

MINUTES

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

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

**AUGUST 8, 2024
5:00 P.M.**

MEMBERS PRESENT: Mr. Joe Marvel - Chairperson, Mr. Ron Fallowfield, Dr. Keith Spurgeon, Mrs. Beth McFadin Higgins - Attorney, Mr. Jerry Cotner, Executive Director, Mrs. Taylor Elmendorf - Administrative Assistant, Mrs. Savannah Axley - Clerical Assistant

MEMBERS ABSENT: Mr. Jeff Hoehn - Vice-Chairperson

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 Keith Spurgeon. **Roll Call Vote (3-0). Yes. Motion Carried.**

Attorney Beth McFadin Higgins made an announcement that applicants could choose to table their application due to only having three members present which would require all members to agree to pass the application.

SPECIAL USE:

DOCKET NO: 24-12-SU-BZA
APPLICANT: Tim Lindauer
OWNER: Timothy M. & Cheryl L. Lindauer
PREMISES: Part of the Southwest Quarter of Section 10, Township 5 South, Range 12 West in Robinson Township, Posey County, Indiana. More commonly known as 4400 Schmitt Rd., Wadesville, IN. Containing 4.97 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 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. Cotner that the applicant met all the requirements for

notification per the statute.

Tim Lindauer - 3801 Schmitt Rd., Wadesville, 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 24-12-SU-BZA, motion was seconded by Keith Spurgeon.

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

VARIANCE:

DOCKET NO: 24-11-V-BZA

APPLICANT: Scott Pate

OWNER: Scott A. & Lisa E. Pate

PREMISES: Part of the Southeast Quarter of the Northwest Quarter of Section 21, Township 5 South, Range 12 West, Robinson Township, Posey County, Indiana. More commonly known as 2591 Juanita Ave, Wadesville, Indiana. Containing 0.56 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 abutting a Residential Zoning District from 20' to 13' 9 5/8" in an M-1 (Manufacturing Light) Zoning District under Section 153.103 (B)(2)(b) 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.

Scott Pate - 309 Ramsey Ct., Evansville, IN, here to speak on behalf of the application.

Public Comment:

Myra Exline - 8428 Rose Ln., Wadesville, IN voiced concern about the property not being maintained and semi-traffic.

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.

Keith Spurgeon made a motion to approve docket 24-11-V-BZA, motion was seconded by Ron Fallowfield.

The Variance Voting Sheet was read by Mr. Cotner. **Roll Call Vote (4-0). Yes. Motion Carried.**

ADDITIONAL BUSINESS

None.

CITIZEN CONCERNS

None.

ADJOURNMENT

Ron Fallowfield motioned to adjourn at 5:37pm. Motion seconded by Keith Spurgeon.



Mr. Joe Marvel - BZA Chairperson



Mr. Jerry Cotner, Executive Director

**POSEY COUNTY
SPECIAL USE VOTING SHEET**

Posey County Board of Zoning Appeals
Report of Finding Fact

BZA NO: 24-12-SU-BZA
Owner: Timothy M. & Cheryl L. Lindauer

COPY

HAS THE APPLICANT PROVEN BY SUBSTANTIAL EVIDENCE THE FOLLOWING:

1. The Zoning Ordinance authorizes the Special Use.

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 type="checkbox"/> YES	<input type="checkbox"/> NO*	Joe Marvel	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	
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 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 type="checkbox"/> YES	<input type="checkbox"/> NO*	Joe Marvel	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	
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.

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 type="checkbox"/> YES	<input type="checkbox"/> NO*	Joe Marvel	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	
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 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 type="checkbox"/> YES	<input type="checkbox"/> NO*	Joe Marvel	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	
Randy Rankin	<input 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 type="checkbox"/> YES	<input type="checkbox"/> NO*	Joe Marvel	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	
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 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 type="checkbox"/> YES	<input type="checkbox"/> NO*	Joe Marvel	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	
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.

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Ron Fallowfield	<input checked="" 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 type="checkbox"/> NO	Joe Marvel	<input type="checkbox"/> YES*	<input checked="" type="checkbox"/> NO		
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.

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 type="checkbox"/> YES	<input type="checkbox"/> NO*	Joe Marvel	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*		
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 _____ ()

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_____.

VARIANCE VOTING SHEET

POSEY COUNTY BOARD OF ZONING APPEALS

Report of Findings of Fact

BZA NO: 24-11-V-BZA

owner: Scott A. & Lisa E. Pate

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	<u>YES*</u> <u>NO</u>
Jeff Hoehn	<input type="checkbox"/>	YES*	<input type="checkbox"/>	NO	Joe Marvel	<input type="checkbox"/>	YES*	<input checked="" 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 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 type="checkbox"/>	NO	Joe Marvel	<input type="checkbox"/>	YES*	<input checked="" 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 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 type="checkbox"/>	YES	<input type="checkbox"/>	NO*	Joe Marvel	<input checked="" 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 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 type="checkbox"/>	NO	Joe Marvel	<input type="checkbox"/>	YES*	<input checked="" 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 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 type="checkbox"/>	YES	<input type="checkbox"/>	NO*	Joe Marvel	<input checked="" 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 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 type="checkbox"/>	NO	Joe Marvel	<input type="checkbox"/>	YES*	<input checked="" 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.

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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_____.