

MINUTES

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

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

**SEPTEMBER 12, 2024
5:00 P.M.**

MEMBERS PRESENT: Mr. Joe Marvel - Chairperson, Mr. Jeff Hoehn – Vice-Chairperson, Ms. Kathy Yearwood, Mr. Ron Fallowfield, Mr. Trent VanHaaften - 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 Jeff Marvel. Kathy Yearwood Abstained. **Roll Call Vote (3-0-1 abstained). Yes. Motion Carried.**

Attorney Trent VanHaaften administered the Oath of Office to Kathy Yearwood to finish out Randy Rankin's appointment.

VARIANCE:

DOCKET NO: 24-12-V-BZA
APPLICANT: David Morlock
OWNER: David W. & Angela K. Morlock
PREMISES: Part of the Northwest Quarter of the Southwest Quarter of Section Three (3), Township Five (5), Range Twelve (12) West, Center Township, Posey County, Indiana. More commonly known as 5305 Lane Rd, Wadesville, Indiana. Containing 12.0500 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 a proposed construction of a 40' x 46' 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. Cotner that the applicant met all the requirements for notification per the statute.

David Morlock - 5305 Lane 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-V-BZA, motion was seconded by Jeff Hoehn.

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

VARIANCE:

DOCKET NO: 24-13-V-BZA
APPLICANT: Alex Hanna
OWNER: Kirsten Wagner
PREMISES: South Half of Lot No. 33 in the Original Plat of the Town of Poseyville, Indiana, lying in Robb Township, Posey County Indiana. More commonly known as 26 S. Sharp St., Poseyville, Indiana. Containing 0.0000 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 placement of a 6' fence in the front yard and street side yard in an R-3 (Residential Multiple-Family) Zoning District under Section 153.024 (B) (3) and 153.026 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.

Alex Hanna - 26 S. Sharp St., Poseyville, 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.

Jeff Hoehn made a motion to approve docket 24-13-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.**

SPECIAL USE:

DOCKET NO: 24-13-SU-BZA
APPLICANT: MSD of North Posey – Todd Slagle
OWNER: Metropolitan School District of North Posey County
PREMISES: Part of the Northeast Quarter of the Northeast Quarter of Section 7, Township 5 South, Range 12 West lying in Center Township, Posey County, Indiana. More commonly known as 4922 Hwy 165, Wadesville, IN 47638. Containing 0.6640 acres more or less (Complete legal description is on file at the Posey County Area Plan Commission Office).

NATURE OF CASE: Applicant requests a Special Use to install an electronic message board in a B-2 (Commercial General) Zoning District per 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. Cotner that the applicant met all the requirements for notification per the statute.

Michelle Walden - 11211 Hwy 66, Evansville, IN, here to speak on behalf of the application.

Kipp Husk - 15 Indy Ct., Evansville, 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 24-13-SU-BZA, motion was seconded by Kathy Yearwood.

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

SPECIAL USE:

DOCKET NO: 24-14-SU-BZA
APPLICANT: Jason Faver
OWNER: Jason R. Faver
PREMISES: Part of the Southwest Quarter of the Southeast Quarter of Section 1, Township 5 South, Range 12 West in Robinson Township, Posey County, Indiana. More commonly known as 5013 St. Wendel-Cynthiana Rd., Wadesville, IN. Containing .9400 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.

Jason Faver - 4710 Koester Rd., Wadesville, IN, here to speak on behalf of the application.

Public Comment:

Kenneth Kissel- Spoke of his concern about water runoff from property

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 in the affirmative to approve Special Use #24-14-SU-BZA with the stipulation that the applicant works with neighbor to handle water run-off from property. The motion was seconded by Jeff Hoehn.

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

VARIANCE:

DOCKET NO: 24-14-V-BZA
APPLICANT: Landon Mayes – Everything Ace
OWNER: Crystal Robbie Waites
PREMISES: Replat of Lots 12 & 13 of Lakeland Ridge No. 2A in Section 33, Township 6 South, Range 13 West, lying in Black Township, Posey County Indiana. More commonly known as 5591 Red Lake Dr., Mount Vernon, Indiana. Containing 2.4 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 placement of a 5' fence in the front and street side yard in an R-1 (Residential Single-Family) Zoning District under Section 153.024 (B)(3) and 153.026 (A)(3)(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.

Landon Mayes - 5335 Cameo Dr., Evansville, 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.

Jeff Hoehn made a motion to approve docket 24-14-V-BZA, motion was seconded by Kathy Yearwood.

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

ADDITIONAL BUSINESS

Special Use Extension Docket #16-05-SU-BZA and #13-13-SU-BZA

Attorney Trent Haaften spoke on behalf of this extension, they are requesting another 18-month extension.

Greg Newman - 6995 Briar Ridge Rd., Wadesville, IN, spoke on behalf of the commissioners regarding communication with MidWest. They met in March of 2024 with plans to still processed with project.

The board discussed this extension, Joe Marvel pointed out that the ordinances will be changing, and they would like the applicant to understand that once the ordinances are changed, he is unsure of how any future extensions may work.

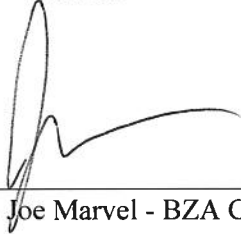
Ron Fallowfield made a motion to approve an 18-month extension for Special Use 13-13-SU-BZA and 16-05-SU-BZA to expire March 2026. Motion was seconded by Kathy Yearwood. **Roll Call Vote (4-0) Yes. Motion carried.**

CITIZEN CONCERNS

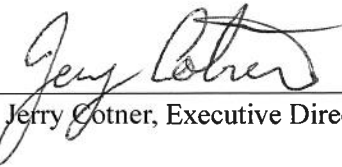
None.

ADJOURNMENT

Ron Fallowfield motioned to adjourn at 6:15pm.



Mr. Joe Marvel - BZA Chairperson



Mr. Jerry Cotner, Executive Director

VARIANCE VOTING SHEET

POSEY COUNTY BOARD OF ZONING APPEALS
Report of Findings of Fact



COPY

BZA NO: 24-12-V-BZA
Owner: David W. & Angela K. Morlock

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 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		
Kathy Yearwood	<input type="checkbox"/>	YES*	<input checked="" 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 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		
Kathy Yearwood	<input type="checkbox"/>	YES*	<input checked="" 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 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*		
Kathy Yearwood	<input checked="" 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 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		
Kathy Yearwood	<input type="checkbox"/>	YES*	<input checked="" 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 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*		
Kathy Yearwood	<input checked="" 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 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		
Kathy Yearwood	<input type="checkbox"/>	YES*	<input checked="" type="checkbox"/>	NO							



COPY

*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 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 12th day of September, 2024.

VARIANCE VOTING SHEET

POSEY COUNTY BOARD OF ZONING APPEALS

Report of Findings of Fact

BZA NO: 24-13-V-BZA

Owner: Kirsten Wagner



COPY

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

Response table for question 1 with names Ron Fallowfield, Jeff Hoehn, Kathy Yearwood, Keith Spurgeon, Joe Marvel and YES/NO options.

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

Response table for question 2 with names Ron Fallowfield, Jeff Hoehn, Kathy Yearwood, Keith Spurgeon, Joe Marvel and YES/NO options.

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

Response table for question 3 with names Ron Fallowfield, Jeff Hoehn, Kathy Yearwood, Keith Spurgeon, Joe Marvel and YES/NO options.

4. Are these conditions general in the same zone?

Response table for question 4 with names Ron Fallowfield, Jeff Hoehn, Kathy Yearwood, Keith Spurgeon, Joe Marvel and YES/NO options.

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

Response table for question 5 with names Ron Fallowfield, Jeff Hoehn, Kathy Yearwood, Keith Spurgeon, Joe Marvel and YES/NO options.

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

Response table for question 6 with names Ron Fallowfield, Jeff Hoehn, Kathy Yearwood, Keith Spurgeon, Joe Marvel and YES/NO options.



COPY

*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 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 12th day of September, 20 24.

**POSEY COUNTY
SPECIAL USE VOTING SHEET**

Posey County Board of Zoning Appeals
Report of Finding Fact



COPY

BZA NO: 24-13-SU-BZA

Owner: Metropolitan School District of North Posey

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 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*	
Kathy Yearwood	<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 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*	
Kathy Yearwood	<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 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*	
Kathy Yearwood	<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 relaxation to the existing or future traffic patterns.

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

Ron Fallowfield	<input type="checkbox"/> YES*	<input checked="" 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 checked="" type="checkbox"/> NO	Mark Seib	<input type="checkbox"/> YES*	<input type="checkbox"/> NO	
Kathy Yearwood	<input type="checkbox"/> YES*	<input checked="" type="checkbox"/> NO	Joe Marvel	<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*	Mark Seib	<input type="checkbox"/> YES	<input type="checkbox"/> NO*	
Kathy Yearwood	<input type="checkbox"/> YES	<input type="checkbox"/> NO*	Joe Marvel	<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 type="checkbox"/> YES	<input type="checkbox"/> NO*	<u>YES</u> <u>NO*</u>
Jeff Hoehn	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	Mark Seib	<input type="checkbox"/> YES	<input type="checkbox"/> NO*	
Kathy Yearwood	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	Joe Marvel	<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:

*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 12th day of September, 20 24.

**POSEY COUNTY
SPECIAL USE VOTING SHEET**

Posey County Board of Zoning Appeals
Report of Finding Fact



COPY

BZA NO: 24-14-SU-BZA

Owner: Jason A. Faver

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 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*	
Kathy Yearwood	<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 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*	
Kathy Yearwood	<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 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*	
Kathy Yearwood	<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 relaxation to the existing or future traffic patterns.

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

Ron Fallowfield	<input type="checkbox"/> YES*	<input checked="" type="checkbox"/> NO	Keith Spurgeon	<input type="checkbox"/> YES*	<input type="checkbox"/> NO	YES*	<input checked="" type="checkbox"/> NO
Jeff Hoehn	<input type="checkbox"/> YES*	<input checked="" type="checkbox"/> NO	Mark Seib	<input type="checkbox"/> YES*	<input type="checkbox"/> NO		
Kathy Yearwood	<input type="checkbox"/> YES*	<input checked="" type="checkbox"/> NO	Joe Marvel		<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.

N/A

Ron Fallowfield	<input type="checkbox"/> YES	<input type="checkbox"/> NO*	Keith Spurgeon	<input type="checkbox"/> YES	<input type="checkbox"/> NO*	YES	NO*
Jeff Hoehn	<input type="checkbox"/> YES	<input type="checkbox"/> NO*	Mark Seib	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*		
Kathy Yearwood	<input type="checkbox"/> YES	<input type="checkbox"/> NO*	Joe Marvel				

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 type="checkbox"/> YES	<input type="checkbox"/> NO*	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*
Jeff Hoehn	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	Mark Seib	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*		
Kathy Yearwood	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	Joe Marvel	<input checked="" type="checkbox"/> YES			

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 12th day of September, 2021.

VARIANCE VOTING SHEET

 **COPY**

POSEY COUNTY BOARD OF ZONING APPEALS

Report of Findings of Fact

BZA NO: 24-14-V-BZA

Owner: Crystal Hobbie Waites

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



*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 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 12th day of Sept, 20 24.