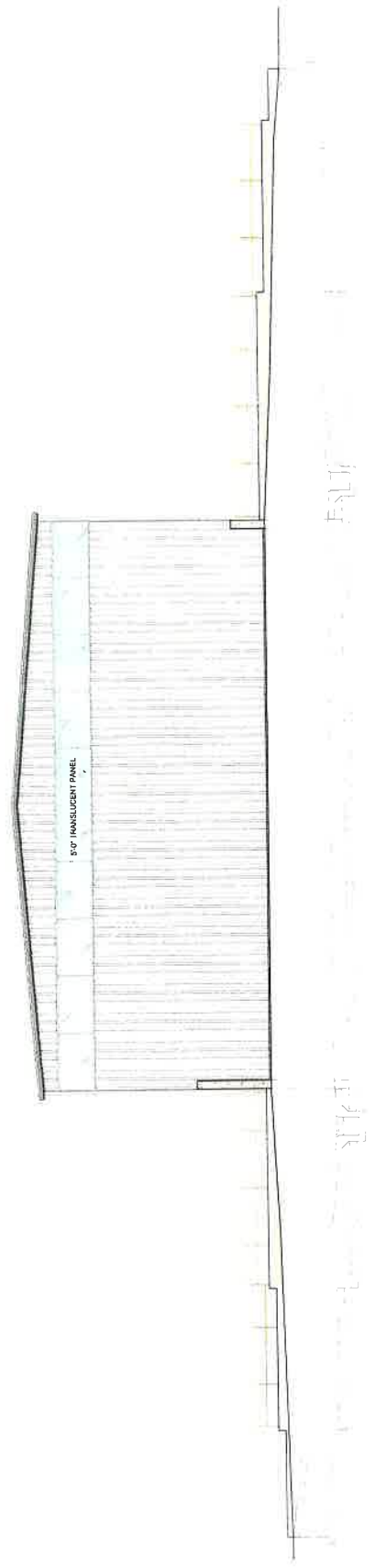
- WALL PACK LIGHTING
- TRANSLUCENT PANEL
- METAL SIDING
- CONCRETE WALL
- PIPE BOLLARD



TRANSFER STATION
SOUTHEAST BUILDING ELEVATION








Larry D. Marshall Disposal, Inc.
TRANSFER STATION
BUILDING ELEVATIONS
5222 Highway 66
Poseyville, Indiana 47633

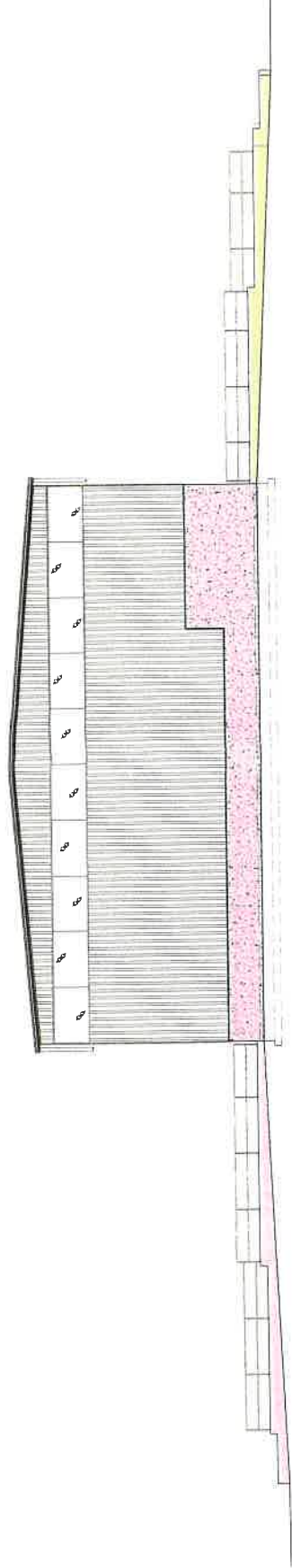


TRANSFER STATION
NORTHEAST BUILDING ELEVATION

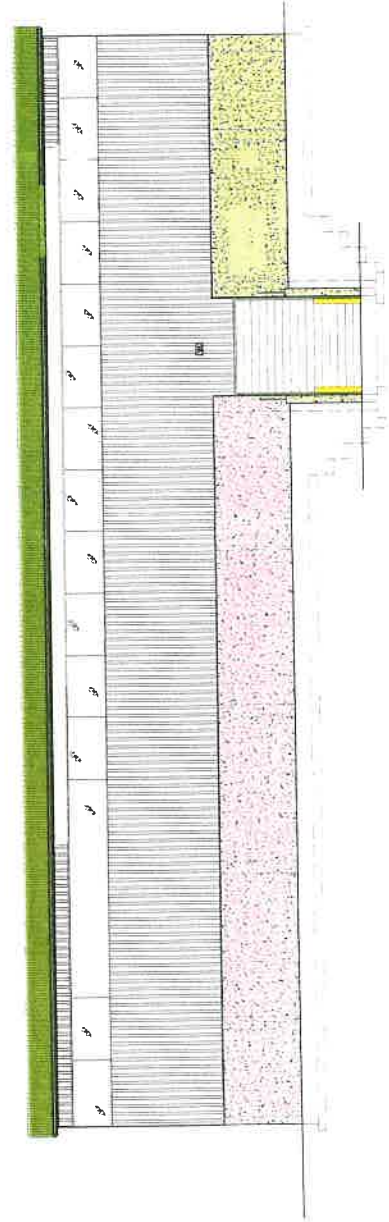


FEATURE LEGEND

-  WALL PACK LIGHTING
-  TRANSLUCENT PANEL
-  METAL SIDING
-  CONCRETE WALL
-  PIPE BOLLARD



TRANSFER STATION
NORTHEAST BUILDING ELEVATION
18.1-1.07

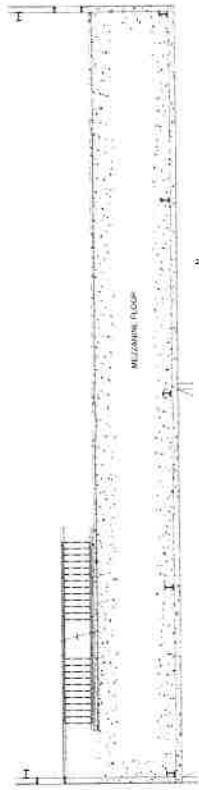


TRANSFER STATION
NORTHWEST BUILDING ELEVATION
18.1-1.08



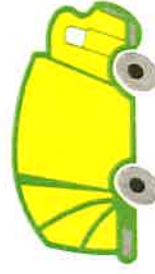
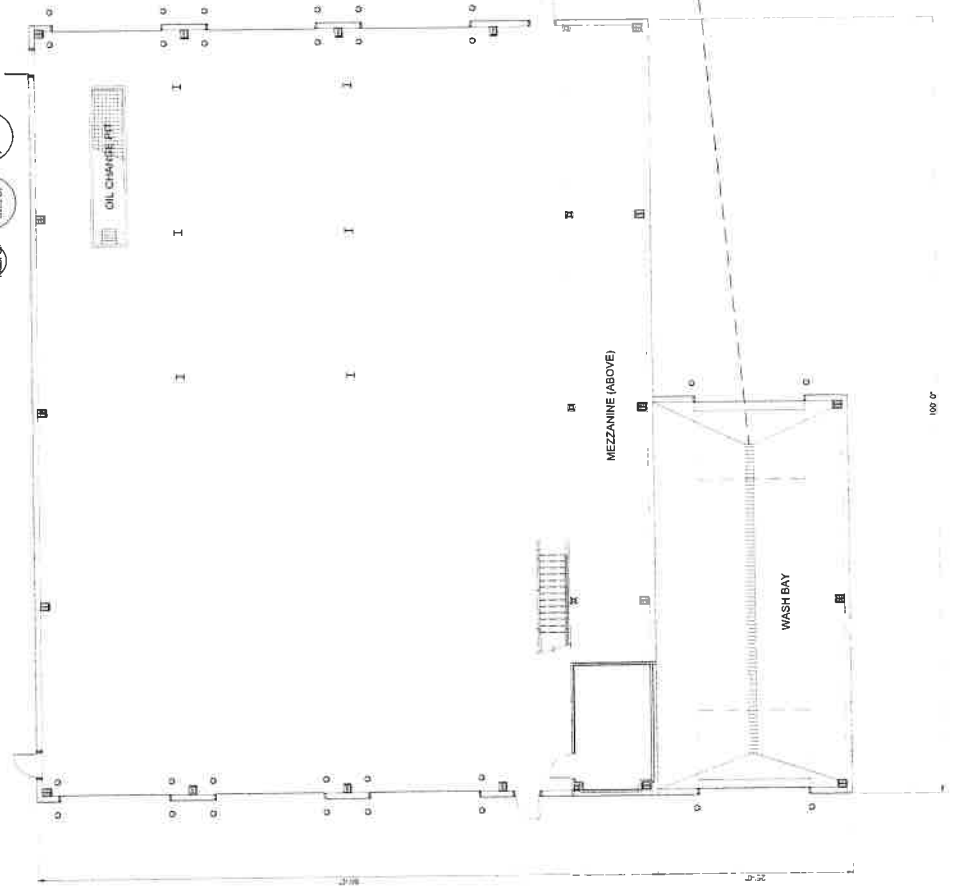
Larry D. Marshall Disposal, Inc.
TRANSFER STATION
BUILDING ELEVATIONS
5222 Highway 66
Poseyville, Indiana 47633





MEZZANINE PLAN
SCALE: 1/8" = 1'-0"

- ASST 2000 PA
- ASST 1000 PA
- ASST 1500 PA

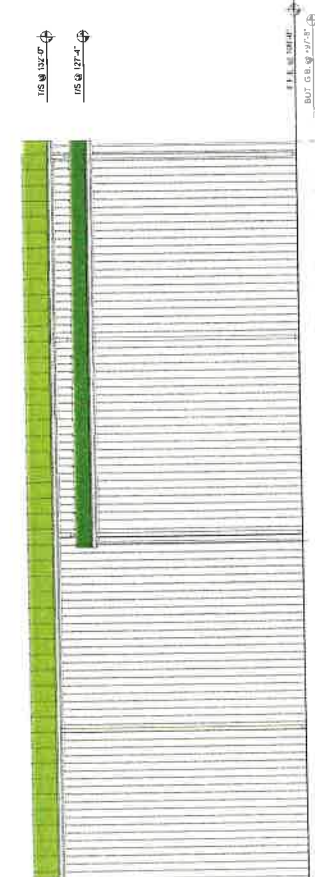


Larry D. Marshall Disposal, Inc.
 MAINTENANCE BUILDING
 FLOOR PLAN
 5222 Highway 66
 Poseyville, Indiana 47633





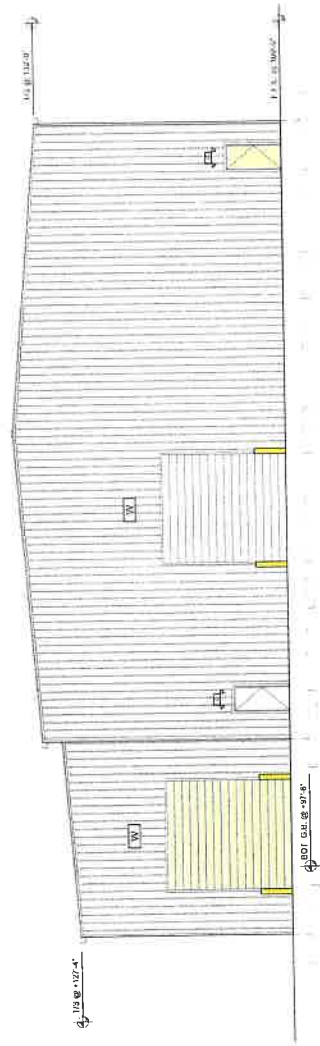
MAINTENANCE BUILDING
SOUTH BUILDING ELEVATION
15'-0"



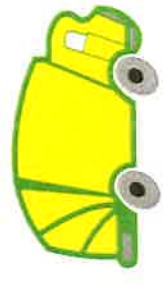
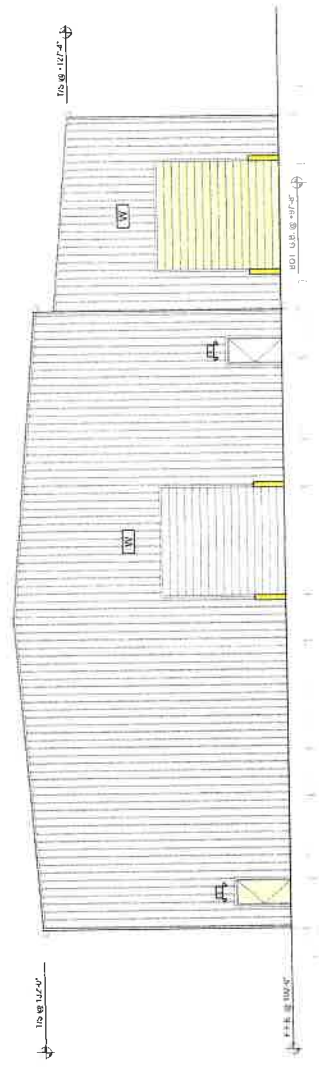
MAINTENANCE BUILDING
NORTH BUILDING ELEVATION
15'-0"

FEATURE LEGEND

	WALL PACK LIGHTING
	EMERGENCY LIGHTING
	METAL SIDING
	PIPE BOLLARD



MAINTENANCE BUILDING
WEST BUILDING ELEVATION
15'-0"



Larry D. Marshall Disposal, Inc.
MAINTENANCE BUILDING
ELEVATIONS
5222 Highway 66
Poseyville, Indiana 47633

