

MINUTES

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

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

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

MEMBERS PRESENT: Mr. Joe Marvel - Chairperson, Mr. Jeff Hoehn – Vice-Chairperson, Ms. Kathy Yearwood, 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: None

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 Kathy Yearwood. **Roll Call Vote (5-0). Yes. Motion Carried.**

SPECIAL USE:

DOCKET NO: 24-19-SU-BZA
APPLICANT: Kathy Heck, Husk Signs
OWNER: Billy's Sparkle and Shine, LLC
PREMISES: Part of the Northwest Quarter of the Southwest Quarter of Section 17, Township 4 South, Range 12 West, lying in Robb Township, Posey County, Indiana. More commonly known as 146 N. St. Francis St., Poseyville, Indiana. Containing 0.50 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 install an electronic message board in a B-3 (Commercial High Intensity) 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.

Kip Husk - 1115 Indy Ct., Evansville, IN, here to speak on behalf of the application.

Justin Collins - 113 S. Cale St., Poseyville, 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 24-19-SU-BZA, motion was seconded by Jeff Hoehn.

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

VARIANCE:

DOCKET NO: 24-22-V-BZA
APPLICANT: Lyle Mehringer, Three i Design
OWNER: City of Mt. Vernon, Indiana
PREMISES: Part of Section 7, Township 7 South, Range 13 West, lying in Black Township, Posey County, Indiana. More commonly known as 1301 Country Club Rd., Mt. Vernon, Indiana. Containing 43.7 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 to decrease drive aisle width from 28' to 25' for parking lots per Section 153.184(A) 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.

Lyle Mehringer - 2425 W Indiana St., Evansville, IN, here to speak on behalf of the application.

Stephen Loehr - 401 Western Hills Dr., 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.

Jeff Hoehn made a motion to approve docket 24-22-V-BZA, motion was seconded by Keith Spurgeon.

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

ADDITIONAL BUSINESS

2025 Meeting Dates and Deadlines

Keith Spurgeon made a motion to approve 2025 meeting dates and deadlines, the second Thursday of the month at 5:00p.m. Seconded Kathy Yearwood. **Roll Call Vote (5-0). Yes. Motion Carried.**

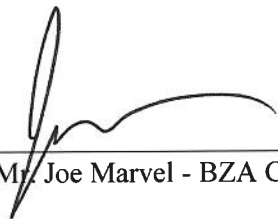
Mrs. Beth McFadin Higgins discussed needing to adjust the board member terms for 2025 to bring them into compliance with the state statute. Mrs. Beth McFadin Higgins stated she is going to draft a resolution for board members to review and vote on.

CITIZEN CONCERNS

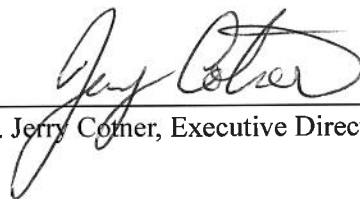
None.

ADJOURNMENT

Ron Fallowfield motioned to adjourn at 5:38p.m., seconded by Kathy Yearwood. **Voice Call Vote (5-0).**
Yes. Motion Carried.



Mr. Joe Marvel - BZA Chairperson



Mr. Jerry Comer, Executive Director

**POSEY COUNTY
SPECIAL USE VOTING SHEET**

Posey County Board of Zoning Appeals
Report of Finding Fact

COPY

BZA NO: 24-19-SU-BZA

Owner: Billys Sparkle and Shine

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 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 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*					

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*		
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 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 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*					

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*		
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
 Jeff Hoehn
 Kathy Yearwood

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

Keith Spurgeon
 Joe Marvel

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

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YES* NO

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

Ron Fallowfield
 Jeff Hoehn
 Kathy Yearwood

<input type="checkbox"/>	YES	<input type="checkbox"/>	NO*
<input type="checkbox"/>	YES	<input type="checkbox"/>	NO*
<input type="checkbox"/>	YES	<input type="checkbox"/>	NO*

Keith Spurgeon
 Joe Marvel

<input type="checkbox"/>	YES	<input type="checkbox"/>	NO*
<input type="checkbox"/>	YES	<input type="checkbox"/>	NO*

YES 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
 Jeff Hoehn
 Kathy Yearwood

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

Keith Spurgeon
 Joe Marvel

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

YES 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: 24-22-V-BZA

Owner: City of Mt. Vernon, Indiana

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 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 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			
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 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 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*								

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 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.

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_____.