

**MINUTES**

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

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

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

**MEMBERS PRESENT:** Mr. Joe Marvel - Chairperson, Ms. Kathy Yearwood, Mr. Ron Fallowfield, Dr. Keith Spurgeon, Mr. Josh Orem- 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:** Keith Spurgeon made a motion in the affirmative to approve the minutes of the last regular meeting as emailed. Motion seconded by Ron Fallowfield. **Roll Call Vote (4-0). Yes. Motion Carried.**

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**SPECIAL USE:**

**DOCKET NO:** 24-18-SU-BZA  
**APPLICANT:** Kathy Heck, Husk Signs  
**OWNER:** Harvestime Temple, Inc.  
**PREMISES:** Lots 366 thru 373 and Lots 320 thru 323, Part of the Charles E. Lawrence Subdivision Section J located in the Northwest Quarter (NW/4) of Section Five (5), Township Seven (7) South, Range Thirteen (13) West, Black Township, City of Mt. Vernon, Posey County, Indiana. More commonly known as 101 Roosevelt Dr., Mt. Vernon, Indiana. Containing 3.0900 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.

Kathy Heck - 1115 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 24-18-SU-BZA, motion was seconded by Keith Spurgeon.

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

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**VARIANCE:**

**DOCKET NO:** 24-20-V-BZA  
**APPLICANT:** Christopher Joyce  
**OWNER:** Christopher M. & Angela M. Joyce  
**PREMISES:** Part of Section 22, Township 6 South, Range 13 West lying in Black Township, Posey County, Indiana. More commonly known as 3972 E Blackford Rd., Mt. Vernon, Indiana. Containing 1.19 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 proposed construction of a 45' x 64' pole barn in the side yard per Section 153.032 (E)(1)(b) in an A (Agricultural) Zoning District 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.

Chris Joyce - 3940 Blackford Rd. East, 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.

Jeff Hoehn made a motion to approve docket 24-20-V-BZA, motion was seconded by Keith Spurgeon.

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

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**VARIANCE:**

**DOCKET NO:** 24-21-V-BZA  
**APPLICANT:** Andy Voils  
**OWNER:** Superior Property Holdings, LLC  
**PREMISES:** Lot 6 in Isaiah Fletchall's Enlargement to the Town of Poseyville, as per plat thereof, recorded in the Office of the Recorder of Posey County, Indiana in Robb Township, Posey County, Indiana. More commonly known as 146 W. Fletchall 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 an 8' fence in front yard and street side yard in a B-3 (Commercial High Intensity) Zoning District per Section 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.

Andy Voils - 2899 Mt. Liberty Rd., Nashville, 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.

Keith Spurgeon made a motion to approve docket 24-21-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**

Keith Spurgeon motioned to adjourn at 5:37 pm, seconded by Ron Fallowfield. **Voice Call Vote (4-0). Yes. Motion Carried.**



Mr. Joe Marvel - BZA Chairperson



Mr. Jerry Cotner, Executive Director

**POSEY COUNTY  
SPECIAL USE VOTING SHEET**



**COPY**

Posey County Board of Zoning Appeals  
Report of Finding Fact

BZA NO: 24-18-SU-BZA  
Owner: Harvestime Temple, Inc.

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*		
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 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*		
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 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*		
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 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*		
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 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*		
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 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*		
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 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		
Kathy Yearwood	<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.

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

*NO stipulations*

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:

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\*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 14<sup>th</sup> day of November, 20 24.

# VARIANCE VOTING SHEET



## POSEY COUNTY BOARD OF ZONING APPEALS

Report of Findings of Fact

BZA NO: 24-20-V-B7A

Owner: Christopher M. & Angela M. Joyce

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		
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 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		
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 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*		
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 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		
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 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*		
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 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		
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 14<sup>th</sup> day of November, 20 24.

# VARIANCE VOTING SHEET



COPY

## POSEY COUNTY BOARD OF ZONING APPEALS

### Report of Findings of Fact

BZA NO: 24-21-V-BZA

Owner: Superior Property Holdings, LLC

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			
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 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			
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 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*			
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 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			
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 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*			
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 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			
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 14<sup>th</sup> day of November, 20 24.